

No. 54 of 1974

AN ORDINANCE

To amend the *Fire Brigades Ordinance 1957-1966*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-second day of November, 1974.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT  
Minister of State for the Capital Territory.

FIRE BRIGADE ORDINANCE 1974

1. (1) This Ordinance may be cited as the *Fire Brigade Ordinance 1974*.<sup>\*</sup> Short title and citation.

(2) The *Fire Brigades Ordinance 1957-1966*<sup>†</sup> is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Fire Brigade Ordinance 1957-1974*.

2. This Ordinance shall come into operation on a date fixed by the Minister by notice published in the *Gazette*. Commencement.

3. The title of the Principal Ordinance is amended by omitting the words "for the Establishment of Fire Brigades, for the Powers, Duties and Functions of members of Fire Brigades" and substituting the words "for the Powers, Duties and Functions of members of the Fire Brigade". Title.

4. Section 4 of the Principal Ordinance is amended— Interpretation.  
(a) by inserting before the definition of "fire appliance" the following definitions:—

“ ‘ Brigade ’ means the Australian Capital Territory Fire Brigade established by the *Fire Brigade (Administration) Ordinance 1974*;

“ ‘ Chief Officer ’ means the Fire Commissioner appointed under the *Fire Brigade (Administration) Ordinance 1974*.”;

<sup>\*</sup> Notified in the *Australian Government Gazette* on 25 November 1974.  
<sup>†</sup> Ordinance No. 20, 1957, as amended by No. 16, 1958; No. 2, 1960; and No. 19, 1966.

- (b) by omitting the definition of “ fire brigade ”;
- (c) by omitting the definition of “ member of a fire brigade ” and substituting the following definition:—
  - “ member of the Brigade ” means a member appointed under the *Fire Brigade (Administration) Ordinance 1974*;
- (d) by omitting the definition of “ the Chief Officer ”; and
- (e) by adding at the end thereof the following sub-section:—
  - “(2) A reference in this Ordinance to the Chief Officer shall, for the purposes of the application of this Ordinance in relation to a fire at a time when, in the absence of the Chief Officer, a member of the Brigade is in charge of the other members of the Brigade in attendance at the site of the fire during or immediately after the fire, be read as including a reference to the member who is in charge.”.

**Repeal.** 5. Sections 5, 5A and 6 of the Principal Ordinance are repealed.

- Offences.** 6. Section 12 of the Principal Ordinance is amended—
- (a) by omitting from paragraph (i) the word “ or ”;
  - (b) by inserting after paragraph (j) the following paragraphs:—
    - “(k) deposit materials, goods or any other matter or thing in a passage-way or stairway or in an exit that is used or intended to be used, or that, but for an obstruction, would be used, for escape by persons in the event of fire, so as to obstruct the passage-way, stairway or exit;
    - “(l) close a door or exit in such a stairway or passage-way in such a manner that a person could not make use of the door or exit to leave the building in the event of fire;
    - “(m) being the owner of the premises, fail to repair or replace a fire appliance that has been damaged or is defective; or
    - “(n) fix in an open or closed position, other than in a manner approved by the Chief Officer, a fire door, smoke door or exit door.”;
  - (c) by omitting from that section the words “ One hundred dollars ” and substituting the symbol and figures “ \$500 ”; and
  - (d) by adding at the end thereof the following sub-section:—
    - “(2) In this section, a reference to a fire door, smoke door or exit door is a reference to a fire door, smoke door or exit door as described in the Building Manual referred to in the *Building Ordinance 1972*.”.

7. After section 12 of the Principal Ordinance the following sections are inserted:—

“12A. (1) The Chief Officer may apply to the Court of Petty Sessions for an order closing premises. Court may close premises.

“(2) Where the Court is satisfied that the lack of fire safety measures in the premises places human life in jeopardy, the Court may make an order closing the premises.

“12B. (1) A person to whom an order or direction is given under this Ordinance, or a person dissatisfied with an order of the Court of Petty Sessions made under section 12A, may, within a period of 21 days from the date of the direction or order, or within such longer period as the Supreme Court, on application made before or after the expiration of that period, allows, appeal to the Supreme Court from the direction or order. Appeal.

“(2) An appeal under this section against an order of the Court of Petty Sessions shall be in the nature of a re-hearing.

“(3) On the hearing of an appeal under this section, the Court may, by order, affirm, vary or revoke the direction or order, and may make such other order as to it seems fit.

“(4) The lodging of an appeal under this section does not, pending the hearing of the appeal, affect the validity of the direction or order the subject of the appeal.”.

8. Section 14 of the Principal Ordinance is amended by omitting the words “One hundred dollars” and substituting the symbol and figures “\$500”. Directions under the regulations to be complied with, &c.

9. Section 16 of the Principal Ordinance is amended— Regulations.

(a) by omitting from paragraph (f) the words “One hundred dollars” and substituting the symbol and figures “\$500”; and

(b) by omitting from that paragraph the words “Twenty dollars” and substituting the symbol and figures “\$100”.

10. The Principal Ordinance is amended as set out in the Schedule to this Ordinance. Schedule.

## SCHEDULE

Section 10

Provision amended	Omit—	Substitute—
Sub-section 7 (1) . . . . .	Chief Officer of a fire brigade members of the fire brigade	Chief Officer members of the Brigade
Sub-section 7 (2) . . . . .	Chief Officer of a fire brigade member of a fire brigade	Chief Officer member of the Brigade
Sub-section 7 (3) . . . . .	Chief Officer of the fire brigade member of the fire brigade	Chief Officer member of the Brigade
Sub-section 7 (4) . . . . .	Chief Officer of a fire brigade to the Commonwealth	Chief Officer to Australia
Section 10 . . . . .	Chief Officer or other member of a fire brigade, Chief Officer of a fire brigade	Chief Officer, a member of the Brigade Chief Officer
Section 11 . . . . .	Chief Officer of a fire brigade, or Chief Officer of a fire brigade to	Chief Officer, or Chief Officer to
Paragraph 12 (a) . . . . .	member of a fire brigade member of the fire brigade	member of the Brigade member of the Brigade
Paragraph 12 (b) . . . . .	Chief Officer or other member of a fire brigade, or by	Chief Officer, a member of the Brigade or
Paragraph 12 (c) . . . . .	Chief Officer or other member of a fire brigade	Chief Officer, a member of the Brigade
Paragraph 12 (d) . . . . .	Chief Officer or other member of a fire brigade	Chief Officer or a member of the Brigade
Paragraph 12 (i) . . . . .	Chief Officer of a fire brigade	Chief Officer
Sub-section 14 (2) . . . . .	Chief Officer of a fire brigade	Chief Officer
Section 15 . . . . .	the Commonwealth	Australia
Sub-paragraph 16 (b) (i) . . . . .	members of a fire brigade equipment of a fire brigade	members of the Brigade equipment of the Brigade
Sub-paragraph 16 (d) (i) . . . . .	members of a fire brigade	members of the Brigade
Sub-paragraph 16 (d) (ii) . . . . .	equipment of a fire brigade	equipment of the Brigade