
Fire Brigade (Administration) (Amendment) Ordinance 1982

No. 21 of 1982

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

Dated 27 May 1982.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

An Ordinance to amend the *Fire Brigade (Administration) Ordinance 1974*

Short title

1. This Ordinance may be cited as the *Fire Brigade (Administration) (Amendment) Ordinance 1982*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Fire Brigade (Administration) Ordinance 1974*.²

Interpretation

4. Section 3 of the Principal Ordinance is amended—

- (a) by omitting "or a person appointed under section 11 to act in the office of Commissioner" from the definition of "Commissioner"; and
- (b) by inserting after the definition of "Commissioner" the following definition:

"'Deputy Commissioner' means the Deputy Fire Commissioner appointed under section 4A;"

Heading to Part II

5. The heading to Part II of the Principal Ordinance is omitted and the following heading substituted:

“PART II—THE FIRE COMMISSIONER AND DEPUTY FIRE COMMISSIONER”.

6. After section 4 of the Principal Ordinance the following section is inserted:

Deputy Fire Commissioner

“4A. There shall be a Deputy Fire Commissioner, who shall be appointed by the Minister.”.

Tenure of office

7. Section 5 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1) “and the Deputy Commissioner each” after “Commissioner”; and
- (b) by inserting in sub-section (3) “or the Deputy Commissioner” after “Commissioner” (wherever occurring).

Remuneration and allowances

8. Section 6 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “shall” and substituting “and the Deputy Commissioner shall each”; and
- (b) by omitting from sub-section (2) “shall” and substituting “and the Deputy Commissioner shall each”.

Leave of absence

9. Section 7 of the Principal Ordinance is amended by inserting “or the Deputy Commissioner” after “Commissioner”.

Resignation

10. Section 8 of the Principal Ordinance is amended by inserting “or the Deputy Commissioner” after “Commissioner”.

Commissioner and Deputy Commissioner not to undertake other work

11. Section 9 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1) “and the Deputy Commissioner” after “Commissioner”;
- (b) by inserting in sub-section (2) “or the Deputy Commissioner, as the case may be,” after “Commissioner”; and
- (c) by omitting from sub-section (3) “shall” and substituting “and the Deputy Commissioner shall each”.

Termination of employment

12. Section 10 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1) “or the Deputy Commissioner” after “Commissioner”; and
- (b) by omitting from sub-section (2) “if the Commissioner” and substituting “or the Deputy Commissioner if the Commissioner or Deputy Commissioner, as the case may be”.

Repeal

13. Section 11 of the Principal Ordinance is repealed.

14. After section 12 of the Principal Ordinance the following section is inserted:

Functions and powers of Deputy Commissioner

“12A. (1) The Deputy Commissioner shall have and may exercise, subject to the control of the Commissioner, all the powers and functions of the Commissioner under this Ordinance, except the power of delegation under section 15.

“(2) Where, under this Ordinance, the exercise of a power or function by the Commissioner is dependent upon the opinion, belief or state of mind of the Commissioner in relation to a matter, that power or function may be exercised by the Deputy Commissioner upon the opinion, belief or state of mind of the Deputy Commissioner in relation to that matter.”.

Establishment of Fire Brigade

15. Section 16 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (2) (a) “and”; and
- (b) by inserting after paragraph (2) (a) the following paragraph:
“(aa) the Deputy Commissioner; and”.

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on 4 June 1982.
- 2. No. 52, 1974 as amended by Nos. 4, 10 and 38, 1975; No. 46, 1978; No. 40, 1980.