**Fire Rescue Victoria (General) Regulations 2020**

**S.R. No.**

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**Fire Rescue Victoria (General) Regulations 2020**

**S.R. No.**

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are to provide for—

(a) the management of employees of Fire Rescue Victoria; and

(b) the operation and administration of the Fire Rescue Victoria Appeals Commission; and

(c) fees and charges levied by Fire Rescue Victoria; and

(d) other matters authorised by the **Fire Rescue Victoria Act 1958** to be prescribed by regulation.

2 Authorising provision

These Regulations are made under section 34 of the **Fire Rescue Victoria Act 1958**.

3 Commencement

These Regulations come into operation on 1 July 2020.

4 Revocation

The Metropolitan Fire Brigades (General) Interim Regulations 2019[[1]](#endnote-2) are **revoked**.

5 Definitions

In these Regulations—

***appellant*** means an operational staff member who appeals against a decision of Fire Rescue Victoria under section 79H of the Act;

***appliance*** means any firefighting or emergency response vehicle that is used by operational staff members;

***Commission*** means the Fire Rescue Victoria Appeals Commission established under section 79 of the Act;

***failure by an alarm monitoring system*** means a fault or failure of an alarm monitoring service to automatically transmit a signal of an alarm of fire, or have that signal of an alarm of fire transmitted from an alarm monitoring service accepted by the Computer Aided Dispatch of Fire Rescue Victoria.

***general order*** means a general order issued under regulation 12;

***Persistent Feature Identifier (PFI)***means a government issued unique number provided at the creation of a feature or site that is retained until the feature or site is retired;

***Registrar*** means a Registrar appointed by the Commission;

***tested end-to-end*** means ensuring that signal integrity is maintained between the system components and systems in an alarm system;

***the Act*** means the **Fire Rescue Victoria Act 1958**.

Part 2—Fire Rescue Victoria

6 Insignia of Fire Rescue Victoria

(1) The insignia set out in Schedule 1 is the insignia for the purposes of section 75A(4) of the Act.

(2) The insignia may be used—

(a) on clothing worn by the Fire Rescue Commissioner, operational staff or any other person acting in the lawful execution of a power conferred by the Act or these Regulations; or

(b) on any other property whatever used for the purposes of the Act or these Regulations.

7 Service for the purpose of long service leave

(1) For the purposes of paragraph (b) of the definition of ***service*** in section 80(1) of the Act—

(a) a prescribed office is any office in the public sector within the meaning of the **Public Administration Act 2004**; and

(b) the prescribed extent of service is the extent to which that service—

(i) is continuous with service as an officer or employee of Fire Rescue Victoria; and

(ii) is service in respect of which long service leave or pay in lieu of the service has not been granted.

(2) For the purposes of subregulation (1)(b)—

(a) service in any office or employment prescribed in subregulation (1)(a) is taken to be continuous with service as an officer or employee of Fire Rescue Victoria if service as an officer or employee of Fire Rescue Victoria commences not more than 4 weeks (or any longer period Fire Rescue Victoria having regard to any special circumstances relating to any officer or employee may determine) from termination of the service prescribed in subregulation (1)(a); and

(b) the relevant extent of any service includes any period of war service in the armed forces of the Commonwealth of Australia that ended not more than 12 months before commencement of any other service or employment which under this regulation entitles the officer or employee to long service leave.

Part 3—Management of employees of Fire Rescue Victoria

Division 1—Appointment

8 Appointments by Fire Rescue Victoria

(1) An applicant for appointment by Fire Rescue Victoria must provide Fire Rescue Victoria with any necessary authority for Fire Rescue Victoria to conduct a criminal record search and any other enquiries about the applicant that are relevant to the applicant's suitability for appointment.

(2) An applicant for appointment as an employee of Fire Rescue Victoria must satisfy a medical officer approved by Fire Rescue Victoria of the applicant's fitness for service in the role for which the application is made.

Division 2—Fitness for duty

9 Fitness for duty

Operational staff members must on the request of any senior operational staff member satisfy a medical officer approved by Fire Rescue Victoria that they are fit to discharge their duties.

Division 3—Promotion

10 Promotion

(1) Fire Rescue Victoria may promote operational staff members.

(2) A promotion by Fire Rescue Victoria under subregulation (1) must be made on the basis of merit as defined in section 79P(3) of the Act.

(3) An applicant for promotion must satisfy a medical officer approved by Fire Rescue Victoria of the applicant's fitness for service in the role for which application for promotion has been made.

(4) The Fire Rescue Commissioner must give not less than one month's notice of the intention to accept applications for promotion to all positions other than senior positions.

(5) Every promotion of an operational staff member must be notified as soon as practicable to operational staff.

(6) A promotion made by Fire Rescue Victoria that is subject to the jurisdiction of the Commission becomes effective—

(a) if a member of the operational staff appeals to the Commission under section 79H(c) of the Act in relation to a promotion, only after the appeal has been heard and determined; or

(b) in all other cases, when the time for appealing expires.

Division 4—Discipline

11 General orders

(1) The Fire Rescue Commissioner may issue to operational staff any general orders the Fire Rescue Commissioner considers to be desirable.

(2) An operational staff member must comply with a general order applying to that staff member.

(3) Fire Rescue Victoria must keep a current General Order Book containing a signed copy of each general order issued under subregulation (1).

(4) A copy of the General Order Book must be kept and be accessible including by means of electronic communication at each place at which operational staff members are based.

12 Prohibitions on members

An operational staff member must not—

(a) disobey or fail to carry out a general order or any lawful order given in the course of their duty whether the order is in writing or not; or

(b) exceed or misuse the member's authority; or

(c) wilfully cause or allow loss, damage or injury to occur to any person or property; or

(d) when on duty, partake in or be under the influence of or affected by any intoxicating liquor, narcotic, hallucinogen, medication or substance that could or is likely to impair, limit or affect the member's performance of duty; or

(e) when on duty have any of the substances referred to in paragraph (d) in their possession or at the workplace; or

(f) act in a manner that is likely to bring discredit to the reputation of Fire Rescue Victoria or diminish public confidence in it; or

(g) be found guilty of having committed an indictable offence when on duty; or

(h) be found guilty of having committed an indictable offence under Division 2 of Part I of the **Crimes Act 1958** when not on duty if the offence involved dishonesty, corruption, intent to deceive or defraud or trespass.

13 Charges for offences

(1) If an operational staff member is charged with an offence under section 78A of the Act, the Fire Rescue Commissioner must ensure that the member is given 7 days' written notice of the particulars of the charge and the time and place of the hearing of that charge under section 78C of the Act.

(2) The Fire Rescue Commissioner must cause an operational staff member charged with an offence under section 78A of the Act to be given notice in writing of the decision made at the hearing of the charge.

(3) A notice under this regulation may be given personally or may be served by post on the member at the member's last known place of residence.

Division 5—Fire Rescue Victoria Appeals Commission

14 Time for notice of appeals

(1) An appellant must give notice of an appeal under section 79H of the Act in writing not later than 14 days after the appellant is notified of the matter appealed against.

(2) The Commission may, on the application in writing of an operational staff member, extend the time for making an appeal if the Registrar has not received notice of an appeal in compliance with subregulation (1).

15 Process for appeals

(1) A notice of appeal given under regulation 14(1) must—

(a) clearly state the grounds of the appeal; and

(b) give full particulars of every ground on which the appellant relies; and

(c) provide an address for service for the appellant.

(2) Copies of—

(a) correspondence or other documents (if any); and

(b) statements of fact—

relating to the subject matter of the appeal must be attached to the notice of appeal.

(3) The Registrar must forward to Fire Rescue Victoria a copy of the notice of appeal and copies of any documents or statements attached to the notice.

(4) The Registrar must refer the appeal to the Commission.

(5) The Senior Commissioner must advise the Registrar of the time and place of the hearing of the appeal.

(6) The Registrar must give Fire Rescue Victoria and the appellant not less than 14 days' notice of the time and place of the hearing of the appeal. (7) Notice to the appellant under subregulation (6) may be served by post on the appellant at the appellant's last known place of residence or at the address for service specified in the appellant's notice of appeal.

16 Register to be kept

(1) The Commission must keep a Register in which the particulars of each appeal and the Commission's determination are kept.

(2) Every entry in the Register must be signed by the Senior Commissioner or the Commissioner who heard the appeal.

(3) If the Commission determines an appeal it must cause a document recording its determination and signed by the Senior Commissioner or the Commissioner who heard the appeal to be delivered to Fire Rescue Victoria and to the appellant.

Part 4—Fees and charges for Fire Rescue Victoria services

17 Emergency attendances

(1) The following persons are liable to pay to Fire Rescue Victoria fees and charges—

(a) the owner, occupier or owners corporation of premises on which is installed—

(i) an automatic fire alarm system; or

(ii) equipment designed to detect a fire or other emergency conditions and transmit a signal of that detection—

for the attendance of a unit in response to a false alarm of fire given by or originating from that system or equipment if Fire Rescue Victoria is not satisfied that there was a reasonable excuse for the occurrence of a false alarm;

(b) if ordered to do so by a court, a person who has been convicted of giving or causing to be given a false report of fire under section 33 of the Act for the attendance of a unit in response to the false report;

(c) the owner or master of a vessel for the attendance of a unit in response to a fire on the vessel;

(d) in respect of an attendance of a unit in response to a hazardous material incident or toxic fire incident—

(i) the owner or occupier of premises at which the incident occurred; or

(ii) if the incident occurred on a street, road or highway (however described), the owner or driver of the vehicle transporting the materials involved in the incident;

(e) in respect of an attendance of a unit in special circumstances requiring the protection of life or property in case of fire, the person requiring the attendance or owner or occupier, as the case may be.

(2) The fees and charges to be paid to Fire Rescue Victoria are set out in item 1 of Schedule 2 and are payable for each appliance in attendance for each 15 minutes (or part of 15 minutes) during which the appliance is absent from its station.

18 Additional costs of hazardous material incidents and toxic fire incidents

(1) A person who is liable to pay a fee under regulation 17(1)(d) for the attendance of a unit in response to a hazardous material incident or toxic fire incident is, in addition to the fee required under that regulation, liable to pay to Fire Rescue Victoria any additional costs incurred by Fire Rescue Victoria calculated in accordance with subregulation (2).

(2) Additional costs of attending a hazardous material incident or toxic fire incident are the costs incurred by Fire Rescue Victoria in attending or dealing with the effects of attending the incident and include the following—

(a) the cost of obtaining advice as to the chemical analysis and environmental impact of materials involved in the incident or its containment;

(b) the cost of testing, cleaning, maintaining, repairing or replacing any equipment, including personal protective equipment;

(c) the cost of products purchased for, or consumed in, neutralising the hazard involved in the incident;

(d) the cost of hiring equipment and vehicles to deal with the hazard involved in the incident;

(e) the cost of removal and disposal of materials;

(f) the cost of medical and other expenses for testing and treating any persons injured, or at risk of injury, in attending the incident;

(g) the cost of transporting any person to deal with the hazard involved in the incident;

(h) the cost of any accommodation and meals for any persons attending the incident;

(i) any other costs incurred by Fire Rescue Victoria in attending the incident or dealing with the effects of the incident.

19 Property protection or loss mitigation services

Subject to any direction of the Minister under section 8 of the Act, the charges set by Fire Rescue Victoria from time to time under section 55C of the Act may be such charges as Fire Rescue Victoria thinks fit.

20 Road accident rescue services

(1) In respect of road accident rescue services provided to people entitled to compensation under section 60(2)(a) of the **Transport Accident Act 1986**, Fire Rescue Victoria may charge the Transport Accident Commission the fees agreed with the Transport Accident Commission.

(2) In respect of road accident rescue services provided to people entitled to compensation under section 99(1)(a) of the **Accident Compensation Act 1985** in relation to injuries sustained before 1 July 2014, Fire Rescue Victoria may charge the person or body responsible for payment of compensation under that section the fees agreed with that person or body.

(3) In respect of road accident rescue services provided to people entitled to compensation under section 224(1)(a) of the **Workplace Injury Rehabilitation and Compensation Act 2013** in relation to injuries sustained on or after 1 July 2014, Fire Rescue Victoria may charge the person or body responsible for payment of compensation under that section the fees agreed with that person or body.

(4) The fees agreed to under subregulations (1), (2) and (3) must take into account all relevant facts including— (a) the relevant portion of the purchase or replacement cost of vehicles, equipment and protective clothing used to provide the services and other items used for the services; and

(b) the operating costs of providing the services, including maintenance costs and the cost of employing staff to operate the services; and

(c) the organisational costs, including the cost of training people to provide the services, the co‑ordination of the services, the welfare of people providing the services and the corporate support costs incurred in providing the services and any other costs incurred in providing the services.

21 Fire protection charges

(1) Fire Rescue Victoria may, from time to time, fix fees and charges for any or all of the following services provided by Fire Rescue Victoria—

(a) inspections in relation to applications under the **Building Act 1993**;

(b) the provision of advice on fire prevention and suppression;

(c) the testing and inspection of fire prevention and suppression equipment.

(2) The person requesting a service referred to in subregulation (1) must pay the fee or charge fixed by Fire Rescue Victoria for the service under that subregulation.

Part 5—Fire prevention

22 Fire prevention notices

(1) For the purposes of section 87(3) of the Act, a fire prevention notice must be in the form set out in Schedule 3.

(2) For the purposes of section 88(3)(b) of the Act—

(a) the notice to be published in the relevant newspaper must be in the form set out in Schedule 4; and

(b) the prescribed particulars are—

(i) the substance of the steps to be taken to remove or minimise the threat of fire that are contained in the fire prevention notice; and

(ii) the date by which the owner or occupier must comply with the fire prevention notice; and

(iii) the address of the property or properties the subject of the fire prevention notice; and

(iv) the name and position of the person who is publishing the notice.

Part 6—Alarm monitoring information

23 Information in the case of an alarm pre‑connection

(1) For the purposes of section 78(1) of the Act, the prescribed information in the case of an alarm pre‑connection is—

(a) the name of the alarm monitoring service; and

(b) details of the site to be monitored, including the name, street, nearest cross street, suburb, Persistent Feature Identifier and GPS co-ordinates; and

(c) customer details, including entity name, postal address, email address, contact name and telephone number; and

(d) alarm number; and

(e) whether the alarm system has previously been connected to the Computer Aided Dispatch system by another alarm monitoring service.

(2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is—

(a) 5 working days prior to the connection of the alarm; or

(b) if 5 working days prior to the connection of the alarm is not practicable because the request to connect the alarm is made less than 5 working days before the alarm is to be connected, as close to 5 working days prior to the connection of the alarm as is reasonably possible.

24 Information in the case of alarm connection

(1) For the purposes of section 78(1) of the Act, the prescribed information in the case of an alarm connection is—

(a) the name of the alarm monitoring service; and

(b) details of the site being monitored, including the name, street, nearest cross street, suburb, Persistent Feature Identifier and GPS co-ordinates; and

(c) customer details, including entity name, postal address, email address, contact name and telephone number; and

(d) alarm details including the following (if available)—

(i) alarm number;

(ii) alarm signalling equipment address;

(iii) alarm signalling equipment location;

(iv) input device numbers;

(v) input device alarm types;

(vi) input device locations;

(vii) whether the input device is an automatic alarm; and

(e) date of connection; and

(f) whether the alarm system has been tested end-to-end from the site being monitored to the Computer Aided Dispatch service provider to Fire Rescue Victoria in real time and found to be operating correctly; and

(g) confirmation that the direct access location has been verified on the Computer Aided Dispatch map; and

(h) whether the alarm system has previously been connected to the Computer Aided Dispatch system by another alarm monitoring service.

(2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours of the connection of the alarm.

25 Information in the case of an alarm modification

(1) For the purposes of section 78(1) of the Act, the prescribed information in the case of a modification to any of the following details—

(a) the name of the alarm monitoring service;

(b) details of the site being monitored, including the name, street, nearest cross street, suburb, Persistent Feature Identifier and GPS co-ordinates;

(c) alarm details including the following (if available)—

(i) alarm number;

(ii) alarm signalling equipment address;

(iii) alarm signalling equipment location;

(iv) input device numbers;

(v) input device alarm types;

(vi) input device locations;

(vii) whether it is an automatic alarm;

(viii) the previous alarm number (if the alarm number has changed);

(d) relevant fire station and key peg numbers (if provided by Fire Rescue Victoria);

(e) customer details, including entity name, postal address, email address, contact name and telephone number

is the particulars of the modification, including the modified details.

(2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours of the modification of the details.

(3) For the purposes of section 78(1) of the Act, the prescribed information in the case of an alarm monitoring service that receives notice from Fire Rescue Victoria of any of the following information, or modification of that information, is notice of receipt of that information or modification—

(a) fire station number;

(b) key peg number;

(c) alarm signalling equipment location;

(d) input device location.

(4) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (3) is within 24 hours of receiving the information from Fire Rescue Victoria.

26 Information in the case of an alarm disconnection

(1) For the purposes of section 78(1) of the Act, the prescribed information in the case of an alarm disconnection is—

(a) the name of the alarm monitoring service; and

(b) alarm details including the following (if available)—

(i) alarm number;

(ii) input device numbers;

(iii) input device alarm types;

(iv) input device locations;

(v) whether it is an automatic alarm; and

(c) whether the disconnection relates to all or part of the alarm system and, if appropriate, which part or parts are being disconnected; and

(d) the date of disconnection; and

(e) whether the disconnection is permanent or temporary;

(f) the building permit number (if applicable);

(g) the reason for the disconnection;

(h) details of the site being monitored, including the name, street, nearest cross street, suburb, Persistent Feature Identifier and GPS co-ordinates;

(i) customer details, including entity name, postal address, email address, contact name and telephone number.

(2) For the purposes of section 78(1) of the Act, in the case of an alarm being disconnected pursuant to a building permit issued under the **Building Act 1993**, the prescribed period for providing the information in subregulation (1) is within 24 hours of the disconnection of the alarm.

(3) For the purposes of section 78(1) of the Act, in the case of an alarm being disconnected other than pursuant to a building permit issued under the **Building Act 1993**, the prescribed period for providing the information in subregulation (1) is 6 weeks prior to the disconnection of the alarm.

27 Information in the case of failure of alarm monitoring system

(1) For the purposes of section 78(1) of the Act, in the case of a failure by an alarm monitoring system to be able to automatically process and transmit an alarm of fire, the prescribed information is the alarm monitoring service, and the time and date of the failure.

(2) For the purposes of section 78(1) of the Act, in the case of the reinstatement of a failed alarm monitoring system, the prescribed information is the time and date of the reinstatement.

(3) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 15 minutes of the failure of the alarm monitoring system.

(4) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (2) is within 1 hour of the reinstatement of a failed alarm monitoring system.

28 Isolation and testing data

(1) For the purposes of section 78(1) of the Act, the prescribed information in the case of a review of the isolation and testing records of all alarms connected to an alarm monitoring service is the raw data generated by alarm signalling equipment connected to the alarm monitoring service regarding the isolation and testing of that equipment.

(2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 5 working days of the review.

29 Information for verification purposes

(1) For the purposes of section 78(1) of the Act, the prescribed information in the case of the verification of all alarms connected to an alarm monitoring service is the raw data generated by alarm signalling equipment connected to the alarm monitoring service in relation to—

(a) the name of the alarm monitoring service; and

(b) details of the site being monitored, including the name, street, nearest cross street, suburb, Persistent Feature Identifier and GPS co-ordinates; and

(c) details of each alarm including the following (if available)—

(i) alarm number;

(ii) alarm signalling equipment address;

(iii) alarm signalling equipment location;

(iv) input device numbers;

(v) input device alarm types;

(vi) input device locations;

(vii) whether the input device is an automatic alarm; and

(d) the fire station and key peg numbers (if provided by Fire Rescue Victoria).

(2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours of the verification.

Schedule 1—Insignia of Fire Rescue Victoria

Regulation 6

A picture containing clock, room

Description automatically generatedSchedule 2—Fees and charges for Fire Rescue Victoria services

Regulation 17

| *Item No.* | *Reg. No.* | *Description* | *Amount* |
| --- | --- | --- | --- |
| 1 | 17 | Emergency attendances | 39·06 fee units for each appliance in attendance for each 15 minutes (or part of 15 minutes) during which the appliance is absent from its station. |

Schedule 3—Fire prevention notice

Regulation 22(1)

**Fire Rescue Victoria Act 1958**

Fire Rescue Victoria (General) Regulations 2020

Fire Prevention Notice

I direct of

the owner or occupier of [*insert address or certificate of title number*] to do the work specified below.

All work must be completed not later than:

Work to be completed:

[*Specify the part or parts of the land affected by this notice and the steps required to remove or minimise the threat of fire*].

Date:

Signature:

Name and position:

Schedule 4—Notice to owners or occupiers of land

Regulation 22(2)

**Fire Rescue Victoria Act 1958**

Fire Rescue Victoria (General) Regulations 2020

Notice to Owners or Occupiers of Land

To the owner/occupier or owners/occupiers of land described below.

A notice to

[*insert substance of steps to be taken to remove or minimise the threat of fire*]

not later than / / has been affixed on the following properties in accordance with section 88(3) of the **Fire Rescue Victoria Act 1958**.

Date:

Name and position:

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1. [↑](#endnote-ref-2)