NORTHERN TERRITORY OF AUSTRALIA

FIRE AND EMERGENCY REGULATIONS 1996

As in force at 1 October 2019

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 October 2019

FIRE AND EMERGENCY REGULATIONS 1996

Regulations under the *Fire and Emergency Act 1996*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Fire and Emergency Regulations 1996.*

2 Definitions

In these Regulations:

AS, followed by a designation, means the Australian Standard having that designation.

Australian Standard means a standard published by Standards Australia Limited ABN 85 087 326 690, as in force from time to time.

Building Code means the Building Code of Australia published by the Australian Building Codes Board, as in force from time to time.

caravan means a habitable structure designed to be towed or carried by a motor vehicle (whether or not the structure has wheels), and includes an annex attached to the structure.

manufactured home means a structure that:

(a) has the character of a dwelling house; and

(b) is designed to be able to be moved from one place to another;

and includes an annex attached to the structure.

moveable dwelling means:

(a) a manufactured home; or

(b) a caravan; or

(c) a permanently sited tent that:

(i) has a permanent floor structure; and

(ii) is used or offered for use for residential purposes.

Part 2 General requirements

3 Firebreaks

(1) The occupier or, if there is no occupier, the owner of land in an emergency response area must ensure a firebreak that complies with this regulation is created and maintained along the entire boundary of the land.

Maximum penalty: 100 penalty units.

(2) The firebreak must:

(a) be at least 4 m wide; and

(b) consist of one or more of the following:

(i) bare earth;

(ii) grass not exceeding 50 mm high;

(iii) lawn or cultivated garden.

(3) However, the firebreak may contain trees if they do not:

(a) restrict fire-fighting vehicles being driven along the firebreak; or

(b) otherwise pose a direct or indirect danger by fire or other emergency to life or property.

4 Accumulation of flammable or combustible material

Subject to regulation 12, the occupier or, if there is no occupier, the owner of land must ensure flammable or combustible material does not accumulate on the land in a way that constitutes a danger by fire.

Maximum penalty: 100 penalty units.

5 Stacked containers

The occupier of land on which empty cases, boxes, cartons or other containers of a flammable or combustible nature are stacked in the open air must ensure each stack:

(a) is not more than 2 m high; and

(b) is built on a base not more than 2 m wide; and

(c) is accessible on all sides by means of a passageway at least 1 m wide; and

(d) is not less than 4 m from any structure on the land or the boundary of the land.

Maximum penalty: 100 penalty units.

6 Stacked timber and wood

The occupier of land on which sawn timber or wood is stacked in the open air must ensure:

(a) each stack is not more than 3 m high; and

(b) each stack is built on a base not more than 2.5 m wide; and

(c) each stack is accessible on all sides by means of a passageway at least 1.5 m wide; and

(d) the ground is so cleared that there is no flammable or combustible matter within 4 m of each stack; and

(e) each stack is not less than 4 m from any structure on the land or the boundary of the land.

Maximum penalty: 100 penalty units.

7 Stacked flammable or combustible material

The occupier of land on which bulk flammable or combustible material is stored, whether loose or packed in cases, bags, bales, cartons or boxes, must ensure:

(a) the flammable or combustible material is not stored in a way that constitutes a danger by fire; and

(b) if the flammable or combustible material is stored in an enclosed building:

(i) it is stored in bays the dimensions of which do not exceed 3 m in length or width; and

(ii) the top of the stack of material in each bay is at least 75 cm below the ceiling of the building; and

(iii) there is a clear passageway at least 1.5 m wide between each bay; and

(c) the flammable or combustible material is stored not less than 4m from the boundary of the land.

Maximum penalty: 100 penalty units.

7A Stacked tyres

(1) The occupier of land on which tyres (whether new or used) are stacked must ensure that:

(a) the height of any stack does not exceed 3 m; and

(b) the base layer of tyres in any stack does not exceed 45 m in length and 5 m in width; and

(c) the slope of any side of any stack is not steeper than 1:1.

Maximum penalty: 100 penalty units.

(2) The occupier must ensure that stacks are separated from each other, and from the boundary of the land:

(a) by not less than 10 m at any point; or

(b) by walls that have a fire rating of not less than 4 hours.

Maximum penalty: 100 penalty units.

(3) The occupier must ensure that, if stacks are separated by walls:

(a) the walls exceed the height of the stacks by not less than 1.5 m and protrude not less than 1.5 m past the stack at either end; and

(b) the stacks are not grouped more than 2 stacks in either direction; and

(c) the aggregate width of the group does not exceed 10 m; and

(d) the aggregate length of the group does not exceed 90 m; and

(e) a group of stacks is separated from any other flammable or combustible material (including any other group of stacks, any individual stacks and grass or weeds) by not less than 10 m at any point.

Maximum penalty: 100 penalty units.

8 Flues

The occupier of a building in which a fume or exhaust flue has been constructed must ensure the flue is:

(a) fitted with inspection ports; and

(b) inspected at least twice annually; and

(c) cleaned at least annually.

Maximum penalty: 100 penalty units.

9 Cutting, heating and welding equipment

(1) The occupier of land on which cutting, heating or welding equipment, as defined in AS 1674 (Safety in welding and allied processes), is used as part of a business conducted on the land must ensure, while the equipment is being used:

(a) a fire extinguisher of a type that is appropriate in accordance with AS 2444 (Portable fire extinguishers and fire blankets – Selection and location), having regard to the equipment being used, is readily accessible to the person using the equipment; and

(b) where there is a possibility of danger by fire to life or property, a protective screen surrounds the area in which the equipment is being used.

Maximum penalty: 100 penalty units.

(2) A person using cutting, heating or welding equipment, as defined in AS 1674 (Safety in welding and allied processes), whether in the open air or in an enclosed space, must ensure all welding dross or residue that may be a source of ignition for flammable or combustible material or that may cause a fire is contained within the immediate vicinity of the equipment and properly extinguished.

Maximum penalty: 100 penalty units.

10 Oily waste

The occupier of land on which a factory, workshop, service station, engine-room, power station or shipyard is situated must ensure:

(a) adequate steel containers are provided for all polishing cloths, oil-soaked rags and oily waste; and

(b) the containers are fitted with secure tightly fitting lids.

Maximum penalty: 100 penalty units.

11 Emergency planning for certain buildings

(1AA) The classes of buildings (***prescribed buildings***) specified in Schedule 2 are prescribed for section 27A(1) of the Act.

(1) The owner of a prescribed building must ensure all persons who work in the building are given instruction in accordance with subregulation (2) on measures for the protection of persons in the building from fire and fire related emergencies:

(a) not later than 30 days after commencing work in the building; and

(b) at intervals of not more than 12 months while they continue to work in the building.

Maximum penalty: 100 penalty units.

(2) The instruction must include information relating to the following:

(a) the means of access to and egress from the building;

(b) the location of fire-fighting equipment available in the building and the method of use of the equipment;

(c) the location of warning apparatus in the building and the method of use of the apparatus;

(d) for persons nominated as fire wardens for areas of the building:

(i) conducting other persons to the means of egress mentioned in paragraph (a) or a place of safety; and

(ii) the methods of accounting for persons and reporting to the person for the time being in charge of the building.

(3) The owner of a prescribed building must keep a register containing details of the following:

(a) the information to be given to persons working in the building;

(b) the name of the person responsible for giving the instruction required by this regulation and the date on which such instruction was given;

(c) the names of the persons or the groups of persons to whom instruction was given and a description of the kind of instruction given.

Maximum penalty: 20 penalty units.

(4) The owner must produce the register for inspection on demand by a member.

Maximum penalty: 100 penalty units.

(5) The owner of a prescribed building must ensure the requirements of AS 3745 (Planning for emergencies in facilities) are applied to safety systems that are installed in the building.

Maximum penalty: 100 penalty units.

(6) The owner of a prescribed building must ensure:

(a) fire alarms and other warning apparatus, exit lights, emergency lighting and fire-fighting equipment are maintained in accordance with relevant standards; and

(b) there is no obstruction of designated fire exits or the path of travel to those exits; and

(c) flammable or combustible material is not stored in, or in the vicinity of, stairways or exits; and

(d) designated fire exits are:

(i) fitted with locking devices that comply with the relevant Australian Standard and any legislative requirements; and

(ii) not fitted with any non-compliant locking devices; and

(e) if any law provides for a maximum permissible number of persons that may be in the building at any time – the number of persons in the building does not exceed the maximum.

Maximum penalty: 100 penalty units.

11A Evacuation of building

A person must evacuate a building if:

(a) a fire alarm or other warning apparatus in the building has been activated; and

(b) the person is directed to evacuate by the person who is, for the time being, in charge of the building or a person nominated as a fire warden for the building.

Maximum penalty: 100 penalty units.

12 Accommodation parks

(1) An accommodation park owner commits an offence if the owner fails to do any of the following in relation to the accommodation park:

(a) ensure all moveable dwellings in the park are separated from each other, buildings, internal roadways and the boundary of the park by at least 3 m at every point;

(b) ensure access into and within the park is sufficient to enable fire-fighting vehicles to enter and access all areas of the park;

(c) comply with AS 2441 (Installation of fire hose reels) in relation to the installation of fire hose reels in the park;

(d) ensure flammable or combustible material does not accumulate in the park in a way that constitutes a danger by fire;

(e) prepare an emergency management plan for the park showing the number of each site and the location of fire-fighting equipment and evacuation points in the park;

(f) ensure all staff employed at the park are trained in the procedures contained in the plan;

(g) ensure a copy of the plan is:

(i) given to each person who occupies a site in the park; and

(ii) displayed in at least one prominent location within the park.

Maximum penalty: 100 penalty units.

Note for subregulation (1)

Requirements relating to the installation and maintenance of smoke alarms are contained in Part 2A.

(2) In this regulation:

accommodation park means an area of land used or intended to be used (whether seasonally or not) as a complex of sites or moveable dwellings or both, for which rights of occupancy are conferred under site agreements (whether with or without common areas that may include bathroom, toilet and laundry facilities).

accommodation park owner, for an accommodation park, means any person who is (either wholly or partly) the owner of the business that operates the park.

site agreement means an agreement under which an accommodation park owner grants another person, for valuable consideration, a right to:

(a) occupy a site in the owner's accommodation park, and place a caravan on the site, for residential purposes; or

(b) occupy a site in the owner's accommodation park, and a moveable dwelling made available on the site by the accommodation park owner, for residential purposes.

Part 2A Requirements relating to smoke alarms

13 Definitions

In this Part:

class 1 building means a building that, under the Building Code, is classified as a class 1 building.

class 2 building means a building that, under the Building Code, is classified as a class 2 building.

class 3 building means a building that, under the Building Code, is classified as a class 3 building.

class 4 part of a building means a part of a building that, under the Building Code, is classified as a class 4 building.

hire agreement means an agreement under which the owner of a moveable dwelling grants to another person (whether or not for valuable consideration):

(a) a right which may be (but need not be) an exclusive right to occupy the dwelling for residential purposes; or

(b) a right to otherwise use the dwelling.

hirer, for a moveable dwelling, means:

(a) any person who has a right to occupy or use the dwelling under a hire agreement; or

(b) if the right to occupy or use the dwelling has been transferred in any way to another person – the other person.

Example

A right to occupy or use a moveable dwelling may be transferred by a hirer entering into a sub-hire agreement or an assignment of a hire agreement.

information statement means the information given to the tenant or hirer under regulation 13D(1)(e).

residential premises means:

(a) a class 1 building; or

(b) a sole occupancy unit in a class 2 building; or

(c) a class 3 building; or

(d) a class 4 part of a building.

tenancy agreement means an agreement under which the owner of residential premises grants to another person (whether or not for valuable consideration) a right which may be (but need not be) an exclusive right to occupy the premises for residential purposes.

tenant, for residential premises, means:

(a) any person who has a right to occupy the premises under a tenancy agreement; or

(b) if the right to occupy the premises has been transferred in any way to another person – the other person.

Example

A right to occupy residential premises may be transferred by a tenant entering into a sub-tenancy agreement or an assignment of a tenancy agreement.

wired, in relation to a smoke alarm, means the smoke alarm:

(a) is hard wired to mains electricity; and

(b) has an internal stand-by battery designed to be replaced by the user.

13A Requirement to install smoke alarms

(1) The owner of residential premises or a moveable dwelling must ensure approved smoke alarms are installed in the premises or dwelling in accordance with the requirements of regulation 13B.

Maximum penalty: 10 penalty units.

(2) However, if on the commencement of this regulation one or more ionisation smoke alarms have been installed in the residential premises or moveable dwelling in accordance with the requirements of regulation 13B, subregulation (1) does not apply in relation to the premises or dwelling until the earlier of the following:

(a) if an ionisation smoke alarm installed in the premises or dwelling ceases to function – the day of the cessation;

(b) if the owner enters into a contract to sell the premises or dwelling – the day before the date of settlement of the contract;

(c) if the owner agrees to enter into a tenancy agreement, or renew or extend a tenancy agreement, in relation to the premises – the day before the tenancy agreement or renewal or extension takes effect;

(d) if the owner agrees to enter into a hire agreement, or renew or extend a hire agreement, in relation to the dwelling – the day before the hire agreement or renewal or extension takes effect.

(3) In this regulation:

approved smoke alarm means a photo-electric type smoke alarm that:

(a) complies with AS 3786 (Smoke alarms); and

(b) is wired or is a sealed 10 year lithium battery unit.

ionisation smoke alarm means an ionisation type smoke alarm that complies with AS 3786 (Smoke alarms).

13B Installation

(1) For residential premises, smoke alarms must be installed in accordance with the following:

(a) for a class 1a building – specification 3.7.2.3 of the Building Code;

(b) for a class 1b building – specification 3.7.2.4 of the Building Code;

(c) for a sole-occupancy unit in a class 2 building or a class 4 part of a building – specification E 2.2a, clause 3(c)(i) of the Building Code;

(d) for a class 3 building – specification E 2.2a of the Building Code.

(2) For a manufactured home to which subregulation (1) does not apply and for a tent, smoke alarms must be installed on or near the ceiling:

(a) in every corridor or hallway associated with a bedroom; or

(b) if there is no corridor or hallway associated with a bedroom – between the part of the dwelling containing the bedroom and the remainder of the dwelling.

(3) For a caravan, one smoke alarm must be installed on the ceiling of the caravan.

(4) If it is not practicable for a smoke alarm to be installed at the location required under this regulation, the smoke alarm may be installed at another location that will provide a warning to occupants of the residential premises or moveable dwelling.

Example for subregulation (4)

A smoke alarm that is regularly activated by steam from a bathroom or smoke or fumes from a kitchen may be moved to another appropriate location.

13C Maintenance in residential premises and moveable dwellings used by owner

(1) This regulation applies to:

(a) residential premises that are occupied for residential purposes by the owner of the premises; and

(b) a moveable dwelling that is occupied for residential purposes, or used for sleeping, by the owner of the dwelling.

(2) The owner of the residential premises or moveable dwelling must do the following:

(a) test each smoke alarm in the premises or dwelling, in accordance with regulation 13E, at intervals of not more than 12 months;

(b) immediately replace a smoke alarm that does not function when tested;

(c) immediately replace a stand-by battery in a wired smoke alarm in the premises or dwelling, in accordance with the manufacturer's instructions, if:

(i) the battery is spent; or

(ii) the owner is aware the battery is almost spent;

(d) clean each smoke alarm in the premises or dwelling in accordance with the manufacturer's instructions at intervals of not more than 12 months.

Maximum penalty: 5 penalty units.

Note for paragraph (c)

A smoke alarm may emit a warning signal (for example, a beeping sound) when its battery is almost spent.

Note for paragraph (d)

The manufacturer's instructions may require that the smoke alarm be cleaned with a vacuum cleaner to remove dust and other materials that may hinder its performance.

13D Maintenance in residential premises and moveable dwellings used by tenant or hirer

(1) Within 30 days before the start of a tenancy agreement in relation to residential premises, or a hire agreement in relation to a moveable dwelling, the owner of the premises or dwelling must do the following:

(a) test each smoke alarm in the premises or dwelling in accordance with regulation 13E;

(b) replace a smoke alarm that does not function when tested;

(c) replace a stand-by battery in a wired smoke alarm in the premises or dwelling, in accordance with the manufacturer's instructions, if:

(i) the battery is spent; or

(ii) the owner is aware the battery is almost spent;

(d) clean each smoke alarm in the premises or dwelling in accordance with the manufacturer's instructions;

(e) give the tenant or hirer written information about testing and maintaining the smoke alarms.

Maximum penalty: 5 penalty units.

Note for paragraph (c)

A smoke alarm may emit a warning signal (for example, a beeping sound) when its battery is almost spent.

Note for paragraph (d)

The manufacturer's instructions may require that the smoke alarm be cleaned with a vacuum cleaner to remove dust and other materials that may hinder its performance.

(2) During the term of a tenancy agreement or hire agreement, the tenant of the residential premises or hirer of the moveable dwelling must do the following:

(a) test each smoke alarm in the premises or dwelling, in accordance with regulation 13E, at intervals of not more than 12 months;

(b) if a smoke alarm does not function when tested – advise the owner of the premises or dwelling as soon as practicable;

(c) replace each stand-by battery in a wired smoke alarm in the premises or dwelling, in accordance with the information statement, if:

(i) the battery is spent; or

(ii) the tenant or hirer is aware the battery is almost spent;

(d) clean each smoke alarm in the premises or dwelling, in accordance with the information statement, at intervals of not more than 12 months.

Maximum penalty: 5 penalty units.

Note for paragraph (c)

A smoke alarm may emit a warning signal (for example, a beeping sound) when its battery is almost spent.

Note for paragraph (d)

The manufacturer's instructions may require that the smoke alarm be cleaned with a vacuum cleaner to remove dust and other materials that may hinder its performance.

(3) As soon as practicable after receiving advice under subregulation (2)(b) about a smoke alarm, the owner of the residential premises or moveable dwelling must:

(a) test the smoke alarm; and

(b) replace the smoke alarm if it does not function when tested.

Maximum penalty: 5 penalty units.

13E Testing

A smoke alarm must be tested in the following way:

(a) for an alarm that can be tested by pressing a button or other device to indicate whether the alarm is capable of detecting smoke – by pressing the button or other device;

(b) otherwise – by testing the alarm in the way stated in the manufacturer's instructions.

13F Agent may act for owner

(1) A requirement imposed on an owner to comply with this Part in relation to a smoke alarm at residential premises or a moveable dwelling may be complied with for the owner by the owner's agent.

(2) However, if the residential premises or moveable dwelling is subject to a tenancy agreement or hire agreement, the tenant or hirer cannot be the owner's agent for complying with this Part.

13G No interference with smoke alarms

(1) This regulation applies to a smoke alarm installed in residential premises or a moveable dwelling.

(2) A person must not:

(a) subject to regulation 13H(2), remove the smoke alarm; or

(b) remove a battery from the smoke alarm; or

(c) do anything that would reduce the effectiveness of the warning provided by the smoke alarm.

Maximum penalty: 10 penalty units.

(3) However, this regulation does not prevent a person from:

(a) removing the smoke alarm to comply with regulation 13A; or

(b) removing a battery from the smoke alarm to comply with regulation 13C or 13D.

13H Part applies to all smoke alarms

(1) To avoid doubt, this Part (other than regulations 13A and 13B) applies in relation to a smoke alarm installed in residential premises or a moveable dwelling even though the smoke alarm is not required to be installed under regulation 13A.

(2) However, this Part does not prevent the owner of residential premises or a moveable dwelling from removing a smoke alarm that is not required to be installed under regulation 13A.

Part 3 Infringement notice offences

14 Definitions

In this Part:

infringement notice, see regulation 16.

infringement notice offence, see regulation 15(1).

prescribed amount, see regulation 15(2).

15 Infringement notice offence and prescribed amount payable

(1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 3.

(2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified opposite the offence in Schedule 3.

16 When infringement notice may be given

If a police officer or authorised person reasonably believes a person has committed an infringement notice offence, the officer or person may give a notice (an ***infringement notice***) to the person.

17 Contents of infringement notice

(1) The infringement notice must specify the following:

(a) the name and address of the person, if known;

(b) the date the infringement notice is given to the person;

(c) the date, time and place of the infringement notice offence;

(d) a description of the offence;

(e) the prescribed amount payable for the offence;

(f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to whom the prescribed amount is payable.

(2) The infringement notice must include a statement to the effect of the following:

(a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;

(b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;

(c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*, including (but not limited to) action for the following:

(i) suspending the person's licence to drive;

(ii) seizing personal property of the person;

(iii) deducting an amount from the person's wages or salary;

(iv) registering a statutory charge on land owned by the person;

(v) making a community work order for the person and imprisonment of the person if the person breaches the order.

(3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

18 Payment by cheque

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

18A Withdrawal of infringement notice

(1) Any of the following persons may withdraw the infringement notice by written notice given to the person:

(a) the person who gave the notice;

(b) a police officer authorised for the purpose by the Commissioner of Police;

(c) a person authorised for the purpose by the Director.

(2) The notice must be given:

(a) within 28 days after the infringement notice is given to the person; and

(b) before payment of the prescribed amount.

18B Application of Part

(1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.

(2) Also, this Part does not:

(a) require an infringement notice to be given; or

(b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or

(c) prevent more than one infringement notice for the same offence being given to a person.

(3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 4 Miscellaneous matters

19 Commissioned ranks

For section 44 of the Act, the rank of District Officer is prescribed.

20 Fees and charges

(1) For section 43 of the Act, the fees and charges specified in Schedule 4 are prescribed.

(2) The Director may, wholly or partly, waive a fee payable under the Act if satisfied:

(a) payment of the fee would cause financial hardship to the person required to pay the fee; or

(b) it is reasonable in all the circumstances to do so.

Schedule 2 Prescribed buildings

regulation 11

Buildings used for health care where the occupants undergo medical treatment and generally would need physical assistance to evacuate the building during an emergency, including:

(a) public or private hospitals;

(b) nursing homes or buildings used to accommodate sick or disabled persons needing full-time nursing care; and

(c) medical clinics, day surgeries or procedure units where patients may require medical care for some time after treatment.

Buildings used as child care centres.

Buildings used as places of public entertainment.

Buildings used for educational purposes, including schools, educational colleges and universities.

Buildings where people may assemble including for civic, theatrical, social, political, religious, recreational or transit purposes.

Buildings used for long term or transient residential accommodation for unrelated persons, including:

(a) boarding houses, guest houses, hostels, lodging-houses and back packers accommodation;

(b) the residential parts of motels and hotels;

(c) the residential parts of schools;

(d) accommodation for the aged, disabled or children; and

(e) the residential parts of buildings used for health care that accommodate medical staff.

Office buildings.

Shopping complexes, including super markets and large variety stores that incorporate smaller variety stores in the complex.

Buildings used as factories or warehouses, including buildings in which goods are manufactured, processed, produced, assembled, altered, packaged, finished, cleaned, stored or displayed.

Buildings used as fuel depots in which bulk fuels in tanks or packages are stored before distribution.

Buildings licensed under the *Liquor Act 2019* for the sale of liquor for consumption on the buildings and where entertainment is provided, including bars, restaurants, discotheques and nightclubs.

Buildings used as laboratories, whether for commercial, industrial and educational purposes.

Schedule 3 Infringement notice offences and prescribed amounts

regulation 15

Provision	Prescribed amount in penalty units
sections 21(1), 23(2), 25(4), 28, 30(6)(a), 32, 33, 35(1), 36(1), (3) and (5) and 41(2) of Act	4
regulations 3(1) and (4), 4, 5, 6, 7, 7A(1) to (3), 8, 9(1) and (2), 10, 11(1) and (3) to (6), 11A and 12(1)	4
regulation 13A(1)	1
regulations 13C(2) and 13D(1) to (3)	0.5
regulation 13G(2)	1

Schedule 4 Fees and charges

regulation 20

1 Definitions

In this Schedule:

alternative solution means a building solution to ensure a building that does not satisfy the "deemed-to-satisfy" provisions under the Building Code complies with the performance requirements applicable to it under the Building Code.

alternative solution meeting means a meeting to consider and decide on an alternative solution.

fire engineering design review, see clause 5.

item means an item of the Table in this Schedule.

NTFAST means the Northern Territory Fire Alarm System Transmission.

NTFRS report means a report by the Fire and Rescue Service as a reporting authority under the *Building Act 1993*.

2 Attendance at fire or other emergency

The following fees are payable if one or more members, with or without equipment, attends a fire or other emergency:

(a) the fees specified in item 1.1 for each member who attends;

(b) if a vehicle mentioned in item 1.2 is taken to the emergency by a member – the fees specified in the item;

(c) if an item of equipment mentioned in item 1.3 is used at the emergency by a member – the fees specified in the item.

3 Attendance if no fire or other emergency

The fee specified in item 2 is payable if:

(a) one or more members, with or without equipment, attends at a place in response to an alarm or call to the Fire and Rescue Service for attendance at a fire or other emergency; and

(b) there is in fact no fire or other emergency at the place.

4 NTFRS report

(1) The following fees and charges are payable for the preparation of an NTFRS report in relation to a building:

(a) the preparation fee specified in item 3.1;

(b) if a member inspects the building:

(i) a charge for the time the inspection takes at the rate specified in item 3.2; and

(ii) if the distance the member travels to inspect the building exceeds 100 km (return trip) – a charge for the distance travelled at the rate specified in item 3.3;

(c) if a member reinspects the building:

(i) a charge for the time the reinspection takes at the rate specified in item 3.4; and

(ii) if the distance the member travels to reinspect the building exceeds 100 km (return trip) – a charge for the distance travelled at the rate specified in item 3.3;

(d) if a member attends an alternative solution meeting for the purpose of preparing the report – the fee specified in item 5;

(e) if a fire engineering design review is undertaken for the purpose of preparing the report – the fee specified in item 6;

(f) if a search is undertaken for the purpose of preparing the report – the fee specified in item 7.

(2) The fee specified in item 4 is payable for a reassessment of an NTFRS report by a member.

5 Fire engineering design review

(1) A ***fire engineering design review*** is a review of a building or a structural plan for a building to determine whether implementation of an alternative solution will result in the building complying with the performance requirements applicable to it under the Building Code.

(2) A ***fire engineering design review*** includes an assessment of one or more of the following matters:

(a) fire initiation, development and control;

(b) smoke development, spread and control;

(c) fire spread, impact and control;

(d) fire detection, warning and suppression;

(e) occupant evacuation and control;

(f) fire brigade intervention.

(3) If a fire engineering design review includes an assessment of:

(a) only one of the matters mentioned in subclause (2) – it is a level 1 review; or

(b) at least 2 but not more than 5 of the matters mentioned in subclause (2) – it is a level 2 review; or

(c) all matters mentioned in subclause (2) – it is a level 3 review.

(4) The fees specified in item 6 are payable for a fire engineering design review.

5A Fire alarm system monitoring fees

The fee specified in item 8 is payable for monitoring a fire alarm system by NTFAST.

6 Other fees

For another matter mentioned in the Table, the prescribed fee is specified opposite the matter.

TABLE

Item	Particulars of fee or charge	Fee or charge (revenue units)
1	**Attendance at fire or other emergency**	
1.1	For each hour or part hour the member attends the emergency:	
	(a) incident commander	61
	(b) member holding rank as station officer	50
	(c) other member	45

Item	Particulars of fee or charge	Fee or charge (revenue units)
1.2	For each hour or part hour the vehicle is at the emergency:	
	(a) vehicle capable of pumping:	
	(i) up to 1 000 L per minute	115
	(ii) between 1 001 L and 3 000 L per minute	172
	(iii) more than 3 000 L per minute	230
	(b) vehicle with hydraulic ladder	287
	(c) emergency rescue vehicle	172
	(d) other vehicle	57
1.3	For each hour or part hour the equipment is used at the emergency:	
	(a) portable pump	69
	(b) breathing apparatus	51
	(c) fully encapsulating chemical suit	34
	(d) use of foam generator	23
	(e) fire hose	5
	(f) salvage sheet	5
2	**Attendance if no fire or other emergency**	
	For each attendance	924
3	**Preparation of NTFRS report**	
3.1	Preparation fee for building with floor area of:	
	(a) up to 700 m^2	406
	(b) between 701 m^2 and 1 100 m^2	730
	(c) between 1 101 m^2 and 1 500 m^2	893

Item	Particulars of fee or charge	Fee or charge (revenue units)
	(d) between 1 501 m^2 and 2 000 m^2	978
	(e) over 2 000 m^2	1 021 plus 8 for each 100 m^2 over 2 000 m^2
3.2	Inspection fee:	
	(a) if inspection takes 2 hours or less	264
	(b) if inspection takes more than 2 hours	264 for the first 2 hours plus 132 for each additional hour or part hour
3.3	For each kilometre travelled in excess of 100 km	1
3.4	For each hour or part hour of reinspection	312
4	**Reassessment of NTFRS report**	
	For each hour or part hour	156
5	**Alternative solution meeting**	
	For each meeting	406
6	**Fire engineering design review**	
	(a) level 1	397
	(b) level 2	652
	(c) level 3	1 304
7	**Search of Integrated Land Information System or Fire and Rescue Service database by member**	
	For each search undertaken	33
8	**Fire alarm system monitoring fees**	
	Annual fee	1 920

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Fire and Emergency Regulations* (SL No. 19, 1996)**

Notified	1 May 1996
Commenced	1 May 1996

***Statute Law Revision Act (No. 2) 2001* (Act No. 62, 2001)**

Assent date	11 December 2001
Commenced	11 December 2001 (s 2(1) and (4), s 2 *Corporations Reform (Consequential Amendments NT) Act 2001* (Act No. 17, 2001), s 2 Corporations Act 2001 (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

***Statute Law Revision Act (No. 2) 2003* (Act No. 44, 2003)**

Assent date	7 July 2003
Commenced	7 July 2003

***Fire and Emergency Amendment Regulations 2005* (SL No. 47, 2005)**

Notified	9 November 2005
Commenced	9 November 2005

***Statute Law Revision Act 2007* (Act No. 4, 2007)**

Assent date	8 March 2007
Commenced	8 March 2007

***Statute Law Revision Act 2008* (Act No. 6, 2008)**

Assent date	11 March 2008
Commenced	11 March 2008

***Fire and Emergency Legislation Amendment Act 2009* (Act No. 39, 2009)**

Assent date	15 December 2010
Commenced	24 February 2010 (*Gaz* G8, 24 February 2010, p 11)

Fire and Emergency Amendment Regulations 2011 **(SL No. 29, 2011)**

Notified	29 June 2011
Commenced	1 July 2011 (r 2, s 2 *Fire and Emergency Amendment Act 2010* (Act No. 49, 2010) and *Gaz* G26, 29 June 2011, p 8)

Fire and Emergency Amendment (Smoke Alarm) Regulations 2011 **(SL No. 43, 2011)**

Notified	31 August 2011
Commenced	1 November 2011 (r 2)

Fire and Emergency Amendment Regulations 2017 **(SL No. 14, 2017)**

Notified	29 June 2017
Commenced	1 July 2017 (r 2)

Liquor Act 2019 **(Act No. 29, 2019)**

Assent date	3 September 2019
Commenced	1 October 2019 (*Gaz* G39, 25 September 2019, p 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 17 and Sch 2 and 4.

4 LIST OF AMENDMENTS

pt 1 hdg	amd No. 29, 2011, r 11
r 2	amd No. 47, 2005, r 14; Act No. 4, 2007, s 7
	sub No. 29, 2011, r 4
	amd No. 43, 2011, r 4
r 3	rep No. 29, 2011, r 4
	ins No. 29, 2011, r 5
pt 2 hdg	amd No. 29, 2011, r 11
r 4	amd No. 47, 2005, r 14
	sub No. 29, 2011, r 5
r 5	amd No. 47, 2005, r 3; No. 29, 2011, r 11
r 6	amd No. 47, 2005, r 4; No. 29, 2011, r 11
r 7	amd No. 47, 2005, r 5; No. 29, 2011, r 11
r 7A	ins No. 47, 2005, r 6
	amd No. 29, 2011, r 11
r 8	amd No. 47, 2005, r 7; No. 29, 2011, r 11
r 9	amd No. 47, 2005, r 8; No. 29, 2011, r 11
r 10	amd No. 47, 2005, r 9; No. 29, 2011, r 11
r 11	sub No. 47, 2005, r 10
	amd Act No. 39, 2009, s 10; No. 29, 2011, r 11
r 11A	ins No. 29, 2011, r 6
r 12	amd Act No. 44, 2003, s 6
	sub No. 47, 2005, r 10; No. 43, 2011, r 5
pt 2A hdg	ins No. 43, 2011, r 5
	ins No. 43, 2011, r 5
rr 13 – 13H	ins No. 43, 2011, r 5
pt 3 hdg	sub No. 29, 2011, r 7
r 13	sub No. 47, 2005, r 10
	rep No. 29, 2011, r 7
rr 14 – 17	amd No. 47, 2005, r 14
	sub No. 29, 2011, r 7

r 18	sub No. 29, 2011, r 7
r 18A	ins No. 47, 2005, r 11
	sub No. 29, 2011, r 7
r 18B	ins No. 47, 2005, r 11
	amd Act No. 6, 2008, s 4
	sub No. 29, 2011, r 7
pt 4 hdg	amd No. 29, 2011, r 11
r 19	amd Act No. 62, 2001, s 7; No. 47, 2005, r 14; No. 29, 2011, r 11
r 20	rep No. 47, 2005, r 12
	ins No. 29, 2011, r 8
	amd No. 43, 2011, r 6
r 21	rep No. 47, 2005, r 12
sch 1	rep No. 29, 2011, r 9
sch 2	amd No. 29, 2011, r 11; Act No. 29, 2019, s 350
sch 3	amd No. 47, 2005, r 13
	sub No. 29, 2011, r 10
	sub No. 43, 2011, r 7
sch 4	ins No. 29, 2011, r 10
	amd No. 14, 2017, r 4