S.R. No.

***Country Fire Authority Act 1958***

**Country Fire Authority Regulations 2025**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

VICKI WARD

Minister for Emergency Services

Clerk of the Executive Council

Part 1—Preliminary

1 Objective

The objective of these Regulations is to provide for the following—

(a) the procedure of the Authority;

(b) the procedure for appeals by officers and employees to the Commission;

(c) the management and administration of fire brigades;

(d) the issue of permits to burn and other fire prevention measures;

(e) the financial arrangements of, and fees and charges levied by, the Authority;

(f) compensation for and rehabilitation from personal injury of volunteer members of brigades, members of forestry industry brigades, casual firefighters and volunteer auxiliary workers;

(g) compensation for destruction, damage or loss of property of volunteer members of brigades, members of forestry industry brigades, casual firefighters and volunteer auxiliary workers;

(h) the management and administration of forestry industry brigades;

(i) alarm monitoring information requirements;

(j) prescribing places as community fire refuges;

(k) other matters authorised by the Act.

2 Authorising provision

These Regulations are made under section 110 of the **Country Fire Authority Act 1958**.

3 Commencement

These Regulations come into operation on 2 August 2025.

4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

***Appeal Panel*** means the Panel under regulation 68;

***appliance*** means a firefighting or emergency response vehicle operated by a member;

***approved officer or member*** means an officer or member, or class of officers, or class of members, approved by the Chief Officer to lead a burning operation for the purposes of regulation 135;

***AS 1019*** meansAustralian Standard AS 1019—2000, Internal combustion engines—Spark emission control devices, as in force from time to time;

***AS 1687*** meansAustralian Standard AS 1687—1991, Knapsack spray pumps for firefighting, as in force from time to time;

***AS/NZS 1841.1*** meansAustralian Standard and New Zealand Standard AS/NZS 1841.1:2007, Portable fire extinguishers, Part 1: General requirements, as in force from time to time;

***brigade area*** means the area of operation designated for a brigade by the Chief Officer under section 27 of the Act;

***brigade management team*** means a group of members appointed by a brigade to manage and administer the affairs of the brigade;

***call taking and dispatch services*** has the same meaning as in the **Triple Zero Victoria Act 2023**;

***Commission*** means the Country Fire Authority Appeals Commission established under section 74A of the Act;

***Computer Aided Dispatch system*** means the system used to deliver call taking and dispatch services by Triple Zero Victoria established under the **Triple Zero Victoria Act 2023**;

***disciplinary hearing*** means a hearing under Subdivision 4 of Division 4 of Part 4 to determine whether a member of a brigade has engaged in conduct that is a ground for disciplinary action;

***disciplinary investigation*** means an investigation under Subdivision 3 of Division 4 of Part 4 into the conduct of a member of a brigade;

***eligible to vote***,in relation to a decision determined by a vote by members of a brigade or group,does not include a person specified in regulation 17;

***employee*** means a person appointed under section 17 of the Act;

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

***financial statements*** means the records referred to in regulation 79;

***forestry industry brigade*** means an industry brigade in the forestry industry;

***ground for disciplinary action*** has the meaning given by regulation 55;

***hazardous material incident*** means a hazardous material incident or a toxic fire incident the whole or part of which is not a fire;

***hearing officer*** means the Chief Officer or a person who is authorised under regulation 56(3);

***junior member*** has the meaning given in regulation 28(1);

***interim restriction*** means a direction under regulation 57(1);

***interim suspension*** means a suspension under regulation 57(2);

***investigator*** means the Chief Officer or a person who is authorised under regulation 56(1);

***member***,except in Part 6, means a person who is enrolled by the Authority under section 23(1)(b) of the Act as a volunteer officer or volunteer member of a brigade;

***misconduct*** includes the following—

(a) unacceptable or inappropriate conduct, having regard to any behavioural policies or standards developed by the Authority;

(b) conduct that is likely to damage the Authority's reputation or diminish public confidence in the Authority;

***mobile fire-fighting unit*** means a vehicle suitably equipped for enabling an industry brigade to respond to and fight a fire;

***plantation holdings*** means land which is used primarily for tree farming or other commercial forestry purposes;

***referring officer*** means the Chief Officer or a person who is authorised under regulation 56(2);

***relevant owner***, in relation to a forestry industry brigade, has the same meaning as in section 23AA of the Act;

***secretary***, in relation to a brigade or group of brigades, means a person appointed under regulation 78(1)(a) or (2)(a);

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

***the Act*** means the **Country Fire Authority Act 1958**;

***treasurer***, in relation to a brigade or group of brigades, means a person appointed under regulation 78(1)(b) or (2)(b);

***uniform*** means an Authority uniform issued to an officer or member but does not include any item of personal protective clothing;

***WWC exclusion*** has the same meaning in the **Worker Screening Act 2020**.

6 Application

These Regulations apply with respect to the country area of Victoria.

Part 2—The Authority

7 Common seal

The common seal of the Authority must be kept as directed by the Authority and must not be used except as authorised by the Authority.

8 Authority to regulate its own procedure

Subject to the Act and these Regulations, the Authority may regulate its own procedure.

9 Meetings

(1) The chairperson of the Authority must ensure that written notice of a meeting of the Authority, specifying the date, time and location and form of the meeting, is provided to each member of the Authority not less than 2 days before the meeting.

(2) Despite subregulation (1), in the case of a special meeting of the Authority, the chairperson of the Authority must ensure that written notice of a meeting is given as soon as practicable before the meeting.

10 Minutes

The chairperson of the Authority must ensure that minutes of any meeting of the Authority are kept which contain—

(a) a record of decisions of the Authority and recommendations of committees of the Authority; and

(b) the names of the members of the Authority present at each meeting.

11 Attendance at meetings

(1) The chairperson of the Authority may permit members of the Authority to attend a particular meeting, or all meetings, by audio-visual link or audio link.

(2) To avoid doubt, a member of the Authority who attends a meeting under subregulation (1) is present at the meeting.

Part 3—Employees

12 Notice of an appeal to the Commission

A person wishing to appeal to the Commission under Part VA of the Act must—

(a) lodge a written notice of appeal with the Commission not later than 7 days after the person is given notice of a decision described in section 74I of the Act against which the notice of appeal is lodged; and

(b) give a copy of the notice of appeal to the Authority.

**Note**

An application for a remedy for unfair dismissal within the meaning of the Fair Work Act 2009 of the Commonwealth may be made in accordance with that Act.

13 Procedures of the Commission

The Commission must ensure that the Authority and the person specified in regulation 12 receive not less than 14 days written notice of the time and place at which, and the date on which, the hearing of an appeal will take place.

14 Notice of determination of the Commission

After determining an appeal, the Commission must give written notice of its determination to the Authority and the person specified in regulation 12.

Part 4—Brigades and groups of brigades

Division 1—General

15 Part does not apply to industry brigades

This Part does not apply to industry brigades.

16 Presence at meetings

For the purposes of this Part, a person may attend a meeting by audio-visual link or audio link.

17 Ineligibility to vote

The following members are not eligible to vote at any meeting of a brigade or group of brigades or any election for a brigade officer, an officer of a group or a deputy officer of a group~~—~~

(a) a junior member;

(b) a member on probation;

(c) a member on an approved leave of absence;

(d) a member whose enrolment is suspended.

**Note**

See also regulations 33 and 36.

18 Decision by majority vote

A decision of a brigade or a group of brigades, whether described as a recommendation, acceptance, advice, determination, appointment or otherwise, must be made by a majority vote of persons present and eligible to vote at a properly constituted meeting of the brigade or group of brigades.

19 Application for registration of brigades

(1) For the purposes of section 23(1)(b) of the Act, an application to the Authority for registration of a brigade must—

(a) be in writing; and

(b) specify the following matters~~—~~

(i) the name and contact details of the person making the application; and

(ii) the proposed name of the brigade; and

(iii) the names and contact details of the persons proposed for enrolment as original members of the brigade.

(2) In determining whether to approve an application for registration of a brigade, the Authority may consider any matter it considers relevant.

20 Application for formation of a group of brigades

(1) A group of brigades may be formed in accordance with this regulation.

(2) A meeting of a maximum of 2 delegates appointed by each brigade in the area in which the proposed group of brigades would operate must be held to—

(a) resolve to form a group of brigades; and

(b) elect officers of the group of brigades.

(3) At a meeting held under subregulation (2)—

(a) each brigade delegate has one vote; and

(b) a majority of votes of delegates present and eligible to vote is sufficient to secure election as officer; and

(c) if 2 or more candidates receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be declared elected as an officer.

(4) Following a meeting held under subregulation (2), an application for the formation of a group of brigades must be made to the Authority in writing by the secretary of the proposed group of brigades or a delegate who was in attendance at the meeting~~.~~

(5) An application referred to in subregulation (4) must specify the following—

(a) the proposed name of the group of brigades;

(b) the proposed brigades to form the group of brigades;

(c) the officers elected and their positions;

(d) the date delegates of the brigades met and by a majority of delegates present resolved to form a group of brigades and elect its officers;

(d) the names of delegates present and their brigades.

(6) The Authority may approve an application received under subregulation (4).

21 Application for the variation of a group of brigades

(1) A group of brigades may be varied in accordance with this regulation.

(2) At a meeting of a group of brigades, the group may resolve to vary the composition of the group.

(3) Following a meeting held under subregulation (2), an application for the variation of the composition of a group of brigades must be made to the Authority in writing by the secretary of the group of brigades.

(4) An application referred to in subregulation (3) must specify the following—

(a) the name of the group of brigades;

(b) the proposed variation;

(c) the reason for the variation;

(d) the date delegates resolved the variation;

(f) the names and brigades of delegates present.

(5) The Authority may approve an application received under subregulation (3).

22 Brigade rules

(1) A brigade, with the approval of the Authority, may—

(a) adopt rules to govern the administration and management of the brigade; and

(b) amend rules adopted under paragraph (a).

(2) A rule adopted or amended under subregulation (1) must not be inconsistent with the Act or these Regulations or any model rules made by the Authority under regulation 24(1)(a).

(3) The Authority may disallow or amend any rules that have been adopted by a brigade under subregulation (1) at any time.

(4) If a brigade has not adopted any rules under subregulation (1), the rules made by the Authority under regulation 24(1)(a) apply to that brigade.

23 Rules for groups of brigades

(1) A group of brigades may, with the approval of the Authority—

(a) adopt rules to govern the administration and management of the group; and

(b) amend rules adopted under paragraph (a).

(2) A rule adopted or amended under subregulation (1) must not be inconsistent with the Act or these Regulations or any model rules made by the Authority under regulation 24(1)(b).

(3) The Authority may disallow or amend any rules that have been adopted by a group of brigades under subregulation (1) at any time.

(4) If a group of brigades has not adopted any rules under subregulation (1), the rules made by the Authority under regulation 24(1)(b) apply to that group.

24 Model rules

1. Subject to the Act and these Regulations, the Authority may make model rules which govern the administration and management of—

(a) brigades; and

(b) groups of brigades.

(2) Before making model rules under subregulation (1), the Authority must—

(a) publish a draft of the proposed model rules on the Internet site of the Authority for not less than 6 months; and

(b) provide an opportunity for members to make comments and submissions on the proposed model rules.

(3) Subregulation (2) applies to the making of model rules from 2 February 2026.

25 Uniforms

(1) Subject to subregulation (2), a member of a brigade who is in possession of any uniform or personal protective clothing belonging to the Authority must return that uniform or personal protective clothing to the Authority on leaving or retiring from the brigade.

(2) A member of a brigade who is in possession of a uniform and has served as a member of one or more brigades for an aggregate of 20 years or more may retain the uniform on leaving or retiring from the brigade.

(3) Despite subregulation (2), the Chief Officer may direct a person to return any uniform to the Authority if—

(a) the person has had their enrolment cancelled; or

(b) the Chief Officer considers that the person is not a fit and proper person.

Division 2—Membership

26 Categories of membership

A brigade may have the following categories of members—

(a) general members;

(b) junior members.

27 Criteria for general membership

(1) This regulation applies to a person’s eligibility—

(a) to join, or to transfer to, a brigade, including a newly formed brigade, as a general member; or

(b) to remain a general member of a brigade.

(2) A person is eligible if the person is—

(a) capable of performing the functions and duties of a member of the brigade without endangering the person’s own safety or the safety of others; and

(b) 16 years of age or more; and

(c) reasonably available to carry out the functions and duties of a member of a brigade; and

(d) a fit and proper person to be a member.

(3) The Authority may waive the requirement in subregulation (2)(b) if it considers that special circumstances exist.

28 Criteria for junior membership

(1) A person who is 11 years of age or more, but less than 16 years of age, is eligible to be enrolled as a junior member of a brigade.

(2) A junior member—

(a) is not entitled to vote at brigade meetings or stand for election as an officer of a brigade or group; and

(b) may undertake activities including social activities, sporting activities, community service, fundraising and training in first aid and practical skills; and

(c) must not attend at a fire or other emergency.

29 Application for enrolment as a member

(1) A person eligible to apply to join a brigade as a general member under regulation 27 or a junior member under regulation 28 may apply to the Authority for that membership.

(2) An application under subregulation (1) must be in writing and specify—

(a) the name of the brigade the applicant wishes to join; and

(b) the category of membership being applied for; and

(c) details of the proposed member, including family and given names, home address, postal address, telephone number and email address; and

(d) details of any relevant medical conditions; and

(e) details of any current or past membership of brigades.

(3) An application under subregulation (1) to join a brigade as a member under the age of 18 (whether as a general member or as a junior member) must be accompanied by the written consent of a parent or guardian of the applicant.

30 Application for transfer between brigades

An application by a member to transfer membership from one brigade to another brigade must be made to the Authority in writing and specify—

(a) the applicant’s name, address and membership number; and

(b) the name of the applicant’s current brigade and the name of the brigade the applicant is seeking to transfer to; and

(c) details of any relevant medical conditions that the applicant has not previously notified the Authority of.

31 Application for general membership by a junior member

(1) A junior member who has attained the age of 16 years or more may apply in writing to the Authority to join a brigade as a general member.

(2) An application made under subregulation (1) must specify—

(a) the applicant’s name, address and membership number; and

(a) the name and number of the brigade that the applicant wishes to join.

(3) An application under subregulation (1) to join a brigade as a member under the age of 18 must be accompanied by the written consent of a parent or guardian of the applicant.

32Enrolment of volunteers

(1) Subject to approval by the brigade referred to in a person’s application, the Authority may enrol the person—

(a) as a general member of the brigade if the person meets the eligibility criteria specified in regulation 27; or

(b) as a junior member of the brigade if the person meets the eligibility criteria specified in regulation 28.

(2) A brigade may delegate the approval of a person’s application to a brigade management team.

(3) Despite regulation 27(2), the Authority may enrol a person for the functions and duties specified by the Chief Officer if the Authority considers that the person is not physically or medically capable of performing all the duties of a member without endangering the person's own safety or the safety of others, but is capable of performing the duties specified by the Chief Officer.

(4) The Authority may, in respect of a person who is enrolled as a member of a brigade, limit the functions and duties for which the person is enrolled to those specified by the Chief Officer if the Authority considers that the person has become physically or medically incapable of performing all the duties of a member without endangering the person's own safety or the safety of others, but is capable of performing duties specified by the Chief Officer.

(5) The Authority may refuse to enrol a person as a member of a brigade if the Authority—

(a) requires the person to undergo a medical examination and the person fails the examination or refuses to take the examination; or

(b) considers that the person is not a fit and proper person to be a member of the brigade; or

(c) is satisfied that some other reasonable ground exists to refuse enrolment.

33 Probationary period

(1) Unless the Authority otherwise determines, the enrolment by the Authority of a person as a member of a brigade is probationary for the first 6 months.

(2) A person transferring from one brigade to another brigade who is not already on probation may apply to the Authority to have the period of probation referred to in subregulation (1) waived.

(3) The Authority may vary the probation period before the expiry of the probation period.

34 Cancellation of enrolment of member on probation

The Authority may cancel the enrolment of a member on probation if the Authority receives a request from the brigade not less than 7 days before the expiry of the probation period.

35 Resignation

(1) A member who wishes to resign from a brigade must notify the brigade or the Authority.

(2) A brigade that receives notification of the resignation of a member of the brigade must notify the Authority.

(3) If the Authority receives notification of the resignation of a member, the Authority must notify the member’s brigade.

36 Leave of absence

(1) A member who wishes to take a leave of absence must notify their brigade in writing.

(2) A brigade that receives a written request for a leave of absence for 6 months or more must seek the approval of the Chief Officer.

(3) An approved leave of absence must not be counted in determining a member’s length of service with the Authority.

37 Cancellation of enrolment

1. The Authority may cancel the enrolment of a member if the Authority receives a request and sufficient evidence from the member's brigade that the member, for at least 12 months—

(a)has been absent without leave; or

(b) has not demonstrated sufficient interest in performing their functions as a member.

(2) The Authority may cancel the enrolment of a member if it is satisfied that—

(a) the member is no longer a fit and proper person to be enrolled as a member and the member has been afforded procedural fairness; or

(b) the continued enrolment of the member could bring the Authority into disrepute.

38 Physical and medical fitness

(1) The Chief Officer may, from time to time, require a member to undergo a medical examination or test to determine—

(a) the member's physical or medical capability; or

(b) the physical or medical capability of a person to perform the functions and duties of a member.

(2) A medical examination or test under subregulation (1) is to be conducted—

(a) by a person specified by the Chief Officer; and

(b) in relation to the brigade functions and duties specified by the Chief Officer; and

(c) at the Authority's expense.

(3) The Chief Officer may suspend a member’s enrolment if the member unreasonably refuses—

(a) to undergo the medical examination or test as directed by the Chief Officer; or

(b) to submit to the Chief Officer a medical certificate in relation to the examination or test.

(4) A member suspended under subregulation (3) remains suspended until the Chief Officer is satisfied the member has undergone a medical examination or test or submitted a medical certificate (as the case requires).

(5) If a member knows, or becomes aware, of a matter which would significantly affect the member's capacity to perform their duties or functions as a member, the member must, as soon as practicable, advise the Chief Officer of the matter.

(6) The failure of a member to comply with subregulation (5) does not disqualify the member from receiving compensation under these Regulations.

39 Training

A member must comply with the training requirements determined by the Chief Officer.

40 Subcategories of membership

(1) The Chief Officer may—

(a) establish subcategories of membership; and

(b) specify the criteria applicable to each sub-category of membership; and

(c) specify the functions to be performed by members allocated to each subcategory of membership.

(2) The Chief Officer may allocate a general member to one or more subcategories of membership established under subregulation (1).

Division 3—Elections

Subdivision 1—Electronic voting

41 Electronic voting

(1) The Authority may approve a system to enable electronic voting for the election of officers of brigades or groups of brigades under this Division.

(2) The Authority must not approve a system for electronic voting unless the Authority is satisfied that the system will—

(a) prevent any member, in the capacity of a member, from ascertaining the vote of another member; and

(b) prevent a person from voting more than once in any matter; and

(c) comply with the requirements of these Regulations.

(3) A brigade or group of brigades may decide by resolution prior to an election to use the system approved by the Authority for an election conducted under this Division.

Subdivision 2—Elections of officers of brigades

42 Eligibility to stand for election

1. A person is eligible to stand for election as an officer of a brigade (including the position of captain) if—

(a) the person is a general member; and

(b) their enrolment is not suspended.

(2) A member of a brigade is not eligible to stand for the position of captain of a brigade unless—

(a) the member has served as an officer of a brigade for 2 years or more; and

(b) the member has met the requirements specified by the Chief Officer as requirements for that position.

(3) The Chief Officer may waive the requirements in subregulation (2).

(4) A member of a brigade is not eligible to stand for the position of lieutenant of the brigade unless—

(a) the member has met the requirements specified by the Chief Officer as requirements for that position; or

(b) the Chief Officer waives the requirements in paragraph (a).

43 Elections of brigade officers

(1) The Authority must determine which brigades must hold elections for brigade officers in years designated by—

(a) an odd number; or

(b) an even number.

(2) A brigade must hold an election for brigade officers in the month and the year determined by the Authority for the brigade.

(3) A majority of votes of members present and eligible to vote is sufficient to secure election.

(4) If the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must call for a second vote.

(5) If in the second vote the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be declared elected.

44 Seniority of officers of brigades

Each brigade must determine the relative seniority of the officers of that brigade.

45 Brigade delegates

(1) Each brigade in a group of brigades may, from time to time, elect delegates to represent the brigade at meetings of the group.

(2) Each delegate must be elected by the brigade, with a majority of votes of members present and eligible to vote being sufficient to secure election.

(3) If the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be declared elected.

(4) At a meeting of a group of brigades, a maximum of 2 delegates from each brigade may vote on any matter arising for determination at the meeting.

46 Term of office

(1) Subject to subregulation (2) and regulation 47, the term of office for an officer of a brigade is 2 years, commencing on the next 1 July following the election.

(2) If, at the expiration of the term of office of an officer of a brigade, no person has been elected to that position, the term of office of that officer of the brigade is extended until a person is elected to that position in accordance with these Regulations.

47 Casual vacancies

(1) This regulation applies if, before the term of office expires, the officer—

(a) resigns from the position or is disqualified from holding the position; or

(b) ceases to be a member.

(2) The brigade must, as soon as is practicable after receiving notice of a matter referred to in subregulation (1), elect a member to replace the officer.

(3) A member elected under subregulation (2) holds office for the remainder of the term of office of the replaced officer.

48 Notification of the Authority

The secretary or captain of a brigade must notify the Authority of the result of an election of officers within 7 days after the election.

Subdivision 3 —Elections of officers of groups of brigades

49 Eligibility to stand for election

1. A person is only eligible to stand for election as an officer of a group of brigades if—

(a) the person is a general member; and

(b) their enrolment is not suspended.

(2) A person is not eligible to stand for election to the position of officer of a group of brigades unless the member has met the requirements specified by the Chief Officer as requirements for that position.

(3) A person is not eligible to stand for election to the position of deputy officer of a group of brigades unless the member has met the requirements specified by the Chief Officer as requirements for that position.

(4) The Chief Officer may waive the requirements in subregulations (2) and (3).

50 Elections for officers of the group of brigades

(1) The Authority must determine which groups of brigades must hold elections for officers of the group of brigades in years designated by—

(a) an odd number; or

(b) an even number.

(2) A group of brigades must hold an election for officers of the group in the month and the year determined by the Authority for the group.

(3) A majority of votes of delegates present and eligible to vote is sufficient to secure election.

(4) If the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must call for a second vote.

(5) If in the second vote the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be declared elected.

51 Deputy officers of groups

Each group of brigades must determine the relative seniority of its deputy officers of that group.

52 Term of office

(1) Subject to subregulation (2) and regulation 53, the term of office for an officer of a group of brigades is 2 years, commencing on the next 1 July following an election.

(2) If, at the expiration of the term of office of an officer of a group of brigades, no person has been elected to that position, the term of office of that officer of the group is extended until a person is elected to that position in accordance with these Regulations.

53 Casual vacancies

(1) This regulation applies if, before a term of office expires, the officer of a group of brigades—

(a) resigns from the position or is disqualified from holding the position; or

(b) ceases to be a member.

(2) The group of brigades must, as soon as is practicable after receiving notice of a matter referred to in subregulation (1), elect a member to replace the officer.

(3) A member elected under subregulation (2) holds office for the remainder of the term of office of the replaced officer.

54 Notification of the Authority

An officer of a group of brigades or secretary of a group of brigades must notify the Authority of the result of an election of officers within 7 days after the election.

Division 4—Disciplinary action

Subdivision 1—Grounds for disciplinary action

55 Grounds for disciplinary action

Each of the following is a ***ground for disciplinary action*** against a member of a brigade—

(a) the member has contravened the Act or these Regulations;

(b) if a brigade or group of brigades has contravened section 20A(2) of the Act, the member was involved in that contravention;

(c) if an association of persons has contravened section 26 of the Act, the member was involved in that contravention;

(d) the member has contravened a condition of their enrolment;

(e) the member has contravened a direction given by the Chief Officer;

(f) the member has engaged in misconduct;

(g) the member has been negligent in performing their duties;

(h) the member, in performing their duties, has failed to meet the standard of competence or efficiency reasonably expected of a member of a brigade.

56 Chief Officer may authorise persons to conduct disciplinary processes

(1) The Chief Officer may authorise a person to undertake a disciplinary investigation into the conduct of a member of a brigade.

(2) The Chief Officer may authorise a person to determine the outcome of a disciplinary investigation into the conduct of a member of a brigade.

(3) The Chief Officer may authorise a person to hear and determine a matter relating to the conduct of a member of a brigade.

Subdivision 2—Interim restriction of duties or suspension

57 Interim restriction of duties or suspension

(1) The Chief Officer may restrict a member of a brigade from performing specified duties if the Chief Officer believes that—

(a) the member may have engaged in conduct that is a ground for disciplinary action; and

(b) the restriction of duties is appropriate in the circumstances.

(2) The Chief Officer may suspend the enrolment of a member of a brigade if the Chief Officer believes that—

(a) the member may have engaged in conduct that is a ground for disciplinary action; and

(b) the suspension is appropriate in the circumstances.

(3) The Chief Officer must give written notice of an interim restriction or interim suspension to the member.

58 Duration of interim restriction or suspension

An interim restriction or interim suspension continues in force until whichever of the following occurs first—

(a) the Chief Officer revokes the restriction or suspension;

(b) a referring officer decides under regulation 62(2)(a) that no further action is required in relation to the member's conduct;

(c) a hearing officer makes a determination under regulation 67 in relation to the member's conduct.

59 Review of interim restriction or suspension

(1) If, within 60 days after issuing an interim restriction or interim suspension, a disciplinary investigation has not yet been completed into the member's conduct, the Chief Officer must review the restriction or suspension to determine whether it should continue in force.

(2) After reviewing an interim restriction or interim suspension under subregulation (1), the Chief Officer may—

(a) continue the restriction or suspension; or

(b) in the case of an interim restriction, vary the restriction; or

(c) revoke the restriction or suspension.

(3) Within a reasonable period after making a decision under subregulation (2), the Chief Officer must give written notice of the decision and the reasons for that decision to the member.

(4) Nothing in this regulation prevents the Chief Officer from reviewing an interim restriction or interim suspension at any other time.

Subdivision 3—Investigation

60 Investigation of member's conduct

(1) If the Chief Officer believes that a member of a brigade may have engaged in conduct that is a ground for disciplinary action, the Chief Officer or a person who is authorised under regulation 56(1) may investigate the member's conduct.

(2) On issuing an interim restriction or interim suspension to a member of a brigade, the Chief Officer must—

(a) investigate the conduct that led to the issuing of the restriction or suspension; or

(b) refer the conduct that led to the issuing of the restriction or suspension to a person who is authorised under regulation 56(1) for investigation.

61 Conduct of disciplinary investigation

(1) A disciplinary investigation must be completed as soon as practicable.

(2) For the purposes of conducting a disciplinary investigation, the investigator, by written notice, may request a person to give information specified in the notice to the investigator.

62 Outcome of disciplinary investigation

(1) As soon as practicable after completing a disciplinary investigation, the investigator, in writing, must give the results of the investigation to a referring officer, including any evidence collected by the investigator that may be relevant to determining whether the member engaged in conduct that is a ground for disciplinary action.

(2) A referring officer who receives the results of a disciplinary investigation under subregulation (1) must—

(a) if the referring officer reasonably believes that the member has not engaged in conduct that is a ground for disciplinary action, decide that no disciplinary action is required; or

(b) if the referring officer reasonably believes that the member has engaged in conduct that is a ground for disciplinary action, refer the matter to a hearing officer for a disciplinary hearing.

(3) A referring officer who makes a decision under subregulation (2) in respect of a disciplinary investigation must not be the same person who completed that disciplinary investigation.

(4) A referral under subregulation (2)(b) must be in writing and specify—

(a) the proposed ground for disciplinary action; and

(b) details of the alleged conduct of the member.

(5) A referring officer who makes a referral under subregulation (2)(b) must give a copy of that referral to—

(a) the member; and

(b) if the referring officer is a person who is authorised under regulation 56(2), the Chief Officer.

Subdivision 4—Disciplinary hearing and determination

63 Hearing officers

A hearing officer who conducts a disciplinary hearing in respect of a member's conduct must not be the same person who—

(a) completed the disciplinary investigation into that conduct; or

(b) referred that conduct to the hearing officer for the disciplinary hearing.

64 Date for disciplinary hearing

(1) On receiving a referral under regulation 62(3)(b), the hearing officer must determine the date, time and place for hearing and determining the matter.

(2) The hearing officer must give written notice of the date, time and place of the disciplinary hearing to—

(a) the member who is the subject of the hearing; and

(b) the referring officer.

(3) Subject to subregulation (4), the date for the disciplinary hearing must be at least 28 days after written notice of the hearing is given under subregulation (2).

(4) If the member consents, the date for the disciplinary hearing may be within 28 days after written notice of the hearing is given under subregulation (2).

65 Evidence for disciplinary hearing

At least 14 days before a disciplinary hearing, the referring officer must give any evidence that may be relevant to determining whether the member engaged in conduct that is a ground for disciplinary action to—

(a) the member who is the subject of the hearing; and

(b) the hearing officer.

66 Conduct of hearing

(1) Subject to these Regulations and any guidelines issued under subregulation (6), the hearing officer may determine the procedure of a disciplinary hearing, including whether any person may attend the hearing by audio link or audio visual link.

(2) Before a disciplinary hearing—

(a) the hearing officer may invite written submissions from—

(i) the member who is the subject of the hearing; and

(ii) the referring officer; and

(iii) any other person whose submissions the hearing officer considers relevant for determining the matter; and

(b) if the member consents, the hearing officer may determine the matter on the basis of written submissions.

(3) At a disciplinary hearing—

(a) the member who is the subject of the hearing is entitled to be present, to make submissions and to be represented; and

(b) the hearing officer must conduct the hearing with as little formality and technicality as the requirements of this Division and the proper consideration of the matter permit; and

(c) the hearing officer is not bound by rules of evidence but may inform themselves in any way the hearing officer thinks fit; and

(d) the hearing officer is bound by the rules of procedural fairness.

(4) Despite subregulation (3)(a), the hearing officer may conduct a disciplinary hearing without the presence or submissions of the member who is the subject of the hearing if the member is given a reasonable opportunity to make submissions and attend the hearing.

(5) The hearing officer may adjourn a disciplinary hearing if the hearing officer considers it necessary in the circumstances to do so.

(6) From time to time, the Chief Officer may issue guidelines relating to the procedure of a disciplinary hearing.

67 Determination of matter and disciplinary action

(1) After conducting a disciplinary hearing, including a hearing on written submissions only, the hearing officer must—

(a) if the hearing officer finds that the member has engaged in conduct that is a ground for disciplinary action, take one or more of the disciplinary actions specified in subregulation (2) against the member; or

(b) determine that no further action is required.

(2) The specified disciplinary actions are the following—

(a) to reprimand the member;

(b) to reduce the rank of the member;

(c) to remove the member from a position—

(i) that the member holds in a brigade or group of brigades; and

(ii) to which the member was elected or appointed;

(d) to impose specified conditions on the enrolment of the member, including a condition that—

(i) restricts the member from performing specified duties for a specified period; or

(ii) requires the member to complete specified training within a specified period;

(e) to restrict the member from holding a specified position in a brigade or group of brigades for a specified period;

(f) to suspend the enrolment of the member for a specified period;

(g) to recommend to the Authority that the Authority cancel the enrolment of the member.

(3) If a hearing officer makes a finding referred to in subregulation (1)(a), the hearing officer may invite the member or the member's representative to make submissions about the disciplinary action to be taken against the member.

(4) If a hearing officer recommends to the Authority that the Authority cancel the enrolment of a member, the hearing officer must suspend the member's enrolment.

(5) A suspension under subregulation (4) continues in force until whichever of the following occurs first—

(a) the Appeal Panel varies or revokes the hearing officer's recommendation;

(b) the Authority makes a decision in relation to the cancellation of the member's enrolment.

(6) Within 28 days after a hearing officer makes a determination under this regulation, the hearing officer must give written notice of the determination to the member.

Subdivision 5—Appeals

68 Appeal Panel

(1) There is an Appeal Panel that is constituted by—

(a) two persons who are nominated by the chairperson of the Authority; and

(b) one person who is nominated by Volunteer Fire Brigades Victoria Incorporated.

(2) An officer or employee of the Authority is ineligible to be nominated to the Appeal Panel.

(3) One of the persons referred to in subregulation (1)(a) is to be the chairperson of the Appeal Panel.

69 Appeal of determination to take disciplinary action

(1) A member of a brigade may appeal to the Appeal Panel against—

(a) a finding under regulation 67 that the member has engaged in conduct that is a ground for disciplinary action; or

(b) the disciplinary action that is taken against the member under regulation 67.

(2) An appeal under subregulation (1) must be made no later than 28 days after the member receives notice of the determination under regulation 67.

(3) An appeal under subregulation (1) must—

(a) be in the form approved by the chairperson of the Authority; and

(b) set out the reasons for the appeal and the outcome sought by the appellant.

(4) An appeal under subregulation (1) does not affect the operation of the determination under regulation 67 or prevent the taking of disciplinary action under that regulation.

70 Dismissal of appeal

(1) The Appeal Panel may dismiss an appeal without a hearing if it is satisfied that the appeal is frivolous or vexatious.

(2) Within 28 days after dismissing an appeal under subregulation (1), the chairperson of the Appeal Panel must give written notice of the dismissal to—

(a) the appellant; and

(b) the hearing officer who made the determination that was subject to appeal; and

(c) the Chief Officer.

71 Notice of appeal hearing

(1) The Appeal Panel must determine the date, time and place for hearing an appeal.

(2) The chairperson of the Appeal Panel must give written notice of the date, time and place of the hearing of an appeal to—

(a) the appellant; and

(b) the hearing officer who made the determination that is subject to appeal; and

(c) the Chief Officer.

(3) Subject to subregulation (4), the date for the hearing of the appeal must be at least 28 days after written notice of the hearing is given under subregulation (2).

(4) If the member consents, the date for the hearing of the appeal may be within 28 days after written notice of the hearing is given under subregulation (2).

72 Conduct of appeal hearing

(1) Subject to these Regulations and any guidelines issued under subregulation (6), the Appeal Panel may determine the procedure of the hearing of an appeal, including whether any person may attend the hearing by audio link or audio visual link.

(2) Before the hearing of an appeal—

(a) the Appeal Panel may invite written submissions from—

(i) the appellant; and

(ii) the hearing officer who made the determination that is subject to appeal; and

(iii) the Chief Officer; and

(iv) any other person whose submissions the Appeal Panel considers relevant for determining the appeal; and

(b) if the appellant consents, the Appeal Panel may determine the appeal on the basis of written submissions.

(3) At the hearing of an appeal—

(a) the appellant is entitled to be present, to make submissions and to be represented; and

(b) the Appeal Panel must conduct the hearing with as little formality and technicality as the requirements of this Division and the proper consideration of the matter permit; and

(c) the Appeal Panel is not bound by rules of evidence but may inform itself in any way it thinks fit; and

(d) the Appeal Panel is bound by the rules of procedural fairness.

(4) Despite subregulation (3)(a), the Appeal Panel may conduct the hearing of an appeal without the presence or submissions of the appellant if the appellant is given a reasonable opportunity to make submissions and attend the hearing.

(5) The Appeal Panel may adjourn the hearing of an appeal if the Appeal Panel considers it necessary in the circumstances to do so.

(6) From time to time, the chairperson of the Authority may issue guidelines relating to the procedure for hearing an appeal.

73 Determination of appeal

(1) After hearing an appeal, including a hearing on written submissions only, the Appeal Panel must—

(a) confirm the finding and determination of the hearing officer under regulation 67; or

(b) vary the finding and determination of the hearing officer under regulation 67; or

(c) revoke the finding of the hearing officer under regulation 67 and determine that no further action is required.

(2) For the purposes of a decision under subregulation (1)(a) or (b), the Appeal Panel may take any disciplinary action specified in regulation 67(2) against the appellant that the Appeal Panel thinks appropriate.

(3) Within 28 days after making a decision under subregulation (1), the chairperson of the Appeal Panel must give written notice of the outcome of the appeal to—

(a) the appellant; and

(b) the hearing officer who made the determination that was subject to appeal; and

(c) the Chief Officer.

Subdivision 6—Suspension and cancellation

74 Immediate suspension

The Chief Officer may suspend the enrolment of a member of a brigade if—

(a) the Chief Officer is notified that Victoria Police or the police force of another jurisdiction is investigating the member in relation to the alleged commission of an indictable offence; or

(b) the member has been charged with an offence in Victoria or another jurisdiction that is punishable by a term of imprisonment; or

(c) the member has been given a WWC exclusion.

75 Duration of immediate suspension

(1) A suspension under regulation 74(a) continues in force until whichever of the following occurs first—

(a) the Chief Officer revokes the suspension; or

(b) the member is charged with an offence in Victoria or another jurisdiction.

(2) The Chief Officer must revoke a suspension imposed under regulation 74(a) if the Chief Officer reasonably believes that the member is no longer being investigated in relation to the offence.

(3) If a suspension imposed under regulation 74(a) ends because the member is charged with an offence in Victoria or another jurisdiction, nothing in subregulation (1) prevents the Chief Officer from suspending the enrolment of the member under regulation 74(b).

(4) A suspension under regulation 74(b) continues in force until the charge has been finally determined.

(5) A suspension under regulation 74(c) continues in force until the WWC exclusion is no longer in force.

76 Suspension and cancellation following finding of guilt

(1) Without limiting the Authority's powers under section 23 of the Act, the Authority may cancel the enrolment of a member of a brigade who is found guilty of an offence in Victoria or another jurisdiction that is punishable by a term of imprisonment.

(2) The Chief Officer may suspend the enrolment of a member who is found guilty of an offence in Victoria or another jurisdiction that is punishable by a term of imprisonment.

(3) A suspension under subregulation (2) continues in force until—

(a) the Chief Officer revokes the suspension; or

(b) the Authority makes a decision in relation to the cancellation of the member's enrolment.

77 Restrictions during suspension

(1) This regulation applies to a member of a brigade whose enrolment is suspended under this Division.

(2) The member must not attend any meetings of a brigade, a group of brigades or the Authority during the period of suspension.

(3) The member must not participate in any events or activities conducted by a brigade, a group of brigades or the Authority during the period of suspension.

(4) The member must not wear any uniform or insignia belonging to the Authority during the period of suspension.

(5) The member must not enter any premises owned or occupied by the Authority during the period of suspension unless—

(a) the Chief Officer has authorised the member to enter the premises for the purposes of an investigation under Subdivision 3; or

(b) a hearing officer has authorised the member to enter the premises for the purposes of a disciplinary hearing under Subdivision 4; or

(c) the Appeal Panel has authorised the member to enter the premises for the purposes of an appeal under Subdivision 5.

Division 5—Financial management

78 Appointment of secretary and treasurer

(1) Subject to subregulation (3), a brigade must appoint—

(a) a secretary; and

(b) a treasurer.

(2) Subject to subregulation (3), a group of brigades must appoint—

(a) a secretary; and

(b) a treasurer.

(3) The secretary and the treasurer of a brigade or group of brigades, as the case requires, must be a member or an employee.

(4) The secretary and treasurer may be the same person.

79 Financial records must be kept

The treasurer of a brigade or group of brigades must ensure that proper accounts and records of the financial transactions, affairs and assets of the brigade or group are kept.

80 Financial directions

(1) The Chief Executive Officer may give written directions to a brigade or group of brigades in respect of financial management and record keeping.

(2) A brigade or group of brigades must comply with a direction given by the Chief Executive Officer under subregulation (1) as soon as practicable after being given the direction.

81 Financial statements to be prepared and submitted to the Authority

(1) As soon as practicable after the end of each financial year, the treasurer must prepare financial statements that show the financial operations and financial position of the brigade or group of brigades for that year, and submit the financial statements to the Authority not later than the date specified by the Chief Executive Officer.

(2) The Chief Executive Officer must give at least 28 days written notice of a date specified under subregulation (1).

(3) Financial statements submitted under subregulation (1) must be in the form specified by the Chief Executive Officer.

82 Authorisation to collect money

For the purposes of section 102 of the Act—

(a) an authorisation to collect contributions or subscriptions for the purposes of any brigade, group of brigades or association granted to an employee or member must specify the person or class of persons to whom the authorisation is granted; and

(b) an authorisation to collect contributions or subscriptions granted to a person other than a person referred to in paragraph (a) must contain—

(i) the name, address and phone number of the person or persons to whom the authority is granted; and

(ii) the reason for the authorisation; and

(iii) the proposed date or dates of collection; and

(iv) the brigade, group or association that the funds are being collected on behalf of.

83 Property of the brigade or group of brigades—deregistration

If the registration of a brigade or group of brigades is cancelled by the Authority—

(a) subject to paragraph (b), any personal property vested in a person on behalf of the brigade or group of brigades must be distributed as determined by the Authority after consultation with the brigade or group; and

(b) any property referred to in paragraph (a) must not be distributed among the members of the brigade or group of brigades.

Part 5—Forestry industry brigades

84 Responsibilities of a forestry industry brigade

A forestry industry brigade is responsible for fire suppression on the plantation holdings of the relevant owner or group of relevant owners who formed the brigade only.

85 Designation of areas

(1) In designating an area for the formation of a forestry industry brigade, the Authority must—

(a) identify an area, within a radius of 25 kilometres of a central point determined by the Authority, with one or more plantation holdings amounting to an aggregate of not less than 500 hectares—

(i) located wholly or partially within the area; or

(ii) contiguous with plantation holdings located wholly or partially within the area; and

(b) ensure that the designated area consists of—

(i) any plantation holding referred to in paragraph (a); and

(ii) any plantation holding located elsewhere in Victoria the relevant owner of which is a relevant owner of a plantation holding referred to in paragraph (a) and which does not fall within the designated area for another forestry industry brigade.

(2) Before designating an area for the formation of a forestry industry brigade, the Authority must consider the following matters—

(a) the size, location, topography, number and dispersion of the plantation holdings that will form the designated area;

(b) the characteristics of the area, including—

(i) the location of roads; and

(ii) the existing capacity for the suppression of fires; and

(iii) the past incidence of fire; and

(iv) the risk posed by fire to plantation holdings and the community.

(3) Before designating an area for the formation of a forestry industry brigade, the Authority must consult with a committee appointed by the Minister on the proposal to designate the area and the matters set out in subregulation (2).

(4) The committee must consist of—

(a) at least one person experienced in the forestry industry; and

(b) at least one person experienced in fire-fighting in rural Victoria; and

(c) the Secretary to the Department of Justice and Community Safety or that Secretary's nominee.

(5) At least 30 days before designating an area for the formation of a forestry industry brigade, the Authority must give all relevant owners of land in the area a notice—

(a) specifying the reasons for the decision to designate the area; and

(b) identifying on a map the area to be designated.

(6) The Authority must keep a register of designated areas for forestry industry brigades available on the Internet site of the Authority.

(7) The Authority may vary the designated area of a forestry industry brigade after consulting with the relevant owner or group of relevant owners.

86 Criteria for formation of forestry industry brigades

(1) The Authority must have regard to the criteria under this regulation in determining whether to require a relevant owner or group of relevant owners to form a forestry industry brigade for a designated area.

(2) If the aggregate plantation holdings of a relevant owner or group of relevant owners in the designated area are 10 000 hectares or more, the Authority must be satisfied that there is no other forestry industry brigade in another designated area that is able and willing to provide adequate services for the suppression of fires and the saving of life at fires in the designated area.

(3) If the aggregate plantation holdings of a relevant owner or group of relevant owners in the designated area are less than 10 000 hectares, the Authority must be satisfied that—

(a) the aggregate plantation holdings of the relevant owner or group of relevant owners are 500 hectares or more; and

(b) there is no other forestry industry brigade in another designated area that is able and willing to provide adequate services for the suppression of fires in the designated area; and

(c) the formation of the forestry industry brigade is appropriate having regard to the following—

(i) the adequacy of existing fire detection systems;

(ii) the first attack capability of the proposed brigade;

(iii) the apparatus available for undertaking the responsibilities of a forestry industry brigade;

(iv) the availability of competent persons to become members of the brigade;

(v) the fire suppression capacity of any other brigade in the designated area;

(vi) the fire hazard characteristics of the designated area.

87 Requirement for formation of forestry industry brigade

(1) A requirement by the Authority under section 23AA(2) of the Act must be in writing and include the following information—

(a) the reasons why the Authority requires the relevant owner or group of owners in a designated area to form a forestry industry brigade;

(b) the officers and members which the Authority has determined are to be provided for the brigade at the expense of the relevant owner or group of relevant owners;

(c) the apparatus for undertaking the responsibilities of the forestry industry brigade, which the Authority has determined is to be provided for the brigade at the expense of the relevant owner or group of relevant owners;

(d) the Authority's operational and administrative requirements of the relevant owner or group of relevant owners;

(e) that the relevant owner or group of relevant owners must apply to the Authority for registration of the forestry industry brigade;

(f) that the relevant owner or group of relevant owners may apply to VCAT under section 23AA(4) of the Act for review of the requirement to form the brigade.

(2) The Authority must consult with the relevant owner or group of relevant owners before determining the officers, members and apparatus to be provided for the forestry industry brigade.

(3) A notice under subregulation (1) must be given to the relevant owner or each relevant owner in the group of relevant owners to whom the requirement under section 23AA(2) of the Act is directed.

88 Minimum requirements for apparatus

(1) The minimum requirement for apparatus for a forestry industry brigade is, in relation to a relevant owner to whom regulation 86(2) applies, one mobile fire-fighting unit that—

(a) is capable of traversing all roads and tracks in the designated area; and

(b) has a minimum water carrying capacity of 2500 litres; and

(c) is equipped with at least 30 metres of 19 millimetre hose connected to a fire-fighting nozzle and a pump of at least 5 horsepower.

(2) Subject to subregulation (3), the minimum requirement for apparatus for a forestry industry brigade is, in relation to a relevant owner or group of owners to whom regulation 86(3) applies, one or more mobile fire-fighting units that—

(a) are capable of traversing all roads and tracks in the designated area; and

(b) have a minimum aggregate water carrying capacity of 800 litres; and

(c) are equipped with at least 30 metres of 19 millimetre hose connected to a fire-fighting nozzle and a pump of at least 5 horsepower.

(3) The Authority may vary the minimum requirement for apparatus to be provided under section 23AA of the Act by a relevant owner or group of owners to whom regulation 86(3) applies, having regard to—

(a) the minimum requirements set out in subregulations (1) and (2), as applicable; and

(b) the size of the designated area; and

(c) the criteria set out in regulation 86(3)(c).

89 Application for registration of a forestry industry brigade

For the purposes of section 23AA(2)(b) of the Act, an application for the registration of a forestry industry brigade must—

(a) specify the name and contact details of the person engaged or employed by a relevant owner who is proposed for appointment as the officer in charge of the forestry industry brigade; and

(b) specify the names of the persons engaged or employed by the relevant owner or group of relevant owners who are proposed for appointment as officers and members of the forestry industry brigade; and

(c) include a list of the apparatus to be used by the brigade for undertaking the responsibilities of the forestry industry brigade.

90 Requirement to notify Authority of changes

(1) A relevant owner or group of relevant owners must ensure the Authority is notified of any changes to the information under regulation 89(a) within 14 days after any change.

(2) A person or persons who cease to be a relevant owner or group of relevant owners in relation to a designated area must ensure the Authority is notified of this change within 14 days after they cease to be a relevant owner or group of relevant owners.

91 Operation of a forestry industry brigade

(1) The relevant owner, or the group of relevant owners, in relation to a forestry industry brigade—

(a) is responsible for the operation and command of the forestry industry brigade in relation to the designated area; and

(b) must ensure that all apparatus and equipment of the forestry industry brigade is maintained in operational order; and

(c) must ensure that the forestry industry brigade in relation to a designated area is readily contactable by the Authority and any other brigade; and

(d) may respond to calls to assist other brigades attending fires outside the designated area for which the forestry industry brigade is responsible.

(2) If a fire is detected in part of the designated area for which a forestry industry brigade is responsible, the officer in charge of the brigade must ensure that—

(a) regular situation reports of fire suppression activities by the brigade are provided to the Chief Officer; and

(b) a fire and incident report in a form approved by the Authority and containing any additional information that is requested by the Authority is given to the Authority in the manner required by the Authority at the conclusion of the fire incident.

92 Training

(1) Officers and members of forestry industry brigades must comply with the training requirements determined by the Chief Officer.

(2) An officer or member of a forestry industry brigade must comply with the training requirements applicable to that officer or member.

93 Cancellation of forestry industry brigade

If the Authority decides to cancel the registration of a forestry industry brigade, it must make reasonable efforts to notify the relevant owner or the group of relevant owners of the decision, the reasons for the decision and the date from which the decision takes effect.

Part 6—Compensation

Division 1—Interpretation

94 Definitions

In this Part other than Division 5—

***A.M.A Guides*** has the same meaning as it has in the **Workplace Injury Rehabilitation and Compensation Act 2013** as modified by that Act and the Regulations made under that Act;

***compensation*** includes compensation for losses referred to in regulation 121(1) but does not include damages for personal injury;

***current work capacity***, in relation to a member, means a present inability arising from an injury such that the member is not able to return to the member's pre-injury employment but is able to return to work in suitable employment;

***family member***, in relation to a person, means—

(a) a spouse, domestic partner, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, step-brother or step-sister of that person; or

(b) any person who stands in the place of a parent in relation to that person;

***medical and like expenses*** means––

(a) reasonable costs of the medical, hospital, nursing, personal and household, rehabilitation and ambulance services received by a member because of a personal injury; and

(b) if death results from the personal injury, the reasonable costs incurred of family counselling services provided to—

(i) the family members of the deceased member; and

(ii) persons who at the time of the death of the member were wholly, mainly or partly dependent on the earnings of the deceased member; and

(iii) persons who would, but for the incapacity of a member due to the injury, have been wholly, mainly or partly dependent on the earnings of the deceased member;

by a medical practitioner or registered psychologist and the reasonable costs of burial or cremation of the member;

***medical practitioner*** means––

(a) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student); and

(b) in relation to anything done for the purposes of these Regulations within Australia but outside Victoria, a medical practitioner who is lawfully qualified in that place to do that thing;

***member*** means a volunteer officer, a member of a brigade, an officer or member of a forestry industry brigade or a person not formally enrolled as a member of a brigade but who has applied for membership and is performing the duties performed by a member of a brigade;

***no current work capacity***, in relation to a member, means a present inability arising from an injury such that the member is not able to return to work, either in the member's pre-injury employment or in other suitable employment;

***notional current weekly earnings***,in relation to a member, means the weekly earnings the Authority determines the member could earn from time to time (including, but not limited to, the amount of any current weekly earnings) in employment, being the member's employment before the injury or other suitable employment that the Authority determines the member is capable of performing despite the injury;

***personal effects*** does not include money;

***personal injury*** means physical or mental injury and includes a disease or death;

***registered psychologist*** means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student);

***senior officer*** means the Chief Officer, an officer in charge of a brigade or group of brigades or an officer authorised by the Chief Officer to be a senior officer for the purposes of this Division;

***serious injury*** means an injury to a member in respect of which the member's degree of impairment is 30% or more when assessed in accordance with—

(a) the A.M.A Guides; or

(b) The Guide to the Evaluation of Psychiatric Impairment for Clinicians as amended, varied or substituted from time to time in accordance with section 67 of the **Workplace Injury Rehabilitation and Compensation Act 2013**;

***service as a member*** has the meaning given by regulation 95;

***suitable employment*** has the meaning given by regulation 96;

***transport accident*** has the same meaning as in section 3 of the **Transport Accident Act 1986**;

***Victorian WorkCover Authority*** has the same meaning as ***Authority*** has in section 3 of the **Workplace Injury Rehabilitation and Compensation Act 2013**.

95 Meaning of service as a member

(1) In this Part, ***service as a member*** means—

(a) any of the following in respect of which a fire and incident report has been made to the Authority—

(i) an attendance at a fire or an alarm of fire;

(ii) an attendance at an incident under section 20A of the Act;

(iii) a service provided under section 97A, 97B or 97C of the Act; or

(b) an attendance at an incident in connection with the Authority’s designationas a protection agency under section 97 of the Act as in force immediately before its repeal by the **Environment Protection Amendment Act 2018** for the purposes of section 66 of the **Environment Protection Act 1970** as in force immediately before its repeal by the **Environment Protection Amendment Act 2018**; or

(c) participation in, or preparation for, fire brigade practice or training carried out with the consent of a senior officer; or

(d) carrying out duties or exercising powers under the Act or these Regulations; or

(e) carrying out routine fire brigade duties, including building or maintenance at a fire station or other Authority premises by the order or with the consent of a senior officer; or

(f) participation in, or preparation for, a fire brigade competition held under section 103 of the Act (whether as a competitor, official or organiser); or

(g) attendance at a properly constituted meeting of a body or an official group of a body established under the Act (other than the Authority), or at a meeting, recognised by the Authority, of members of that body; or

(h) participation in, or preparation for, an activity designed to assist the community or any brigade or group of brigades, if the activity is approved by a properly constituted meeting of the brigade or group conducted in accordance with the rules of the brigade or group.

(2) In this Part, service as a member includes travelling to and from the performance of a service referred to in subregulation (1).

(3) Service as a member, in the case of a member of a forestry industry brigade, means—

(a) the services specified in subregulation (1) if those services are performed under the command and control of the Chief Officer; and

(b) any service performed under section 42 or section 93B of the Act; and

(c) travelling to and from the performance of the services referred to in paragraphs (a) and (b).

(4) Despite subregulation (3), the performance of a service referred to in that subregulation, or travel to or from the performance of that service, is excluded from service as a member if the service is performed, or travel to and from that service occurs, within the designated area of a forestry industry brigade.

96 Meaning of suitable employment

Suitable employment, in relation to a member, means employment in work for which the member is currently suited—

(a) having regard to the following—

(i) the nature of the member's incapacity and the details provided in medical information including, but not limited to, the medical certificate supplied by the member in accordance with regulation 103;

(ii) the member's age, education, skills and work experience;

(iii) the member's place of residence;

(iv) any plan or document prepared as part of the return to work process;

(v) any occupational rehabilitation services that are being, or have been, provided to the member; and

(b) regardless of whether—

(i) the work or the employment is available; or

(ii) the work or the employment is of a type that is generally available in the employment market.

Division 2— Recovery of overpayments

97 Recovery of overpayments

An amount paid to a member or other person under this Part, whether as compensation or otherwise, is recoverable by the Authority in a court of competent jurisdiction as a debt due to the Authority if—

(a) the amount has been paid to the member or other person as a consequence of—

(i) a false or misleading statement or representation; or

(ii) a failure or omission to comply with a provision of this Part; or

(b) the member or other person is otherwise liable to pay the amount to the Authority under this Part.

Division 3— Personal injury compensation

98 Objectives of personal injury compensation

The objectives of this Division are––

(a) to enable the effective and expeditious rehabilitation and recovery of injured members; and

(b) to ensure appropriate compensation is paid as expeditiously as possible to injured members and, where applicable, other eligible persons entitled to compensation under these regulations.

99 Entitlement to compensation for personal injury

(1) If a member, in the course of, or arising out of, performing service as a member suffers a personal injury the member is entitled to compensation.

(2) If a member suffers a personal injury in the course of, or arising out of, performing service as a member which results in, or materially contributes to, the member's death, the following persons are entitled to compensation under this Division—

(a) the family members of the member;

(b) persons who at the time of the death of the member were wholly, mainly or partly dependent on the earnings of the member;

(c) persons who would, but for the incapacity of the member due to the injury, have been wholly, mainly or partly dependent on the earnings of the member.

100 Repayment of compensation where award, compromise or settlement paid by person or body other than the Authority

(1) This regulation applies if, in respect of a personal injury sustained on or after 1 July 2014—

(a) compensation is paid to a member or person under this Division; and

(b) an award of damages or compensation is paid by or on behalf of, or a compromise or settlement is reached with, a person or body other than the Authority.

(2) If this regulation applies, the member or person to whom compensation is paid under this Division must pay to the Authority an amount equal to––

(a) if the amount paid under the award, compromise or settlement exceeds the amount of compensation paid under this Division, the total amount of compensation received under this Division; or

(b) if the amount paid under the award, compromise or settlement is equal to or less than the amount of compensation paid under this Division, the proportion of the amount of compensation received under this Division (including medical and like expenses paid by the Authority) that is determined by the Authority.

(3) The Authority may recover money payable to the Authority under subregulation (2) in a court of competent jurisdiction as a debt due to the Authority.

101 Reduction of compensation where award, compromise or settlement paid by person or body other than the Authority

(1) This regulation applies if, in respect of a personal injury sustained on or after 1 July 2014—

(a) compensation is payable to a member or person under this Division; and

(b) an award of damages or compensation is paid by or on behalf of, or a compromise or settlement is reached with, a person or body other than the Authority.

(2) If this regulation applies, the entitlement of the member or the person to whom compensation is payable under this Division is to be reduced by an amount equal to the amount paid under the award, compromise or settlement paid to the member or person.

102 No claim to compensation where award of damages already paid

If, in respect of a personal injury, compensation is payable under these Regulations and an award of damages is paid by or on behalf of the Authority—

(a) there is no entitlement to compensation under this Division in respect of the personal injury; and

(b) if any amount has been paid in compensation under these Regulations before the award of damages, an amount equal to the amount paid in compensation must be deducted from the amount of damages recoverable from the Authority.

103 Making a claim for personal injury compensation

(1) A claim for personal injury compensation must—

(a) be in a form approved by the Chief Executive Officer; and

(b) if a claim for loss of income is made, be accompanied by––

(i) a medical certificate in the form required by subregulation (2) in respect of a period of incapacity not exceeding 28 days; and

(ii) proof of loss of earnings, including but not limited to taxation returns, profit and loss statements, PAYG pay assessments and statements from an employer or the member's accountant; and

(c) if the personal injury arose out of a transport accident, be accompanied by the police report required by regulation 105; and

(d) in respect of the death of a member, be accompanied by a copy of the death certificate.

(2) In approving a form under subregulation (1)(a), the Chief Executive Officer must have regard to the forms approved by the Victorian WorkCover Authority for the purposes of—

(a) the **Accident Compensation Act 1985**, for a claim relating to injuries sustained before 1 July 2014; or

(b) the **Workplace Rehabilitation and Compensation Act 2013**, for a claim relating to injuries sustained on or after 1 July 2014.

(3) A medical certificate must—

(a) be in a form approved by the Chief Executive Officer, having regard to the form approved by the Victorian WorkCover Authority for the purposes of section 25 of the **Workplace Injury Rehabilitation and Compensation Act 2013**; and

(b) be issued by a medical practitioner; and

(c) specify—

(i) the expected duration of the member's incapacity; and

(ii) whether the member has a current work capacity or has no current work capacity during the period, not exceeding 28 days, stated in the certificate.

(4) Despite subregulation (3)(c), the Authority may accept a medical certificate covering a period exceeding 28 days if the certificate states reasons why the certificate covers the longer period.

(5) A medical certificate is of no effect to the extent that it relates to a period of time more than 90 days after the date the certificate is issued, unless the Authority otherwise determines.

(6) A claim must be lodged with the Authority.

(7) If a claim or the material accompanying the claim is incomplete or is insufficient to enable the Authority to make a determination of the claim, the Chief Executive Officer may request further information from the member or the claimants before the Authority determines the claim.

104 Chief Executive Officer may request statement or report

(1) The Chief Executive Officer may give a copy of a claim for personal injury compensation to the officer in charge of the brigade to which the member belonged at the time of the personal injury.

(2) The Chief Executive Officer may request that the officer in charge of the brigade to which the member belonged at the time of the personal injury or claim give the Chief Executive Officer—

(a) a statement, signed by the officer in charge, of the circumstances of the incident giving rise to the claim and the opinion of the officer as to the claim; and

(b) a report from any person who witnessed the incident giving rise to the claim.

(3) The Chief Executive Officer may request a report from any person who witnessed the incident giving rise to the claim.

105 Personal injury arising out of transport accident

A member seeking to make a claim for personal injury compensation in respect of a personal injury arising out of a transport accident must––

(a) make a report to a police officer concerning the circumstances of the transport accident; and

(b) provide a copy of the police report to the Authority when lodging the claim.

106 Determination of claims for personal injury compensation

(1) The Authority must—

(a) enquire into the circumstances of a claim for personal injury compensation lodged; and

(b) determine the claim as soon as possible.

(2) In determining a claim, the Authority—

(a) has power to do all things necessary or expedient to determine the claim; and

(b) must give consideration—

(i) for a claim relating to injuries sustained before 1 July 2014, to sections 5, 5AC, 5AE, 5B, 82, 82A, 82B, 82BA 82C, 82D, 83, 86, 88, 89, 90, 91 (except subsection (2)), 92 (except subsection (7)), 93, 93CE, 93E, 93EA, 93F, 96, 96A, 97, 98, 98A, 99AAA, 99, 99AA, 99AC, 99AD, 99A and 100 of the **Accident Compensation Act 1985** and sections 111 and 112 of that Act as in force immediately before their repeal by the **Workplace Injury Rehabilitation and Compensation Act 2013**; or

(ii) for a claim relating to injuries sustained on or after 1 July 2014, to sections 92, 98 and 98A of the **Accident Compensation Act 1985** and sections 3, 6, 7, 27, 39, 40, 41, 42, 43, 43A, 44, 45, 46, 50, 52, 53, 53A, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 152, 156, 158, 160, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 222, 223, 224, 226, 228, 229, 231, 232, 542 of, and clause 25 of Schedule 1 to, the **Workplace Injury Rehabilitation and Compensation Act 2013**—

with any variations that are necessary, and in so far as they are not inconsistent with these Regulations.

(3) In determining a claim for compensation arising from the death of a member, the Authority may take into account the receipt by the member of—

(a) income from employment of, or work performed by, the member; or

(b) a pension, regular annuity or benefit payable under a law enacted in Victoria or any other Australian jurisdiction or an amount payable under a policy of insurance in respect of loss of earnings or income.

107 Entitlement to compensation exists regardless of whether a member is a worker

A member is not debarred from compensation in respect of personal injury caused to the member in the course of or arising out of service as a member by reason only that the member was not, at the relevant time, a worker within the meaning of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013** as the case may be.

108 Average weekly earnings

In determining the average weekly earnings of a member, the Authority—

(a) must take into account information supplied by or on behalf of the member; and

(b) may take into account any or all of the following––

(i) the average weekly earnings payable under a relevant industrial award to a person with the member's skills, qualifications and experience;

(ii) the average weekly earnings of a comparable person as published by the Australian Bureau of Statistics;

(iii) the reasonable cost of paying a person to perform the work the member is unable to perform as a result of the personal injury suffered while serving as a member;

(iv) the member's employment by an employer before the injury;

(v) other relevant matters; and

(c) if the member was not working under a contract of service at the time of the injury, may calculate average weekly earnings on any basis that, in the opinion of the Authority, most fairly reflects the worker's earning capacity had the injury not occurred to the member.

109 Interim payment for personal injury

(1) The Authority, before determining a claim for compensation for personal injury, may make an interim payment—

(a) for loss of income, calculated in accordance with regulation 108, for a period not exceeding 6 weeks; and

(b) in the case of a personal injury that is a physical injury—for reasonable medical and like expenses for a period not exceeding 6 weeks.

(2) A payment under subregulation (1) is subject to the provision of a medical certificate in accordance with regulation 103.

(3) Subject to subregulations (4) and (5), if it appears to the Authority that a person may be entitled to compensation in respect of the death of a member, the Authority, before determining the claim, may make interim payments to the person as follows—

(a) a weekly payment for a period of up to 12 weeks from the date of death of the member in an amount the Authority considers reasonable; and

(b) a payment for reasonable medical and like expenses up to a maximum amount determined by the Authority.

(4) Only one spouse or domestic partner may receive interim payments under subregulation (3)(a).

(5) The total amount of interim payments paid to each person entitled to compensation in respect of the death of a member under subregulation (3) must not exceed the maximum amount determined by the Authority.

(6) If the Authority determines that compensation is payable, the compensation payable is to be reduced by the amount of any interim payment made under this regulation.

(7) A payment made under subregulation (1) or subregulation (3) is not an admission of liability to pay compensation in respect of the claim.

110 Interim payment for personal injury that is a mental injury

(1) The Authority, before determining a claim for compensation for personal injury that is a mental injury, must make an interim payment for reasonable medical and like expenses in accordance with subregulation (3).

(2) The Authority must, within 2 business days of the member's claim for compensation being lodged in accordance with regulation 103, give written notice to the member of the member's entitlement to an interim payment under this regulation.

(3) An interim payment under subregulation (1) must be paid by the Authority on and from the day on which the member is given written notice under subregulation (2) until—

(a) if the Authority determines under regulation 90 that compensation is payable and the determination is made within 13 weeks after the day on which the member is given written notice under subregulation (2)—the day on which the Authority makes the determination under regulation 106; or

(b) in any other case—13 weeks after the day on which the member's claim is lodged in accordance with regulation 103.

(4) To avoid doubt, a member whose claim for compensation is rejected or terminated by the Authority is entitled to an interim payment under subregulation (1) until the day referred to in subregulation (3)(b).

(5) If the Authority determines that compensation is payable, the compensation payable is to be reduced by the amount of any interim payment made under this regulation.

(6) An interim payment made under subregulation (1) is not an admission of liability to pay compensation in respect of the claim.

(7) This regulation does not apply if the Authority has previously determined a claim for compensation relating to the same mental injury and circumstances.

111 Payment of medical expenses

(1) Payments made by the Authority for reasonable medical and like expenses incurred by a member are deemed to be payments made in satisfaction of a claim lodged by, or on behalf of, the member.

(2) The Authority may vary, reduce or terminate payments for medical and like expenses if the Authority reasonably believes that a member is not or is no longer entitled to payment by the Authority of those medical or like expenses under this Part.

112 Medical certificates and examinations

(1) The Authority, from time to time, may require a member who is receiving compensation payments from the Authority to attend any medical, rehabilitation, vocational or like examination with a medical practitioner or health professional nominated by the Authority.

(2) If a member—

(a) unreasonably fails to provide a certificate required by the Authority; or

(b) unreasonably fails to attend or undergo a medical or like examination required by the Authority; or

(c) unreasonably obstructs an examination referred to in paragraph (b)—

the Authority may suspend compensation payments until the certificate is provided, the examination takes place or the obstruction ceases.

(3) The Authority must pay the cost of medical or like examinations referred to in subregulation (1).

113 Duty to advise Authority

(1) A member who is receiving from the Authority compensation payments for loss of income must advise the Authority of—

(a) an alteration in the member's weekly earnings by reason of a change in employment circumstances; and

(b) the member's return or partial return to work; and

(c) a change in the member's capacity to return, or partially return, to work.

(2) A member or claimant who has received or is receiving compensation from the Authority must advise the Authority of––

(a) any claim lodged against a person or body other than the Authority for compensation or damages for the same personal injury for which the Authority has paid compensation under this Division; and

(b) any award of compensation or damages payable by, or any compromise or settlement reached with, a person or body other than the Authority for the same personal injury for which the Authority has paid compensation under this Division.

114 Power to obtain information

(1) The Authority may, from time to time, by written notice, require a member or other person to provide the Authority with such information as required for the purposes of inquiring into or ascertaining the member's or other person’s liability or entitlement under this Division.

(2) If a member or other person unreasonably fails to provide the Authority with information required under subregulation (1), the Authority may suspend compensation payments until the information is provided.

115 Return to work obligations of members

(1) A member who is receiving weekly payments must make reasonable efforts to—

(a) participate in an occupational rehabilitation service or return to work plan; and

(b) return to work in suitable employment; and

(c) participate in assessments of the member's capacity, rehabilitation progress and future employment prospects when requested to do so from time to time by the Authority or its health professionals.

(2) A member who is receiving weekly payments must not unreasonably fail to accept—

(a) an offer of suitable employment; or

(b) an offer of suitable employment which would result in increased weekly earnings or greater employment opportunities.

(3) If a member who is receiving weekly payments has accepted an offer of suitable employment, the member must—

(a) take up the employment; and

(b) make a reasonable attempt to continue in or carry out that employment.

116 Alteration of weekly payments by request

(1) A member who is receiving compensation for loss of income may apply to the Authority for an increase or reduction in the weekly payment.

(2) An application under subregulation (1) must be in writing and include—

(a) the reasons for the application; and

(b) supporting evidence.

(3) The Authority must—

(a) accept or reject the application; and

(b) give the member a written statement of its decision and the reasons for its decision; and

(c) if the Authority accepts the application, specify the new weekly payment amount and commencement date (if applicable).

117 Reduction of weekly payments

(1) The Authority, in accordance with regulation 119, may reduce weekly payments on one or more of the following grounds—

(a) there is not, or is no longer, an entitlement to weekly payments at the existing amount;

(b) the member has returned to work;

(c) the member's current weekly earnings have altered by reason of a change in employment circumstances;

(d) the Authority considers that the member unreasonably did not accept—

(i) an offer of suitable employment; or

(ii) an offer of suitable employment which would result in increased weekly earnings or greater employment opportunities;

(e) the member's current work capacity warrants a reduction of weekly payments.

(2) When a member has received weekly payments for loss of income in respect of an aggregate period of 156 weeks (whether consecutive or not), the Authority must reduce weekly payments, in accordance with regulation 119, to—

(a) if the member has a serious injury as determined by the Authority or has no current work capacity for suitable employment, 90% of the member's pre‑injury average weekly earnings as determined by the Authority; or

(b) if the member has a current work capacity for suitable employment, 70% of the member's pre-injury average weekly earnings as determined by the Authority—

less the member's current weekly earnings, or notional current weekly earnings as determined by the Authority.

118 Termination of weekly payments

The Authority, in accordance with regulation 119, may terminate weekly payments on one or more of the following grounds—

(a) there is not, or is no longer, an entitlement to weekly payments;

(b) the member has returned to work;

(c) the member's current weekly earnings have altered by reason of a change in employment circumstances;

(d) the Authority considers that the member unreasonably did not accept—

(i) an offer of suitable employment; or

(ii) an offer of suitable employment which would result in increased weekly earnings or greater employment opportunities;

(e) if the member accepted an offer of suitable employment, the Authority considers that the member—

(i) did not actively take up the employment; or

(ii) took up the employment but did not make a reasonable attempt to continue in or carry out the employment;

(f) the Authority considers that the member did not make reasonable efforts to––

(i) participate in an occupational rehabilitation service or return to work plan; or

(ii) return to work in suitable employment; or

(iii) participate in assessments of the member's capacity, rehabilitation progress and future employment prospects when requested to do so from time to time by the Authority or its health professionals;

(g) the Authority considers that the member's capacity or availability for employment has been materially reduced due to a cause that—

(i) is within the member's control; and

(ii) is not related to the personal injury entitling the member to weekly payments.

119 Procedure for increase, reduction or termination

The Authority may increase, reduce or terminate weekly payments of a member by serving the member with a written notice which must state—

(a) in the case of an increase or reduction—

(i) the new weekly payment amount; and

(ii) when the new weekly payment amount will commence; and

(b) in the case of a termination, when weekly payments will stop; and

(c) the reasons for the increase, reduction or termination of weekly payments.

120 Redemption of weekly payments and medical expenses

The Authority, by agreement with a member entitled under this Division to weekly payments or medical and like expenses, may redeem the member's future entitlement to weekly payments or medical and like expenses, or both, under this Division by paying the member the sum agreed between the member and the Authority.

Division 4— Personal property compensation

121 Entitlement to compensation for property loss and damage

(1) A member is entitled to compensation for destruction, damage or loss occurring in the course of, or arising out of, performing service as a member in relation to—

(a) wearing apparel or personal effects worn while performing the service; or

(b) a motor vehicle, equipment or property owned by, or in the possession of, the member and used in the performance of the service.

(2) Despite subregulation (1), a member is not entitled to compensation in respect of destruction, damage or loss of—

(a) an aircraft; or

(b) an unregistered motor vehicle that is used on a highway.

(3) In this regulation—

***highway*** has the same meaning as in the **Road Safety Act 1986**;

***unregistered motor vehicle*** means a motor vehicle which is not registered under Part 2 of the **Road Safety Act 1986** or a corresponding law of another State or a Territory.

122 Property loss and damage

(1) The amount of compensation payable in respect of destruction, damage or loss of wearing apparel, personal effects, a motor vehicle, equipment or other property is the amount the Authority considers reasonable for the indemnification for the destruction, damage or loss.

(2) Despite subregulation (1)—

(a) the amount of compensation payable in respect of destruction, damage or loss of wearing apparel or personal effects must not exceed an amount determined by the Authority from time to time; and

(b) if the member is entitled to reimbursement under any policy of insurance or from any other source, the amount of compensation payable under this regulation is an amount equivalent to any financial loss, related to the destruction, damage or loss, which remains after that reimbursement and is determined reasonable by the Authority.

123 Making a claim for compensation for property loss and damage

(1) A claim for destruction, damage or loss of personal property must—

(a) include an estimate of the cost of the destruction, damage or loss; and

(b) be in the form determined by the Chief Executive Officer; and

(c) be lodged with the Authority.

(2) If a claim for compensation or the material accompanying the claim for compensation is incomplete or is insufficient to enable the Authority to determine the claim, the Authority may request further information from the member or the claimant before determining the claim.

124 Claim arising out of transport accident

A member seeking compensation for property loss or damage arising out of a transport accident must––

(a) make a report to a police officer concerning the circumstances of the transport accident; and

(b) provide a copy of the police report to the Authority when lodging the claim for compensation.

125 Chief Executive Officer may request other report by officer in charge

(1) The Chief Executive Officer may give a copy of a claim for compensation for destruction, damage or loss of personal property to the officer in charge of the brigade to which the member belonged at the time of the destruction, damage or loss.

(2) The Chief Executive Officer may request that the officer in charge of the brigade to which the member belonged at the time of the incident giving rise to the claim for compensation give the Chief Executive Officer—

(a) a statement, signed by the officer in charge, of—

(i) the circumstances of the incident giving rise to the claim for compensation; and

(ii) the opinion of the officer as to the claim; and

(b) a report from any person who witnessed the incident giving rise to the claim.

126 Determination of claims for compensation for property loss and damage

(1) The Authority must—

(a) enquire into the circumstances of a claim for compensation lodged; and

(b) determine the claim as soon as possible.

(2) In determining a claim for compensation made under regulation 123, the Authority—

(a) has power to do all things necessary or expedient to determine the claim; and

(b) may take into account the negligence of the member making the claim after considering any additional material and submissions provided by the member.

Division 5—Compensation for casual fire-fighters and volunteer auxiliary workers

127 Claims procedure

(1) A claim for compensation under Part V of the Act must—

(a) be in a form approved by the Chief Executive Officer; and

(b) if a claim for loss of income is made, be accompanied by––

(i) a medical certificate in the form specified in subregulation (2) in respect of a period of incapacity not exceeding 28 days; and

(ii) proof of loss of earnings, including but not limited to taxation returns, profit and loss statements, PAYG pay assessments and statements from an employer or the casual fire-fighter or volunteer auxiliary worker’s accountant; and

(c) if the claim is in respect of the death of a casual fire-fighter or volunteer auxiliary worker, be accompanied by a copy of the death certificate.

(2) For the purposes of subregulation (1), a medical certificate must—

(a) be in a form approved by the Chief Executive Officer, having regard to the form approved by the Victorian WorkCover Authority for the purposes of section 25 of the **Workplace Injury Rehabilitation and Compensation Act 2013**; and

(b) be issued by a medical practitioner; and

(c) specify the expected duration of the casual fire-fighter or volunteer auxiliary worker’s incapacity and whether the casual fire-fighter or volunteer auxiliary worker has a current work capacity or has no current work capacity during the period, not exceeding 28 days, stated in the certificate.

(3) Despite subregulation (2)(c), the Authority may accept a medical certificate covering a period exceeding 28 days if the certificate states reasons why the certificate covers the longer period.

(4) A medical certificate is of no effect to the extent that it relates to a period of time more than 90 days after the date the certificate is issued, unless the Authority otherwise determines.

(5) A claim must be lodged with the Authority.

(6) If a claim for compensation or the material accompanying the claim for compensation is incomplete or is insufficient to enable the Authority to determine the claim, the Chief Executive Officer may request further information from the casual fire-fighter or volunteer auxiliary worker or the claimant before determining the claim.

128 Authority may provide claim to officer in charge or brigade secretary

The Authority may give a copy of a claim for compensation to—

(a) in the case of a claim made by a casual fire-fighter, the officer in charge of operations at the fire giving rise to the claim; or

(b) in the case of a claim made by a volunteer auxiliary worker, the secretary of the brigade or the group of brigades who appointed the person as a volunteer auxiliary worker.

129 Authority may request report

The officer in charge of operations at a fire giving rise to a claim for compensation, the relevant secretary of the brigade or the group of brigades or any other officer designated by the Authority must, on request by the Authority—

(a) obtain a statement from any person who witnessed the incident giving rise to the claim; and

(b) forward to the Authority—

(i) any statement obtained under paragraph (a); and

(ii) a report of the circumstances of the incident giving rise to the claim; and

(iii) the opinion of the relevant officer or secretary as to the claim.

Part 7—Fees and charges

130 Fire protection charges

(1) The Authority, from time to time, may fix fees and charges for the following services provided by the Authority or officers of the Authority—

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

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

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

(2) The person requesting a service referred to in subregulation (1) must pay the fee or charge fixed by the Authority for the service.

131 Emergency attendances

(1) The following persons are liable to pay the relevant fee referred to in subregulation (3)—

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

(i) an automatic fire alarm system; or

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

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

(b) a person referred to in section 107B(2) of the Act, if ordered to by a court, for the attendance of a brigade in response to a false report of a fire;

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

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

(e) in respect of an attendance of a brigade in response to a hazardous material incident—

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

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

(2) If more than one person is liable under subregulation (1) to pay a relevant fee, each person referred to is liable to pay the fee.

(3) The fee in respect of each appliance in attendance for each 20 minutes or part of 20 minutes during which the appliance is absent from its station is 103.2 fee units.

(4) In addition to the fee calculated in accordance with subregulation (3), a person who is liable to pay a fee under subregulation (1)(e) must pay a charge to the Authority which is the amount equivalent to the cost of attending the incident calculated in accordance with subregulation (5).

(5) The additional cost of attending a hazardous material incident is determined by calculating the expenses incurred by the Authority in attending or dealing with the effects of the incident and must be determined by assessing the following costs—

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

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

(c) the costs of removal and disposal of materials;

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

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

(f) the cost of medical and like expenses in testing and treating any persons injured, or at risk of injury, in attending the incident in accordance with the Act or these regulations;

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

(h) the cost of any accommodation and meals for any persons attending the incident in accordance with the Act or these regulations;

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

132 Property protection and loss mitigation services

Subject to any direction given by the Minister under section 6A of the Act, the Authority may set charges under section 97C(2) of the Act as the Authority considers appropriate.

133 Road accident rescue

(1) In respect of road accident rescue services provided to persons entitled to compensation under section 60(2)(a) of the **Transport Accident Act 1986**, the Authority may charge the Transport Accident Commission fees agreed on with the Transport Accident Commission, having regard to the matters set out in subregulation (3).

(2) In respect of road accident rescue services provided to persons entitled to compensation under section 224(1)(a) of the **Workplace Injury Rehabilitation and Compensation Act 2013**,in relation to injuries sustained on or after 1 July 2014, the Authority may charge the person or body responsible for payment of compensation under that section the fees agreed on with that person or body, having regard to the matters set out in subregulation (3).

(3) The fees agreed on for the purposes of this regulation must take into account—

(a) the relevant portion of the purchase or replacement cost of vehicles, equipment and protective clothing used to provide the services and other items used for the services; and

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

(c) the organisational costs, including the cost of training people to provide the services, the coordination of the services, the welfare of people providing the services and the corporate support costs incurred in providing the services; and

(d) any other costs incurred in providing the services.

134 Commercial events

(1) The Authority may impose fees or charges on the promoter or organiser of a commercial event for the provision of services by officers or members, or both.

(2) The Authority, from time to time, may fix fees or charges for services specified in subregulation (1).

(3) In subregulation (1)—

***commercial event*** means a sporting, entertainment or other event—

(a) where a fee is charged for admission to or participation in the event; or

(b) that is commercial in nature; or

(c) that is commercially promoted or sponsored.

Part 8—Fire prevention

Division 1—Permits granted during a fire danger period

135 Grant of permit to burn vegetation to an approved officer or member

A permit granted under section 38(1) of the Act must be in the form set out in Schedule 2 if the permit is granted to an approved officer or member to enable officers or members, or both, to burn off grass, stubble, weeds, scrub, undergrowth or other vegetation, whether dead or alive.

136 Grant of permit to burn vegetation to other persons

A permit granted under section 38(1) of the Act must be in the form set out in Schedule 3 if the permit is granted to a person, not acting in the capacity of an approved officer or member, to enable the person to burn off grass, stubble, weeds, scrub, undergrowth or other vegetation, whether dead or alive.

137 Grant of permit to burn other materials or substances

(1) A permit granted under section 38(1) of the Act must be in the form set out in Schedule 4 if the permit is granted to a person to burn specified materials or substances.

(2) A permit referred to in subregulation (1) must specify each material or substance to be burned and must include reasonable conditions or restrictions to minimise the risks associated with burning each specified material or substance during a fire danger period.

138 General requirements for granting of permit to burn

A person granting a permit under section 38(1) of the Act must—

(a) sign the permit; and

(b) send a copy of the permit to the officer in charge of the brigade in whose brigade area the fire is to be lit.

139 Production of permit on demand

It is a condition of a permit granted under section 38(1) of the Act that the holder of the permit, on demand by the Chief Officer, the officer in charge of a brigade, a fire prevention officer, a forest officer or a police officer, must produce the permit (or a copy of the permit) for inspection.

Division 2—Fire prevention measures

140 High fire risk activities

(1) For the purposes of section 39E(2)(a) of the Act, the following activities are prescribed to be high fire risk activities—

(a) welding;

(b) gas cutting;

(c) soldering;

(d) grinding;

(e) charring;

(f) the use of power operated abrasive cutting discs.

(2) For the purposes of section 39E(2)(b) of the Act, the prescribed conditions are—

(a) that the person ensures that, in conducting or engaging in the conduct of a high fire risk activity—

(i) a shield or guard of fire resistant material is placed or erected in such a way as to prevent the emission of sparks, hot metal or slag; and

(ii) the area for a radius of at least 15 metres from the activity is clear of all flammable material or wetted down sufficiently to prevent the spread of fire; and

(iii) there is available for immediate use in the event of fire a reticulated water supply or an effective water spray pump of the knapsack pattern with a tank capacity of not less than 9 litres that is fully charged with water; and

(iv) cut-offs and electrode stubs from the activity are placed directly in a fire proof receptacle; or

(b) that conducting or engaging in the conduct of a high fire risk activity is reasonable in the circumstances to—

(i) prevent the occurrence of a fire; or

(ii) extinguish or restrict the spread of a fire; or

(iii) protect life or property; or

(c) that conducting or engaging in the conduct of the high fire risk activity is for the purpose of training in fire-fighting techniques that—

(i) takes place at a designated training venue approved by the Chief Officer; and

(ii) has been approved by the Chief Officer.

141 Fire prevention notices

(1) For the purposes of section 41(3)(a) of the Act, the prescribed form is set out in Schedule 5.

(2) For the purposes of section 41A(3)(b) of the Act—

(a) the prescribed form is set out in Schedule 6; and

(b) the prescribed particulars are—

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

(ii) the date by which the owner or occupier must comply with the fire prevention notice, which must not be less than 7 days after the service of the notice; and

(iii) the address of the property or properties to which the fire prevention notice relates; and

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

142 Sawmills

For the purposes of section 49 of the Act—

(a) the disposal by burning of sawdust, bark edgings, wood or other flammable material must take place in a pit or burner—

(i) approved in writing by the Chief Officer; and

(ii) operated and maintained in compliance with the conditions specified in the Chief Officer's written approval; and

(b) at any time a fire is burning in the pit or burner—

(i) the minimum number of adults specified in the Chief Officer's written approval must be present; and

(ii) the amount and type of fire suppression equipment specified in the Chief Officer's written approval must be available.

143 Vehicular heat engines

(1) For the purposes of section 50(2)(c) of the Act, the prescribed fire suppression equipment is—

(a) at least one water spray pump of the knapsack pattern that—

(i) is in proper working order; and

(ii) is fully charged with water; and

(iii) has a tank capacity of not less than 9 litres; and

(iv) complies with AS 1687; or

(b) at least one water (stored pressure) fire extinguisher that—

(i) is in proper working order; and

(ii) is fully charged with water and maintained at the correct pressure; and

(iii) has a tank capacity of not less than 9 litres; and

(iv) complies with AS/NZS 1841.1.

(2) For the purposes of section 50(5) of the Act, the prescribed standard is AS 1019.

144 Non vehicular heat engines

(1) In this regulation, ***fire danger period*** includes a prohibited period declared under section 3 of the **Forests Act 1958**.

(2) This regulation does not apply to—

(a) a heat engine propelling or incorporated in a vehicle or machine to which section 50 of the Act applies; or

(b) a chainsaw, plant or grass trimmer or lawn mower used on green vegetation.

(3) A person must not use a heat engine in the open air in the country area of Victoria (not including a fire protected area) unless—

(a) the heat engine is fitted with an efficient spark arrester; and

(b) if a fire danger period is in force in the area of use—

(i) the area around the heat engine is cleared of flammable material for a radius of not less than 3 metres; or

(ii) subject to subregulation (4), a person who has the capacity to extinguish a fire is in attendance at all times the heat engine is in operation and has with them the fire suppression equipment specified in regulation 143(1) or other fire suppression equipment of the type and number approved by the Chief Officer.

1. 10 penalty units.

(4) The Chief Officer may exempt a person from compliance with subregulation (3)(b) where the Chief Officer considers it appropriate in the circumstances.

Part 9—Alarm monitoring information

145 Information in the case of an alarm pre-connection

(1) For the purposes of section 50AA(1) of the Act, the following information is the prescribed information in the case of an alarm pre-connection—

(a) the name of the alarm monitoring service;

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

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

(d) alarm number;

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

(2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is—

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

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

146 Information in the case of an alarm connection

(1) For the purposes of section 50AA(1) of the Act, the following information is the prescribed information in the case of an alarm connection—

(a) the name of the alarm monitoring service;

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

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

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

(i) alarm number;

(ii) alarm signalling equipment address;

(iii) alarm signalling equipment location;

(iv) input device numbers;

(v) input device alarm types;

(vi) input device locations;

(vii) whether or not the input is an automatic alarm;

(e) date of connection;

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

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

(2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours after the connection of the alarm.

147 Information in the case of an alarm modification

(1) For the purposes of section 50AA(1) of the Act, the prescribed information in the case of a modification is particulars of any modification of any of the following details—

(a) the name of the alarm monitoring service;

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

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

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

(i) alarm number;

(ii) alarm signalling equipment address;

(iii) alarm signalling equipment location;

(iv) input device numbers;

(v) input device alarm types;

(vi) input device locations;

(vii) whether or not the input is an automatic alarm;

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

(e) relevant fire station and key peg numbers (if provided by the Authority);

(f) date of modification.

(2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours after the modification.

148 Information in the case of an alarm disconnection

(1) For the purposes of section 50AA(1) of the Act, the following information is the prescribed information in the case of an alarm disconnection or proposed disconnection—

(a) the name of the alarm monitoring service;

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

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

(i) alarm number;

(ii) input device numbers;

(iii) input device alarm types;

(iv) input device locations;

(v) whether or not the input is an automatic alarm;

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

(e) the date of the proposed disconnection;

(f) whether the disconnection is, or is to be, permanent or temporary;

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

(h) details of the site being monitored; and

(i) reasons for the disconnection.

(2) For the purposes of section 50AA(1) of the Act—

(a) in the case of an alarm being disconnected pursuant to a building permit issued under the **Building Act 1993**, the prescribed period for providing the information in subregulation (1) is within 24 hours after the disconnection of the alarm; and

(b) in any other case, the prescribed period for providing the information in subregulation (1) is 6 weeks before the proposed disconnection of the alarm.

149 Information in the case of failure of alarm monitoring system

(1) For the purposes of section 50AA(1) of the Act, in the case of a failure by an alarm monitoring system to be able to automatically process and transmit an alarm of fire, the prescribed information is the alarm monitoring service and the time and date of the failure.

(2) For the purposes of section 50AA(1) of the Act, in the case of the reinstatement of a failed alarm monitoring system, the prescribed information is the time and date of the reinstatement.

(3) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 15 minutes of the failure of the alarm monitoring system.

(4) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (2) is within 1 hour of the reinstatement of a failed alarm monitoring system.

150 Isolation and testing data

(1) For the purposes of section 50AA(1) of the Act, the prescribed information in the case of a review of the isolation and testing records of all alarms connected to an alarm monitoring service is the raw data generated by alarm signalling equipment connected to the alarm monitoring service regarding the isolation and testing of the equipment.

(2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 5 working days after the review.

151 Information for verification purposes

(1) For the purposes of section 50AA(1) of the Act, the prescribed information in the case of the verification of all alarms connected to an alarm monitoring service is the raw data generated by alarm signalling equipment connected to the alarm monitoring service in relation to the following—

(a) the name of the alarm monitoring service;

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

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

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

(i) alarm number;

(ii) alarm signalling equipment address;

(iii) alarm signalling equipment location;

(iv) input device numbers;

(v) input device alarm types;

(vi) input device locations;

(vii) whether or not the input is an automatic alarm;

(e) the fire station and key peg numbers (if provided by the Authority).

(2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours after the verification.

Part 10—Community fire refuges

152 Places prescribed to be community fire refuges

For the purposes of the definition of community fire refuge in section 50A of the **Country Fire Authority Act 1958**, the following places are prescribed—

(a) the Blackwood Community Fire Refuge, being the building known as the Blackwood Country Fire Authority Station located at 2 Terrill Street, Blackwood in the Shire of Moorabool, shown hatched on the sketch plan in Schedule 7;

(b) the East Warburton Community Fire Refuge, being the building known as the Library and Learning Centre at the Millwarra Primary School—East Warburton Campus located at 397 Woods Point Road, East Warburton in the Shire of Yarra Ranges, shown hatched on the sketch plan in Schedule 8;

(c) the Ferny Creek Community Fire Refuge, being the building known as the Library and Learning Centre at the Ferny Creek Primary School located at School Road, Ferny Creek in the Shire of Yarra Ranges, shown hatched on the sketch plan in Schedule 9;

(d) the Millgrove Community Fire Refuge, being the building known as the Wesburn-Millgrove Country Fire Authority Station located at 3060 Warburton Highway, Millgrove in the Shire of Yarra Ranges, shown hatched on the sketch plan in Schedule 10;

(e) the Lavers Hill Community Fire Refuge, being the building known as the Otway Country Fire Authority Station located at 8–14 Lavers Hill-Cobden Road, Lavers Hill in the Shire of Colac Otway, shown hatched on the sketch plan in Schedule 11.

Schedules

Schedule 1—Regulations revoked

Regulation 4

|  |  |
| --- | --- |
| *S.R. No.* | *Title* |
| 165/2014 | Country Fire Authority Regulations 2014 |
| 86/2021 | Country Fire Authority Amendment Regulations 2021 |
| 49/2024 | Country Fire Authority (Community Fire Refuges) Regulations 2024 |

Schedule 2

Regulation 135

**Permit for burning OF VEGETATION by the authority DURING A FIRE DANGER PERIOD**

(Not valid on a day of TOTAL FIRE BAN or when the Chief Officer has issued a direction not to light a fire pursuant to section 37A of the *Country Fire Authority Act 1958* which applies to the land)

PERMIT granted to **(*insert name of Authority officer or member in charge of the burning operation)(insert rank/position)***for the purpose of allowing Authority officers and members to light a fire or fires to burn the following specific material:

***(describe types of vegetation to be burned e.g. grass, stubble, weeds, scrub, undergrowth and/or other vegetation)*** during the period commencing on **(*insert date*)** and ending on **(*insert date*)** on the land owned, occupied or under the care and management of the following person or organisation ***(insert name of person or organisation*)** of ***(insert address)***

at

**(*insert specific burn address or description and location of land*)**

This permit is granted subject to the following conditions:

1. The person in charge of the burning operation to which the permit relates must be in possession of the permit or a copy of it.

2. Notice of intention to conduct a burning operation must be given between 2 and 24 hours before the burning is to commence —

(a) to each owner or occupier of land that includes or is contiguous with the area to be burned; and

(b) to Triple Zero Victoria by calling Triple Zero Victoria on 1800 688 511 (or submit a notification form at [triplezero.vic.gov.au](http://www.triplezero.vic.gov.au/burn-off-water-off-notifications)) or by submitting a notification to burn on the Fire Permits Victoria website at firepermits.vic.gov.au

3. If the area to be burned is within 3 kilometres of any State forest, national park or protected public land, notice of the intention to burn must be given to the appropriate forest officer between 2 and 24 hours before the burning is to commence

4. Before commencing a burning operation, a fire break must be prepared around the perimeter of the area to be burned, which is—

\* not less than metres wide (being a minimum width of 15 metres) and cleared of all flammable materials;

OR

\* not less than metres wide (being a minimum width of 15 metres) and thoroughly wetted down while the fire is within 3 metres of the wetted area;

OR

\*(***if there is an authorised burn delivery plan for the burning activity to which the permit relates, insert the relevant minimum control line standards specified in the authorised burn delivery plan)***

5. Every reasonable precaution must be taken to ensure that only the material specified in this permit is burned. Any other material catching alight must be extinguished immediately.

6. Until all fires lit under this permit have been completely extinguished—

(a) the burning area must be adequately monitored; and

(b) an adequate number of fire-fighters and adequate fire suppression equipment or appliances must be present.

7. If in the vicinity of the area to be burned –

\*the shade temperature exceeds 32 degrees celsiusor the average wind speed exceeds 15 kilometres per hour measured at 2 metres above the ground -

OR

\*(***if there is an authorised burn delivery plan for the burning activity to which the permit relates, insert the relevant maximum temperature and wind values specified in the authorised burn delivery plan) -***

(a) burning operations must not be commenced; or

(b) if burning operations have commenced all fires must be extinguished as soon as possible.

8. All fires must be extinguished -

\* before sunrise on the day following the day on which they were lit;

OR

\* ***(if there is an authorised burn delivery plan for the burning activity to which the permit relates, insert the relevant date and time specified in the authorised burn delivery plan)***

9. The holder of this permit must, on demand by the Chief Officer, the officer in charge of a brigade, a fire prevention officer, a forest officer or a police officer, produce this permit (or a copy of this permit) for inspection.

10. ***(Insert additional conditions, if any)***

Dated at on

(Signed\*\*) …………………………………….

(***Insert full name and title***) …………………………………

of the ………………………. ***(insert Fire Authority, or name of Municipal Council or Administrative Unit or Public Authority, as applicable***)

\* Delete whichever is inapplicable. Only one option must be applicable for the relevant condition.

\*\* Person authorised to grant this permit (Chief Officer/delegate or Fire Prevention Officer).

|  |
| --- |
| Notes:  Under section 38(3) of the *Country Fire Authority Act 1958,* a person to whom a permit is issued must comply with each of the applicable conditions and restrictions contained in the permit. Failure to comply with any applicable condition or restriction is an offence.  Under section 38(4) of the *Country Fire Authority Act 1958* compliance with the conditions of a permit does not of itself relieve the holder of a permit from liability for any damage sustained by another person as a result of any fire lit by the holder of the permit pursuant to that permit. |

Schedule 3

Regulation 136

**Permit for burning VEGETATION DURING A FIRE DANGER PERIOD**

(Not valid on a day of TOTAL FIRE BAN or when the Chief Officer has issued a direction not to light a fire pursuant to section 37A of the *Country Fire Authority Act 1958* which applies to the land)

PERMIT granted to (***insert name***)

of…………………………………………………..***(insert agency / organisation name, if applicable)*** *(****insert address****)*

to light a fire or fires for the purpose of allowing the following specified material to be burned ………………………..***(describe types of vegetation to be burned e.g. grass, stubble, weeds, scrub, undergrowth and/or other vegetation)***

during the period commencing on **(*insert date*)** and ending on (***insert date*)**

at

**(*insert specific burn address or description and location of land*).**

This permit is granted subject to the following conditions:

1. The person performing the burning operation to which the permit relates must be in possession of the permit or a copy of it.

2. Notice of intention to conduct a burning operation must be given between 2 and 24 hours before the burning is to commence —

(a) to each owner or occupier of land that includes or is contiguous with the area to be burned; and

(b) to the officer in charge of the fire brigade in whose area the burn is to take place by telephoning the officer on ***(insert telephone number)***; and

(c) to Triple Zero Victoria by calling Triple Zero Victoria on 1800 688 511 (or submit a notification form at [triplezero.vic.gov.au](http://www.triplezero.vic.gov.au/burn-off-water-off-notifications)) or by submitting a notification to burn on the Fire Permits Victoria website at firepermits.vic.gov.au

3. If the area to be burned is within 3 kilometres of any State forest, national park or protected public land, notice of the intention to burn must be given to the appropriate forest officer between 2 and 24 hours before the burning is to commence.

4. Before commencing a burning operation, a fire break must be prepared around the perimeter of the area to be burned, which is—

\* not less than metres wide (being a minimum width of 15 metres) and cleared of all flammable materials;

OR

\* not less than metres wide (being a minimum width of 15 metres) and thoroughly wetted down while the fire is within 3 metres of the wetted area;

OR

\* (***if there is an authorised burn delivery plan for the burning activity to which the permit relates, insert the relevant minimum control line standards specified in the authorised burn delivery plan****)*

5. Every reasonable precaution must be taken to ensure that only the material specified in this permit is burned. Any other material catching alight must be extinguished immediately.

6. Until all fires lit under this permit have been completely extinguished—

(a) the burning area must be adequately monitored; and

(b) an adequate number of persons and adequate fire suppression equipment or appliances must be present.

7. If in the vicinity of the area to be burned –

\*the shade temperature exceeds 32 degrees celsiusor the average wind speed exceeds 15 kilometres per hour measured at 2 metres above the ground —

OR

\*(***if there is an authorised burn delivery plan for the burning activity to which the permit relates, insert the relevant maximum temperature and wind values specified in the authorised burn delivery plan)***

(a) burning operations must not be commenced; or

(b) if burning operations have commenced all fires must be extinguished as soon as possible.

8. All fires must be extinguished either -

\* before sunrise on the day following the day on which they were lit;

OR

\* ***(if there is an authorised burn delivery plan for the burning activity to which the permit relates, insert the relevant date and time specified in the authorised burn delivery plan)***

9. The holder of this permit must, on demand by the Chief Officer, the officer in charge of a brigade, a fire prevention officer, a forest officer or a police officer, produce this permit (or a copy of this permit) for inspection.

10. *(Insert additional conditions, if any)*

Dated at on

(Signed\*\*) …………………………………….

(***Insert full name and title***) ……………………………………………………………………………..

of the ………………………. (***insert name of Fire Authority or Municipal Council or Administrative Unit or Public Authority, as applicable***)

\* Delete whichever is inapplicable. Only one option must be applicable for the relevant condition.

\*\* Person authorised to grant this permit (Chief Officer/delegate or Fire Prevention Officer).

|  |
| --- |
| Notes:  Under section 38(3) of the *Country Fire Authority Act 1958,* a person to whom a permit is issued must comply with each of the applicable conditions and restrictions contained in the permit. Failure to comply with any applicable condition or restriction is an offence.  Under section 38(4) of the *Country Fire Authority Act 1958* compliance with the conditions of a permit does not of itself relieve the holder of a permit from liability for any damage sustained by another person as a result of any fire lit by the holder of the permit pursuant to that permit. |

Schedule 4

Regulation 137(1)

**Permit TO BURN SPECIFIED MATERIALS or SUBSTANCES during a fire danger period**

(Not valid on a day of TOTAL FIRE BAN or when the Chief Officer has issued a direction not to light a fire pursuant to section 37A of the *Country Fire Authority Act 1958* which applies to the land)

PERMIT granted to (***insert name***) of

………………………………………………………..***(insert address)***

to light a fire or fires for the purpose of allowing the following specified material(s) to be burned ……………………………………………………………..***(describe materials or substances to be burned)***

during the period commencing on **(*insert date*)** and ending on (***insert date*)**

at

**(*insert specific burn address or description and location of land*)**

This permit is granted subject to the following conditions:

1. The holder of this permit must, on demand by the Chief Officer, the officer in charge of a brigade, a fire prevention officer, a forest officer or a police officer, produce this permit (or a copy of this permit) for inspection.

2. *(Insert additional conditions, if any)*

Dated at on

(Signed\*\*) …………………………………….

(***Insert full name and title***) …………………………………

of the ………………………. (***insert name of Fire Authority or Municipal Council, Administrative Unit or Public Authority, as applicable***)

\*\* Person authorised to grant this permit (Chief Officer/delegate or Fire Prevention Officer).

|  |
| --- |
| Notes:  Under section 38(3) of the *Country Fire Authority Act 1958,* a person to whom a permit is issued must comply with each of the conditions in the permit. Failure to comply with any conditions is an offence.  Under section 38(4) of the *Country Fire Authority Act 1958* compliance with the conditions of a permit does not of itself relieve the holder of a permit from liability for any damage sustained by another person as a result of any fire lit by the holder of the permit pursuant to that permit. |

Schedule 5

Regulation 141(1)

Fire Prevention Notice

I direct of  
the owner or occupier of (*insert address or certificate of title number*)  
to do the work specified below.

All work must be completed not later than: (*insert date not less than 7 days after expected service of the notice*).

Work to be completed:

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

Date:

Signature:

Name and position:

Fire Prevention Officer for (*insert name of municipality*)

You may lodge an objection to this notice under section 41B of the **Country Fire Authority Act 1958** and appeal the outcome of that objection under section 41C of that Act.

Schedule 6

Regulation 141(2)(a)

Notice to Owners or Occupiers of Land

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

A notice to

(*insert substance of steps to be taken to remove or minimise the threat of fire*)

not later than (*insert date not less than 7 days after expected service of the notice*)  
has been affixed on the following properties in accordance with section 41A(3) of the **Country Fire Authority Act 1958**.

Date:

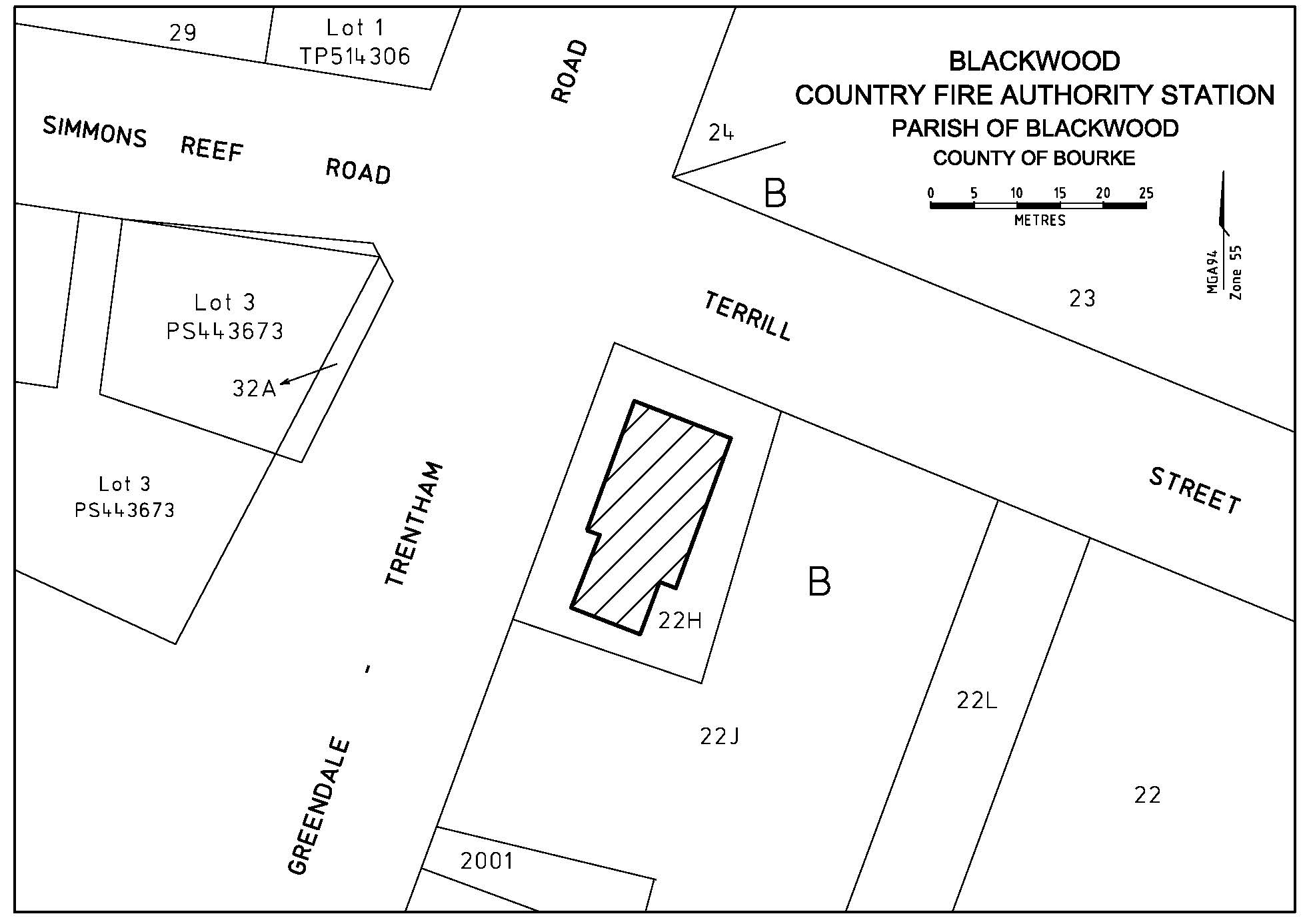
Name and position:

Fire Prevention Officer for (*insert name of municipality*)

You may lodge an objection to this notice under section 41B of the **Country Fire Authority Act 1958** and appeal the outcome of that objection under section 41C of that Act.

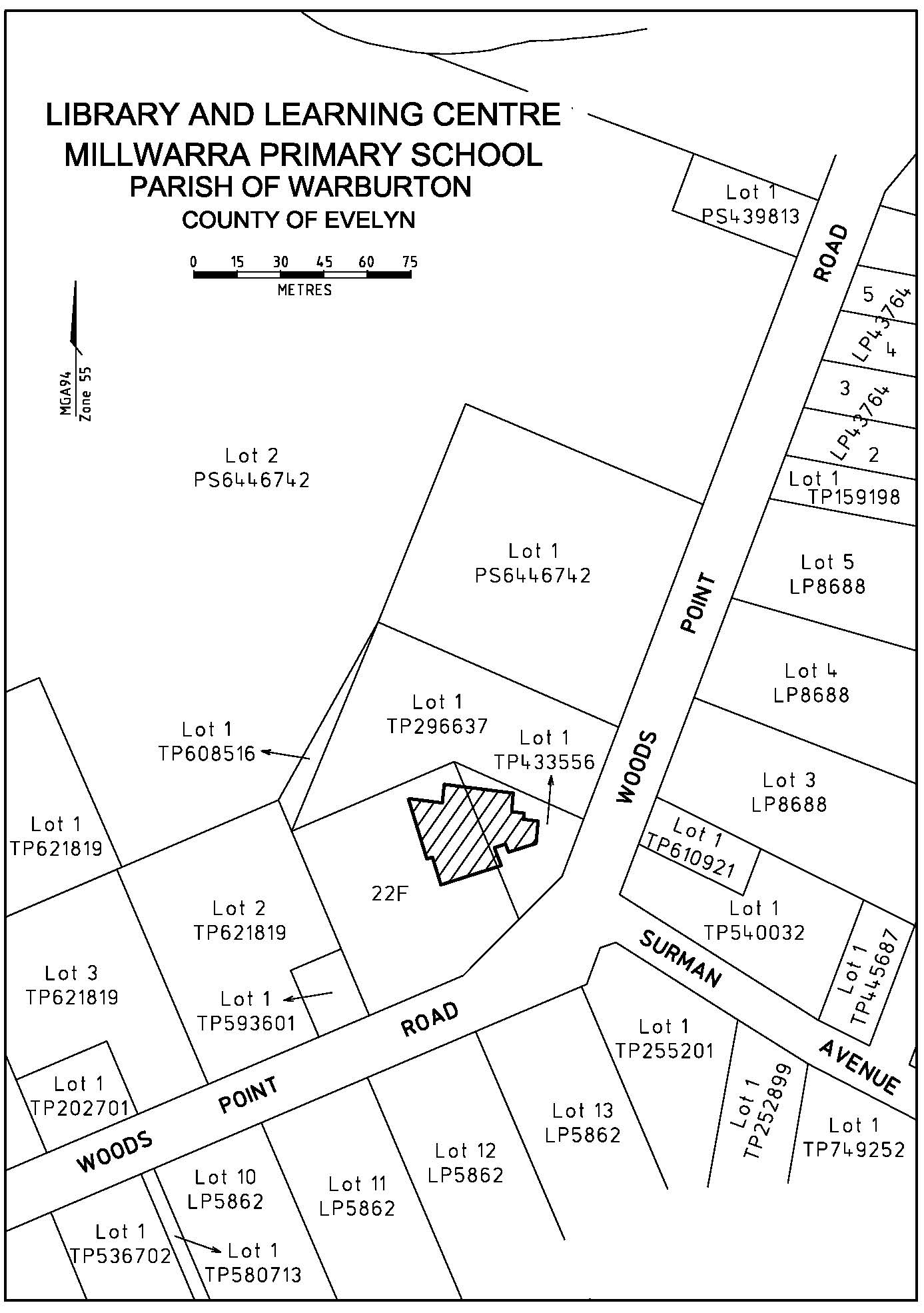
Schedule 7—Blackwood Community Fire Refuge

Regulation 152(a)



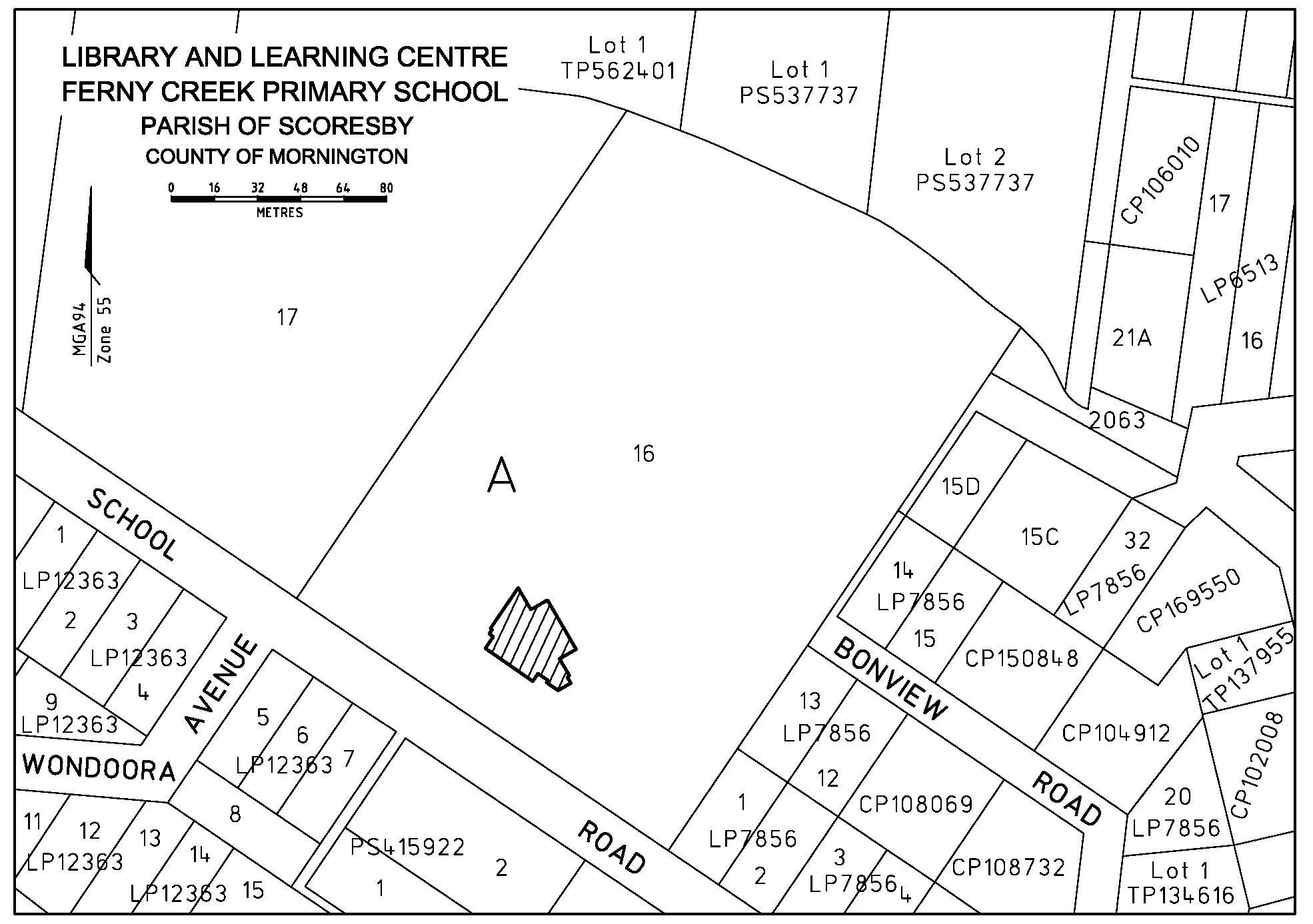
Schedule 8—East Warburton Community Fire Refuge

Regulation 152(b)



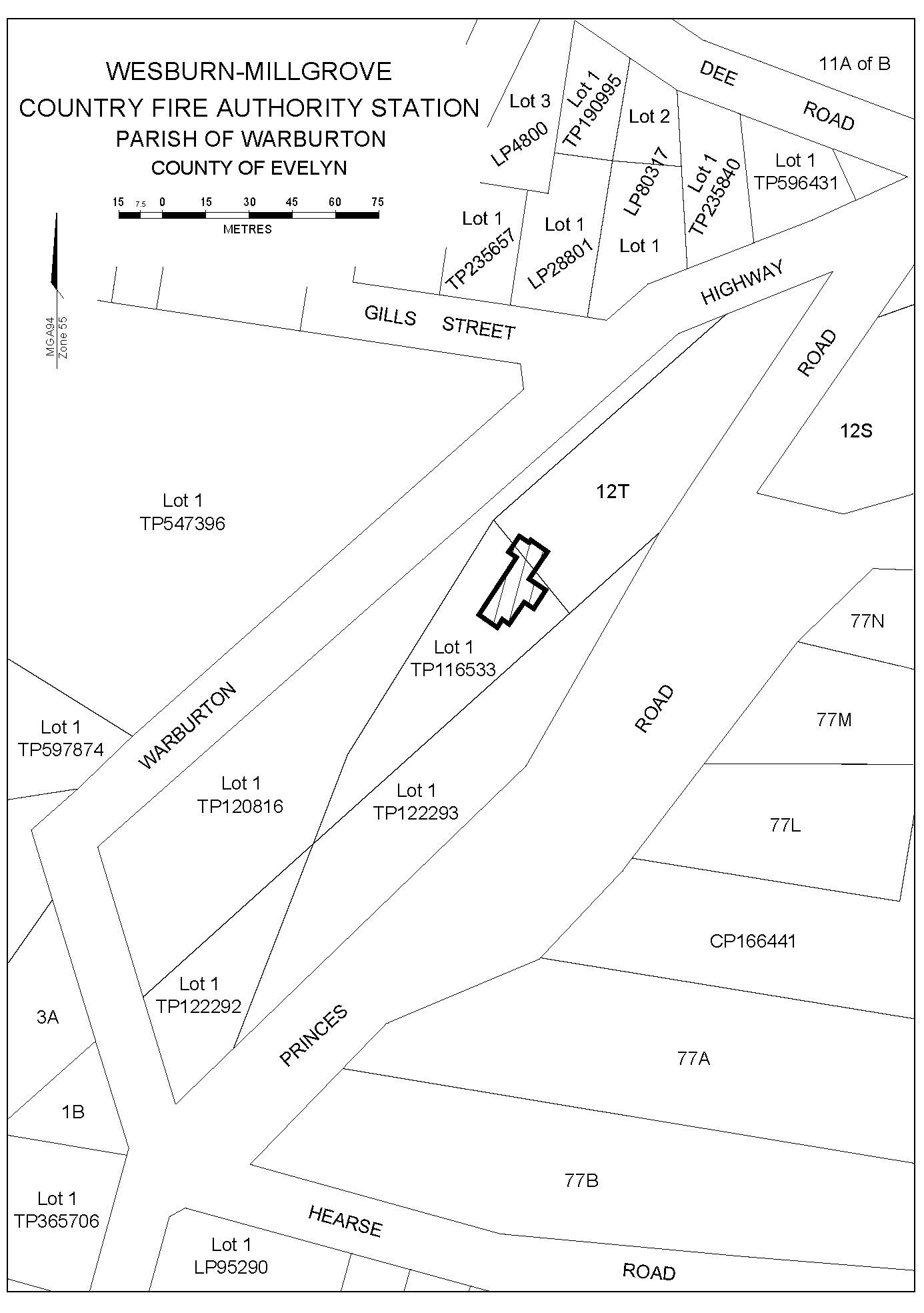
Schedule 9—Ferny Creek Community Fire Refuge

Regulation 152(c)



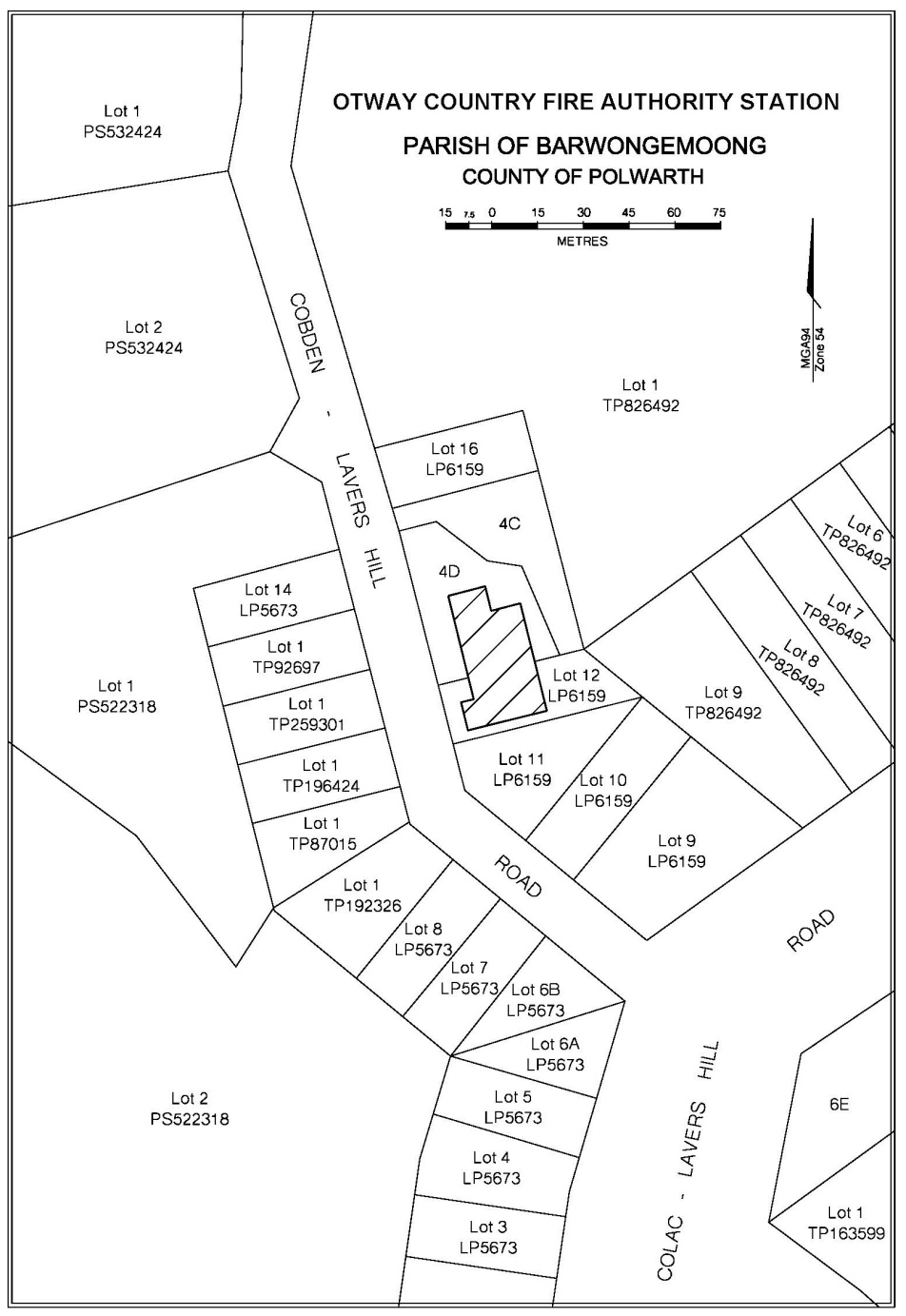
Schedule 10—Millgrove Community Fire Refuge

Regulation 152(d)



Schedule 11—Lavers Hill Community Fire Refuge

Regulation 152(e)



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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. xx/2025 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Definition of ***AS 1019*** in regulation 5, and regulation 143(2) | Australian Standard AS 1019—2000, Internal combustion engines—Spark emission control devices, published by Standards Australia on 1 August 2000 | The whole |
| Definition of ***AS 1687*** in regulation 5, and regulation 143(1)(a)(iv) | Australian Standard AS 1687—1991, Knapsack spray pumps for firefighting, published by Standards Australia on 11 February 1991 | The whole |
| Definition of ***AS/NZS 1841.1*** in regulation 5, and regulation 143(1)(b)(iv) | Australian Standard and New Zealand Standard AS/NZS 1841.1:2007, Portable fire extinguishers—Part 1: General requirements, published by Standards Australia and Standards New Zealand on 31 August 2007 | The whole |