

Pt 4 (Heading)
amended by
No. 10149
s. 21(1)(g) (as
amended by
No. 10173
s. 4).

Part IV—Regional and municipal fire prevention committees

Division 1—Preliminary

No. 5191 s. 3.

51 Definition

In this Part *appropriate authorities* in respect of any region or area, means—

S. 51(a)
amended by
Nos 10149
s. 21(1)(h)(i)
(as amended
by No. 10173
s. 4), 12/1989
s. 4(1)(Sch. 2
item 17.29).

- (a) the fire prevention officer or fire prevention officers of the municipal council or municipal councils the municipal district or municipal districts of which is or are wholly or partly within the region or area;

S. 51(aa)
inserted by
No. 10149
s. 13,
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 17.30).

- (aa) a municipal council, but only with respect to—

S. 51(aa)(i)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 17.31).

- (i) any land vested in the municipal council or under its control or management; and

S. 51(aa)(ii)
amended by
Nos 12/1989
s. 4(1)(Sch. 2
item 17.32),
2/1995
s. 13(h).

- (ii) any road the maintenance of which is charged upon the municipal council;

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- (b) the fire prevention officers of every administrative unit and public authority in which any land within the region or area is vested or which has the management or control of any such land; and
- (c) (where there is adjacent to the region or area any part of a forest or any part of a national park) the Secretary.

S. 51(b)
amended by
No. 10149
s. 21(1)(h)(ii)
(as amended
by No. 10173
s. 4).

S. 51(c)
amended by
Nos 9902
s. 2(1)(Sch.
item 39 (as
amended by
No. 10087
s. 3(1)(Sch. 1
item 239)),
41/1987
s. 103(Sch. 4
item 8.4),
76/1998
s. 30(c).

Division 2—Regional fire prevention committees

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(Heading)
amended by
No. 10149
s. 21(1)(i) (as
amended by
No. 10173
s. 4).

52 Appointment of regional fire prevention committees

No. 5191 s. 4.

- (1) The Authority may appoint a regional fire prevention committee for each region.
- (2) Each such committee shall consist of—
- (a) the officer appointed by the Authority as the officer in charge of the fire control region, who shall be the executive officer of the committee;

S. 52(1)
amended by
Nos 8257
s. 12(a), 10149
s. 21(1)(j) (as
amended by
No. 10173
s. 4), 5/2012
s. 40.

S. 52(2)(a)
amended by
Nos 7877
s. 13(a)(i),
39/1992
s. 5(3)(k),
2/1995 s. 13(i).

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- S. 52(2)(b) substituted by No. 7877 s. 13(a)(ii).
- (b) two representatives (appointed by the Authority after election in the prescribed manner by delegates selected in the prescribed manner of each brigade in the group concerned) of each group of brigades operating within the region;
- S. 52(2)(ba) inserted by No. 11/1998 s. 5(1).
- (ba) not more than two representatives (appointed by the Authority after nomination by the relevant owner or group of relevant owners who formed each industry brigade in the group concerned) of each group of industry brigades operating within the region;
- S. 52(2)(c) inserted by No. 7877 s. 13(a)(ii), amended by No. 41/1987 s. 103(Sch. 4 item 8.5), substituted by No. 76/1998 s. 30(d).
- (c) not more than four representatives of the Secretary appointed by the Authority upon nomination by the Secretary;
- S. 52(2)(d) inserted by No. 7877 s. 13(a)(ii), amended by Nos 8257 s. 12(b), 12/1989 s. 4(1)(Sch. 2 item 17.33).
- (d) not more than two representatives (appointed by the Authority after election in the prescribed manner by the municipal councils concerned) of the municipal councils whose municipal districts are wholly or partly within the region; and
- S. 52(2)(e) inserted by No. 7877 s. 13(a)(ii).
- (e) any person appointed under subsection (2A) as a member of the committee.
- S. 52(2A) inserted by No. 7877 s. 13(b).
- (2A) The Authority shall, upon the request of a committee, appoint as a member of that committee a representative (nominated by the corporation concerned) of any public statutory corporation specified by the committee.

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- (2B) The Authority shall appoint a deputy for each representative of—
- (a) each group of brigades operating within the region;
 - (b) the Secretary;
 - (c) the municipal councils whose municipal districts are wholly or partly within the region; and
 - (d) each public statutory corporation specified pursuant to subsection (2A)—
who shall, at any meeting of the committee from which the appropriate representative member or all appropriate representative members (as the case requires) is or are to be absent, act in the place of that member or those members (as the case requires).
- (2C) Each deputy appointed under subsection (2B) shall be appointed only after being elected or nominated in the same manner as the representative member or members (as the case requires) in whose place the deputy is to act.
- (3) The chairman of each such committee shall be elected annually by the members thereof.
- (4) A regional fire prevention committee is deemed to be the same body despite any change to its membership arising from the amendment of this section by section 5(1) of the **Fire and Emergency Services Acts (Amendment) Act 1998**.
- S. 52(2B) inserted by No. 10149 s. 15(1), amended by No. 50/1989 s. 19(a).
- S. 52(2B)(b) amended by Nos 41/1987 s. 103(Sch. 4 item 8.5), 76/1998 s. 30(c).
- S. 52(2B)(c) amended by No. 12/1989 s. 4(1)(Sch. 2 item 17.34).
- S. 52(2C) inserted by No. 10149 s. 15(1).
- S. 52(4) inserted by No. 11/1998 s. 5(2).

53 Functions of committee

No. 5191 s. 5.

S. 53
amended by
No. 10149
s. 21(1)(k) (as
amended by
No. 10173
s. 4).

The functions of a regional fire prevention committee shall be—

S. 53(a)
amended by
No. 7877
s. 14(a).

- (a) to submit to the appropriate authorities recommendations and plans for—
 - (i) the burning or clearing of a co-ordinated system of major firebreaks for the protection of the region; and
 - (ii) the carrying out of works (including the burning or clearing of firebreaks) for the prevention of the outbreak or spread of fire from areas within or immediately adjacent to the region;

S. 53(a)(ii)
amended by
No. 10149
s. 14(a).

S. 53(b)
inserted by
No. 7877
s. 14(c),
amended by
No. 50/1989
s. 19(b).

- (b) to co-ordinate fire prevention planning within the region; and

S. 53(ba)
inserted by
No. 10149
s. 14(b).

- (ba) to consult on fire prevention planning with regional fire prevention committees in adjacent regions;

S. 53(b)
re-numbered
as s. 53(c) by
No. 7877
s. 14(b),
amended by
No. 10149
s. 21(1)(k) (as
amended by
No. 10173
s. 4).

- (c) to carry out such other functions as are conferred or imposed upon regional fire prevention committees by regulations made upon the recommendation of the Authority.

Division 3—Municipal fire prevention committees

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(Heading)
amended by
No. 10149
s. 21(1)(l) (as
amended by
No. 10173
s. 4).

54 Appointment of municipal fire prevention committees

No. 5191 s. 6.

(1) The Authority may appoint a municipal fire prevention committee in respect of any area being within the country area of Victoria and being the municipal district or part of the municipal district of a municipal council.

S. 54(1)
amended by
Nos 10149
s. 21(1)(m)(i)
(as amended
by No. 10173
s. 4), 12/1989
s. 4(1)(Sch. 2
item 17.35).

(2) Each municipal fire prevention committee shall consist of—

S. 54(2)
amended by
No. 10149
s. 15(2)(a)(i)(ii).

(a) the fire prevention officer of the municipal council, who shall be chairman and executive officer of the committee;

S. 54(2)(a)
amended by
Nos 10149
s. 21(1)(m)(ii),
12/1989
s. 4(1)(Sch. 2
item 17.36).

(b) one representative (appointed by the Authority after election in the prescribed manner by the members of the brigade) of each brigade operating within the area;

S. 54(2)(b)
amended by
No. 5/2012
s. 41.

(ba) one representative (appointed by the Authority after nomination by the relevant owner or group of relevant owners who formed the industry brigade) of each industry brigade operating within the area;

S. 54(2)(ba)
inserted by
No. 11/1998
s. 6(1).

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S. 54(2)(c)
inserted by
No. 7877
s. 15(b).

(c) one representative (appointed by the Authority after election in the prescribed manner by delegates selected in the prescribed manner of each brigade in the group concerned) of each group of brigades operating within the area;

S. 54(2)(c)
re-numbered
as s. 54(2)(d)
by No. 7877
s. 15(a),
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 17.37).

(d) a representative of the municipal council appointed by the Authority upon nomination by the council;

S. 54(2)(d)
re-numbered
as s. 54(2)(e)
by No. 7877
s. 15(a),
amended by
Nos 9902
s. 2(1)(Sch.
item 39) (as
amended by
No. 10087
s. 3(1)(Sch. 1
item 239)),
41/1987
s. 103(Sch. 4
item 8.6),
76/1998
s. 30(e).

(e) (where there is adjacent to the area any part of a forest or any part of a national park) a representative of the Secretary appointed by the Authority upon nomination by the Secretary; and

S. 54(2)(f)
inserted by
No. 10149
s. 15(2)(a)(ii).

(f) any person appointed under subsection (3) as a member of the committee.

S. 54(3)
inserted by
No. 10149
s. 15(2)(b).

(3) The Authority shall, upon the request of a committee, appoint as a member of that committee—

(a) a representative (nominated by the corporation concerned) of any public statutory corporation specified by the committee; and

(b) a representative (nominated by the group concerned) of any local interest group specified by the committee.

- (3A) A representative cannot be appointed unless he or she has consented in writing to be appointed. **S. 54(3A) inserted by No. 50/1989 s. 19(c).**
- (4) For each member of a committee appointed under subsection (2)(b), (c), (d) or (e) or (3) the Authority shall appoint a deputy to attend and act in the place of the member at any meeting of the committee from which the member is to be absent. **S. 54(4) inserted by No. 10149 s. 15(2)(b).**
- (5) Each deputy appointed under subsection (4) shall be appointed only after being elected or nominated in the same manner as the member in whose place the deputy is to act. **S. 54(5) inserted by No. 10149 s. 15(2)(b).**
- (6) A municipal fire prevention committee is deemed to be the same body despite any change to its membership arising from the amendment of this section by section 6(1) of the **Fire and Emergency Services Acts (Amendment) Act 1998**. **S. 54(6) inserted by No. 11/1998 s. 6(2).**

55 Functions of committee

The functions of each municipal fire prevention committee shall be—

- (a) to plan the burning or clearing of firebreaks within the area for which it is appointed;
- (b) to advise the appropriate authorities as to the existence of and steps to be taken for the removal of fire hazards within the area;
- (c) to advise and make recommendations to the municipal council in the preparation of its municipal fire prevention plan;

No. 5191 s. 7.
S. 55 amended by No. 10149 s. 21(1)(n)(i) (as amended by No. 10173 s. 4).
S. 55(c) repealed by No. 10004 s. 16(1), new s. 55(c) inserted by No. 24/1997 s. 8.

- (d) to recommend to the Authority or to the appropriate authorities (as the case may require) any action which the committee deems necessary or expedient to be taken for reducing the risk of an outbreak of fire or for suppressing any fire which may occur within the area;

S. 55(e)
repealed by
No. 7877 s. 16.

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S. 55(f)
amended by
No. 10149
s. 21(1)(n)(ii)
(as amended
by No. 10173
s. 4).

- (f) to advise the fire prevention officer concerning the removal of fire hazards under section forty-one of this Act;

S. 55(g)
amended by
No. 10149
s. 21(1)(n)(i)(iii)
(as amended
by No. 10173
s. 4).

- (g) to refer to the regional fire prevention committee for consideration all matters which in the opinion of the municipal fire prevention committee should be so referred; and

S. 55(h)
amended by
No. 10149
s. 21(1)(n)(i)
(as amended
by No. 10173
s. 4).

- (h) to carry out such other functions as are conferred or imposed upon municipal fire prevention committees by regulations made upon the recommendation of the Authority.

S. 55A
inserted by
No. 24/1997
s. 9.

55A Municipal fire prevention plans

- (1) A municipal council must prepare and maintain a municipal fire prevention plan for its municipal district in accordance with the advice and recommendations of the municipal fire prevention committee.
- (2) A municipal fire prevention plan must contain provisions in accordance with the regulations—
- (a) identifying areas, buildings and land use in the municipal district which are at particular risk in case of fire; and

(b) specifying how each identified risk is to be treated; and

(c) specifying who is to be responsible for treating those risks; and

(ca) identifying all designated neighbourhood safer places in the municipal district or if no places have been designated, recording that fact; and

S. 55A(2)(ca)
inserted by
No. 73/2009
s. 4.

(cb) identifying any places in the municipal district that are community fire refuges within the meaning of section 50A; and

S. 55A(2)(cb)
inserted by
No. 73/2009
s. 4,
amended by
No. 5/2012
s. 42,
substituted by
No. 41/2014
s. 8.

(d) relating to any other matter prescribed for inclusion in the plan.

55B Audit of municipal fire prevention plan

S. 55B
inserted by
No. 24/1997
s. 9.

(1) A municipal fire prevention plan must be audited by the Authority during the period commencing 1 January 1998 and ending 31 December 1998 and thereafter at least once every 3 years.

(2) The audit must assess whether the plan complies with the requirements of this Act and the regulations.

Division 4—General

56 Provision in case of failure of nomination or election

No. 5191 s. 8.

If at any time any person or body of persons aforesaid—

S. 56
amended by
No. 10149
s. 21(1)(o) (as
amended by
No. 10173
s. 4).

(a) fails to submit to the Authority, within one month after receipt of a request in writing in that behalf from the Authority, a nomination of a representative; or

(b) fails to elect within the prescribed time a representative or representatives—

for appointment to any regional or municipal fire prevention committee, the Authority may without such submission or election appoint any otherwise eligible person or persons (as the case requires) to be a member or members of the said committee and the person or persons so appointed shall for all purposes be deemed to be duly appointed.

No. 5191 s. 9.

57 Term of office

- (1) The members of each such committee shall, subject to this Part, be appointed to hold office for such term, not exceeding three years, as the Authority determines, but any person so appointed shall upon the expiration of the term for which he was appointed be eligible for re-appointment if then qualified.
- (2) The Authority may at any time remove any member of any such committee from office.

No. 5191 s. 10.

58 Filling vacancies

- (1) The Authority may, subject to this Part, at any time appoint a person to fill a vacancy in any such committee however arising.
- (2) Any person appointed to fill a vacancy in the office of member of any such committee arising otherwise than by the effluxion of the term for which the member was appointed shall hold office only for the remainder of that term.

No. 5191 s. 11.

59 Meetings

S. 59(1)
substituted by
No. 10149
s. 16(1)(a).

- (1) Each such committee shall meet—
 - (a) in each year on the minimum number of occasions determined for that committee by the Authority; and

(b) in any particular year—

- (i) on any further occasions determined for that committee by the Authority; and
 - (ii) on any further occasions determined by the chairman or a majority of members of the committee.
- (2) At any meeting of any such committee the chairman or in his absence a member of the committee elected by the members present at the meeting shall preside and be chairman of the meeting.
 - (3) A quorum of any such committee shall consist of not less than half of the full number of members of the committee.
 - (4) Any question arising at any meeting of any such committee shall be determined by the votes of a majority of the members present thereat and in the event of an equality of votes on any matter the chairman of the meeting shall have a second or casting vote.
 - (5) Subject to this Part and the regulations, each committee may regulate its own proceedings in such manner as it thinks fit.

S. 59(5)
amended by
No. 10149
s. 16(1)(b).

59A Fire prevention sub-committees

Each such committee may appoint a sub-committee, consisting of such persons as the committee thinks fit, to advise the committee on any matter specified by the committee.

S. 59A
inserted by
No. 10149
s. 16(2).

60 Travelling and personal expenses of members of fire prevention committees

The members of every regional fire prevention committee and every municipal fire prevention committee (including deputy members appointed under sections 52(2B) and 54(4)) and of every sub-committee appointed under section 59A shall

No. 5191 s. 12.
S. 60
amended by
Nos 9928
s. 5, 10149
s. 21(1)(p) (as
amended by
No. 10173
s. 4), 39/1992
s. 10, 17/2003
s. 8.

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be entitled to receive such travelling and personal expenses as are prescribed by regulations made under this Act, and the travelling and personal expenses paid to such members shall be deemed to be part of the expenditure incurred by the Authority in the execution of this Act.

S. 61
amended by
No. 6886 s. 3,
repealed by
No. 10149
s. 21(1)(q).

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