

AUSTRALIAN CAPITAL TERRITORY  
FIRE BRIGADE (ADMINISTRATION) (AMENDMENT)  
ORDINANCE 1982

No.21 of 1982  
EXPLANATORY STATEMENT

The proposed Fire Brigade (Administration) (Amendment) Ordinance 1982 (the amending Ordinance) amends the Fire Brigade (Administration) Ordinance 1974 (the Principal Ordinance) to provide for the creation of a new position of Deputy Fire Commissioner. Subject to the control of the Commissioner, the Deputy Fire Commissioner will have all the powers and functions of the Commissioner except the Commissioner's power of delegation.

Sections 1 to 3 of the amending Ordinance deal with interpretation and commencement.

Section 4 of the amending Ordinance amends section 3 of the Principal Ordinance to remove from the definition of 'Commissioner' the reference to acting Commissioners and to insert a new definition of 'Deputy Commissioner'.

Section 5 of the amending Ordinance effects a consequential amendment to the heading of Part II of the Principal Ordinance.

Section 6 of the amending Ordinance inserts a new section 4A in the Principal Ordinance to create a new position of Deputy Fire Commissioner to be appointed by the Minister.

Section 7 of the amending Ordinance amends section 5 of the principal Ordinance to provide that the Minister may determine terms and conditions of appointment of the Deputy Fire Commissioner including the period of appointment or re-appointment provided that the period does not exceed 7 years or extend beyond the time when the appointee will be 65 years of age.

Section 8 of the amending Ordinance amends section 6 of the Principal Ordinance to provide that the Deputy Fire Commissioner shall be paid salary and allowances as prescribed.

Section 9 of the amending Ordinance amends section 7 of the Principal Ordinance to provide that the Deputy Fire Commissioner may be granted leave of absence on such terms and conditions as the Minister determines.

Section 10 of the amending Ordinance amends section 8 of the Principal Ordinance to provide that the Deputy Fire Commissioner may resign his office in writing, such resignation to take effect when it is accepted by the Minister.

Section 11 of the amending Ordinance amends section 9 of the Principal Ordinance to provide that the Deputy Fire Commissioner may not engage in other paid employment except with the Minister's approval which will not be given unless the Minister is satisfied that such employment will not interfere with the performance of the Deputy Fire Commissioner's duties.

Section 12 of the amending Ordinance amends section 10 of the Principal Ordinance to provide that the Minister may retire the Deputy Fire Commissioner on the ground of invalidity or terminate his appointment if he is absent without leave for 14 consecutive days, or for 28 days in any 12 month period, misbehaves, becomes bankrupt or applies under any law for the relief of bankrupt or insolvent debtors or compounds with creditors or assigns his remuneration for his creditors' benefit.

Section 13 of the amending Ordinance repeals section 11 of the Principal Ordinance which provided for the appointment of an Acting Fire Commissioner. The amending Ordinance which creates a new office of Deputy Fire Commissioner, removes the need for persons to be appointed to act in the office of Commissioner.

Section 14 of the amending Ordinance inserts a new section 12A to provide that the Deputy Fire Commissioner shall have and may exercise, subject to the control of the Commissioner, all the powers of the Commissioner under the Ordinance except the power of delegation under section 15.

Section 15 of the amending Ordinance amends section 16 of the Principal Ordinance to include the Deputy Fire Commissioner in the establishment of the Brigade.