

South Australia
Country Fires Regulations 2004

under the *Country Fires Act 1989*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Country Fires Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Country Fires Act 1989*;

Australian Standard means a standard of Standards Australia;

incident management system—see regulation 4;

incident response plan—see regulation 4;

operation includes a practice or training exercise for members of a CFS organisation;

recognised emergency service means—

- (a) South Australia Police; or

- (b) the South Australian Metropolitan Fire Service; or
- (c) the State Emergency Service; or
- (d) the SA St John Ambulance Service Inc; or
- (e) the SA Ambulance Service.

Part 2—Incident management systems

4—Incident management system

- (1) The Board will prepare and maintain an overall plan for fighting fires and dealing with other emergencies in the country (the *incident management system*).
- (2) The objective of the incident management system will be to achieve—
 - (a) the greatest possible effectiveness and efficiency in the operations of the CFS in the case of a fire or other emergency; and
 - (b) the greatest possible protection of life and property in the case of a fire or other emergency.
- (3) Each CFS organisation must prepare and maintain a plan for the implementation of the incident management system in its area of responsibility (an *incident response plan*).
- (4) A plan under subregulation (3) must—
 - (a) set incident response goals; and
 - (b) set out strategies for fighting fires and dealing with other emergencies in its area, and provide for the periodical review of those strategies; and
 - (c) set out procedures to facilitate co-ordination between the CFS organisation and other recognised emergency services; and
 - (d) provide for the optimum use of equipment and other resources; and
 - (e) set goals for the training and proficiency of the members of the CFS organisation.
- (5) A CFS organisation must, in order to ensure that it can implement the incident management system in accordance with its plan—
 - (a) work to achieve and maintain the highest possible standards in the following organisational areas:
 - (i) operations;
 - (ii) planning;
 - (iii) logistics;
 - (iv) finance; and
 - (b) carefully manage its equipment and other resources and work (so far as may be reasonable) to develop and improve that equipment and those resources; and
 - (c) encourage and support the training and development of its members.

Part 3—CFS organisations

Division 1—CFS brigades

5—Constitution of a CFS brigade

- (1) A group of interested persons may apply to the Board for the constitution of a CFS brigade in relation to a particular area of the State.
- (2) An application under subregulation (1) must—
 - (a) be made in a manner and form approved by the Board; and
 - (b) define the area in relation to which it is proposed that the brigade be constituted; and
 - (c) list the full name, residential address, occupation and date of birth of each person who is applying to be a foundation member of the brigade; and
 - (d) specify the location of any proposed fire station for the brigade; and
 - (e) propose a constitution for the brigade; and
 - (f) contain such other information as the Board may require.
- (3) If the Board constitutes a CFS brigade, the Board must furnish the brigade with a certificate in the form of Schedule 1.
- (4) Unless the Board otherwise determines (whether on its own initiative or on the application of the members of the brigade), a CFS brigade will have a constitution in the form set out in Schedule 2.

6—Registration of members of CFS brigades

- (1) A person will not be recognised as a member of a CFS brigade unless the person is registered as a member of that brigade by the Board.
- (2) The Board may refuse to register a person as a member of a CFS brigade if—
 - (a) the Board requires the person to undergo a medical examination determined by the Board and the person fails to pass that examination; or
 - (b) the Board considers that the person is not a fit and proper person to be a member of a CFS brigade; or
 - (c) in the case of a person who is applying to be registered as a fire-fighter or officer—the Board considers that the person would not be reasonably available to respond to fires or other emergencies, or otherwise to carry out his or her functions and responsibilities as such a member of the brigade; or
 - (d) the Board is satisfied that some other reasonable ground exists on which to refuse registration.
- (3) An application to register a person as a member of a CFS brigade must be in a form approved by the Board.
- (4) Unless the Board otherwise determines, the registration of a person as a member of a CFS brigade will at first be on probation for a period of 6 months.
- (5) Subregulation (4) does not apply in relation to a person who is transferring to a brigade from another brigade and who was not on probation as a member of that other brigade.

- (6) During a period of probation, the person must (unless the Board otherwise determines) successfully complete an introductory course of training approved by the Board.
- (7) If a person successfully completes a course in accordance with subregulation (6), the registration of that person as a member of a CFS brigade will be taken to have been confirmed by the Board.
- (8) Unless the Board otherwise determines, if a person fails to complete a course in accordance with subregulation (6), the registration of that person as a member of a CFS brigade will terminate.
- (9) Subject to section 16 of the Act, the Board may terminate the registration of a person as a member of a CFS brigade on any reasonable ground.

7—Categories of membership

- (1) There will be the following categories of membership in a CFS brigade:
 - (a) cadet fire-fighter;
 - (b) fire-fighter;
 - (c) officer;
 - (d) auxiliary member;
 - (e) honorary member.
- (2) A person is eligible to be a cadet fire-fighter if the person is of or above the age of 11 years and under the age of 16 years.
- (3) The following provisions apply in relation to cadet fire-fighters:
 - (a) a cadet fire-fighter must not be permitted to attend a fire or other emergency;
 - (b) for training purposes, a cadet fire-fighter may, under the supervision of an officer, operate pumps and hoses, and travel on fire appliances;
 - (c) cadet fire-fighters may hold their own meetings under the supervision of the brigade captain, or another officer nominated by the brigade captain;
 - (d) a cadet fire-fighter may attend an ordinary meeting of the brigade, but—
 - (i) a cadet fire-fighter is not eligible to vote on a matter arising for determination at a meeting of the brigade; and
 - (ii) a cadet fire-fighter will not be counted for the purpose of determining a quorum, or any other question relating to the attendance of members of the brigade at a meeting;
 - (e) a cadet fire-fighter may, after attaining the age of 16 years, apply to become a fire-fighter or auxiliary member.
- (4) A person is eligible to be a fire-fighter or officer if the person is of or above the age of 16 years.
- (5) The brigade must determine the extent (if any) to which an auxiliary member may engage in fire-fighting activities as a member of the brigade.
- (6) A person who has been a member of a CFS organisation for at least 20 years is eligible to be an honorary member of a CFS brigade.
- (7) An application to become a member of a CFS brigade must be made to the brigade in a manner and form approved by the Board and, in the case of an application to be a

cadet fire-fighter, must be accompanied by the written consent of a guardian of the applicant.

- (8) A person may be proposed as an honorary member of a CFS brigade without formal application.
- (9) An application for membership must be considered at a meeting of the brigade.
- (10) If—
 - (a) a CFS brigade accepts the application of a person to become a member of a CFS brigade; or
 - (b) the membership category of a person who is a member of a CFS brigade changes,the CFS brigade must apply to the Board for registration of that person as a member, or as a member in his or her new category (as the case may be).
- (11) An application under subregulation (10) must be made by the end of the month immediately following the month during which the application for membership is accepted, or the category of membership changes.

8—Brigade officers

- (1) Pursuant to section 16 of the Act, each CFS brigade will have the following officers:
 - (a) a brigade captain;
 - (b) unless the Board otherwise determines—at least 2, but not more than 4, lieutenants (and the order of seniority of the lieutenants will be decided in a manner determined by the brigade).
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions of each officer are set out in Schedule 3.

9—Prescribed positions

- (1) Unless the Board otherwise determines, in addition to its officers, each CFS brigade must have—
 - (a) a communications officer; and
 - (b) a training officer; and
 - (c) an equipment officer; and
 - (d) a logistics support officer; and
 - (e) an administrative officer.
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions that attach to each position are set out in Schedule 4.
- (4) A member of a CFS brigade holding a position under this regulation is responsible to the brigade captain for the performance of the functions that attach to the position.

10—Brigade elections

- (1) For the purposes of this regulation, the Board will determine whether a CFS brigade will hold its elections in each year designated by an even number or in each year designated by an odd number.
- (2) Subject to subregulation (3), brigade elections must be held in July or August of an election year for that brigade.

- (3) The Board may, in special circumstances, allow a brigade to hold its elections at some other time.
- (4) Nominations of candidates for brigade elections will be called by the administrative officer of the brigade in accordance with the brigade's constitution.
- (5) Subject to these regulations, a person is eligible to be nominated for election to a position if the person is a registered member of the brigade.
- (6) A person is not eligible to be nominated for election to an officer rank if the person—
 - (a) would, if elected, hold the rank and the rank of group officer or deputy group officer at the same time; or
 - (b) would, if elected, hold the rank and a command or operational rank in a recognised emergency service at the same time; or
 - (c) has been disqualified from holding the rank by the Board.
- (7) In addition to subregulation (6), a person is not eligible to be nominated for election as brigade captain unless the person—
 - (a) has been a registered member of the brigade for at least 2 years; and
 - (b) has successfully completed appropriate courses of training approved by the Board.
- (8) The Board may, on the application of a CFS brigade—
 - (a) determine that subregulation (6)(a) or (b) will not apply to a particular person; or
 - (b) dispense with a requirement under subregulation (7) if the Board is satisfied that there is no member of the brigade who satisfies the particular requirement, or that no member of the brigade who satisfies the particular requirement is willing to stand for election as brigade captain.
- (9) An election will be by secret ballot (unless the election is uncontested).
- (10) Each member of the brigade attending the meeting at which the elections are held is entitled to vote at the elections.
- (11) Voting for a position if only 1 person is to be elected will be conducted as follows:
 - (a) each member will vote for a candidate;
 - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and—
 - (i) if only 1 candidate remains, he or she will be elected; and
 - (ii) if 2 or more candidates remain, each member will, in respect of the remaining candidates, again vote for 1 candidate;
 - (c) the process under paragraph (b) will be continued until 1 candidate remains.
- (12) Voting for a position if 2 or more persons are to be elected will be conducted as follows:
 - (a) each member will vote for candidates up to the number required to be elected;
 - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number required to be elected, each member will, in respect of the remaining candidates, again vote for candidates up to the number required to be elected;

- (c) the process under paragraph (b) will be continued until the number of candidates remaining is equal to the number required to be elected.
- (13) For the purposes of subregulations (11) and (12), if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the election will determine the question by lot.
- (14) A person elected to a position in a CFS brigade holds that position from 1 September of the year of his or her election (except if a person is elected after 1 September of a particular election year, in which case the person will hold the position to which he or she is elected from the date of the election).
- (15) A person holds a particular position in a CFS brigade until 31 August in the next election year of the brigade.
- (16) Subregulation (15) is subject to the following qualifications:
- (a) a person ceases to hold a position in a CFS brigade if the person ceases to be a member of that brigade;
 - (b) unless otherwise determined by the Board in relation to the particular person, a person ceases to hold an officer rank in a CFS brigade if the person—
 - (i) assumes the rank of group officer or deputy group officer; or
 - (ii) assumes a command or operational rank in a recognised emergency service;
 - (c) a person may resign from a position in a CFS brigade by written notice to the brigade;
 - (d) a person may be demoted or disqualified from a particular position by the Board;
 - (e) a person elected to a position in a CFS brigade at a supplementary election on account of a casual vacancy holds the position for the balance of the term of his or her predecessor;
 - (f) if a person's successor is not elected by 31 August of an election year, the person may continue to hold his or her position until a successor is elected.
- (17) If—
- (a) a brigade election fails; or
 - (b) a casual vacancy occurs in a position in a CFS brigade,
- the brigade must hold a supplementary election in accordance with the brigade's constitution.
- (18) Pending the election of a person to fill a vacant position under subregulation (17)(b) (other than brigade captain), the brigade captain may appoint a member of the brigade to the position on an acting basis.
- (19) If the vacant position under subregulation (17)(b) is that of brigade captain—
- (a) if the brigade is a member of a CFS group—the group officer; and
 - (b) if the brigade is not a member of a CFS group—the regional officer,
- may appoint a member of the brigade to the rank of brigade captain on an acting basis.
- (20) A person may be re-elected to a position in a CFS brigade.

11—Transfer of membership and resignation

- (1) A member of a CFS brigade may, on written application to another brigade, apply to transfer his or her membership to that other brigade.
- (2) If a member of a CFS brigade transfers to another brigade, a rank that he or she holds at brigade level is not transferred.
- (3) A member of a CFS brigade may resign by written notice to the brigade.

12—Suspension of operations

- (1) The Board may, by notice in the Gazette, suspend the operations of a CFS brigade for a period specified in the notice if—
 - (a) the membership of the brigade has fallen to a level where, in the opinion of the Board, the brigade can no longer function effectively; or
 - (b) the brigade fails to carry out a function under the Act; or
 - (c) the brigade fails to comply with these regulations.
- (2) The Board must, in determining whether or not to act under subregulation (1), consult with the members of the brigade.
- (3) The Board may, by further notice in the Gazette—
 - (a) extend a period of suspension under this regulation; or
 - (b) revoke a period of suspension under this regulation.
- (4) This regulation does not derogate from the power of the Board to dissolve a CFS brigade.

Division 2—CFS groups

13—Constitution of a CFS group

- (1) Two or more CFS brigades may apply to the Board for the constitution of a CFS group.
- (2) An application under subregulation (1) must—
 - (a) be made in a manner and form approved by the Board; and
 - (b) propose a constitution for the group; and
 - (c) contain such information as the Board may require.
- (3) If the Board constitutes a CFS group, the Board must furnish the group with a certificate in the form of Schedule 5.
- (4) Unless the Board otherwise determines (whether on its own initiative or on the application of the brigades in the group), a CFS group will have a constitution in the form set out in Schedule 6.

14—Membership of a CFS group

- (1) The membership of a CFS group will consist of—
 - (a) the officers of the group; and
 - (b) the other elected members of the group; and
 - (c) 1 representative of each brigade in the group; and

- (d) such other persons (if any) as may be determined by the group in accordance with its constitution.
- (2) Subject to subregulation (3), the representative of a CFS brigade will be the brigade captain, or his or her nominee.
- (3) The brigade may determine that a member of the brigade elected by the members of the brigade will be its representative at group level.

15—Group officers

- (1) Pursuant to section 16 of the Act, each CFS group will have the following officers:
 - (a) a group officer;
 - (b) unless the Board otherwise determines—at least 1, but not more than 3, deputy group officers (and the order of seniority of the deputy group officers will be decided in a manner determined by the group).
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions of each officer are set out in Schedule 7.

16—Prescribed group positions

- (1) Unless the Board otherwise determines, in addition to its officers, each CFS group must have—
 - (a) a group communications officer; and
 - (b) a group training officer; and
 - (c) a group equipment officer; and
 - (d) a group logistics support officer; and
 - (e) a group administrative officer.
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions that attach to each position are set out in Schedule 8.
- (4) A member of a CFS group holding a position under this regulation is responsible to the group officer for the performance of the functions that attach to the position.

17—Group elections

- (1) For the purposes of this regulation, the Board will determine whether a CFS group will hold its elections in each year designated by an even number or in each year designated by an odd number.
- (2) Subject to subregulation (3), group elections must be held in July or August of an election year for that group.
- (3) The Board may, in special circumstances, allow a group to hold its elections at some other time.
- (4) Nominations of candidates for group elections will be called by the group administrative officer in accordance with the group's constitution.
- (5) Subject to these regulations, a person is eligible to be nominated for election to a position if the person is a registered member of a brigade in the group.
- (6) Subject to subregulation (7), a person is not eligible to be nominated for election to an officer rank if the person—

- (a) would, if elected, hold the rank and an officer rank in a brigade at the same time; or
 - (b) would, if elected, hold the rank and a command or operational rank in a recognised emergency service at the same time; or
 - (c) has been disqualified from holding the rank by the Board.
- (7) The Board may, on the application of a CFS group, determine that subregulation (6)(a) or (b) will not apply to a particular person.
- (8) In addition to subregulation (6), a person is not eligible to be nominated for election as group officer unless the person has successfully completed appropriate courses of training approved by the Board.
- (9) The Board may, on the application of a CFS group, dispense with the requirement under subregulation (8) if the Board is satisfied that it is appropriate in the circumstances of the particular case.
- (10) An election will be by secret ballot (unless the election is uncontested).
- (11) Each member of the group who is a brigade representative attending the meeting at which the elections are held is entitled to vote at the elections.
- (12) Voting for a position if only 1 person is to be elected will be conducted as follows:
 - (a) each brigade representative will vote for a candidate;
 - (b) after the votes under subregulation (12)(a) are counted, the candidate with the fewest votes will be excluded and—
 - (i) if only 1 candidate remains, he or she will be elected; and
 - (ii) if 2 or more candidates remain, each brigade representative will, in respect of the remaining candidates, again vote for 1 candidate;
 - (c) the process under paragraph (b) will be continued until 1 candidate remains.
- (13) Voting for a position if 2 or more persons are to be elected will be conducted as follows:
 - (a) each brigade representative will vote for candidates up to the number required to be elected;
 - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number required to be elected, each brigade representative will, in respect of the remaining candidates, again vote for candidates up to the number required to be elected;
 - (c) the process under paragraph (b) will be continued until the number of candidates remaining is equal to the number required to be elected.
- (14) For the purposes of subregulations (12) and (13), if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the election will determine the question by lot.
- (15) A person elected to a position in a CFS group holds that position from 1 September of the year of his or her election (unless a person is elected after 1 September of a particular election year, in which case the person will hold the position to which he or she is elected from the date of the election).
- (16) A person holds a particular position in a CFS group until 31 August in the next election year of the group.

- (17) Subregulation (16) is subject to the following qualifications:
- (a) a person ceases to hold a position in a CFS group if the person ceases to be a member of a brigade in the group;
 - (b) unless otherwise determined by the Board in relation to the particular person, a person ceases to hold an officer rank in a CFS group if the person—
 - (i) assumes a rank in a brigade; or
 - (ii) assumes a command or operational rank in a recognised emergency service;
 - (c) a person may resign from a position in a CFS group by written notice to the administrative officer of the group;
 - (d) a person may be demoted or disqualified from a particular position by the Board;
 - (e) a person elected to a position in a CFS group at a supplementary election on account of a casual vacancy holds the position for the balance of the term of his or her predecessor;
 - (f) if a person's successor is not elected by 31 August of an election year, the person may continue to hold his or her position until a successor is elected.
- (18) If—
- (a) a group election fails; or
 - (b) a casual vacancy occurs in a position in a CFS group,
- the representatives of the brigades in the group must hold a supplementary election in accordance with the group's constitution.
- (19) Pending the election of a person to fill a vacant position under subregulation (18)(b) (other than group officer), the group officer may appoint a member of a brigade in the group to the position on an acting basis.
- (20) If the vacant position under subregulation (18)(b) is that of group officer, the regional officer may appoint a member of a brigade in the group to the rank of group officer on an acting basis.
- (21) A person may be re-elected to a position in a CFS group.
- (22) While a person holds the rank of group officer or deputy group officer, the person may be regarded as being on leave of absence from his or her brigade without loss of continuity of service.

Division 3—Accounts, audits and reporting

18—Accounts and audits

- (1) Each CFS organisation must open and maintain an operating account at an ADI.
- (2) A CFS organisation must ensure that proper accounting records are kept of the financial affairs of the organisation.
- (3) A CFS organisation must, as soon as practicable after the end of each financial year, cause accounts in respect of that financial year to be prepared and audited—
 - (a) by a member of CPA Australia; or

- (b) by a member of the National Institute of Accountants; or
 - (c) by a member of The Institute of Chartered Accountants in Australia; or
 - (d) by a person (not being a member of the CFS) with such other qualifications or experience as the Board may approve for the purposes of this regulation.
- (4) A member of the CFS cannot audit the accounts of a CFS organisation of which he or she is a member.
- (5) A copy of the audited accounts of a CFS organisation must be presented to the members of the organisation at its annual general meeting.
- (6) A member of a CFS organisation must, at the request of the auditor for that organisation, produce accounts or other financial records of the organisation in his or her possession for the auditor's inspection.
- Maximum penalty: \$2 000.
- (7) A member of a CFS organisation must, at the request of the auditor for that organisation, provide the auditor with explanations or information that the auditor requires for the purposes of an audit.
- Maximum penalty: \$2 000.

19—Annual returns

Each CFS organisation must, on or before 31 August in each year, deliver to the Board a return (in a form determined by the Board) containing—

- (a) the full name, residential address, contact telephone number, occupation and date of birth of each member of the CFS who will hold a position in the organisation during the 12 month period commencing on 1 September of that year; and
- (b) a copy of the audited operating accounts of the organisation for the preceding financial year; and
- (c) such other information as the Board may require.

Division 4—Conduct and discipline of members

20—Conduct and discipline of members

- (1) A member of a CFS organisation who—
- (a) contravenes or fails to comply with—
 - (i) a provision of the Act or these regulations; or
 - (ii) a direction or order given to the person as a member of the CFS by a person with authority to give that direction or order; or
 - (b) is negligent or indolent in the discharge of official duties as a member of the CFS; or
 - (c) leaves a place of duty without reasonable excuse; or
 - (d) commits a form of disgraceful or improper conduct in an official capacity; or
 - (e) subverts or disrupts the operations or activities of a CFS organisation; or
 - (f) makes improper use of property or equipment; or

- (g) behaves in any other manner that reflects seriously and adversely on the CFS,

is liable to disciplinary action.

- (2) If a CFS officer suspects on reasonable grounds that a member of a CFS organisation may be liable to disciplinary action, the CFS officer may prepare a written report in relation to the matter.
- (3) The CFS officer must inform the member (orally or in writing) of the preparation of a report under subregulation (2).
- (4) If a report is prepared in respect of a CFS member by an officer who is not the member's commanding officer, the report must be delivered to the commanding officer.
- (5) The commanding officer must (whether he or she has prepared the report under subregulation (2) or received the report under subregulation (4)), send a copy of the report to the Chief Officer, together with such comments and recommendations as the commanding officer thinks fit.
- (6) The Chief Officer must, on the receipt of a report under this regulation, determine whether or not to carry out an investigation in relation to the matter.
- (7) If the Chief Officer decides to carry out an investigation—
 - (a) the Chief Officer must give the member written notice of the investigation, setting out the grounds on which the member is suspected of being liable to disciplinary action; and
 - (b) the Chief Officer must give the member a reasonable opportunity to appear before him or her (either personally or through his or her representative) and to make submissions in relation to the matter; and
 - (c) the Chief Officer may, pending the outcome of the investigation, suspend the member from service with the CFS.
- (8) If, on an investigation under this regulation, the Chief Officer is satisfied, on the balance of probabilities, that the member is liable to disciplinary action, the Chief Officer may—
 - (a) reprimand the member; or
 - (b) suspend the member from service with the CFS for a specified period; or
 - (c) recommend to the Board that the Board—
 - (i) demote the member; or
 - (ii) disqualify the member from holding a rank in the CFS; or
 - (iii) disqualify the member from the CFS.
- (9) Before taking or recommending disciplinary action under subregulation (8), the Chief Officer must give the member at least 14 days notice in writing of the Chief Officer's findings on the investigation and of the disciplinary action that the Chief Officer proposes to take or recommend in respect of the member.
- (10) The member may, within the period referred to in subregulation (9), appeal to the Board against the findings of the Chief Officer, or against disciplinary action that the Chief Officer proposes to take or recommend.
- (11) Nothing in this regulation prevents the making of preliminary investigations by an officer of the CFS prior to the preparation of a report under this regulation.

Division 5—Miscellaneous matters

21—Incident reports

- (1) When a CFS organisation attends a fire or other emergency, the commanding officer of that organisation must ensure that the Board is furnished with a written report on the incident and its handling by the CFS organisation.
- (2) A report under subregulation (1) must—
 - (a) be furnished to the Board within 14 days after the fire or other emergency; and
 - (b) be in a form determined by the Board; and
 - (c) contain the name of each member of the CFS organisation who attended the fire or other emergency.

22—Absence from CFS duties

- (1) A member of a CFS organisation may apply to his or her commanding officer for leave of absence.
- (2) A commanding officer may grant up to 3 months leave of absence.
- (3) If an applicant requires more than 3 months leave of absence, the application must be forwarded to the Board, together with a recommendation on the application from the commanding officer.
- (4) The Board may, on receipt of an application under subregulation (3), grant such leave of absence as it thinks fit.
- (5) In deciding whether or not to grant leave of absence (or to recommend such leave), a commanding officer must take into account the effect (if any) that the granting of the leave would have on the ability of the relevant CFS organisation to perform its functions under the Act effectively and efficiently.
- (6) If a member of a CFS organisation, without reasonable excuse, fails to attend 3 or more consecutive meetings of the organisation without leave of absence, the organisation may cancel his or her membership.

23—Brigades formed by various government agencies

Except to such extent as the Board may otherwise determine, this Part may extend to a brigade formed or operated by a government department, or another agency or instrumentality of the Crown, for the purpose of fighting fires in the country.

Part 4—Fire prevention authorities

Division 1—Regional bushfire prevention committees

24—Selection of CFS representatives

For the purposes of section 30(2)(b)(i) of the Act, the following procedures are prescribed in relation to the selection of persons to represent CFS groups on a regional bushfire prevention committee:

- (a) the Board will send a written notice to the administrative officer of each group in the region—
 - (i) indicating that a representative, or 2 representatives (as the case may be), need to be selected for appointment to the committee; and
 - (ii) inviting the group to nominate 1 or more members of the CFS for selection; and
 - (iii) specifying a date by which the representative or representatives must be selected;
- (b) a date (being a date before the date specified in the notice under paragraph (a)(iii)), time and place for a meeting of group officers to select the representative or representatives must then be set by agreement between the relevant administrative officers or, in default of agreement, by the Board;
- (c) each group officer, or his or her nominee, is entitled to attend the meeting and vote on the choice of representative or representatives;
- (d) the persons attending the meeting and entitled to vote must, before commencing proceedings, select a person to preside at the meeting;
- (e) voting to select the representative or representatives will be by secret ballot conducted as follows:
 - (i) each voter will vote for a representative, or for 2 representatives (depending on the number required);
 - (ii) after the votes under subparagraph (i) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number of representatives required, each voter will, in respect of the remaining candidates, again vote for a representative, or for 2 representatives (depending on the number required);
 - (iii) the process under subparagraph (ii) will be continued until the number of candidates remaining is equal to the number of representatives required;
 - (iv) if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the meeting will determine the question by lot;
- (f) the person presiding at the meeting must ensure that the Board receives, within 14 days after the meeting, written notification of the full name, residential address, contact telephone number and rank (if any) of a person selected at the meeting to be a representative;
- (g) in the event that a representative is not selected under the preceding provisions by the date specified by the Board in its notice under paragraph (a)(iii), the Board may make its own selection.

25—Selection of council representatives

For the purposes of section 30(2)(b)(ii) of the Act, the following procedures are prescribed in relation to the selection of persons to represent councils on a regional bushfire prevention committee:

- (a) the Board will send a written notice to the Chief Executive Officer of each council whose area lies wholly or partially within the region—

- (i) indicating that a representative, or 2 representatives (as the case may be), need to be selected for appointment to the committee; and
 - (ii) inviting the council to nominate 1 or more persons for selection; and
 - (iii) specifying a date by which the representative or representatives must be selected;
- (b) a date (being a date before the date specified in the notice under paragraph (a)(iii)), time and place for a meeting of councils to select the representative or representatives must then be set by agreement between the Chief Executive Officers for the relevant councils or, in default of agreement, by the Board;
- (c) each council must then nominate a member of the council to attend the meeting and vote on the choice of representative or representatives;
- (d) the persons attending the meeting and entitled to vote must, before commencing proceedings, select a person to preside at the meeting;
- (e) voting to select the representative or representatives will be by secret ballot conducted as follows:
- (i) each voter will vote for a representative, or for 2 representatives (depending on the number required); and
 - (ii) after the votes under subparagraph (i) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number of representatives required, each voter will, in respect of the remaining candidates, again vote for a representative, or for 2 representatives (depending on the number required);
 - (iii) the process under subparagraph (ii) will be continued until the number of candidates remaining is equal to the number of representatives required;
 - (iv) if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the meeting will determine the question by lot;
- (f) the person presiding at the meeting must ensure that the Board receives, within 14 days after the meeting, written notification of the full name, residential address and contact telephone number of a person selected at the meeting to be a representative;
- (g) in the event that a representative is not selected under the preceding provisions by the date specified by the Board in its notice under paragraph (a)(iii), the Board may make its own selection.

26—Prescribed responsibilities

- (1) Pursuant to section 31(1)(f) of the Act, a regional bushfire prevention committee must, on or before 30 June in each year, deliver to the Board an annual report on the bushfire prevention activities undertaken in its region during the 12 month period ending on 30 April in that year.
- (2) A report under subregulation (1) must be accompanied by the reports for the same period submitted to the regional bushfire prevention committee by district bushfire prevention committees in its region.

Division 2—District bushfire prevention committees

27—District bushfire prevention committees

- (1) For the purposes of section 32(2)(b)(i) of the Act, the following procedures are prescribed in relation to the selection of a person to represent a CFS brigade on a district bushfire prevention committee:
 - (a) the council or councils responsible for the committee must send a written notice to the administrative officer of the brigade—
 - (i) indicating that a representative needs to be selected for appointment to the committee; and
 - (ii) inviting the brigade to select a member of the CFS; and
 - (iii) specifying a date (being between 6 and 10 weeks after the date of the notice) by which the representative must be selected;
 - (b) the brigade must then, at a general meeting, select a member of the CFS to be its representative on the committee;
 - (c) the administrative officer must then ensure that the council or councils receive, within 14 days after the meeting, written notification of the full name, residential address and contact telephone number of the person selected to be the brigade's representative;
 - (d) in the event that a representative is not selected by a brigade under a preceding paragraph by the date specified by the council or councils in their notice under paragraph (a)(iii), the Board may select a member of the CFS to represent the brigade on the committee.
- (2) The administrative officer must also, within the period referred to in subregulation (1)(c), send a copy of a notification under that subregulation to the Board.

28—Prescribed responsibilities

- (1) Pursuant to section 33(1)(f) of the Act, a district bushfire prevention committee must—
 - (a) formulate guidelines for the issue of permits within its area; and
 - (b) during October in each year, deliver to the regional bushfire prevention committee whose region includes its area (or, if no such committee exists, to the Board) a report on the state of fire prevention planning in its area; and
 - (c) on or before 31 May in each year, deliver to that regional bushfire prevention committee (or, if no such committee exists, to the Board) an annual report on—
 - (i) bushfire prevention activities undertaken in its area during the 12 month period ending on 30 April in that year; and
 - (ii) the outcome achieved as a result of the planning reported during the preceding October.
- (2) A district bushfire prevention committee must, in formulating guidelines for the purposes of subregulation (1)(a), take into account relevant determinations of the Board.

Division 3—Fire prevention officers

29—Fire prevention officers

For the purposes of section 34(1) of the Act, a person who has successfully completed a course of training for fire prevention officers provided or arranged by the Board under section 10(2) of the Act, or a comparable course approved or recognised by the Board, is suitably qualified to be appointed by a council as a fire prevention officer.

Part 5—Fire prevention

Division 1—Preliminary

30—Interpretation

In this Part, unless the contrary intention appears—

aircraft does not include model aircraft;

domestic premises means a building or other structure fixed to the ground that is occupied as a place of residence;

electric welder means an electrode that produces an electric arc for the purpose of welding, cutting or heating;

flammable gas means liquefied petroleum gas, reticulated gas, compressed natural gas or acetylene;

foreshore means the foreshore of the sea along the coastline of the State and includes the area from low water mark to the nearest bush, standing grass or road (as the case may be);

gas fire means an appliance that only uses flammable gas as a fuel;

land holding means a continuous area of land subject to the same occupation (and for the purposes of this definition, separate parcels of land subject to the same occupation divided by a road or railway will be regarded as being continuous);

portable water spray means—

- (a) a knapsack spray pump that—
 - (i) is fully charged; and
 - (ii) complies with Australian Standard 1687–1991: Knapsack Spray Pumps for Fire Fighting; or
- (b) a water fire extinguisher that—
 - (i) complies with Australian Standard 1841.2–1997: Portable Fire Extinguishers—Specific Requirements for Water Type Extinguishers; and
 - (ii) is maintained in accordance with Australian Standard 1851.1–1995: Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets;

spark arrester means a device or arrangement, fitted to the exhaust-pipe of an engine, to prevent the escape of sparks, fire and other burning material.

Division 2—Fires during the fire danger season

31—Permits

- (1) In this regulation—

designated area means an area of the State in relation to which a fire control officer has been appointed under section 62 of the Act;

relevant land means land to be burnt off under a permit.
- (2) A permit authorising a person to light or maintain a fire in the open air during the fire danger season (but not contrary to the terms of a total fire ban) will be in the form set out in Schedule 9.
- (3) A permit authorising a person to light or maintain a fire in the open air—
 - (a) contrary to the terms of a total fire ban; or
 - (b) during the fire danger season and contrary to the terms of a total fire ban,will be in the form set out in Schedule 10.
- (4) A permit issued under the Act for burning off land will include the following conditions:
 - (a) that the land immediately around the relevant land must be cleared of all flammable material to a distance of at least 4 metres;
 - (b) that at least 2 persons who are able to control the fire, or such greater number of persons as may be specified in the permit, must be present at the site of the fire from the time it is lighted to the time it is completely extinguished;
 - (c) that the fire must first be lighted from the leeward side of the relevant land to establish a protective break, and then may be lighted from the windward side of the land;
 - (d) that at least 250 litres of water, or such greater amount of water as may be specified in the permit, must be kept at hand to extinguish the fire;
 - (e) that the holder of the permit must, not more than 7 days, and not less than 2 hours, before the fire is lighted, give notice of his or her intention to light the fire—
 - (i) to any person who owns, occupies or is in charge of land adjoining the land holding where the relevant land is situated and who resides within 8 kilometres of the relevant land or, if it is not reasonably practicable to give such a notice, to the person in charge of the nearest police station; and
 - (ii) if the relevant land is inside (or partially inside) a council area—to an officer of the council for that area; and
 - (iii) if the relevant land is within 2 kilometres of a government reserve—to the person in charge of the reserve; and
 - (iv) —
 - (A) if the relevant land is within the area of a CFS brigade—to an officer of that brigade; and

- (B) if the relevant land is within a designated area—to the fire control officer for that area; and
 - (C) if neither subsubparagraph (A) nor (B) apply—to the Board.
- (5) A permit issued under the Act other than for burning off land will include the following conditions:
 - (a) that the space immediately around and above the fire must be cleared of all flammable material to a distance of at least 4 meters;
 - (b) that an appropriate agent adequate to extinguish the fire must be kept at hand;
 - (c) that at least 1 person who is able to control the fire, or such greater number of persons as may be specified in the permit, must be present at the site of the fire from the time it is lighted to the time it is completely extinguished;
 - (d) that if the fire is to be lighted within the area of a CFS brigade, the holder of the permit must, not more than 7 days, and not less than 2 hours, before the fire is lighted, give notice of his or her intention to light the fire to an officer of that brigade.
- (6) A notice under subregulation (4)(e) or (5)(d)—
 - (a) may be given—
 - (i) in person; or
 - (ii) by telephone or radio; or
 - (iii) in writing; and
 - (b) must include details of the place, date and time at which the fire will be lighted.
- (7) An authorised officer may, at his or her discretion, by endorsement on the permit, exempt the holder of a permit from the requirement to comply with a condition under subregulation (4) or (5).
- (8) An application for a permit may be made—
 - (a) in person; or
 - (b) by telephone or radio; or
 - (c) in writing.
- (9) If an authorised officer issues a permit—
 - (a) preliminary notice of the issue of the permit may be given to the permit holder by contacting the permit holder by telephone or radio and informing him or her of the permit number and the conditions included in the permit (and the permit holder may proceed to act under the permit on the basis of that notification); and
 - (b) the authorised officer must send a copy of the permit to the permit holder at the address shown on the written application form or, if there was no such form, at his or her last known address; and
 - (c) if the permit authorises the permit holder to light or maintain a fire contrary to the terms of a total fire ban, the authorised officer must—
 - (i) give notice of the issue of the permit to—

- (A) the regional officer in whose region the fire will be lighted; and
 - (B) if the fire will be inside (or partially inside) a council area—an officer of the council for that area; and
 - (C) if the fire will be within the area of a CFS brigade—an officer of that brigade,
- (whether personally or by telephone or radio); and
- (ii) send a copy of the permit to the regional officer and any council to which subparagraph (i) applies.

32—Special provisions relating to gas and electric cooking appliances

- (1) For the purposes of section 36(2)(e) of the Act, a person may operate a gas fire or electric element for cooking purposes in the open air during the fire danger season, provided that—
 - (a) the space immediately around and above the gas fire or electric element is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) a person who is able to control the gas fire or electric element is present at all times while it is lighted or charged; and
 - (c) an appropriate agent adequate to extinguish a fire is at hand.
- (2) For the purposes of section 37(4)(a) of the Act, a person may operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban, provided that—
 - (a) the gas fire or electric element is used within 15 metres of domestic premises, or on the foreshore; and
 - (b) the space immediately around and above the gas fire or electric element is cleared of all flammable material to a distance of at least 4 metres; and
 - (c) a person who is able to control the gas fire or electric element is present at all times while it is lighted or charged; and
 - (d) an appropriate agent adequate to extinguish a fire is at hand.
- (3) In addition to subregulations (1) and (2)—
 - (a) a council may in relation to a part of its area; and
 - (b) the Board may in relation to a part of the State outside the area of a council,

by notice in the Gazette declare an area of the State to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban.
- (4) A notice under subregulation (3)—
 - (a) must be in the form set out in Schedule 11; and
 - (b) may be limited in its operation to particular times of the day, and to particular days of the year; and
 - (c) will operate subject to the following conditions:
 - (i) that the space immediately around and above the gas fire or electric element must be cleared of all flammable material to a distance of at least 4 metres;

- (ii) that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged;
 - (iii) that an appropriate agent adequate to extinguish a fire must be at hand; and
 - (d) will operate subject to such other conditions (if any) as may be specified by the council or the Board (as the case may be), in its discretion; and
 - (e) may be varied or revoked by further notice in the Gazette.
- (5) If a council publishes a notice in the Gazette under this regulation, the council must immediately send a copy of the notice to the Board.

33—Fires during fire danger season

For the purposes of section 36(2)(e) of the Act, a fire may be lighted or maintained in the open air during the fire danger season in an orchard or vineyard for the purpose of smudging for insect pests, or preventing damage by frost, provided that the space immediately around and above the fire is cleared of all flammable material, other than growing fruit trees or vines, to a distance of at least 4 metres.

34—Fires in the open air on a total fire ban day

For the purposes of sections 36(2)(e) and 37(4)(a) of the Act, a fire may be lighted or maintained in the open air during the fire danger season and contrary to the terms of a total fire ban—

- (a) by an aboriginal person, provided that—
 - (i) the fire is lighted on land set aside for aboriginal purposes; and
 - (ii) the fire is used for ordinary domestic purposes within the traditional aboriginal way of life; or
- (b) to charge explosive materials as part of mining operations under or pursuant to the *Mines and Works Inspection Act 1920*, provided that—
 - (i) the space immediately around and above any blast hole is cleared of all flammable material to a distance of at least 4 metres; and
 - (ii) at least 2 shovels or rakes, and at least 2 portable water sprays in good working order, are at hand; and
 - (iii) a sufficient number of persons who would be able to control the escape and spread of fire are present at all times during the mining operations involving the use of those explosive materials; or
- (c) to light a flare containing flammable material in connection with a mercy flight or in a situation where an aircraft cannot use an electrically lit runway, provided that—
 - (i) each flare is in a metal tray that is large enough to hold all the flammable material; and
 - (ii) the space immediately around the flare is cleared of all flammable material to a distance of at least 4 metres; and
 - (iii) fire-fighting equipment adequate to extinguish the flare and control the escape and spread of fire is at hand; and
 - (iv) a sufficient number of persons to control the escape and spread of fire are present at the site of the flares from the time they are lighted to the time they are completely extinguished; or

- (d) by a member of the CFS or a recognised emergency service if the fire is connected with the use of equipment required in an emergency to protect life or property, provided that such steps as are reasonably practicable in the circumstances are taken to control the escape and spread of fire.

Division 3—Restrictions on the use of certain appliances etc

35—Stationary engines

- (1) In this regulation—

stationary engine means a steam engine, an internal combustion engine or a turbine engine that is operated in a stationary position.

- (2) Pursuant to section 46 of the Act, a stationary engine is prescribed.
- (3) A person must not, during the fire danger season, operate a stationary engine not enclosed by non-flammable material in the open air unless—
 - (a) the space immediately around and above the engine is cleared of all flammable material to a distance of at least 4 metres, or a person who is able to control the engine is present at all times while the engine is in use; and
 - (b) a shovel or rake, and a portable water spray in good working order, are at hand; and
 - (c) any exhaust pipe is fitted with a spark arrester in good working order.
- (4) A person must not, during the fire danger season, operate a stationary engine enclosed by non-flammable material in the open air unless any exhaust pipe that projects beyond that material is fitted with a spark arrester in good working order.

36—Internal combustion engines

- (1) Pursuant to section 46 of the Act, an internal combustion engine is prescribed.
- (2) A person must not, during the fire danger season, operate an internal combustion engine in connection with—
 - (a) harvesting a flammable crop; or
 - (b) moving a flammable crop on the land holding where it has been harvested; or
 - (c) spreading lime or fertiliser,unless—
 - (d) a shovel or rake, and a portable water spray in good working order, are at hand; and
 - (e) any exhaust pipe is fitted with a spark arrester in good working order.
- (3) A person must not, during the fire danger season, operate an internal combustion engine in connection with cutting flammable bush or grass unless—
 - (a) —
 - (i) the land immediately around the land where the bush or grass is to be cut is cleared of all flammable material to a distance of at least 4 metres; or
 - (ii) a shovel or rake, and a portable water spray in good working order, are at hand; and

- (b) any exhaust pipe is fitted with a spark arrester in good working order.

37—Vehicles

- (1) Pursuant to section 46 of the Act, a vehicle driven by an internal combustion engine (other than an aircraft) is prescribed.
- (2) A person must not, during the fire danger season, drive a vehicle referred to in subregulation (1) within 2 metres of flammable bush or grass unless any exhaust pipe is fitted with a spark arrester in good working order.

38—Aircraft

- (1) Pursuant to section 46 of the Act, an aircraft is prescribed.
- (2) A person must not, during the fire danger season, land an aircraft on, or take off from, land in the country unless reasonable steps have been taken (on account of the use of the land by the aircraft)—
 - (a) to prevent the outbreak of fire on the land; and
 - (b) to be able to control and suppress a fire that might break out on the land (whether by the provision of fire-fighting equipment, the clearing of a firebreak, or otherwise).
- (3) This regulation does not apply in relation to—
 - (a) an aircraft that is landing on, or taking off from, a government or licensed airfield; or
 - (b) an aircraft that is on a mercy flight; or
 - (c) an aircraft that is landing or taking off in any other emergency; or
 - (d) an aircraft that is engaged in a fire-fighting operation under the direction of a CFS officer; or
 - (e) an aircraft that is exempted from the operation of this regulation by the Board.

39—Welders and other tools

- (1) Pursuant to section 46 of the Act, the following appliances are prescribed:
 - (a) an electric welder;
 - (b) a mechanical cutting tool;
 - (c) a gas appliance.
- (2) A person must not, during the fire danger season, operate an appliance referred to in subregulation (1) in the open air unless—
 - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) a portable water spray in good working order is at hand; and
 - (c) a person who is able to control the appliance is present at all times while the appliance is in use or alight.
- (3) This regulation does not permit the use of an appliance contrary to the terms of a total fire ban.
- (4) This regulation does not apply to a member of the CFS or a recognised emergency service who must use an appliance in an emergency to protect life or property.

40—Bees

- (1) Pursuant to section 46 of the Act, an appliance used to generate smoke for the manipulation of bees is prescribed.
- (2) A person must not, during the fire danger season, use an appliance referred to in subregulation (1) unless a portable water spray in good working order is at hand.

41—Rabbit fumigators

- (1) Pursuant to section 46 of the Act, an appliance used as a rabbit fumigator is prescribed.
- (2) A person must not, during the fire danger season, use an appliance as a rabbit fumigator unless—
 - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) a portable water spray in good working order is at hand; and
 - (c) a sufficient number of persons who would be able to control the escape and spread of fire are present at all times while the appliance is in use.

42—Bird scarers

- (1) In this regulation—

bird scarer means a device that detonates a flammable gas to create a noise to scare birds.
- (2) Pursuant to section 46 of the Act, a bird scarer is prescribed.
- (3) A person must not, during the fire danger season, use an appliance as a bird scarer unless—
 - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) the bird scarer—
 - (i) is constructed so as to prevent the escape of fire or burning material; and
 - (ii) is in good working order and clean so as to avoid a malfunction that could cause a fire; and
 - (c) the person using the bird scarer takes all reasonable precautions to ensure that the bird scarer cannot fall over, or be knocked over or otherwise interfered with by animals.

43—Fireworks

- (1) Pursuant to section 46 of the Act, fireworks are prescribed.
- (2) A person must not, during the fire danger season, use fireworks in the open air except in accordance with a permit issued under section 38 of the Act.

44—Blasting

- (1) Pursuant to section 46 of the Act, blasting any tree, wood or timber by the use of explosive materials is prescribed.
- (2) A person must not, during the fire danger season, carry out blasting referred to in subregulation (1) unless—

- (a) a shovel or rake, and a portable water spray in good working order, are at hand; and
- (b) a sufficient number of persons who would be able to control a fire are present at all times while the blasting is carried out, and for a reasonable time after the blasting is completed.

Division 4—Duties to prevent fires

45—Notices

- (1) For the purpose of section 40(4) of the Act, the form set out in Schedule 12 is prescribed.
- (2) For the purposes of section 40(6) of the Act, the form set out in Schedule 13 is prescribed.

Division 5—Prescribed offences

46—Prescribed offences under section 36(1)

An offence against section 36(1) of the Act is a prescribed offence for the purposes of that section if the lighting and maintaining of the fire does not contravene a prohibition or restriction under section 36(3) of the Act and—

- (a) if the fire is for cooking or personal comfort—the offence consists of a failure to comply with a requirement imposed under section 36(2)(a) of the Act; or
- (b) if the fire is for the burning of refuse—the offence consists of a failure to comply with a requirement imposed under section 36(2)(b) of the Act; or
- (c) if the fire is for heating bitumen, welding, gas-cutting, soldering, grinding or charring—the offence consists of a failure to comply with a requirement imposed under section 36(2)(c) of the Act; or
- (d) if the fire is lighted or maintained pursuant to a permit issued under section 38 of the Act for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 31(4)(a), (b) or (d); or
- (e) if the fire is lighted or maintained pursuant to a permit issued under section 38 of the Act other than for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 31(5)(a), (b) or (c).

47—Prescribed offences under section 46

An offence against section 46 of the Act is a prescribed offence for the purposes of that section if the offence consists of a breach of, or failure to comply with, 1 or more of the following:

- (a) in the case of an offence involving the operation, during the fire danger season, of a stationary engine not enclosed by non-flammable material in the open air—regulation 35(3)(a) or (b);
- (b) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with harvesting a

flammable crop, moving a flammable crop on the land holding where it has been harvested or spreading lime or fertilizer—regulation 36(2)(d);

- (c) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with cutting flammable bush or grass—regulation 36(3)(a);
- (d) in the case of an offence involving the operation, during the fire danger season, of an electric welder, a mechanical cutting tool or a gas appliance—regulation 39(2)(a) or (b);
- (e) in the case of an offence involving the use, during the fire danger season, of an appliance to generate smoke for the manipulation of bees—regulation 40(2);
- (f) in the case of an offence involving the use, during the fire danger season, of an appliance as a rabbit fumigator—regulation 41(2)(a) or (b);
- (g) in the case of an offence involving the use, during the fire danger season, of an appliance as a bird scarer—regulation 42(3)(a);
- (h) in the case of an offence involving the blasting of any tree, wood or timber by the use of explosive materials—regulation 44(2)(a).

Division 6—Miscellaneous

48—Fire safety at premises

Pursuant to section 43 of the Act, a building outside the area of a council that would, if it were inside the area of a council, be classified as a Class 2, 3, 4, 5, 6, 7, 8 or 9 building under the *Building Code* (within the meaning of the *Development Act 1993*), is prescribed.

49—Caravans

Pursuant to section 45 of the Act, a fire extinguisher carried in a caravan must—

- (a) comply with Australian Standard 1841.5–1997: Portable Fire Extinguishers—Specific Requirements for Powder Type Extinguishers; and
- (b) have a minimum classification and rating of 10B, as defined by Australian Standard 1850–1997: Portable Fire Extinguishers—Classification, Rating and Performance Testing; and
- (c) be maintained in accordance with Australian Standard 1851.1–1995: Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets.

Part 6—Miscellaneous

50—Prescribed association of insurers

For the purposes of section 18(3) of the Act, the Insurance Council of Australia is prescribed.

51—Identity cards

- (1) The Board will issue to each—

- (a) CFS officer; and
 - (b) fire control officer; and
 - (c) authorised officer appointed by the Board,
- a certificate of identity in the form set out in Schedule 14.
- (2) A council will issue to each fire prevention officer or assistant fire prevention officer appointed by the council a certificate of identity in the form set out in Schedule 15.
 - (3) A certificate of identity ceases to be valid when the person ceases to hold the position in relation to which the certificate was issued.
 - (4) A person must, on ceasing to hold the position in relation to which a certificate of identity has been issued, surrender the certificate to the Board or, in the case of a fire prevention officer or assistant fire prevention officer, to the relevant council.
- Maximum penalty: \$1 250.

52—Coronial inquests

Pursuant to section 75(2)(e) of the Act, a coronial inquest may be held at the request of the Board in a circumstance where the Board is of the opinion that such an inquest should be held—

- (a) on account of—
 - (i) the circumstances surrounding the lighting or spread of a fire in the country; or
 - (ii) the intensity or seriousness of a fire in the country; or
 - (iii) the circumstances surrounding the involvement of a person or organisation in a fire or other emergency in the country; or
- (b) on account of representations made to the Board by a council in relation to a fire or other emergency in the country.

53—Uniforms

- (1) The Board may determine the uniform or other apparel to be worn by a member of the CFS or a fire control officer during a CFS operation or other activity.
 - (2) A person who is not a member of the CFS or a fire control officer must not, without the approval of the Board (which approval may be given unconditionally or subject to conditions determined by the Board), wear a uniform or other apparel in circumstances where to do so could lead to reasonable belief that he or she is a member of the CFS or a fire control officer.
- Maximum penalty: \$1 250.

54—Insignia of the CFS

- (1) The official emblems of the CFS are set out in Schedule 16.
- (2) Other insignia of the CFS will be as determined by the Board.
- (3) In addition to subregulation (2), a member of the CFS or a fire control officer is, in recognition of his or her service with the CFS, the South Australian Metropolitan Fire Service, or any other fire-fighting organisation recognised by the Board for the purposes of this regulation, entitled to wear, on the left sleeve of his or her uniform and fire-fighting clothing, service insignia determined by the Board.

- (4) A person must not, without the approval of the Board (which approval may be given unconditionally or subject to conditions determined by the Board)—
 - (a) use or display an official emblem of the CFS; or
 - (b) sell, hire, lend or otherwise surrender possession of a CFS insignia to a person who is not a member of the CFS or a fire control officer.

Maximum penalty: \$2 000.

55—Flags and other forms of identification

- (1) The Board will determine the flags and other forms of identification that are to be used during fire-fighting activity in the country.
- (2) A person must not display a flag or other material in a manner that contravenes a determination of the Board under subregulation (1).

Maximum penalty: \$1 250.

56—Roadside fire protection

- (1) In this regulation—

responsible authority means a council, or a Minister, agency or instrumentality of the Crown, that has the care, control or management of a road in the country, or roadside vegetation in the country.
- (2) Subject to subregulation (3), a responsible authority may, for the purpose of providing fire protection on a road, or the verge of a road—
 - (a) light a fire on the road, or on the verge of the road; and
 - (b) while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road.
- (3) A responsible authority must obtain a permit to light and maintain a fire under this regulation during the fire danger season.

57—Maintenance and inspection of fire-fighting equipment

- (1) Each CFS organisation or rural council that has possession or control of fire-fighting equipment that is available for use by the CFS under the Act—
 - (a) must maintain the equipment in good working order and test the equipment on a regular basis; and
 - (b) must keep the equipment in a place, and in a manner, that allows the equipment to be readily available in the event of a fire or other emergency, or for training purposes; and
 - (c) must ensure that the equipment is inspected at least once in each month by a member of the CFS, or by a person who is responsible to the council for the proper maintenance of the equipment; and
 - (d) must, on the request of the Chief Officer of the CFS, a Deputy Chief Officer or Assistant Chief Officer, a regional officer, or an authorised officer, make the equipment available for inspection by the officer.
- (2) If the Board is of the opinion that fire-fighting equipment in the possession or control of a CFS organisation or rural council is not in good working order, the Board may, after consultation with the organisation or council, by written notice served on the organisation or council, require the organisation or council to reinstate the equipment to good working order.

- (3) A notice under subregulation (2) must—
 - (a) state the grounds of the Board's opinion; and
 - (b) specify a day by which the equipment must be reinstated to good working order.
- (4) A CFS organisation or council is responsible for a cost or expense incurred by it in complying with a notice under subregulation (2).

58—Use of water

- (1) A CFS officer may, for the purpose of a CFS operation, take water from a hydrant, fire-plug or stand pipe approved by the South Australian Water Corporation for fire-fighting purposes.
- (2) For training purposes, water may only be taken under subregulation (1) as directed by a responsible officer of the South Australian Water Corporation.
- (3) The CFS is not liable for the cost of water taken under this regulation.

59—Special fire areas

- (1) The Board may, by notice in the Gazette, establish a *special fire area* in relation to a part of the State if, in the opinion of the Board—
 - (a) there exists an extreme risk of fire; or
 - (b) CFS capabilities may be limited because a CFS organisation has not been constituted in relation to the area (or a part of the area), or for any other reason; or
 - (c) some other special situation exists that warrants the establishment of a special fire area.
- (2) The Board may not include the area (or part of the area) of a council within a special fire area without first consulting the council.
- (3) If the Board establishes a special fire area, the Board will constitute a committee of management to manage fire prevention and suppression planning in the area.
- (4) A committee of management will (according to the determination of the Board) consist of—
 - (a) 1 or more representatives of the CFS; and
 - (b) 1 or more representatives of a council whose area lies wholly or partially within the special fire area; and
 - (c) if there is a reserve (or part of a reserve) administered under the *National Parks and Wildlife Act 1972* within the special fire area—1 or more officers of the National Parks and Wildlife Service nominated by the Minister responsible for the administration of the *National Parks and Wildlife Act 1972*; and
 - (d) if there is a forest reserve (or part of a forest reserve) within the special fire area—1 or more nominees of the Minister responsible for the administration of the *Forestry Act 1950*; and
 - (e) 1 or more representatives of any other organisation or agency that, in the opinion of the Board, has a special interest in fire prevention and suppression in the area; and
 - (f) such other persons as the Board thinks fit.

- (5) The Board may use money from the Fund to assist a committee of management in the performance of its functions.
- (6) The Board may, by further notice in the Gazette, vary or dissolve a special fire area established under this regulation.

Schedule 1—Certificate of registration of a CFS brigade

THIS is to certify that [*name of brigade*] is constituted as a CFS brigade under the *Country Fires Act 1989*.

The registered number of the brigade as a CFS organisation is

Dated the day of 20

Seal of the Country Fire Service

.....

Signature of the Chief Executive Officer

Schedule 2—Standard constitution of a CFS brigade

1—Interpretation

In this constitution—

Act means the *Country Fires Act 1989*;

financial year means the period commencing on 1 July in each year and ending on 30 June in the following year;

management committee means the management committee of the brigade appointed under clause 9;

ordinary meeting means a meeting of the brigade other than an annual general meeting or a special meeting;

regulations means the *Country Fires Regulations 2004*.

2—Name of the brigade

The name of the brigade is

3—Brigade area

The brigade is constituted in relation to the following area of the country:

4—Fire stations

The fire station(s) of the brigade will be located at—

5—Objects

The brigade has the following objects:

- (a) to undertake CFS operations—
 - (i) to prevent, control and suppress fires in the country; and

- (ii) to protect life and property in other emergencies occurring in the country;
- (b) to provide a means by which persons may participate in the activities of the CFS at a local level;
- (c) to ensure that brigade members are properly trained for CFS operations;
- (d) if the brigade is a member of a CFS group—to work as an effective part of that group;
- (e) to advise the regional officer for its area, and relevant persons or organisations, on matters referred to the brigade for advice;
- (f) to report to the Board on matters referred to the brigade by the Board;
- (g) to perform other functions assigned to the brigade under the Act or the regulations.

6—Meetings

- (1) Subject to this clause, the brigade may hold meetings on such days, and at such times and places, as the brigade thinks fit.
- (2) The brigade must hold at least 1 meeting per month on a regular basis.
- (3) The brigade must hold an annual general meeting during July or August of each year (and if brigade elections must be held in a particular year, the annual general meeting will, unless otherwise approved by the Board, be held in conjunction with those elections).
- (4) A special meeting of the brigade may be convened by the administrative officer, the President of the management committee, or the brigade captain.
- (5) The administrative officer must convene a special meeting if requested to do so by at least 5 members of the brigade.
- (6) A special meeting must be held under subclause (5) within 14 days after the request is made to the administrative officer.
- (7) Notice of the annual general meeting and a special meeting of the brigade must be given to all members of the brigade (other than cadet fire-fighters) at least 48 hours before the commencement of the meeting.
- (8) Notice of a meeting under subclause (7)—
 - (a) must be given by the administrative officer or, in the case of a special meeting, by the person convening the meeting; and
 - (b) may be given by written notice to each member—
 - (i) personally or by post; or
 - (ii) by a notice published in a newspaper circulating in the area of the brigade; and
 - (c) must set out the date, time and place of the meeting; and
 - (d) must be signed by the administrative officer or, in the case of a special meeting, by the person convening the meeting; and
 - (e) must set out an agenda for the meeting.

7—Procedure at meetings

- (1) The brigade captain will, if present at a meeting of the brigade, preside at that meeting and, in the absence of the brigade captain, the most senior lieutenant present at the meeting will preside and, in the absence of a lieutenant, a member of the brigade chosen by the members present will preside.
- (2) The prescribed number of members of the brigade constitute a quorum at a meeting.
- (3) The prescribed number for the purposes of subclause (2) is a number ascertained by dividing the total number of members of the brigade by 2, ignoring a fraction resulting from the division, and adding 1.
- (4) Subject to the Act and the regulations, a question for decision at a meeting will be decided by a majority of the votes of members present at the meeting.
- (5) Each member present at a meeting is entitled to 1 vote on a question for decision (and the person presiding at the meeting has, in the event of an equality of votes, a second or casting vote).
- (6) The administrative officer must cause an accurate record to be kept of the proceedings of a meeting of the brigade.
- (7) Subject to this clause, the Act and the regulations, and a direction of the Board, a meeting of the brigade will be conducted in such manner as the brigade may determine.

8—Membership

- (1) If an application for membership is received by the brigade, the administrative officer must refer the application to the next ordinary meeting of the brigade.
- (2) The brigade may, at that meeting—
 - (a) accept the application; or
 - (b) defer consideration of the application; or
 - (c) reject the application.
- (3) When a decision is made on an application for membership, the administrative officer must immediately inform the applicant in writing of the outcome of the application.
- (4) If a person who has been a cadet fire-fighter with the brigade applies for membership of the brigade as a fire-fighter (the person having attained the age of 16 years), his or her application should be accepted at the first opportunity unless the brigade determines that there is good reason to defer or reject the application.

9—Management committee

- (1) The brigade will have a management committee.
- (2) The management committee will consist of—
 - (a) the President of the management committee; and
 - (b) the Vice-President of the management committee; and
 - (c) the brigade captain (*ex officio*); and
 - (d) the administrative officer (*ex officio*); and
 - (e) 3 other members of the brigade (not being cadet fire-fighters).

- (3) The members of the management committee will be elected at the biennial elections of the brigade.
- (4) The management committee will be responsible for—
 - (a) the financial affairs of the brigade; and
 - (b) the general management of the administrative affairs of the brigade.
- (5) The President will, if present at a meeting of the management committee, preside at that meeting and, in the absence of the President, the Vice-President will preside and, in the absence of the Vice-President, a member of the management committee chosen by the members present will preside.
- (6) Four members constitute a quorum of the management committee.
- (7) A decision carried by the votes of at least 4 members present at a meeting of the management committee is a decision of the management committee.
- (8) Each member present at a meeting of the management committee is entitled to 1 vote on a matter arising for decision by the management committee (and the person presiding at the meeting does not have, in the event of an equality of votes, a second or casting vote).
- (9) The management committee must keep minutes of its proceedings.
- (10) Unless a member of the management committee resigns from membership of the committee or the brigade, or ceases to hold a position that entitles him or her to membership of the committee, the member holds office for a period of 2 years.
- (11) The management committee can appoint another member of the brigade to the committee to fill a casual vacancy in the membership of the committee (and he or she holds office for the balance of the term of his or her predecessor).
- (12) A member of the management committee is, on the expiration of a term of office, eligible for reappointment to the committee.
- (13) Subject to this clause, and a direction of the brigade or the Board, a meeting of the management committee will be conducted in such manner as the committee may determine.

10—Nomination of candidates for brigade elections

- (1) The administrative officer must, at least 21 days before the day on which brigade elections are due to be held, give or post to each member of the brigade (other than cadet fire-fighters) a written notice setting out the day on which the elections are due to be held and inviting nominations of candidates for election.
- (2) A member of the brigade who is eligible to be nominated for election to a particular position in the brigade may be nominated for that position by 2 or more members of the brigade.
- (3) A nomination may be made—
 - (a) by written nomination lodged with the administrative officer before election day; or
 - (b) by oral nomination made immediately before the commencement of the relevant election.

11—Conduct of elections

Voting will occur for positions in the following order:

- (a) brigade captain;
- (b) lieutenants;
- (c) communications officer;
- (d) training officer;
- (e) equipment officer;
- (f) logistics support officer;
- (g) administrative officer;
- (h) if the brigade is a member of a CFS group and the brigade captain (or his or her nominee) is not to be the brigade's representative—brigade representative at group level;
- (i) President of the management committee;
- (j) Vice-President of the management committee;
- (k) other members of the management committee;
- (l) other positions that, according to a determination of the brigade or the Board, should be filled by election.

12—Supplementary elections

If a supplementary election must be held—

- (a) the administrative officer must appoint a meeting of the brigade at which the election will be held; and
- (b) the administrative officer must, at least 21 days before that meeting, give or post to each member of the brigade (other than cadet fire-fighters) a written notice informing him or her of the election and inviting nominations of candidates for election; and
- (c) a member of the brigade who is eligible to be nominated for election to the particular position may be nominated for that position by 2 or more members of the brigade; and
- (d) a nomination may be made—
 - (i) by written nomination lodged with the administrative officer before election day; or
 - (ii) by oral nomination made immediately before the commencement of the relevant election.

13—Subscriptions

- (1) The brigade may, by resolution at an annual general meeting, levy an annual subscription against the members of the brigade.
- (2) The subscription is payable within 1 month of the annual general meeting.
- (3) A person who is accepted as a member of the brigade more than 6 months after an annual general meeting at which a subscription is imposed is only liable to pay half the subscription for that year.

14—Accounts at financial institutions

- (1) The brigade must, at each annual general meeting, determine where it will maintain its accounts for the ensuing financial year.

- (2) The brigade must appoint at least 4 office holders as signatories on its accounts, and at least 2 signatories must sign a cheque or withdrawal form.

15—Auditor

- (1) The brigade must, at each annual general meeting, appoint an auditor or auditors for the ensuing financial year.
- (2) If an auditor resigns during the financial year, the brigade must appoint a replacement at its next ordinary meeting.

16—Common seal

- (1) The brigade may have a common seal issued by the Board.
- (2) The administrative officer will be responsible for the safe keeping of the seal.
- (3) The affixation of the common seal to a document must be attested by the President of the management committee, the brigade captain and the administrative officer, or by a combination of 2 or them.

17—Auxiliaries

- (1) The brigade may establish 1 or more auxiliaries (which may include persons who are not members of the brigade) for the purpose of providing support to the brigade in the performance of its functions.
- (2) A member of an auxiliary may be removed by the brigade for reasonable cause.
- (3) An auxiliary—
 - (a) may be wound up by the brigade at any time; and
 - (b) must be wound up at the direction of the Board.

18—Rules

- (1) The brigade may make rules not inconsistent with—
 - (a) the Act; or
 - (b) the regulations; or
 - (c) this constitution,to assist the brigade to manage its affairs effectively and efficiently.
- (2) If the brigade makes a rule under this clause (or varies or revokes such a rule), the administrative officer must, within 14 days, send a copy of the rule to the Board.
- (3) The Board may, if it thinks fit, direct that a rule (or the variation or revocation of a rule) cannot have effect (and the brigade must comply with that direction).

19—Amendment of constitution

The brigade may, by resolution, amend this constitution if—

- (a) at least 2 months written notice, setting out the terms of the proposed resolution, is given to each member of the brigade personally or by post; and
- (b) the resolution is supported at a duly convened meeting of the brigade by at least two-thirds of the total number of members of the brigade present at that meeting.

Note—

An amendment to the constitution is subject to the approval of the Board—*Country Fires Act 1989* section 12(3).

Schedule 3—Officers of a CFS brigade

1—Brigade captain

A brigade captain has the following specific functions:

- (a) to ensure that the brigade prepares and maintains an incident response plan;
- (b) to assist in bushfire prevention planning within the area of the brigade;
- (c) to undertake responsibility for the proper management and maintenance of brigade property and equipment;
- (d) to ensure that members of the brigade are properly trained to carry out their functions;
- (e) subject to the Act and the direction of a superior officer—to take command at a fire or other emergency in the country at which he or she attends as a member of the CFS and to ensure that the chain of command within the brigade operates effectively and efficiently;
- (f) to liaise with other brigade captains in adjacent areas, and other relevant officers;
- (g) to ensure (so far as may be practicable) the health and safety of all members of the brigade during a CFS operation;
- (h) otherwise to manage the operations of the brigade in accordance with a determination of the Board.

2—Lieutenant

A lieutenant must assist the brigade captain in the performance of his or her functions (and, in the absence of the brigade captain, the most senior lieutenant may assume the functions and responsibilities of the brigade captain).

Schedule 4—Functions of other brigade officers

1—Communications officer

A communications officer has the following specific functions:

- (a) to ensure that the brigade's communications system operates effectively and fits into any group communications network;
- (b) to control the use of communications equipment by members of the brigade;
- (c) to undertake responsibility for the maintenance of communications equipment and, if necessary, for its repair or replacement;
- (d) to test the brigade's communications equipment on a regular basis;
- (e) to assist in training members of the brigade in the use of communications equipment;
- (f) if the brigade is a member of a CFS group—to represent the brigade on any Group Communications Committee formed by the group;

- (g) to liaise with communications officers in other CFS brigades;
- (h) to undertake other functions assigned by the brigade captain or determined by the Board.

2—Training officer

A training officer has the following specific functions:

- (a) to organise regular training sessions within the brigade;
- (b) to encourage members to undertake training within the CFS;
- (c) to ensure that members of the brigade receive training that is consistent with the Act and the policies of the Board and the CFS;
- (d) to keep proper records relating to training undertaken by members of the brigade;
- (e) to encourage members of the brigade to become CFS instructors;
- (f) if the brigade is a member of a CFS group—to represent the brigade on any Group Training Committee formed by the group;
- (g) to liaise with training officers in other CFS brigades;
- (h) to undertake other functions assigned by the brigade captain or determined by the Board.

3—Equipment officer

An equipment officer is responsible for the proper management and maintenance of all brigade property and equipment (other than communications equipment).

4—Logistics support officer

A logistics support officer has the following specific functions:

- (a) to undertake responsibility for the management and implementation of all intelligence, planning, support and supply functions during an operation;
- (b) to provide advice to the equipment officer in relation to the effective deployment and use of brigade property and equipment during an operation;
- (c) to liaise with officers at brigade level to ensure co-ordination during an operation.

5—Administrative officer

An administrative officer has the following specific functions:

- (a) to organise meetings of the brigade;
- (b) to give notice of meetings of the brigade in accordance with the constitution of the brigade;
- (c) to prepare an agenda for meetings of the brigade;
- (d) to keep brigade records, and to send and receive brigade correspondence;
- (e) to disseminate information to brigade members;
- (f) to manage the financial affairs of the brigade;
- (g) to keep financial records;
- (h) if the brigade is a member of a group—to liaise with the group administrative officer;

- (i) to undertake other functions assigned by the brigade captain or determined by the Board.

Schedule 5—Certificate of registration of a CFS group

This is to certify that *[name of group]* is constituted as a CFS group under the *Country Fires Act 1989*.

The brigades that make up the group are:

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.....
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.....
.....
.....
.....

The registered number of the group as a CFS organisation is

Dated the day of 20

Seal of the Country Fire Service

.....
Signature of the Chief Executive Officer

Schedule 6—Standard constitution of a CFS group

1—Interpretation

In this constitution—

Act means the *Country Fires Act 1989*;

financial year means the period commencing on 1 July in each year and ending on 30 June in the following year;

management committee means the management committee of the group appointed under clause 7;

regulations means the *Country Fires Regulations 2004*;

quarter means each 3 month period commencing on 1 January, 1 April, 1 July and 1 October in a year.

2—Name of the group

The name of the group is

3—Composition of group

The brigades that make up the group are:

4—Objects

The group has the following objects:

- (a) to provide support and guidance to the brigades in the group, and to assist those brigades to fulfil their objects;
- (b) to establish and maintain—
 - (i) an operational command and control structure within the group; and
 - (ii) procedures to enhance the ability of the brigades in the group to carry out operations, activities and training effectively and efficiently;
- (c) to ensure co-operation between the brigades in the group, and between the group and other groups;
- (d) to advise the regional officer for the area, and other relevant persons or organisations, on matters referred to the group for advice;
- (e) to report to the Board on matters referred to the group by the Board;
- (f) to perform other functions assigned to the group under the Act or the regulations.

5—Meetings

- (1) Subject to this clause, the group may hold meetings on such days, and at such times and places, as the group thinks fit.
- (2) Subject to subclause (3), the group must hold at least 1 meeting per quarter on a regular basis.
- (3) The meeting for the quarter commencing on 1 July must be the annual general meeting and must be held during July or August (and if group elections must be held in a particular year, the annual general meeting will, unless otherwise approved by the Board, be held in conjunction with those elections).
- (4) A special meeting of the group may be convened by the group administrative officer or the group officer.
- (5) The group administrative officer must convene a special meeting if requested to do so by at least 4 members of the group.
- (6) A special meeting must be held under subclause (5) within 14 days after the request is made to the group administrative officer.
- (7) Notice of the annual general meeting and a special meeting of the group must be given to all members of the group (and to an organisation entitled to send observers to the meeting) at least 48 hours before the commencement of the meeting.
- (8) Notice of a meeting under subclause (7)—
 - (a) must be given by the group administrative officer; and
 - (b) must be given by written notice to each member (or organisation) personally or by post; and
 - (c) must set out the date, time and place of the meeting; and
 - (d) must set out an agenda for the meeting.

6—Procedure at meetings

- (1) The group officer will, if present at a meeting of the group, preside at that meeting and, in the absence of the group officer, the most senior deputy group officer present at the meeting will preside and, in the absence of a deputy group officer, a member of the group chosen by the members present will preside.
- (2) The prescribed number of members of the group constitute a quorum at a meeting.
- (3) The prescribed number for the purposes of subclause (2) is a number ascertained by dividing the total number of members of the group by 3, multiplying the result by 2, ignoring a fraction resulting from the division and multiplication, and adding 1.
- (4) Subject to the Act and the regulations, a question for decision at a meeting will be decided by a majority of the votes of members present at the meeting.
- (5) Each member present at a meeting is entitled to 1 vote on a question for decision (and the person presiding at the meeting has, in the event of an equality of votes, a second or casting vote).
- (6) The following persons are entitled to attend a meeting of the group:
 - (a) a member of a brigade in the group;
 - (b) up to 2 representatives of each council that has a part of its area within the area of a brigade in the group;
 - (c) 1 or more representatives of the National Parks and Wildlife Service;
 - (d) 1 or more representatives of the South Australian Forestry Corporation;
 - (e) other persons admitted to the meeting by the members at the meeting.
- (7) The group administrative officer must cause an accurate record to be kept of the proceedings of a meeting of the group.
- (8) Subject to this clause, the Act and the regulations, and a direction of the Board, a meeting of the group will be conducted in such manner as the group may determine.

7—Management committee

- (1) The group will have a management committee.
- (2) The management committee will consist of—
 - (a) the group officer; and
 - (b) the deputy group officer, or deputy group officers; and
 - (c) the brigade representatives; and
 - (d) the group administrative officer.
- (3) The management committee will be responsible for—
 - (a) the financial affairs of the group; and
 - (b) the general management of the affairs of the group; and
 - (c) subject to a direction of the group as a whole—
 - (i) ensuring that group equipment, and the equipment in the possession or control of the brigades in the group, is inspected on a regular basis; and

- (ii) making representations and recommendations to councils in relation to the fire-fighting equipment that should be provided within their areas; and
 - (iii) taking steps to ensure the appropriate distribution of fire-fighting equipment amongst the brigades in the group; and
 - (iv) co-ordinating training within the brigades in the group to ensure that the brigades can work together effectively and efficiently; and
 - (v) overseeing the preparation and maintenance of an incident response plan for the group; and
 - (vi) ensuring that an operational command base is established and maintained for the group; and
 - (vii) selecting members of the group to represent the group on a district or regional basis; and
 - (viii) carrying out other functions assigned to the committee by the group or the Board.
- (4) The group officer will, if present at a meeting of the management committee, preside at that meeting and, in the absence of the group officer, a member of the management committee chosen by the members present will preside.
- (5) The prescribed number of members of the management committee constitute a quorum of the committee.
- (6) The prescribed number for the purposes of subclause (5) is a number ascertained by dividing the total number of members of the committee by 2, ignoring a fraction resulting from the division, and adding 1.
- (7) A question for decision at a meeting of the management committee will be decided by a majority of the votes of members present at the meeting.
- (8) Each member present at a meeting is entitled to 1 vote on a question for decision (and if the group officer is presiding at the meeting, he or she has, in the event of an equality of votes, a second or casting vote but otherwise the person presiding at the meeting does not have a second or casting vote).
- (9) The management committee must keep minutes of its proceedings.
- (10) Subject to this clause, and a direction of the group or the Board, a meeting of the management committee will be conducted in such manner as the committee may determine.

8—Nomination of candidates for group elections

- (1) The group administrative officer must, at least 42 days before the day on which group elections are due to be held, give or post to the administrative officers of each brigade in the group a written notice setting out the day on which the elections are due to be held and inviting nominations of candidates for election.
- (2) A member of a brigade who is eligible to be nominated for election to a particular position in the group may be nominated for that position by 2 or more members of a brigade in the group.
- (3) A nomination may be made—
- (a) by written nomination lodged with the group administrative officer before election day; or

- (b) by oral nomination made immediately before the commencement of the relevant election.

9—Conduct of elections

Voting will occur for positions in the following order:

- (a) group officer;
- (b) deputy group officers;
- (c) group communications officer;
- (d) group training officer;
- (e) group equipment officer;
- (f) group logistics support officer;
- (g) group administrative officer;
- (h) other positions that, according to a determination of the group or the Board, should be filled by election.

10—Supplementary elections

If a supplementary election must be held—

- (a) the group administrative officer must appoint a meeting of the brigade representatives at which the election will be held; and
- (b) the group administrative officer must, at least 42 days before that meeting, give or post to the administrative officers of each brigade in the group a written notice informing him or her of the election and inviting nominations of candidates for election; and
- (c) a member of a brigade who is eligible to be nominated for election to the particular position in the group may be nominated for that position by 2 or more members of a brigade in the group; and
- (d) a nomination may be made—
 - (i) by written nomination lodged with the group administrative officer before election day; or
 - (ii) by oral nomination made immediately before the commencement of the relevant election.

11—Subscriptions

- (1) The group may, by resolution at an annual general meeting, levy an annual subscription against the brigades in the group.
- (2) The subscription is payable within 1 month of the annual general meeting.

12—Accounts at financial institutions

- (1) The group must, at each annual general meeting, determine where it will maintain its accounts for the ensuing financial year.
- (2) The group must appoint at least 4 office holders as signatories on its accounts, and at least 2 signatories must sign a cheque or withdrawal form.

13—Auditor

- (1) The group must, at each annual general meeting, appoint an auditor or auditors for the ensuing financial year.
- (2) If an auditor resigns during the financial year, the group must appoint a replacement at its next meeting.

14—Common seal

- (1) The group may have a common seal issued by the Board.
- (2) The group administrative officer will be responsible for the safe keeping of the seal.
- (3) The affixation of the common seal to a document must be attested by the group officer, a deputy group officer and the group administrative officer, or by a combination of 2 of them.

15—Auxiliaries

- (1) The group may establish 1 or more auxiliaries (which may include persons who are not members of the group) for the purpose of providing support to the group in the performance of its functions.
- (2) A member of an auxiliary may be removed by the group for a reasonable cause.
- (3) An auxiliary—
 - (a) may be wound-up by the group at any time; and
 - (b) must be wound-up at the direction of the Board.

16—Rules

- (1) The group may make rules not inconsistent with—
 - (a) the Act; or
 - (b) the regulations; or
 - (c) this constitution,to assist the group to manage its affairs effectively and efficiently.
- (2) If the group makes a rule under this clause (or varies or revokes such a rule), the group administrative officer must, within 14 days, send a copy of the rule to the Board.
- (3) The Board may, if it thinks fit, direct that a rule (or the variation or revocation of a rule) cannot have effect (and the group must comply with that direction).

17—Amendment of constitution

The group may, by resolution, amend this constitution if—

- (a) at least 2 months written notice, setting out the terms of the proposed resolution, is given to each member of the group personally or by post; and
- (b) the resolution is supported at a duly convened meeting of the group by at least two-thirds of the total number of members of the group present at that meeting.

Note—

An amendment to the constitution is subject to the approval of the Board—*Country Fires Act 1989* section 12(3).

Schedule 7—Officers of a CFS group

1—Group officer

A group officer has the following specific functions:

- (a) to ensure that the group prepares and maintains an incident response plan;
- (b) in the event of a fire or other emergency requiring a group response—
 - (i) to establish forward command in the field; and
 - (ii) subject to the Act and the direction of a superior officer, to co-ordinate and control the operations of the brigades in the group; and
 - (iii) to organise persons who volunteer to assist the group or a brigade in fighting the fire or dealing with the emergency; and
 - (iv) to liaise with other group officers in adjacent areas, and other relevant officers;
- (c) to oversee the operations, activities and training of the brigades in the group;
- (d) otherwise to undertake functions determined by the Board.

2—Deputy group officer

A deputy group officer must assist the group officer in the performance of his or her functions (and in the absence of the group officer, the most senior deputy group officer may assume the functions and responsibilities of the group officer).

Schedule 8—Functions of other group officers

1—Group communications officer

A group communications officer has the following specific functions:

- (a) to ensure that the group's communications equipment operates effectively;
- (b) in the event of a fire or other emergency requiring a group response—
 - (i) to establish and maintain a group communications centre; and
 - (ii) to co-ordinate and control communications within and between the brigades in the group; and
 - (iii) to co-ordinate communications with other groups;
- (c) to liaise with communications officers in the brigades in the group;
- (d) to represent the group at meetings of communications officers held on a regional basis;
- (e) to undertake other functions assigned by the group officer or determined by the Board.

2—Group training officer

A group training officer has the following specific functions:

- (a) to prepare an annual training plan for the brigades in the group and to organise regular training sessions within the group;

- (b) to ensure that members of the brigades in the group are—
 - (i) trained in accordance with courses approved by the Board; and
 - (ii) assessed to standards approved by the Board;
- (c) to encourage members of the brigades in the group to become CFS instructors;
- (d) to represent the group at meetings of training officers held on a regional basis;
- (e) to undertake other functions assigned by the group officer or determined by the Board.

3—Group equipment officer

A group equipment officer is responsible for the proper management and maintenance of all group property and equipment (other than communications equipment).

4—Group logistics support officer

A group logistics support officer has the following specific functions:

- (a) to undertake responsibility for the management and implementation of all intelligence, planning, support and supply functions at group level;
- (b) to provide advice to the group equipment officer in relation to the effective deployment and use of group property and equipment;
- (c) to liaise with officers at group level to ensure co-ordination during a group operation;
- (d) to liaise with other group logistics support officers.

5—Group administrative officer

A group administrative officer has the following specific functions:

- (a) to organise meetings of the group;
- (b) to give notice of meetings of the group to the group officers and the representatives of brigades in the group in accordance with the constitution of the group;
- (c) to prepare an agenda for meetings of the group;
- (d) to keep group records, and to send and receive group correspondence;
- (e) to disseminate information to brigades in the group;
- (f) to manage the financial affairs of the group;
- (g) to keep financial records;
- (h) to liaise with the administrative officers of the brigades in the group;
- (i) to undertake other functions assigned by the group officer or determined by the Board.

Schedule 9—Permit authorising person to light or maintain fire during fire danger season

.....
(Permit Number)

Permit to authorise a person to light or maintain a fire during the fire danger season

Note—this permit is not valid on a day of total fire ban

1 Pursuant to section 38 of the *Country Fires Act 1989* this permit is issued:

- For the purpose of burning off land
- For some other purpose—

..... (specify)

(tick appropriate box)

2 This permit is issued to (Full name)
of (Address)
and authorises the holder of the permit to light or maintain a fire at *
during the fire danger season for the purpose indicated in 1 above.

* (The location of the proposed fire must be specified with reasonable particularity, indicating either lot, section and hundred numbers, or an appropriate grid reference).

3 This permit is valid from a.m./p.m. on /20..... to a.m./p.m.
on /20.....

4 Subject to any variation by an authorised officer (as noted below), this permit is subject to—

- (a) the conditions prescribed by the *Country Fires Regulations 2004*, as set out on the reverse side of this permit; and
- (b) the following additional conditions:

.....
.....
..... [Specify any variations]

5 Note—

- (1) This permit is liable to be revoked if the permit holder fails to comply with a condition of the permit.
- (2) This permit may be revoked in any other justifiable circumstance.
- (3) The fact that the holder of this permit has complied with the conditions of the permit does not of itself relieve the holder from liability for any loss or damage caused by a fire lit under the authority of the permit. (*Country Fires Act 1989* section 38(13)).

.....
(Authorised officer)

..... /20..... at a.m./p.m.
(Date and time of issue)

Schedule 10—Permit authorising person to light or maintain fire in open air contrary to terms of total fire ban

.....
(Permit Number)

Permit to authorise a person to light or maintain a fire in the open air contrary to the terms of a total fire ban

- 1 Pursuant to section 38 of the *Country Fires Act 1989* this permit is issued for the purpose of
- 2 This permit is issued to (Full name)
of..... (Address)
and authorises the holder of the permit to light or maintain a fire at*
contrary to the terms of a total fire ban for the purpose referred to in 1 above.
**(The location of the proposed fire must be specified with reasonable particularity, indicating either lot, section and hundred numbers, or an appropriate grid reference).*
- 3 This permit is valid from a.m./p.m. on /..... /20..... to a.m./p.m.
on /..... /20.....
- 4 Subject to any variation by an authorised officer (as noted below), this permit is subject to—
 - (a) the conditions prescribed by the *Country Fires Regulations 2004*, as set out on the reverse side of this permit; and
 - (b) the following additional conditions:
.....
.....
..... [Specify any variations]
- 5 Note—
 - (1) This permit is liable to be revoked if the permit holder fails to comply with a condition of the permit.
 - (2) This permit may be revoked in any other justifiable circumstance.
 - (3) The fact that the holder of this permit has complied with the conditions of the permit does not of itself relieve the holder from liability for any loss or damage caused by a fire lit under the authority of the permit. (*Country Fires Act 1989* section 38(13)).

.....
(Authorised officer)

..... /..... /20..... at..... a.m./p.m.
(Date and time of issue)

Schedule 11—Regulation 32 declaration

Declaration of an area of the State in which a person may operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban.

PURSUANT to regulations under the *Country Fires Act 1989*
(*Name of Council*) [*or the Country Fire Service Board*] declares that persons may operate gas fires or electric elements for cooking purposes in the open air contrary to the terms of a total fire ban at the following places:

.....
.....
.....

This notice operates during the following times
..... [*or at all times until revoked*].

The operation of a gas fire or electric element under this notice is subject to the following conditions—

- (1) The space immediately around and above the gas fire or electric element must be cleared of all flammable material to a distance of at least four metres.
- (2) A person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged.
- (3) An appropriate agent adequate to extinguish any fire must be at hand.
- (4) [*Such other conditions as the council or the Board may specify*]

.....
Chief Executive Officer

.....
[Name of council or Board]

Schedule 12—Section 40 notice

Pursuant to section 40 of the *Country Fires Act 1989*

..... (Name of owner), who is the owner of land at

required to take the following action to protect property on the land from fire, or to prevent or inhibit the outbreak of fire on the land, or the spread of fire through the land

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Note—

- 1 If you fail to comply with a requirement of this notice—
 - (a) you may be liable to a significant fine; and
 - (b) the authority that issued the notice may proceed to carry out the work required by the notice and recover the costs against you.
- 2 You are entitled to appeal against a requirement of this notice. Your rights of appeal are set out in the *Country Fires Act 1989*.
- 3 An appeal against a notice issued by a council is to the CFS Board and an appeal against a notice issued by the CFS Board is to the Minister for Emergency Services.
- 4 Your appeal must be made in writing, setting out in detail your grounds of appeal, and may be posted to or lodged with the CFS Board or the Minister for Emergency Services at CFS Headquarters or at the Minister's Office.
- 5 Your appeal should be instituted within 14 days of receiving this notice. A copy of the appeal notice must be sent to the authority that issued this notice.
- 6 YOU MAY WISH TO DISCUSS THE MATTER WITH THE AUTHORITY THAT ISSUED THIS NOTICE BEFORE YOU INSTITUTE AN APPEAL.

.....
(Authority issuing the notice)

.....
(Date)

Schedule 13—Variation or revocation of section 40 notice

On (date)..... (Name of owner), the owner of land at was required to take certain action by a notice issued under section 40 of the *Country Fires Act 1989*.

That notice is now—

(a) varied as follows:

.....

(b) revoked.

(Strike out unwanted item)

.....
(Authority issuing the notice)

.....
(Date)

Schedule 14—Certificate of identity under Act

The CFS Board
 c/o CFS Headquarters
 Level 7,
 60 Waymouth St
 Adelaide SA 5000

CFS
 EMBLEM

I certify that
 *(Specify office held)*
 under the *Country Fires Act 1989*.

.....
Chief Executive Officer
Country Fire Service Board

.....
Date

.....
Signature of holder

Valid until / /20.....

Schedule 15—Certificate of identity for fire prevention officer

The

.....

.....

.....

(Name and address of council)

I certify that is
..... *(Specify
whether the person is a fire prevention officer or an assistant fire prevention officer)* for the area of the
council.

.....
Chief Executive Officer

.....
(Name of council)

.....
Date

.....
Signature of holder

Valid until / /20.....

Schedule 16—Official emblems of CFS



Schedule 17—Revocation of *Country Fires Regulations 1989*

The *Country Fires Regulations 1989* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations

Year	No	Reference	Commencement
2004	189	<i>Gazette 26.8.2004 p3461</i>	1.9.2004: r 2