

NORTHERN TERRITORY OF AUSTRALIA

FIRE SERVICE REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1983, No. 38*

Regulations under the *Fire Service Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Fire Service Act*.

Dated this 17th day of October, 1983.

E. E. JOHNSTON
Administrator

FIRE SERVICE REGULATIONS

PART I - PRELIMINARY

1. CITATION

These Regulations may be cited as the Fire Service Regulations.

2. INTERPRETATION

(1) In these Regulations, unless the contrary intention appears, "promote" means to promote a member to the rank next above the rank which the member held on the day immediately preceding the day on which the promotion was made, but does not include a temporary promotion.

(2) For the purposes of these Regulations, a member is efficient in relation to a rank if he is capable of performing the duties of that rank having regard to -

(a) his aptitude for the discharge of those duties;

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Fire Service Regulations

- (b) his relevant experience;
- (c) his training;
- (d) his capacity for development;
- (e) his relevant personal qualities; and
- (f) his conduct.

(3) A reference in these Regulations to a form by number is a reference to the form so numbered in Schedule 1.

3. DETERMINATION OF ESTABLISHMENT

A determination under section 17(1) of the Act shall be notified in the *Fire Service Gazette* within 21 days after its coming into effect.

4. ESTABLISHMENT, &c., OF FIRE SERVICE

(1) For the purpose of section 17(2) of the Act, the establishment of the Fire Service is in the ranks specified in Part 1 of Schedule 2.

(2) The order of seniority in the Fire Service is as set out in Part 2 of Schedule 2.

5. SENIORITY

(1) Subject to sub-regulation (2), each member who holds a rank is senior to the members -

- (a) whose appointments or promotions to that rank were confirmed after the first-mentioned member's appointment or promotion to that rank was confirmed; or
- (b) holding a lower rank.

(2) The Director may determine the relative seniority of members whose appointments or promotions to the same rank occurred on the same day.

(3) The Director shall, in determining seniority under sub-regulation (2) of members promoted to a rank, take into account in the following order -

- (a) the rank, if any, from which a member was so promoted;
- (b) the relative seniority of the members within the rank from which he was so promoted; and
- (c) the marks gained by the member in an examination relating to promotion to the rank to which the determination of seniority relates.

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PART II - APPOINTMENTS AND PROMOTIONS

Division 1 - Appointments and Promotions

6. ELIGIBILITY

(1) For the purposes of section 18(1)(a), 80(1) or 81(1) of the Act, a person is eligible for appointment, promotion or transfer as a member or an auxiliary member or volunteer member if he -

- (a) is of good character;
- (b) is healthy and physically fit;
- (c) has attained the approved age; and
- (d) has attained the educational qualifications and standards required by examination for entrance or for promotion in accordance with regulation 8.

(2) The Director may, where he considers it appropriate, direct a member, an auxiliary member or volunteer member, for the purpose of determining that member's, auxiliary member's or volunteer member's eligibility under sub-regulation (1)(b), to undergo a medical examination and obtain a report thereof.

(3) The report referred to in sub-regulation (2) shall be furnished promptly to the Director by the person to whom it relates.

(4) Where a person is not eligible for appointment, transfer or promotion by reason of an adverse or unsatisfactory medical report referred to in sub-regulation (2), the Director shall -

- (a) refuse to appoint, transfer or promote him; and
- (b) serve on the person a notice in writing setting out his decision and the reasons for it.

7. APPOINTMENTS TO BE NOTIFIED

The Director shall cause the appointment of a person to be a member, an auxiliary member or a volunteer member to be notified in the *Fire Service Gazette*.

8. PROMOTIONS

(1) Subject to sub-regulation (2), the Director shall promote a member who holds the rank of -

- (a) Firefighter Class D to Firefighter Class C if he has completed 12 months of continuous service as a Firefighter Class D and has qualified through an approved course as a Compressed Air Breathing Apparatus operator;

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- (b) Firefighter Class C to Firefighter Class B if he has completed 12 months of continuous service as a Firefighter Class C and has qualified through approved courses as a Pump Operator and Driver Grade 2;
- (c) Firefighter Class B to Firefighter Class A if he has completed 3 years of continuous service as a Firefighter Class B and -
 - (i) during the first 12 months as a Firefighter Class B attended and passed an approved Advanced Breathing Apparatus/Rescue Course; and
 - (ii) during the second 12 months as a Firefighter Class B has qualified through an approved course as a Driver Grade 1 (Aerial Apparatus - excluding skyjet);
- (d) Firefighter Class B to Senior Firefighter if he has completed 24 months of continuous service as a Firefighter Class B and -
 - (i) during the first 12 months as a Firefighter Class B has attended and passed an approved Advanced Breathing Apparatus/Rescue Course;
 - (ii) during the second 12 months as a Firefighter Class B has qualified through an approved course as a Driver Grade 1 (Aerial Apparatus - excluding skyjet);
 - (iii) has passed the examination for Senior Firefighter; and
- (e) Firefighter Class A to Senior Firefighter on his passing of the examination for Senior Firefighter.

immediately on the member becoming qualified in accordance with this sub-regulation for promotion to that rank.

(2) Where the Director is of the opinion that a member whom he is required to promote in accordance with sub-regulation (1) is unable to efficiently discharge the duties of the rank to which the member is required under that sub-regulation to be promoted, he shall -

- (a) refuse to promote the member; and
 - (b) serve on the member a notice in writing setting out his decision and the reasons for it.
- (3) The Director shall not promote a member who holds the rank of -
- (a) Senior Firefighter to the rank of Station Officer unless -

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- (i) he is qualified for promotion in accordance with these Regulations;
- (ii) he has completed at least 24 months of continuous service in the rank of Senior Firefighter; and
- (iii) he -
 - (A) has passed the examination for promotion to Station Officer; or
 - (B) is the holder of a graduate qualification from an Institute of Fire Engineers;
- (b) Station Officer to the rank of Senior Station Officer unless he is qualified for promotion in accordance with these Regulations and -
 - (i) he has completed -
 - (A) at least 24 months of continuous service in the rank of Station Officer; and
 - (B) an approved Advanced Administration Course and an approved Brigade Management/Operational Command Course; or
 - (ii) he -
 - (A) has completed 12 months of continuous service in the rank of Station Officer;
 - (B) has completed an approved Brigade Management/Operational Command Course; and
 - (C) is the holder of a graduate qualification from an Institute of Fire Engineers; or
- (c) Senior Station Officer to the rank of Divisional Officer unless he has, in the opinion of the Director, proven his efficiency and merits the promotion.

9. VACANCIES TO BE ADVERTISED

(1) The Director shall not promote a member otherwise than by a promotion under regulation 8(1) to any rank unless, at least 14 days before the promotion, he causes notice to be published in the *Fire Service Gazette* seeking applications under sub-regulation (2) from members for promotion to that rank.

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(2) An application referred to in sub-regulation (1) shall be made in writing and shall set out -

- (a) the name, age and rank of the applicant;
- (b) the station to which the applicant is currently attached;
- (c) the qualifications of the applicant; and
- (d) any other matter which the applicant wishes the Director to consider in relation to the application.

10. EFFICIENCY

The Director shall not promote a member under section 18(1)(c) or (3) of the Act in preference to another member who applied in accordance with regulation 9(2) to be promoted to that rank for any reason other than that the first-mentioned member is able to discharge the duties of the rank to which the member is to be appointed more efficiently than the second-mentioned member.

11. PROMOTIONS TO BE PROVISIONAL

(1) The promotion of a member to a rank (except a promotion referred to in regulation 8(1)) shall be -

- (a) a provisional promotion; and
- (b) notified in the *Fire Service Gazette*.

(2) At the expiration of 28 days after the date of publication of the notification referred to in sub-regulation (1)(b), the Director shall, unless an appeal under Part III of the Act has been instituted -

- (a) confirm the promotion; or
- (b) set the promotion aside.

(3) Where a provisional promotion is confirmed under sub-regulation (2)(a) or under section 48(1) of the Act, the member so promoted shall be deemed to have been promoted to the rank to which he was so provisionally promoted on the date on which the provisional promotion took effect.

Division 2 - Examinations, &c.

12. EXAMINATIONS

(1) The Director may approve examinations for the Fire Service.

(2) Subject to this Division, a member may apply to sit for an examination.

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(3) Where, on the day preceding the day of the examination:

(a) a member has -

- (i) qualified as a Firefighter Class B;
- (ii) passed during the first 12 months in that rank an approved Advanced Breathing Apparatus/Rescue Course;
- (iii) qualified during the second 12 months in that rank through an approved course as a Driver Grade 1 (Aerial Apparatus excluding skyjet); and
- (iv) completed 3 years of continuous service,

he may apply to sit for an examination relating to promotion to the rank of Senior Firefighter, and where such member holds a graduate qualification from an Institute of Fire Engineers he shall be granted a pass in Hydraulics and Fireground procedures without being required to present himself for those examinations; and

(b) a member has -

- (i) qualified as a Senior Firefighter;
- (ii) passed during the first 12 months in that rank an approved Instructional Techniques Course; and
- (iii) passed during the second 12 months in that rank an approved Management/Supervisory Course,

he may apply to sit for an examination relating to promotion to the rank of Station Officer, and where such member holds a graduate qualification from an Institute of Fire Engineers, he shall be granted a pass in Station Officer Theory without being required to present himself for that examination.

13. SYLLABUSES

(1) The Director shall, not less than once in every 12 months, cause -

- (a) syllabuses to be prepared for the examinations referred to in regulation 12; and
- (b) the preparation of the syllabuses to be notified in the *Fire Service Gazette*.

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(2) An examination shall not be held on a syllabus notified under sub-regulation (1)(b) less than 6 months after the date of the notification.

14. APPLICATION FOR EXAMINATION

An application to sit for an examination shall be made in writing to the Director not less than 3 months before the examination the subject of the application is to be held.

15. MATERIAL TO BE MADE AVAILABLE

(1) Subject to sub-regulation (2), the Director shall, within 21 days after receipt of a request in writing of a member, make the material contained in the syllabus for the examination to which the request relates available to the member.

(2) Where the material referred to in sub-section (1) is not available, the Director shall notify the member, accordingly in writing within 21 days after receipt of his request, and the Director shall make the material available to the member as soon as practicable.

16. PLACE, &c., OF EXAMINATION

(1) Subject to these Regulations, an examination shall be held at the date, time and place notified by the Director in the *Fire Service Gazette*.

(2) The Director may, by notice in the *Fire Service Gazette*, alter the date, time or place of an examination.

17. PROCEDURE ON EXAMINATION

Before holding an examination, the Director shall cause -

- (a) a number to be allotted to each candidate; and
- (b) a list of the numbers which have been allotted to candidates, but not their names, to be furnished to the examiners.

18. MEMBERS TO BE REGARDED AS ON DUTY

(1) This regulation does not apply to members who are on approved leave.

(2) Subject to sub-regulation (3), a member who sits for an examination shall be regarded as being on duty for the period -

- (a) of the examination; and
- (b) necessarily spent in travelling to the place at which the examination is held from the station

Fire Service Regulations

to which he is attached and from that place to that station.

(3) A member is not entitled to payment on account of overtime for any time during which he is regarded as being on duty by reason only of this regulation.

19. EXAMINATION CREDITS

(1) A member who obtains not less than 60% of the maximum number of possible marks in a section of an examination shall be credited with a pass in that section.

(2) A member who has been credited with a pass in one section, but not all sections, of an examination (including an examination held before the commencement of these Regulations) may, during the currency of that credit, sit for the sections in respect of which he has not been credited with a pass without sitting for the section in respect of which he has been credited with a pass.

(3) A credit gained by a member in accordance with sub-regulation (1) shall lapse if, at the relevant examination next held after the examination in respect of which the credit was gained, that member is not credited with a pass in those sections of the examination in which he has previously failed to obtain a pass.

20. RESULTS OF EXAMINATION

(1) The Director shall cause a list of the names of the candidates who gained a pass in each examination, their examination numbers and results to be published in the *Fire Service Gazette*.

(2) A candidate may apply to the Director in writing and shall be supplied with his results in an examination.

(3) The Director shall as soon as practicable after receipt of a request in writing of a candidate, arrange for the candidate to discuss his results in an examination with the Director or his delegate.

PART III - APPEALS

21. PRESCRIBED APPROPRIATE NOMINATED MEMBER, &c.

(1) Subject to this regulation, for the purposes of section 29(1)(c) of the Act the "appropriate available nominated member" or the "substitute for that nominated member" is a member nominated, from time to time, as the available nominated member of a Board and his substitute respectively by an appropriate organization.

(2) For the purposes of sub-regulation (1) and subject to sub-regulations (3) and (4), the appropriate organization is the organization to which the available

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nominated member of a Board and his substitute respectively belongs, the rules of which provide that a member who holds a specified rank in accordance with these Regulations is eligible for membership of that organization.

(3) Where more than one organization have rules referred to in sub-regulation (2), the appropriate organization is the organization the membership of which includes the majority of members holding the specified rank in relation to the subject of an appeal under section 45 or 50 of the Act for the purpose of which the appropriate available nominated member or his substitute was nominated to a Board.

(4) In the event of a dispute as to the the appropriate organization to nominate a member as the appropriate available nominated member or his substitute to a Board, the Commissioner of Police shall determine the appropriate organization.

22. APPEALS TO PROMOTIONS BOARD OR APPEAL BOARD

A notice of appeal -

- (a) under section 46(2) of the Act shall be in accordance with Form 1; and
- (b) under section 50(2) of the Act shall be in accordance with Form 2.

23. HEARINGS

(1) Subject to this regulation, the Secretary of the Promotions Board shall fix a date, time and place for the hearing of each appeal.

(2) The date fixed in relation to an appeal under section 46 or 50 of the Act shall be a date not later than 28 days from the date of the notice of appeal.

24. APPELLANT TO BE NOTIFIED

The Secretary of the Promotions Board shall, within 14 days after receiving a notice of appeal, notify -

- (a) the appellant; and
- (b) the member, if any, whose promotion is the subject of the appeal before the Promotions Board,

of the date, time and place of the hearing of the appeal.

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25. WITNESSES

(1) A witness at the hearing of an appeal, not being a member, shall, with the approval of the Chairman of the Promotions Board or Appeals Board hearing the appeal, be paid an allowance by the Director.

(2) The allowance referred to in sub-regulation (1) shall be an amount equal to the amount of salary or wages lost by the witness for the day or days of attendance at the hearing or, if the witness is not in receipt of salary or wages, an amount which would be reasonable having regard to the occupation of the witness and the time lost in attendance.

(3) Subject to sub-regulation (4), a witness shall be entitled to be paid, in addition to the allowance referred to in sub-regulation (1), the cost of his conveyance to the hearing and reasonable travelling expenses.

(4) Subject to sub-regulation (5), the Director shall not be required to pay travelling expenses or other expenses incurred by a witness summoned by or on behalf of an appellant.

(5) Sub-regulation (4) does not apply in a case where the Promotions Board or Appeal Board hearing the appeal finds in favour of the appellant and the evidence given by the witness summoned by or on behalf of the appellant was, in the opinion of the Chairman of the Promotions Board or Appeal Board, material.

(6) All claims for witnesses' expenses in connection with the hearing of an appeal shall be submitted to the Chairman of the Promotions Board or Appeal Board hearing the appeal who shall furnish to the Director certificates as to attendance and such other particulars as may be necessary to enable the Director to assess the amounts to be paid under this regulation.

26. WITNESSES' EXPENSES

(1) Subject to sub-regulation (2), a member who is a party to or a witness summoned to attend a hearing shall be regarded as being on duty for the period -

- (a) during which he is required to attend the Promotions Board or Appeal Board; and
- (b) necessarily spent in travelling to the place at which the hearing is being held from the station to which he is attached and from that place to that station.

(2) A member is not entitled to be paid overtime or penalty rates for any period during which he is regarded as being on duty for the purposes of sub-regulation (1) whether or not such period would otherwise constitute overtime.

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27. PROCEDURE ON APPEAL

Subject to the terms of an agreement between the parties to an appeal, the rules of evidence and procedure followed in the Supreme Court shall be followed in the conduct of proceedings before the Appeal Board.

PART IV - MISCELLANEOUS

Division 1 - Service Record

28. SERVICE RECORD

(1) The Director shall cause to be kept a Service Record, which shall be divided into 4 parts, concerning the conduct and service of each member.

(2) Information recorded on the Service Record in relation to each member shall be -

- (a) in Part 1, a personal record showing the full name, registered service number, dates of appointment and promotions, examinations passed, personal description, marital status and termination of service;
- (b) in Part 2, subject to regulation 30, a record of all offences, and punishments and reprimands imposed or given for misconduct or breaches of discipline, or convictions by a court, and such other entries and all correspondence relating thereto as are directed by the Director;
- (c) in Part 3, a record of special awards or qualifications gained or meritorious service by a member which shall be brought as soon as practicable to the notice of the Director; and
- (d) in Part 4, a record of the various locations to which the member is sent during his service, and any appointments which are made concerning the member.

(3) Records shall be carefully kept up to date at Fire Service Headquarters, and only such entries made as are provided for by these Regulations.

29. INSPECTION OF RECORD

A member may, on application to the Director, be permitted by the Director to examine and take copies of information on his Service Record in the presence of a person nominated by the Director.

Fire Service Regulations

30. ADVERSE ENTRIES TO BE NOTIFIED, &c.

(1) Before an adverse entry is placed on a member's Service Record, the member shall be permitted -

(a) by the Director to examine and copy, in the presence of a person nominated by the Director, the paper forming the basis of the proposed adverse entry; and

(b) to submit in writing to the Director a rebuttal, defence or extenuation.

(2) A member may, at any time, request in writing the Director to remove from the Service Record kept in relation to the member a specified adverse entry.

(3) The Director shall, upon receiving a request under sub-regulation (2) -

(a) remove from the Service Record the entry specified in the request; or

(b) refuse to remove the entry.

(4) Where the Director refuses to remove an entry when requested under sub-regulation (2), he shall advise, in writing, the member who made the request, of his reasons for not removing the entry.

31. *FIRE SERVICE GAZETTE*

(1) The Director shall cause the *Fire Service Gazette* to be published every 14 days.

(2) The frequency of publication in the *Fire Service Gazette* of a matter to be published is specified in Schedule 3 in relation to the respective matters.

(3) It is the duty of every member to diligently read the *Fire Service Gazette* as soon as is practicable after it is published, having regard to the circumstances of the member.

32. SERVICE OF DOCUMENTS

A notice or other document required under these Regulations to be served on a person may be served by post.

33. FEES AND CHARGES

The fees payable for the purposes of section 95 of the Act are the fees specified in Schedule 4 in relation to the respective matters so specified.

Fire Service Regulations

SCHEDULE 1

FORM 1

Regulation 46(a)

NORTHERN TERRITORY OF AUSTRALIA

Fire Service Act

Section 47(2)

NOTICE OF APPEAL

To: The Registrar, Fire Service Promotions Board

I appeal to the Fire Service Promotions Board against the decision of the Director specified below:

APPELLANT:

Name:.....
Rank:.....
Number:.....
Station:.....

DECISION APPEALED AGAINST:

- * Appointment or promotion under section 18 of the Act:
Name of member appointed or promoted:.....
Rank to which provisional appointment or promotion made:.....
Date of publication in the *Fire Service Gazette* of notice of provisional appointment or promotion:....
- * Transfer, reduction in rate of salary, retirement or direction under section 24 of the Act:
Nature of transfer, reduction in rate of salary, retirement or direction:.....
Date of transfer, reduction in rate of salary, retirement or direction:.....
(Attach a copy of the letter advising of the transfer, reduction in rate of salary, retirement or direction:.....
- * Appointment contrary to section 20 of the Act:
Nature of appointment:.....
Date on which intention to appoint appealed against was notified in the *Fire Service Gazette*:.....

Fire Service Regulations

FORM 1 - continued

GROUNDS OF APPEAL:

.....
Signature of appellant

...../...../.....

* Delete if inapplicable.

FORM 2

Regulation 22(b)

NORTHERN TERRITORY OF AUSTRALIA

Fire Service Act

Section 50(2)

NOTICE OF APPEAL

To: The Secretary, Fire Service Appeal Board

I appeal to the Fire Service Appeal Board against the

Determination dated:.....
(Attach a copy of the notice of determination)

.....
Nature of disciplinary offence:.....
Ground(s) on which the appeal is made:

- * that the Director's determination that I committed a breach of discipline was wrong.
- * that the punishment is unduly severe.

.....
Signature of appellant

...../...../.....

* Delete if inapplicable.

Fire Service Regulations

SCHEDULE 2

Regulation 4(1)

PART 1 - RANKS

Chief Fire Officer
Deputy Chief Fire Officer
Divisional Officer
Senior Station Officer
Station Officer
Senior Firefighter
Firefighter Class A, B, C or D

PART 2 - SENIORITY

Regulation 4(2)

Commissioner of Police
Director
Chief Fire Officer
Deputy Chief Fire Officer
Divisional Officer
Senior Station Officer
Station Officer
Senior Firefighter
Firefighter Class A
Firefighter Class B
Firefighter Class C
Firefighter Class D

Fire Service Regulations

SCHEDULE 3

Regulation 31(2)

FREQUENCY OF PUBLICATION OF MATTERS IN THE
FIRE SERVICE GAZETTE

Matter to be published	Frequency of publication
Seniority list	Annually
List of fire brigades, including the number and ranks of members attached to each brigade	Annually
Promotions within the Fire Service	As they occur
Appointments to Fire Service	As they occur
Permanent transfers within the Fire Service	As they occur
Retirements and resignations from the Fire Service	As they occur
Dismissals from the Fire Service	As they occur
Deaths of members	As they occur
Variations in salaries and allowances	As they occur
Dates of examinations	In accordance with regulation 16
Public holidays	Annually
Leave roster	Annually

Fire Service Regulations

SCHEDULE 4

Regulation 33

FEES FOR SERVICES RENDERED BY THE FIRE SERVICE

Type of Service	\$
Accommodation fee for connection to brigade automatic alarm system	100.00 per annum
Turntable Ladder	60.00 per hour
Motor pumping engine over 37.5 L/s	50.00 per hour
Motor pumping engine 37.5 L/s and under	30.00 per hour
Trailer pumping unit or portable pumping unit over 30 L/s	20.00 per hour
Trailer pumping unit or portable pumping unit 30 L/s and under	20.00 per hour
Water power syphon (ejector pump)	20.00 per hour
Water power syphon used in conjunction with a motor engine or pumping unit	25.00 per hour
Salvage motor	50.00 per hour
Motor car or truck	15.00 per hour
Fire hose per length	10.00 per day or part of a day
Proto Breathing apparatus	20.00 per hour
Compressed air unit or other smoke appliance excluding proto	10.00 per hour
Salvage sheets	5.00 per day or part of a day for first week
	5.00 per week after first week
Minimum charge for services involving the use of any equipment specified in this Schedule	20.00
Officer	20.00 per hour
Fireman	15.00 per hour
Testing hose	5.00 per length
Tying in of hose	5.00 per length

The hourly charges for equipment and personnel will apply from the time of leaving the station, until the time of return to the station or as approved.

Charges for a motor fire engine where it may, in certain circumstances be used only for the purpose of transporting equipment or personnel, are to be the rate applicable to a motor truck.

Fire Service Regulations

SCHEDULE 4 - continued

Where overtime payments are involved in connection with the performance of the services an equivalent additional charge will be made.
