

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**FIRE BRIGADE (ADMINISTRATION) ACT 1974**

**FIRE BRIGADE (ADMINISTRATION) REGULATIONS (AMENDMENT)**

**EXPLANATORY MEMORANDUM**

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Attorney General

# FIRE BRIGADE (ADMINISTRATION) REGULATIONS (AMENDMENT)

## EXPLANATORY MEMORANDUM

### OUTLINE

These amendments to the Regulations ('Regulation Amendments') are consequential amendments, to bring into effect changes to the Principal Act, the *Fire Brigade (Administration) Act 1974* which were passed in May this year. These changes ('Principal Act Amendments') prohibit discrimination in the appointment and promotion of members, and provide for the establishment of an equal employment opportunity program to assist in preventing unlawful discrimination and to promote equal opportunity for women and people in minority groups, as well as for others, to advance their careers in the Fire Brigade.

In doing this, the Principal Act Amendments have abolished the former ranks of Fourth, Third, Second and First Class Fireman, and Senior Fireman. These ranks will now be named Fourth, Third, Second and First Class Firefighter, and Senior Firefighter.

### FORMAL CLAUSES

**Proposed Regulation 1** nominates the Principal Regulations as the *Fire Brigade (Administration) Regulations*.

**Proposed Regulation 2** provides for commencement of these amendments.

### AMENDMENTS

**Proposed Regulation 3** repeals Current Regulations 7 - 19 (inclusive) of the Principal Regulations. They deal with the following matters:

**Current Regulations 7 to 14** establish the requirement for:

- the passing of an examination for appointment at Fourth Class Fireman level; and
- the passing of specified examinations and for specified length of service for promotion to higher ranks.

These are no longer necessary as the Principal Act now requires the Commissioner to publish in the Gazette the manner, necessary tests and qualifications and any other requirement for appointment or promotion (section 19C).

**Current Regulation 15** alters the period of service required at any level where a member has failed an examination for promotion to a higher level. This is no longer required given section new 19C of the Principal Act.

**Current Regulation 16** provides that a member shall not be promoted unless their conduct and service have been satisfactory. This is now covered by section 22(1)(a) of the Principal Act.

**Current Regulation 17** provides for seniority in promoting members. It is no longer relevant because seniority has been impliedly rejected as a basis of promotion by new section 19A(2) of the Principal Act. This section requires that assessment is to be made on the basis of merit, that is, the relative suitability for the position in question, given the nature and requirements of the job, and the relevant abilities, qualifications, experience, personal qualities and potential for development of the applicants. The intention of the legislation is to exclude requirements for appointment and promotion which are not relevant to the work involved.

**Current Regulation 18** provides that the syllabus for examinations be specified in the general orders. New sections 19C and 19D of the Principal Act cover the establishment of requirements (including academic requirements) for appointment or promotion and their publication in the Gazette, as well as the conduct of examinations by the Commissioner.

**Current Regulation 19** requires the Commissioner to consider seniority as well as eligibility in promoting a member. As mentioned above the principle of merit has been adopted, and seniority rejected, as grounds for promotion under s19A(2) of the Principal Act, rendering this Regulation irrelevant.