

NORTHERN TERRITORY OF AUSTRALIA

FIRE AND EMERGENCY AMENDMENT REGULATIONS 2011

Subordinate Legislation No. 29 of 2011

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Schedule Regulations further amended



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 29 of 2011*

Fire and Emergency Amendment Regulations 2011

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Fire and Emergency Act*.

Dated 17 June 2011

T. I. Pauling
Administrator

By His Honour's Command

K. Vatskalis
Minister for Health
acting for
Minister for Police, Fire and Emergency Services

* Notified in the *Northern Territory Government Gazette* on 29 June 2011.

1 Citation

These Regulations may be cited as the *Fire and Emergency Amendment Regulations 2011*.

2 Commencement

These Regulations commence on the commencement of the *Fire and Emergency Amendment Act 2010*.

3 Regulations amended

These Regulations amend the *Fire and Emergency Regulations*.

4 Regulations 2 and 3 replaced

Regulations 2 and 3

repeal, insert

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.

5 Regulation 4 replaced

Regulation 4

repeal, insert

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.

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- (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.

6 Regulation 11A inserted

After regulation 11

insert

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.

7 Part 3 replaced

Part 3

repeal, insert

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*, to whom the prescribed amount is payable.

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- (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* 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*, 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;

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- (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.

8 Regulation 20 inserted

After regulation 19

insert

20 Fees and charges

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

9 Schedule 1 repealed

Schedule 1

repeal

10 Schedule 3 replaced

Schedule 3

repeal, insert

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, 12(1), 12(2), 12(5) and 12(6)(c)	4

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.

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

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;

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- (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.

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
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	770
3	Preparation of NTFRS report	
3.1	Preparation fee for building with floor area of:	
	(a) up to 700 m ²	338
	(b) between 701 m ² and 1 100 m ²	608
	(c) between 1 101 m ² and 1 500 m ²	744
	(d) between 1 501 m ² and 2 000 m ²	815
	(e) over 2 000 m ²	851 plus 7 for each 100 m ² over 2 000 m ²
3.2	Inspection fee:	
	(a) if inspection takes 2 hours or less	220
	(b) if inspection takes more than 2 hours	220 for the first 2 hours plus 110 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	260
4	Reassessment of NTFRS report	
	For each hour or part hour	130
5	Alternative solution meeting	
	For each meeting	338
6	Fire engineering design review	
	(a) level 1	331
	(b) level 2	543
	(c) level 3	1 087

**7 Search of Integrated Land Information System
or Fire and Rescue Service database by
member**

For each search undertaken

33

11 Regulations further amended

The Schedule has effect.

Schedule Regulations further amended

regulation 11

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, at the end		matters
Part 2, heading	whole heading	Part 2 General requirements
regulation 5	in an emergency response area shall ensure that	must ensure
regulation 5(a) and (b)	2m	2 m
regulation 5(a) and (b), at the end		and
regulation 5(c)	1m	1 m
regulation 5(d)	4m	4 m
regulation 5, penalty provision	Penalty:	Maximum penalty:
regulation 6	in an emergency response area shall ensure that	must ensure
regulation 6(a)	3m	3 m
regulation 6(b)	2.5m	2.5 m
regulation 6(c)	1.5m	1.5 m
regulation 6(a) to (c), at the end		and
regulation 6(d) and (e)	4m	4 m
regulation 6, penalty provision	Penalty:	Maximum penalty:

regulation 7	in an emergency response area shall ensure that	must ensure
regulation 7(a)	such a way to constitute a danger of fire;	a way that constitutes a danger by fire; and
regulation 7(b)(i)	3m in length or in width;	3 m in length or width; and
regulation 7(b)(ii)	0.75m	75 cm
regulation 7(b)(iii)	1.5m	1.5 m
regulation 7, penalty provision	Penalty:	Maximum penalty:
regulation 7A(1)	in an emergency response area motor vehicle	
regulation 7A(1)(a)	metres;	m; and
regulation 7A(1)(b)	metres (<i>all references</i>)	m
regulation 7A(1), penalty provision	Penalty:	Maximum penalty:
regulation 7A(2)(a)	metres	m
regulation 7A(2), penalty provision	Penalty:	Maximum penalty:
regulation 7A(3)(a) and (c) to (e)	metres (<i>all references</i>)	m
regulation 7A(3)(a) to (c), at the end		and
regulation 7A(3), penalty provision	Penalty:	Maximum penalty:
regulation 8	in an emergency response area shall ensure that	must ensure

regulation 8(a), at the end		and
regulation 8, penalty provision	Penalty:	Maximum penalty:
regulation 9(1)	in an emergency response area	
	, is used as part of a business conducted on the land shall ensure that	(Safety in welding and allied processes), is used as part of a business conducted on the land must ensure
regulation 9(1)(a), after "AS 2444"		(Portable fire extinguishers and fire blankets – Selection and location)
regulation 9(1), penalty provision	Penalty:	Maximum penalty:
regulation 9(2)	cutting	cutting,
regulation 9(2)	, in an emergency response area shall ensure that	(Safety in welding and allied processes) must ensure
regulation 9(2), penalty provision	Penalty:	Maximum penalty:
regulation 10	in an emergency response area shall ensure that	must ensure
regulation 10(a)	rag or	rags and
regulation 10, penalty provision	Penalty:	Maximum penalty:
regulation 11, heading	Duties of owners and occupiers of	Emergency planning for

regulation 11(1)	whole subregulation	(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.
regulation 11(2), after "to"		the following
regulation 11(2)(a)	escape	egress
regulation 11(2)(c)	apparatus; and	apparatus;
regulation 11(2)(d)(i)	escape referred to	egress mentioned
regulation 11(2)(d)(ii)	or the Director	
regulation 11(3)	or occupier in an emergency response area details of	details of the following

regulation 11(3)(b)	given; and	given;
regulation 11(3), at the end		Maximum penalty: 20 penalty units.
regulation 11(4)	or occupier	
regulation 11(4), at the end		Maximum penalty: 100 penalty units.
regulation 11(5)	or occupier in an emergency response area must ensure that the requirements of AS 3745	must ensure the requirements of AS 3745 (Planning for emergencies in facilities)
regulation 11(5), penalty provision	Penalty:	Maximum penalty:
regulation 11(6)	or occupier in an emergency response area must ensure that	must ensure
regulation 11(6)(a), before "exit"		fire alarms and other warning apparatus,
regulation 11(6)(a) and (b), at the end		and
regulation 11(6)(c)	whole paragraph	(c) flammable or combustible material is not stored in, or in the vicinity of, stairways or exits; and
regulation 11(6), penalty provision	Penalty:	Maximum penalty:
Part 4, heading, at the end		matters
regulation 19	the purposes of	

Schedule 2, heading,
after "2"

Prescribed buildings
