

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Civil Aviation, Tourism and Culture at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in and in relation to this Chapter, to—

“the Departmental Head”—should be read as references to the Secretary for Civil Aviation and Tourism;

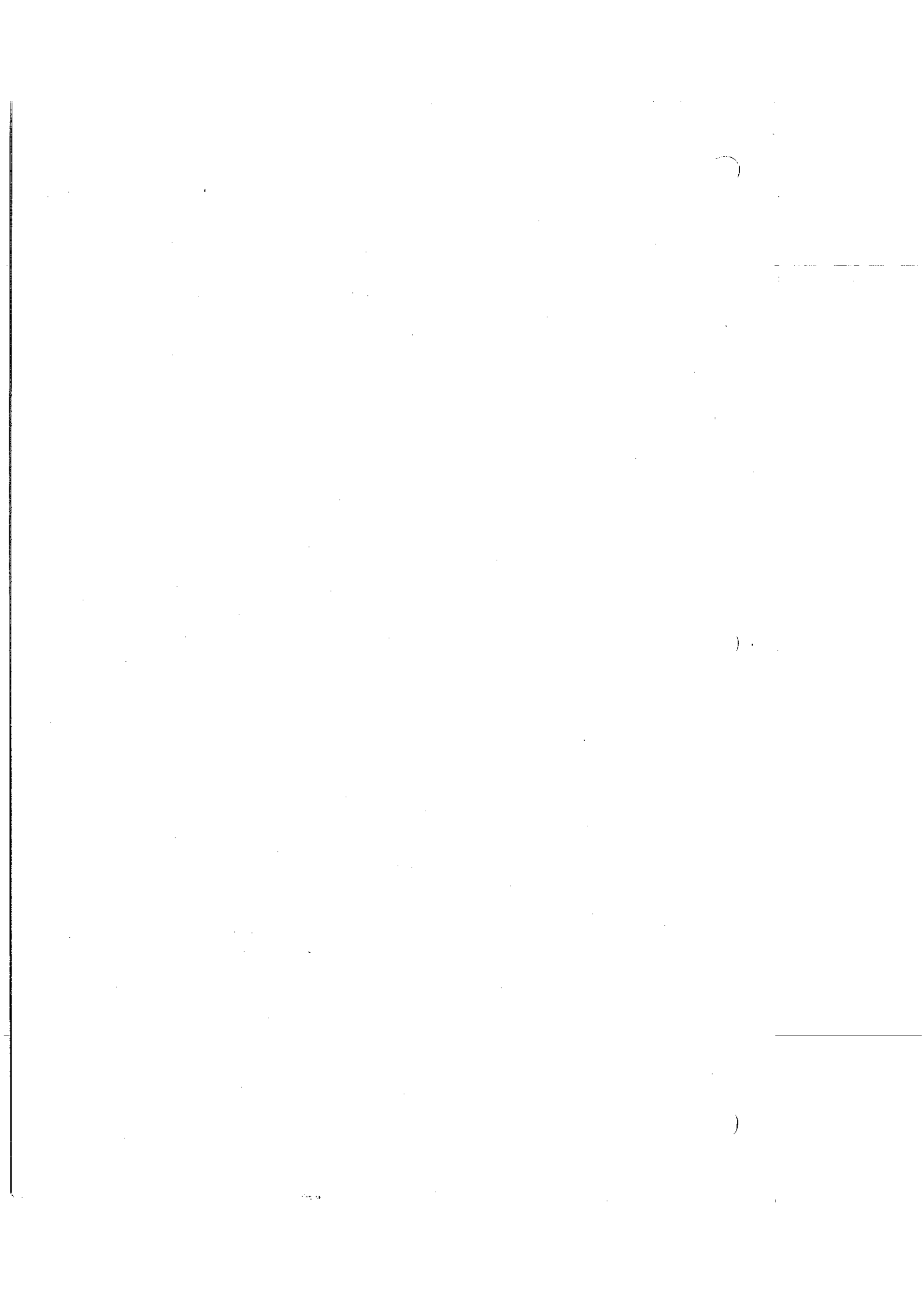
“the Department”—should be read as references to the Department of Civil Aviation and Tourism.

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¹As these are of little general use unless completely up-to-date, they are not included in this Revised Edition as at the effective date. They may be consolidated and issued when replacement pages bringing the Revised Edition completely up to date are issued.

²Subsidiary legislation has not been up-dated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service Act.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
 - “building”
 - “fire area”
 - “Fire Brigade”
 - “fireman”
 - “member of a Fire Brigade”
 - “occupier”
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30. Badges, etc.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service Act.

Being an Act relating to the establishment of fire brigades, and for the protection of life and property from fire, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

“building” includes a building under construction;

“fire area” means a fire area declared under Section 2;

“Fire Brigade” means a Fire Brigade established under Section 3;

“fireman” means a fireman appointed under Section 8;

“member of a Fire Brigade” means an officer or a fireman or volunteer fireman;

“occupier”, in relation to any land, includes—

(a) a person who has, or is entitled to have, immediate possession of the land; and

(b) a person who is entitled to remove timber, minerals, petroleum or other things on or under the land,

whether solely or jointly with another person;

“officer” means—

(a) the Chief Fire Officer or a Fire Officer in the Fire Brigades Branch of the Department; or

(b) in relation to any function, duty, responsibility or privilege of an officer that is vested, under Section 7, in a person—that person;

“owner” includes—

(a) in relation to land other than customary land, a person who, whether as a beneficial owner, executor, administrator, trustee, mortgagee in possession, attorney, agent or otherwise, is in receipt of or is entitled to receive the rents and profits of the land, or would, if the land were let to a tenant, be entitled to receive the rents and profits, whether solely or jointly with another person; and

(b) in relation to customary land, a person, or a member of a community, entitled by custom to the land, whether solely or jointly with another person or a member of another community;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations;

“volunteer fireman” means a person appointed to be a volunteer fireman under Section 9.

PART II.—ADMINISTRATION.

2. Fire areas.

The Minister may, by notice in the National Gazette, declare a town or area to be a fire area.

3. Fire Brigades.

The Minister may, by notice in the National Gazette, establish a Fire Brigade for a fire area.

4. Office of Chief Fire Officer.

The Departmental Head is the Chief Fire Officer for the purposes of this Act.

5. Chief Fire Officer.

Subject to this Act, the Chief Fire Officer is responsible for the organization, management and control of all Fire Brigades and for the protection of life and property in case of fire in fire areas.

6. Delegation.

The Chief Fire Officer may, by instrument under his hand, delegate to an officer all or any of his powers and functions under this Act (except this power of delegation).

7. Vesting of powers of officers.

The Minister may, by notice in the National Gazette, vest in a person some or all of the powers, functions, duties, responsibilities and privileges of an officer within the meaning of this Act.

8. Firemen.

(1) For the purposes of this Act, the Chief Fire Officer may appoint persons to be firemen.

(2) The terms and conditions of employment of firemen are as determined by the Minister¹ after considering reports from the Departmental Head and the Public Services Commission².

9. Volunteer firemen.

(1) The Minister may appoint persons to be volunteer firemen.

(2) A volunteer fireman present at a fire has all the powers, functions, duties, responsibilities and privileges of a fireman.

PART III.—POWERS, ETC., OF THE FIRE SERVICE.

10. Alarms of fire.

On an alarm of fire, a Fire Brigade shall, notwithstanding anything to the contrary in any law, proceed with all speed to the fire, and endeavour by all possible means to extinguish the fire and to save lives and property endangered by the fire.

¹ As at the effective date, the reference was to the Prime Minister.

² But see Section 36 and the *Fire Service Regulation*.

11. Powers of members of Fire Brigades.

The senior member of a Fire Brigade present at a fire—

- (a) has full power to control and direct the members of all Fire Brigades engaged and all persons who assist at the fire; and
- (b) may, alone or with others under his command, enter and, if necessary, break into a building, vehicle, aircraft or vessel that is on fire or in the vicinity of the fire, for the purpose of taking such steps as he thinks necessary for extinguishing the fire or preventing its extension; and
- (c) may remove or cause to be removed from land or a building, vehicle, aircraft or vessel referred to in Paragraph (b), without responsibility for any consequent loss or damage, any inflammable, explosive or dangerous material found in or on it; and
- (d) may, for the purpose of extinguishing the fire or preventing its extension, cause any building that is on fire or in the vicinity of the fire to be pulled down wholly or partially, or to be otherwise destroyed or damaged; and
- (e) may cause a street, private road or thoroughfare or public place in the vicinity of the fire to be closed to traffic during the continuance of the fire; and
- (f) may, for the purpose of extinguishing the fire, without payment, use or cause to be used any water mains, pipes, pumps or hydrants and all water in them or in any well, tank or stream, and may cause water to be shut off from any main or pipe in order to obtain a greater pressure or supply of water; and
- (g) may, without responsibility for any consequent loss or damage, shut off or disconnect, or cause to be shut off or disconnected, the supply of electricity to a building that is on fire or in the vicinity of the fire, or order a person having control of any such supply of electricity to shut off or disconnect the supply; and
- (h) may remove, or order a member of a Fire Brigade to remove, a person, vehicle or thing who or which in his opinion interferes or is likely to interfere with the operations of a Fire Brigade engaged at the fire; and
- (i) may, at the time of the fire or afterwards, cause to be pulled down or shored up a wall or building damaged or likely to be damaged by fire that in his opinion is, or is likely to become, dangerous to life or property; and
- (j) may take possession of a vessel at or near a wharf when the vessel or wharf is on fire or in the vicinity of the fire, and cause the vessel to be removed or, if it is necessary for the purpose of controlling, extinguishing or preventing the extension of the fire, sunk; and
- (k) may, without responsibility for any consequent loss or damage, take any property that is found on the land, building or vessel where the fire has occurred, and keep possession of it for safe custody, for any period not exceeding seven days; and
- (l) may cause the debris of the fire and any land, building, vehicle, aircraft or vessel where the fire occurred to be searched, and may remove and keep possession of materials that, in his opinion, may tend to prove the origin of the fire; and
- (m) may take such measures as appear to him to be necessary or expedient for the protection of life and property; and

(n) generally may do all such other things as are reasonably necessary for controlling or extinguishing the fire or preventing its extension.

12. Assistance by police at fires.

All members of the Police Force present at a fire shall support and assist the senior member of a Fire Brigade at the fire in the maintenance of his authority and in enforcing due obedience to his orders.

13. Assistance by Fire Brigades at fires outside their fire areas.

On the occurrence of a fire outside the fire area for which a Fire Brigade is established, the senior officer on duty in the fire area may proceed with the Fire Brigade of which he is in charge to the place where the fire has occurred and assist in extinguishing the fire.

14. Liability for damage by Fire Brigade.

No liability attaches to the State or a member of a Fire Brigade, or to a person who, at the request or under the authority of an officer, lends assistance at a fire, in respect of damage to property occasioned by a member of a Fire Brigade or any such person in the bona fide exercise of his duty at a fire, but damage so occasioned shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the damaged property.

15. Medals. (*Repealed by No. 32 of 1981, s. 1.*)

16. Certificate of Commendation.

The Chief Fire Officer may award a Certificate of Commendation to a member of a Fire Brigade for conduct that is of special merit.

PART IV.—FIRE PREVENTION.

17. Powers of Chief Fire Officer.

(1) The Chief Fire Officer has, in addition to the powers of an officer under this Act, free access at all reasonable times, either alone or with others under his command, to any land or building in a fire area, other than a private residence, for the purpose of ascertaining whether there exists in or on the land or building a potential danger to life or property from fire.

(2) Where the Chief Fire Officer is of the opinion that a potential danger to life or property from fire exists in or on any land or building in a fire area, other than a private residence, he may, by written notice to the owner or occupier of the land or building, require him to abate that danger within such time and in such manner as is specified in the

notice and may, in the meantime, prohibit or restrict, absolutely or subject to such conditions as he thinks proper, the occupation or use of the land or building.

(3) A person aggrieved by a notice, prohibition or restriction under Subsection (2) may appeal to a District Court against the requirements of the notice or the prohibition or restriction within seven days after its receipt, or within such further time as the Court allows.

(4) On an appeal under Subsection (3), the Court shall inquire into the matter and may—

- (a) adjourn the hearing from time to time; and
- (b) affirm, disallow or vary the notice, prohibition or restriction; and
- (c) make such further or other order as to costs or otherwise as to it seems just.

(5) A person to whom a notice is given under Subsection (2) who fails to comply with the notice within the time specified in the notice, or if the notice is appealed against and is varied within such time and in such manner as the Court directs, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(6) Where the Chief Fire Officer prohibits or restricts the occupation or use of a building or land under Subsection (2), a person who occupies or uses the building or land, otherwise than in accordance with the conditions of the prohibition or restriction, before—

- (a) the Chief Fire Officer lifts the prohibition or restriction; or
- (b) an appeal under Subsection (3) is upheld,

is guilty of an offence.

Penalty: A fine not exceeding K200.00 and in addition, a fine not exceeding K10.00 for every day during which the offence continues.

(7) Where a person to whom a notice is given under Subsection (2) fails to comply with the notice within the time specified in the notice, or if the notice is appealed against and is varied within such time and in such manner as the Court directs, the Minister may cause the necessary works to be executed at the cost of the person, and all costs and expenses incurred in and about the execution and completion of those works are recoverable by the State from the person as a debt.

18. Liability for damage where notice not complied with.

(1) Subject to Subsection (2), if—

- (a) a person has failed to comply with a notice under Section 17(2); and
- (b) a fire occurs on the land or in the building the subject of the notice,

he is liable to pay, in addition to any penalty to which he may be liable under this or any other Act—

- (c) the expenses incurred in fighting or extinguishing the fire and in saving or attempting to save lives and property endangered by the fire; and
- (d) the amount of any damage done to property by the fire.

(2) Subsection (1) does not apply if the person proves that the fire was not a result of the failure to comply with the notice.

(3) Subsection (1) applies whether or not an appeal is made under Section 17(3), unless a successful appeal is made.

(4) A reference in Subsection (1) to a notice under Section 17(2) shall include a reference to any such notice as varied under Section 17(4).

19. Negligently setting fire to crops, etc.

In an area declared under Section 22, a person who negligently sets fire to—

- (a) a crop of cultivated produce whether standing or cut; or
- (b) a crop of hay or grass, whether or not it is the natural or indigenous product of the soil, and whether or not it is under cultivation, and whether it is standing or cut; or
- (c) any standing trees, saplings or shrubs, whether indigenous or cultivated,

and by doing so injures or destroys the property of any other person, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months.

20. Damage by fire to dividing fence.

(1) If—

- (a) the occupier of any land in an area declared under Section 22 clears it of inflammable materials for the space of 4.572 m¹ from a fence dividing the land from the land of any other owner or occupier; and
- (b) the other owner or occupier neglects or omits so to clear his land; and
- (c) damage from fire happens to the dividing fence through the neglect or omission,

the owner or occupier neglecting or omitting to clear shall at his own expense cause the fence to be repaired and re-erected within one month after it has been so damaged.

(2) If the owner or occupier neglecting or omitting to clear refuses or omits to repair or re-erect the fence within one month, the owner or occupier who has cleared the land from inflammable material in accordance with Subsection (1) may repair or re-erect the dividing fence.

(3) All amounts expended in repairing or re-erecting a dividing fence as provided in this section are recoverable as a debt from the owner or occupier in default.

21. Burning-off, etc.

(1) A person who burns off or sets fire to, or causes or permits to be burned off or set fire to, any inflammable grasses, rubbish or other such materials in an area declared under Section 22, without the prior written permission of an officer, commissioned officer of the Police Force or District Officer, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months.

(2) A permission under Subsection (1) may be subject to such conditions as the person giving the permission thinks proper.

(3) A permission under Subsection (1) does not relieve a person of liability for any actionable damage sustained by any other person in consequence of the use of fire in pursuance of the permission.

22. Application of Sections 19-21.

Sections 19, 20 and 21 apply in areas to which the Minister, by notice in the National Gazette, declares to be areas to which those sections apply.

¹ Metricated editorially. The original measurement was 15 feet.

23. Duty to clear land.

(1) The Minister may, by notice in the National Gazette, declare an area to be an area to which this section applies.

(2) The occupier, or if there is no occupier the owner, of land in an area to which this section applies who fails to clear the land, and keep it clear, of inflammable grasses, rubbish and other such materials for the space of 4.572 m¹ from the boundaries of the land is guilty of an offence.

Penalty: A fine not exceeding K40.00.

24. Clearance by Fire Officer, etc.

(1) Where the occupier, or if there is no occupier the owner, of land in an area declared under Section 23 fails to clear the land as required by that section, an officer, commissioned officer of the Police Force or District Officer may, by force and with assistants if necessary, enter and clear the land and keep it clear of inflammable grasses, rubbish and other such materials for the space of 4.572 m¹ from the boundaries of the land, and the expense of so doing may be recovered by the State from the occupier, or if there is no occupier from the owner, as a debt.

(2) Subsection (1) does not affect the liability of a person under Section 23.

25. Customary rights to set fire to land.

(1) A person who, having the right by custom to set fire to any land for the purpose of hunting or otherwise—

- (a) sets fire to the land for that purpose without the prior approval of a District Officer or a Fire Officer; or
- (b) through the careless use of fire for that purpose, sets on fire any land other than the land over which he has that right; or
- (c) without reasonable excuse (proof of which is on him), sets fire to the land for that purpose without giving prior notice to a District Officer or Fire Officer and to all persons whose property is likely to be imperilled by the fire,

is guilty of an offence.

Penalty: A fine not exceeding K40.00 or imprisonment for a term not exceeding three months, or both.

(2) A person who, in the purported exercise of a right by custom to set fire to any land for the purpose of hunting or otherwise, sets fire to land over which he has no such right is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding six months.

26. Injuring bridges, etc., by carelessness.

A person who, by carelessness in the use of fire, injures or destroys a bridge or culvert (whether over a stream of water or not) or an approach to a bridge or a culvert, or a causeway or crossing along or over a public road, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

¹ Metricated editorially. The original measurement was 15 feet.

27. Lighting fires under wooden bridges, etc.

A person who lights a fire under a wooden bridge or wooden culvert over, on or under a road is guilty of an offence.

Penalty: A fine not exceeding K10.00.

PART V.—MISCELLANEOUS.**28. Compensation to members of Fire Brigades.**

(1) For the purposes of the *Workers' Compensation Act*—

- (a) a person in whom powers, functions, duties, responsibilities or privileges are vested under Section 7; or
- (b) a volunteer fireman attending at a fire; or
- (c) a person who, at the request of or under the authority of an officer, lends assistance at the fire,

shall be deemed to be an employee of the State.

(2) Subject to Subsection (3), for the purposes of Section 20 of the *Workers' Compensation Act*, the wages of a person referred to in Subsection (1) shall be deemed to be the total earnings of the person, including any pay and allowances under this Act.

(3) Section 2 of the *Workers' Compensation Act* applies to the calculation of the wages of a person referred to in Subsection (1).

29. Right to sue for compensation.

Subject to Section 14, this Act does not take away or interfere with the right of a person to sue for and recover under the underlying law or otherwise compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire.

30. Badges, etc.

Badges or other distinguishing marks or articles may be provided for members of Fire Brigades, and a person who wears or bears about him any such badge or other distinguishing mark or article shall, until the contrary is proved, be deemed to be a member of a Fire Brigade.

31. Hindering or obstructing member of Fire Brigade, etc.

(1) A person who wilfully or negligently hinders or obstructs a member of a Fire Brigade in the performance of his duty is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) A person who wilfully or negligently interferes with or damages any fire-fighting apparatus or hose being used or kept for the purpose of being used in connexion with a fire or the prevention or control of fire generally is guilty of an offence.

Penalty: A fine not exceeding K100.00.

32. False alarm of fire.

A person who wilfully gives a false alarm of fire is guilty of an offence.

Penalty: A fine not exceeding K40.00 or imprisonment for a term not exceeding three months.

33. Inducing members of Fire Brigades to neglect duty, etc.

(1) A person who induces, or attempts to induce, a member of a Fire Brigade to neglect or omit to perform a duty is guilty of an offence.

(2) A person who induces, or attempts to induce, or does an act calculated to induce, a member of a Fire Brigade to withhold his services or to commit a breach of discipline is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding six months.

34. Unauthorized use of uniforms, etc.

(1) A person other than a member of a Fire Brigade who, without lawful excuse (proof of which is on him), has in his possession a badge or uniform, or part of a uniform, of a member of a Fire Brigade, or assumes the description or designation of, or falsely pretends or represents himself to be, a member of a Fire Brigade, is guilty of an offence.

Penalty: A fine not exceeding K40.00 or imprisonment for a term not exceeding three months.

(2) A person other than a member of a Fire Brigade who unlawfully wears a uniform of a member of a Fire Brigade, or a colourable imitation of such a uniform, is guilty of an offence.

Penalty: A fine not exceeding K40.00 or imprisonment for a term not exceeding three months.

(3) A person who unlawfully—

(a) sells or supplies to another person; or

(b) employs a person, other than a member of a Fire Brigade, who wears; or

(c) induces a person, other than a member of a Fire Brigade, to wear,

a uniform of a member of a Fire Brigade, or a colourable imitation of such a uniform, is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding six months.

35. Orders and General Instructions.

(1) The Chief Fire Officer may issue such Orders and General Instructions as are in his opinion desirable in relation to the discipline and conduct of officers, firemen and volunteer firemen.

(2) Orders and General Instructions issued under Subsection (1) may be of general application or limited to a specified Fire Brigade or fire area, or to a class of officer, fireman or volunteer fireman.

36. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, providing for—

(a) the enrolment of firemen and volunteer firemen; and

(b) the duties of firemen and volunteer firemen; and

Fire Service

- (c) the efficiency and discipline of firemen, and the punishment of offences against discipline by firemen; and
- (d) the pay, conditions of employment, duties and responsibilities of persons referred to in Section 7 (other than officers of the Public Service); and
- (e) payment of pensions to firemen and the conditions on which pensions are payable; and
- (f) the relationship between, and the relative functions and spheres of authority of, persons referred to in Section 7 and other officers; and
- (g) the protection of life and property from fire in fire areas; and
- (h) the provision of specialist services in connexion with fire prevention or control to persons requiring them, and the fees to be charged for such services; and
- (i) penalties of fines not exceeding K40.00 or imprisonment for terms not exceeding three months for offences against the regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service Regulation.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
 - "the Act"
 - "Determination"
 - "the General Instructions"
 - "officer-in-charge"
 - "Orders".

PART II.—FIREMEN.

Division 1.—Appointments, etc.

2. Ranks of firemen.
3. Physical standards.
4. Enrolment generally.
5. Special appointments.
6. Seniority.
7. Promotion.
8. Establishments.
9. Transfer of firemen.

Division 2.—Duties, etc.

10. Inspection of articles issued.
11. Compliance with Act, etc.
12. Duties of firemen.
13. Report of breaches of discipline.
14. Attendance during shift period.

PART III.—DISCIPLINE.

15. Disciplinary offences.
16. Charges of disciplinary offences.
17. Hearing of charges.
18. Punishments.
19. Dismissal or reduction in rank.
20. Appeal.
21. Recompense for loss.

PART IV.—UNIFORM, BADGES AND MEDALS.

22. Uniforms, etc.
23. Form, etc., of Fire Service Valour Medal.
24. Form, etc. of Fire Service Meritorious Service Medal.

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PART V.—MISCELLANEOUS.

25. Care of property.

SCHEDULE.—Uniforms, Badges, Equipment, etc.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service Regulation.

MADE under the *Fire Service Act*.

PART I.—PRELIMINARY.

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“the Act” includes the Determinations under the Act;

“Determination” means a Determination under Section 8 of the Act;

“the General Instructions” means the General Instructions issued by the Chief Fire Officer under Section 35 of the Act;

“officer-in-charge”, in relation to a fireman, means the officer or fireman in charge of the Fire Brigade to which the fireman is for the time being attached;

“Orders” means Orders issued by the Chief Fire Officer under Section 35 of the Act.

PART II.—FIREMEN.

Division 1.—Appointment, etc.

2. Ranks of firemen.¹

The ranks of firemen and the order of precedence and seniority are as follows :—

(a) Probationary Fireman; and

(b) Fireman; and

(c) Senior Fireman.

3. Physical standards.

The Chief Fire Officer may from time to time lay down the physical standards required to be met by an applicant for appointment as a fireman, and may waive compliance with the standards in any particular case.

4. Enrolment generally.

(1) On enrolment an applicant shall, subject to Section 5, be appointed a Probationary Fireman for a period of not less than three months and not more than 12 months.

¹ This section was replaced by Statutory Instrument No. 5 of 1973 (which was not in force on the effective date) to read :—

“The ranks of firemen and the descending order of their relative precedence and seniority are as follows :—

Officer-in-charge Fire Services.
Deputy Officer-in-charge Fire Services.
Fire Services Inspector.
Fire Prevention Officer.
Technical Officer Grade 2.
Station Officer.
Senior Fireman.
Fireman.
Probationary Fireman.”

(2) At the conclusion of his service as a Probationary Fireman a fireman shall be—

(a) appointed a Fireman; or

(b) discharged from the Fire Service.

(3) Notwithstanding this section, the Chief Fire Officer may discharge a Probationary Fireman at any time.

5. Special appointments.

(1) Notwithstanding Section 4, where the Chief Fire Officer is satisfied that an applicant for appointment has acquired, by training or experience, qualifications useful to the Fire Service, he may appoint the applicant to such rank of fireman as the Chief Fire Officer thinks appropriate.

(2) A fireman appointed under this section may, within three months of that appointment, be discharged by the Chief Fire Officer.

6. Seniority.

(1) A fireman takes seniority in his rank according to the date of his appointment to the rank.

(2) Where the dates of appointment of two or more firemen to the same rank are the same, their relative seniority is as fixed by the Chief Fire Officer.

7. Promotion.

(1) The Chief Fire Officer may promote a Fireman to the rank of Senior Fireman¹ if he is satisfied that the Fireman is capable of performing efficiently the duties of that rank.

(2) For the purposes of satisfying himself under Subsection (1), the Chief Fire Officer may administer, or cause to be administered, such theoretical or practical examinations as seem to him necessary or appropriate.

8. Establishments.

Subject to any directions of the Head of State, acting on advice, the Chief Fire Officer may from time to time determine the establishment of firemen in a Fire Brigade.

9. Transfer of firemen.

The Chief Fire Officer may at any time transfer a fireman from one Fire Brigade to another Fire Brigade.

Division 2.—Duties, etc.

10. Inspection of articles issued.

A fireman shall, when required by an officer, produce for inspection all articles issued to him under this Regulation, other than an article that has been replaced under this Regulation.

11. Compliance with Act, etc.

A fireman shall comply with and observe the provisions of the Act, and all Orders and General Instructions that apply to him or to the Fire Brigade to which he is attached.

¹The words "to the rank of Senior Fireman" are replaced by the words "to more Senior Rank" by Statutory Instrument No. 5 of 1973, which was not in force on the effective date.

12. Duties of firemen.

The principal duties of a fireman are—

- (a) the saving of life and property; and
- (b) the controlling and extinguishing of fires.

13. Report of breaches of discipline.

A fireman shall promptly report to his immediate superior a breach of any of the provisions of the Act, an Order or the General Instructions that he believes has been committed by a fireman over whom he has authority.

14. Attendance during shift period.

(1) A fireman shall attend for duty at the beginning of the shift for which he is rostered for duty and, except with the consent of his officer-in-charge, shall not absent himself from duty until the conclusion of the shift.

(2) Where a fireman is prevented by illness or other unavoidable cause from attending for duty on a shift for which he has been rostered, he shall as soon as practicable report the circumstances to his officer-in-charge.

PART III.—DISCIPLINE.

15. Disciplinary offences.

A fireman who—

- (a) commits a breach of the Act, an Order or the General Instructions; or
- (b) wilfully disobeys or disregards a lawful order or instruction made or given by a person having authority to make or give it; or
- (c) is negligent or careless in the discharge of his duties; or
- (d) is inefficient or incompetent from causes within his own control; or
- (e) uses intoxicating liquor or drugs to excess; or
- (f) solicits or accepts a fee, reward, gratuity or gift in connexion with the discharge of his official duties (other than his official remuneration); or
- (g) is guilty of conduct to the prejudice of the good order or discipline of the Fire Service; or
- (h) is guilty of disgraceful or improper conduct in his official capacity or otherwise,

is guilty of a disciplinary offence and is liable to be dealt with under this Part.

16. Charges of disciplinary offences.

(1) Where an officer has reason to believe that a fireman under his control has committed a disciplinary offence, he shall cause a charge to be laid against the fireman, and pending the hearing of the charge may suspend him from duty.

(2) A suspension under Subsection (1) is with pay, unless the Chief Fire Officer otherwise directs.

17. Hearing of charges.

(1) The Chief Fire Officer or an officer authorized by him, generally or in a particular matter, shall hear and determine the charge.

(2) The Chief Fire Officer or authorized officer—

(a) shall—

- (i) hear any evidence in support of the charge; and
- (ii) hear any evidence by the fireman charged and by witnesses on his behalf; and
- (iii) make such further investigations as he thinks necessary or desirable; and

(b) may—

- (i) take evidence on oath or by affidavit or inform himself of the facts of the matter in any way that he thinks proper; and
- (ii) adjourn the investigation from time to time.

(3) In making an investigation under Subsection (2), the Chief Fire Officer or authorized officer is not bound to observe strict legal procedure, and may receive evidence not legally admissible and may give to such evidence such weight as he thinks proper.

18. Punishments.

(1) Subject to this section, the Chief Fire Officer or an officer referred to in Section 17 may impose any of the following penalties on a fireman found guilty of a disciplinary offence :—

- (a) admonishment; or
- (b) reprimand; or
- (c) reduction to a lower rank or salary.

(2) Where an officer referred to in Section 17 is of the opinion that the gravity of an offence of which he finds a fireman guilty warrants it, he may recommend to the Chief Fire Officer that the fireman be dismissed from the Fire Service, and the Chief Fire Officer may dismiss that fireman.

(3) Where the Chief Fire Officer hears a charge under Section 17 he may, if he thinks that the gravity of the offence warrants it, dismiss from the Fire Service the fireman found guilty of the offence.

(4) A penalty imposed by an officer other than the Chief Fire Officer under Subsection (1)(c) shall not be put into effect until confirmed by the Chief Fire Officer.

(5) The power of confirmation conferred by Subsection (4) includes power to vary the penalty in any way.

(Amended by No. 2 of 1985, s.1.)

19. Dismissal or reduction in rank.

A fireman who is convicted of an offence punishable with imprisonment may be dismissed from the Fire Service by the Chief Fire Officer, or in the case of a fireman above the rank of Fireman be reduced to the rank of Fireman.

(Replaced by No. 2 of 1985, s.2.)

20. Appeal.

(1) A fireman in respect of whom a punishment has been imposed under Section 18(1)(c), (2) or (3) or Section 19 may appeal to the Minister.

(2) The decision of the Minister, on an appeal under Subsection (1) is final.

(3) An appeal under Subsection (1) shall be made with 28 days from the date on which the punishment took effect.

(Replaced by No. 2 of 1985, s.3.)

21. Recompense for loss.

In addition to any punishment which may be imposed on a fireman under this Regulation the Chief Fire Officer, may order that so much of the fireman's pay be stopped and forfeited as is necessary to make good—

(a) any loss or damage to property occasioned by the act or neglect constituting the offence of which he has been convicted; and

(b) any expense incurred by reason of the act or neglect.

(Amended by No. 2 of 1985, s.4.)

PART IV.—UNIFORM, BADGES AND MEDALS.

22. Uniforms, etc.

(1) The Chief Fire Officer may direct that an officer or fireman be issued with all or any of the uniforms, badges, clothing and equipment specified in the Schedule, free of charge and in such quantities as the Chief Fire Officer thinks necessary.

(2) Subject to Section 25, an article issued to an officer or fireman under this section may from time to time be replaced, free of charge, by the officer-in-charge of the Fire Brigade to which the officer or fireman is attached.

23. Form, etc., of Fire Service Valour Medal.

The Fire Service Valour Medal created by Section 15(1) of the Act—

(a) is a circular medal of bronze, bearing—

(i) on the obverse side—the National Emblem, two coconut palm trees, two crossed axes and a torch with the words "Papua and New Guinea Fire Brigade" inscribed in the bottom circumference of the side; and

(ii) on the reverse side—a coconut palm tree with the words "Fire Service Valour Medal" inscribed on the side; and

(iii) inscribed on the rim, the name of the person awarded the medal; and

(b) shall be hung from a straight clasp on a red ribbon of a width of $1\frac{3}{8}$ in.¹ and having a gold stripe on both of its edges; and

(c) shall be worn immediately before any other Fire Service medal awarded to the person.

24. Form, etc. of Fire Service Meritorious Service Medal.

The Fire Service Meritorious Service Medal created by Section 15(2) of the Act—

(a) is a circular medal of silver-plated finish, bearing—

(i) on the obverse side—the National Emblem, two coconut palm trees, two crossed axes and a torch with the words "Papua and New Guinea Fire Brigade" appearing in the bottom circumference of the side; and

(ii) on the reverse side—a coconut palm tree with the words "Fire Service Meritorious Service Medal" inscribed on the side; and

(iii) inscribed on the rim, the name of the person awarded the medal; and

¹In view of the context, this measurement has not been metricated editorially.

(b) shall be hung from a straight clasp on a red ribbon of a width of $1\frac{3}{8}$ in.¹ and having narrow stripes of yellow and green on either side.

PART V.—MISCELLANEOUS.

25. Care of property.

A fireman shall be held responsible for the careful use and preservation of all Government property in his possession.

SCHEDULE.

Reg., Sec. 22.

UNIFORMS, BADGES, EQUIPMENT, ETC.

PART 1.—UNIFORMS OF OFFICERS.

Trousers, khaki long.
Shorts, khaki, 2 side pockets, 1-inch¹ waist band.
Shirt, khaki, 2 pockets, short sleeves.
Socks, khaki.
Golf hose, khaki.
Shoes, leather, black.
Belt, leather, black.
Cap, peaked.

PART 2.—UNIFORMS OF FIREMEN.

Shorts, khaki, 2 side pockets, 3-inch¹ waist band.
Shirt, khaki, 2 pockets, short sleeves.
Sandals, leather, black.
Belt, leather, uniform, with regulation buckle.
Pullover, woollen, khaki.
Beret, khaki.

PART 3.—EQUIPMENT FOR OFFICERS AND FIREMEN.

Overalls, khaki, with badge on left breast bearing the words "Fire Brigade"—
(a) in the case of officers and firemen, on a red background; and
(b) in the case of volunteer firemen on a green background.
Boots, knee, leather.

¹In view of the context, this measurement has not been metricated editorially.

PART 4.—BADGES OF OFFICERS AND FIREMEN¹.

Rank.	Shoulder Badge.	Head-dress Badge.
Chief Fire Officer	19.05mm ² horizontal bar of cloth bearing the words "Chief Fire Officer".	A chromed metal badge 63.5mm ⁴ high and 41.275mm ⁵ wide at its widest part, consisting of two palm trees on grass surrounding crossed fire axes with a flaming torch over the whole, surmounted by the National Emblem and having underneath the inscription "Papua and New Guinea Fire Brigade".
Station Officer	12.7mm ³ horizontal bar of cloth bearing the words "Station Officer".	
Senior Fireman	Red cloth epaulettes.	
Fireman	12.7mm ³ horizontal bar of cloth bearing the word "Fireman".	
Probationary Fireman	—	

¹ Metricated editorially. The original measurements were :—

² $\frac{3}{4}$ in.

³ 2 $\frac{1}{4}$ in.

⁴ 1 $\frac{1}{4}$ in.

⁵ $\frac{1}{4}$ in.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service (Conditions of Employment) Determination.

ARRANGEMENT OF SECTIONS.

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 - "dependants"
 - "fireman"
 - "holiday"
 - "officer-in-charge"
 - "pay"
 - "rank"
 - "salary"
 - "seniority"
 - "wife".

PART II.—ATTENDANCE, ETC.

2. Hours of duty.
3. Stand-by roster.
4. Extra duty.
5. Pay in respect of unauthorized absences.

PART III.—SALARIES, ALLOWANCES, ETC.

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6. Annual salary.
7. Increments.

Division 2.—Deductions from Pay.

8. Deductions from pay.

Division 3.—Extra Attendance Pay.

9. Stand-by allowance.
10. Allowance for regular extra duty.
11. Payment for other extra duty.
12. Emergency duty.
13. Excess travelling time.
14. Calculation of allowances.

Division 4.—Other Allowances.

15. Higher duties allowance.
16. Special duties allowance.
17. Family needs allowance.

PART IV.—LEAVE OF ABSENCE.

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18. Recreation leave.
19. Intervals at which recreation leave may be taken.

20. Deductions from recreation leave.
21. Recreation leave to be taken annually.
22. Special leave.
23. Emergency leave.
24. Absence on account of illness.
25. Sick leave.
26. Health of fireman making him a danger to others.
27. Leave—*infectious disease contacts*.
28. Illness due to misconduct.
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30. Leave without pay.
31. Attendance as witness.
32. Leave of absence to attend arbitration proceedings.
33. Attendance as a witness in arbitration proceedings.
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Division 2.—Leave Fares, etc.

35. Payment of leave fares.
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37. Effect of Part V.
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40. Filling of vacancies.
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43. Re-appointment of persons who have resigned from the Fire Service to become candidates at elections.
44. Compulsory retirement.
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46. Bankrupt fireman.
47. Attachment of salaries.
48. Outside employment.
49. Payment of costs of transfer in certain cases.
50. Delegation.
51. Additional powers of minister.

SCHEDULE.—Annual Salary or Scales of Salary of Fireman.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service (Conditions of Employment) Determination.

MADE under the *Fire Service Act*.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Determination, unless the contrary intention appears—

“dependants”, in relation to a fireman, means—

- (a) a wife; and
- (b) children under the age of 16 years who are dependent on and wholly maintained by the fireman; and
- (c) relatives who are wholly dependent on and maintained by the fireman in such circumstances that, in the opinion of the Chief Fire Officer, they should be regarded as part of the fireman's family;

“fireman” includes a Probationary Fireman and a Senior Fireman;

“holiday” means a holiday declared by or under the *Public Service Act*;

“officer-in-charge”, in relation to a fireman, means the officer or fireman in charge of the Fire Brigade to which the fireman is for the time being attached;

“pay”, in relation to a fireman, means salary inclusive of any allowances under Sections 9, 10, 16 and 17;

“rank” means a rank in the Fire Service;

“salary”, in relation to a fireman, means annual salary as specified in the Schedule and any allowances under Sections 15 and 38;

“seniority”, means seniority as determined in accordance with Section 6 of the *Fire Service Regulation*;

“wife”, in relation to a fireman, does not include a wife of a polygamous marriage by custom entered into after the date of his appointment under the Act.

(2) The provisions of this Determination shall, unless the contrary intention appears, be construed in the same manner as corresponding provisions in the *Public Service Act* and the regulations under that Act.

PART II.—ATTENDANCE, ETC.

2. Hours of duty.

The normal hours of duty of a fireman are 80 hours per fortnight, during such hours of attendance as are fixed in relation to him by the Chief Fire Officer.

3. Stand-by roster.

A fireman may be rostered to stand by for duty, and during any rostered period he shall remain on the station and be available for duty.

4. Extra duty.

Whenever so required, a fireman shall, in order to meet the exigencies of the Fire Brigade to which he is attached, perform duty outside his normal hours of attendance, either during or outside any period for which he is rostered to stand by for duty.

5. Pay in respect of unauthorized absences.

Where a fireman is absent during a period when he is—

- (a) rostered for duty; or
- (b) rostered to stand by for duty,

and his absence is not authorized he shall, without prejudice to any other action that may be taken against him, not receive any pay for the period of the absence.

PART III.—SALARIES, ALLOWANCES, ETC.

Division 1.—Salary.

6. Annual salary.

The rate of annual salary, or the scale of rates of annual salary, payable to a fireman is the rate or the scale of rates specified in the Schedule in relation to the rank held by the fireman.

7. Increments.

(1) Where a scale of rates of annual salary is applicable to a fireman he may, subject to this section, be paid increments of salary in accordance with the scale.

(2) A fireman is not entitled to receive an increment of salary until he has received salary without the increment for not less than 12 months.

(3) If, after having regard to the conduct, diligence, efficiency or attendance for duty of a fireman during the period after which he would be entitled to receive an increment of salary, the Chief Fire Officer is of the opinion that the fireman should not receive or should not immediately receive the increment, he may, by written order, direct that the increment be not paid, or be not paid until the expiration of such period as he thinks proper.

(4) A fireman in relation to whom the Chief Fire Officer has made an order under Subsection (3) may appeal to the Head of State and the Head of State, acting on advice, may, after such inquiry as he thinks proper, confirm, annul or vary the order.

Division 2.—Deductions from Pay.

8. Deductions from pay.

Deductions may be made from the pay of a fireman—

- (a) in respect of a charge raised for any service provided to him by the State; or
- (b) in respect of any debt due by the fireman on account of any expense incurred by the State in relation to the fireman or his dependants; or
- (c) in respect of the contribution payable by the fireman under Section 35(6), (7) or (10).

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Division 3.—Extra Attendance Pay.

9. Stand-by allowance.

A fireman who is rostered to stand by for duty in accordance with Section 3 shall be paid an allowance at the rate of K270.00 per annum.

10. Allowance for regular extra duty.

A fireman whose rostered hours of duty are 84 per fortnight shall be paid an allowance in accordance with the following table in respect of the period by which the rostered duty exceeds the normal 80 hours of duty per fortnight.

Annual salary.	Rate of allowance per annum.
K	K
400	30.00
440	33.00
480	36.00
600	45.00
650	49.00
700	52.00
750	56.00
800	60.00
850	63.00
905	68.00
960	71.00
1235	92.00
1290	96.00

11. Payment for other extra duty.

A fireman who is required to perform duty in excess of his rostered hours of duty specified in Section 2 or Section 10 shall be paid for that duty as follows :—

(a) for excess duty performed between midnight on Sunday and midnight on Saturday—

Annual salary.	Hourly rate.
K	t
400	29
440	32
480	35
600	43
650	47
700	50
750	54
800	58
850	61
905	65
960	68
1235	89
1290	93; and

(b) for excess duty performed on a Sunday or a holiday—

Annual salary.	Hourly rate.
K	t
400	38
440	42
480	46
600	57
650	62
700	67
750	72
800	77
850	81
905	87
960	91
1235	K1.18
1290	K1.23

12. Emergency duty.

(1) Subject to this section, where a fireman is called on duty to meet an emergency at a time when he was not rostered for duty or rostered to stand by for duty, and no notice of the call was given to him before he ceased duty or ceased to stand by for duty, he shall be paid an hourly rate for the emergency duty in accordance with the table contained in Section 11(b).

(2) The time for which payment is to be made under this section includes time necessarily spent in travelling to and from duty.

(3) The minimum payment under this section shall be for two hours.

(4) This section does not apply to a fireman whose duty for the day is varied by alteration of the commencement of the scheduled duty to meet an emergency.

(5) Where in the opinion of the Chief Fire Officer it is essential in the interests of health that respite from work be granted to a fireman who has been called for emergency duty, the fireman may be relieved from duty on his next regular shift, without deduction from his salary, for a period not exceeding the number of hours of extra duty worked on any one occasion, but the period of relief from duty shall not exceed eight hours.

13. Excess travelling time.

(1) Subject to Subsection (2), where a fireman is required to attend for duty at some place other than his usual station and in the course of daily travelling between his home and that place he is obliged to exceed the time required to travel between his home and his permanent station, he is entitled to be paid for the excess time spent travelling at an hourly rate calculated on the rate of salary specified for him in the Schedule.

(2) No payment shall be made under Subsection (1) unless the time in excess is more than half an hour daily.

(3) Where an allowance consequent on his temporary transfer is payable, he shall be paid that allowance or a payment under this section whichever is the greater, but not both.

14. Calculation of allowances.

Periods for which additional payments are to be made under Sections 11, 12 and 13 shall respectively be calculated to the nearest quarter of an hour of the total amount to be claimed in each fortnightly period.

Division 4.—Other Allowances.

15. Higher duties allowance.

(1) When required to do so, a fireman who temporarily performs, to the satisfaction of the Chief Fire Officer, the whole of the duties of a rank higher than his substantive rank shall be paid higher duties allowance at a rate not greater than the salary at the minimum of the scale of rates of annual salary applicable to the higher rank.

(2) When required to do so, a fireman who temporarily performs, to the satisfaction of the Chief Fire Officer, part of the duties of a rank higher than his substantive rank may be paid such higher duties allowance as is approved by the Chief Fire Officer, not exceeding the amount of the allowance that would be payable if he performed the whole of the duties of the higher rank.

(3) A fireman required to perform the duties of a higher rank may be granted increments of salary as though he occupied that rank substantively.

(4) A fireman may be granted—

(a) a first increment under Subsection (3) if he has performed the higher duties for 12 months, continuously or in broken periods during the immediately preceding two years; and

(b) a second increment if he has—

(i) performed the duties of the higher rank for two years continuously or in broken periods during the immediately preceding four years; and

(ii) received the first increment for 12 months, whether continuously or in broken periods, during the immediately preceding two years.

(5) Further increments may be granted on the basis provided in Subsections (3) and (4), but a fireman is not entitled to a subsequent increment until he has received the preceding increment for 12 months, whether continuously or in broken periods, during the preceding two years.

(6) For the purpose of determining whether an increment is payable under this section, or whether higher duties service is continuous, absence from duty for any of the following reasons shall be deemed to be service in a higher rank if the fireman resumes duty in the same or a higher rank at the expiration of that absence :—

(a) recreation leave; and

(b) sick leave, not exceeding six weeks in any period of two years; and

(c) leave granted to a fireman called as a witness; and

(d) accident leave granted under Section 29; and

(e) any other authorized leave not exceeding two weeks in any period of two years.

(7) Except under such conditions as the Chief Fire Officer approves, an allowance under this section is not payable to a fireman in respect of the period of his absence for any of the reasons specified in Subsection (6).

(8) Where the Chief Fire Officer certifies that because a Station Officer of the Public Service is absent from his office or is unable to perform the duties of his office, or because there is a vacancy in any such office, it is necessary that some or all of the duties of that office be carried out by a fireman for one week or more continuously, the provisions of this section apply as if the office of Station Officer were a rank specified in the Schedule and the rate of annual salary, or the scale of rates of annual salary, payable to a Station Officer under

the *Public Service Act* were the rate of annual salary, or the scale of rates of annual salary, specified in that Schedule in relation to that rank.

16. Special duties allowance.

An allowance at the rate of K10.00 per annum shall be paid to a fireman who is qualified by examination in any or all of the following duties :—

- (a) to drive and operate all pump appliances; and
- (b) to wear, operate and maintain breathing apparatus; and
- (c) to work from or with a hook ladder and a wheeled escape ladder; and
- (d) to drive, maintain and operate all equipment on an emergency tender; and
- (e) watchroom operator.

17. Family needs allowance.

(1) In this section—

“child” means a child of the fireman or his wife or a child other than a child of the fireman or his wife who, in the opinion of the Chief Fire Officer, should be deemed, for the purposes of this Determination, to be a child of the fireman and who is—

- (a) dependent on and wholly maintained by the fireman; and
- (b) under the age of 16 years;

“family” means a wife and children under the age of 16 years who are dependent on and wholly maintained by a fireman;

“wife” includes a wife of a polygamous marriage, whenever entered into.

(2) Notwithstanding anything in this Determination, the minimum rate of salary of a fireman maintaining a family and permanently stationed in a locality listed in the following tables is as specified in those tables :—

TABLE 1.

Locality.	Minimum rate of salary per annum of a fireman maintaining a family consisting of a wife or relative and—			
	no children.	1 child.	2 children.	3 or more children.
Goroka	K 650	K 750	K 860	K 980
Kavieng	480	560	650	730
Lae	580	650	720	800
Madang	580	650	720	800
Mount Hagen	650	740	830	930
Port Moresby	650	740	830	930
Rabaul	580	650	720	800
Wewak	580	650	720	800

TABLE 2.

Locality.	Minimum rate of salary per annum of a fireman maintaining a family consisting of :—		
	1 child.	2 children.	3 or more children.
	K	K	K
Goroka	650	750	860
Kavieng	480	560	650
Lae	580	650	720
Madang	580	650	720
Mount Hagen	650	740	830
Port Moresby	650	740	830
Rabaul	580	650	720
Wewak	580	650	720

(3) Where the rate of salary of a fireman is below the minimum rate of salary applicable to him under Subsection (2), he shall be paid an allowance equal to the difference between his rate of salary and the minimum rate of salary applicable to him under that subsection.

(4) An allowance under this section—

- (a) is payable whether or not the family of the fireman resides with him at the location at which he is stationed; and
- (b) shall not be varied on the temporary transfer of a fireman from one location to another.

PART IV.—LEAVE OF ABSENCE.

Division 1.—General.

18. Recreation leave.

The Chief Fire Officer may grant to a fireman leave of absence for recreation at the rate of 21 days per annum, inclusive of Sundays but exclusive of holidays occurring in the period of leave granted, for each year of continuous service.

19. Intervals at which recreation leave may be taken.

Leave of absence for recreation accrues when a fireman has completed a period of—

- (a) 52 weeks commencing from the date on which he first commenced duty in the Fire Service; or
- (b) 49 weeks commencing on the date on which he returned to duty at the expiration of his last recreation leave.

20. Deductions from recreation leave.

(1) Where a fireman has, during the period since his last period of recreation leave or, if no previous leave has been granted, since the date of his appointment, been absent from duty for more than 51 working days, the period of recreation leave that may be granted to the fireman is, subject to this section, reduced by one-twelfth of the period of leave of absence to which he is entitled under Section 18 for each 26 working days (other than the first 26 working days) of absence.

(2) A period of absence on leave granted under Section 23, 24, 31 or 32 shall be deemed not to be absence from duty for the purposes of Subsection (1).

21. Recreation leave to be taken annually.

(1) The Chief Fire Officer shall, wherever practicable, cause such arrangements to be made as will ensure that each fireman may be granted leave of absence annually for recreation as soon as practicable after it accrues.

(2) Recreation leave shall not be allowed to accumulate in respect of a period of service of more than two years.

22. Special leave.

(1) Subject to Subsections (2) and (3), the Chief Fire Officer may, on sufficient cause being shown, grant to a fireman special leave of absence.

(2) Subject to Subsection (3), leave of absence granted to a fireman under Subsection (1) is without pay, or shall be deducted from any recreation leave due or subsequently accruing to the fireman, as the Chief Fire Officer directs.

(3) Where—

(a) no deductions have been made from the pay of a fireman with respect to special leave of absence granted to him under Subsection (1); and

(b) the fireman leaves the Fire Service before recreation leave, for a period greater than the period of the special leave granted to him, has accrued to him,

a sum equivalent to the salary paid to the fireman for so much of the period of absence on special leave as cannot be deducted from his recreation leave, shall be deducted from any moneys due to the fireman by the State, or shall be refunded by the fireman to the State.

23. Emergency leave.

The Chief Fire Officer may grant to a fireman leave of absence on full pay, not exceeding three days in any period of 12 months, for urgent personal reasons.

24. Absence on account of illness.

A fireman absenting himself from duty on account of illness shall, as soon as practicable, apply to his officer-in-charge for leave of absence, and shall furnish evidence to the satisfaction of his officer-in-charge that the absence was caused by illness.

25. Sick leave.

(1) In this section, "working week" means 40 working hours.

(2) In the case of the illness of a fireman, the Chief Fire Officer may grant to the fireman sick leave for a period not exceeding the amount of sick leave to which the fireman is entitled by virtue of Subsection (3).

(3) The basis for determining the leave that may be granted shall be ascertained by crediting the fireman with the following cumulative periods of leave :—

	Leave on full pay.	Leave on half pay.
	Working weeks	Working weeks
On date of appointment	2	2
On completion of 12 months service	2	2
On completion of each additional 12 months service	2	2

26. Health of fireman making him a danger to others.

(1) If the Chief Fire Officer has reason to believe that a fireman is in such a state of health as to constitute him a danger to his fellow members or to the public, he may require the fireman—

- (a) to obtain and furnish a report as to his condition from a medical practitioner; or
- (b) to submit himself for examination by a Government medical officer or a medical practitioner named by the Chief Fire Officer.

(2) On receipt of a medical report under Subsection (1), the Chief Fire Officer may direct the fireman to absent himself from duties for a specified period, and the fireman's absence or continued leave, as the case may be, shall be counted as sick leave.

27. Leave—infected disease contacts.

(1) On a report by a medical practitioner that, by reason of contact with a person suffering from an infectious disease and through the operations of restrictions imposed by or under any law of Papua New Guinea in respect of the disease, a fireman is unable to attend for duty, the Chief Fire Officer may grant to the fireman leave of absence.

(2) Leave of absence granted under this section may be counted as sick leave or, at the option of the fireman, the whole or any portion of the leave may be deducted from recreation leave.

(3) Leave of absence shall not be granted under this section for any period beyond the earliest date at which, having regard to the restrictions imposed by law, it would be practicable for the fireman to resume duty.

28. Illness due to misconduct.

(1) A fireman shall not be granted sick leave with pay on account of physical disability or ill-health caused by his misconduct, or in any case of absence from duty without sufficient cause.

(2) Where the Chief Fire Officer desires to satisfy himself as to the cause of any disability or illness of a fireman, he may—

- (a) require the fireman to present himself for examination by a Government medical officer at a stated time; or
- (b) make such arrangements as are necessary for his examination by a Government medical officer.

(3) If the Government medical officer's report is not favourable to the fireman or if the fireman is not available for examination at the appointed time, the fireman shall be debited

the cost of the examination or the visit of the Government medical officer, as the case may be.

29. Accidents on duty.

(1) Notwithstanding this Determination, where a fireman sustains physical injury in the execution of his duty and the Chief Fire Officer is satisfied that the injury is not attributable to the wilful misconduct of the fireman—

- (a) the Chief Fire Officer may grant leave of absence on full pay to the fireman for a period not exceeding three months; and
- (b) if at the end of that period it is shown to the satisfaction of the Chief Fire Officer that the injured fireman is unable to resume duty, he may grant further leave of absence on such conditions as he thinks justified in the circumstances.

(2) The Chief Fire Officer may authorize the payment of such transport, medical and hospital expenses actually incurred in consequence of the injury as he thinks reasonable.

(3) Leave granted under this section shall not be deducted from sick leave standing to the credit of the fireman.

(4) This section does not derogate any right that a fireman possesses under any law relating to compensation to employees of the State for injuries suffered in the course of their employment, but a fireman is not entitled to receive benefits under this section and that law in respect of the same injury.

30. Leave without pay.

(1) The Chief Fire Officer may grant to a fireman leave of absence without pay for any period not exceeding 12 months.

(2) The period during which a fireman is absent on leave granted under this section shall not be deemed to affect the continuity of the fireman's service but, unless otherwise determined by the Chief Fire Officer, the period shall not be included as part of the fireman's period of service for any other purpose.

31. Attendance as witness.

(1) A fireman summoned or called as a witness before a court shall promptly advise the officer-in-charge.

(2) A fireman required as a witness on behalf of the State is not entitled to receive any witness' fee, but shall be granted leave with pay for the period during which he was necessarily absent from duty.

(3) Where by reason of his attendance as a witness on behalf of the State a fireman is obliged to incur expenditure, he may be reimbursed the expense to such extent as the Chief Fire Officer approves.

(4) A fireman summoned or called as a witness before a court in any other circumstances may be granted leave of absence, but, unless otherwise determined by the Chief Fire Officer, the leave is without pay, and any fees received by the fireman as a witness may be retained by him.

32. Leave of absence to attend arbitration proceedings.

(1) The Chief Fire Officer may grant leave of absence with pay to not more than two representatives of an organization within the meaning of the *Public Services Conciliation and Arbitration Act* for the purpose of attending proceedings under that Act.

(2) The Chief Fire Officer may grant leave of absence without pay, not exceeding in the case of any one representative three months in any period of 12 months, to representatives of an organization referred to in Subsection (1) for the purpose of the preparation of evidence for submission on behalf of the organization in any proceedings referred to in that subsection.

33. Attendance as a witness in arbitration proceedings.

(1) A fireman summoned or called as a witness in proceedings under the *Public Services Conciliation and Arbitration Act* shall immediately advise the Chief Fire Officer.

(2) Subject to Subsection (3), a fireman referred to in Subsection (1) shall be granted leave with pay for the period during which he was necessarily absent from duty.

(3) Subsection (2) applies only to a fireman summoned to attend on behalf of the State or the Chief Fire Officer and to a fireman summoned on behalf of an organization where the Public Services Conciliation and Arbitration Tribunal certifies that his attendance was desirable for the proper presentation of the case by an organization.

34. Furlough.

(1) When a fireman has served in the Fire Service for at least 20 years, the Chief Fire Officer may, from time to time, grant him leave of absence as furlough, calculated at the rate of three tenths of a month on full salary in respect of each completed year of continuous service in respect of which he has not been granted furlough.

(2) Where a fireman who is eligible for furlough in accordance with this section retires or is retired from the Fire Service, the Chief Fire Officer may authorize payment to him of a sum equivalent to his salary for a period of furlough not exceeding that which he could have been granted under this section.

(3) On the death of a fireman who was eligible at the time of his death for furlough in accordance with this section, or if the Chief Fire Officer, after consideration of all the circumstances, directs that the death of a fireman be presumed, the Chief Fire Officer may authorize payment to the dependants of the fireman of a sum equivalent to the salary of the fireman for a period not exceeding the period of furlough that he could have been granted under this section had he retired immediately before the date of his death or, where the Chief Fire Officer has directed that the death of the fireman be presumed, immediately before a date determined by the Chief Fire Officer.

(4) Notwithstanding this section—

(a) furlough or pay on retirement or death shall not be granted under this section exceeding in the whole 12 months on full salary or its equivalent; and

(b) the official conduct record of a fireman shall be taken into consideration in determining whether the whole or any portion of the furlough or payment provided for in this section may be granted.

Division 2.—Leave Fares, etc.

35. Payment of leave fares.

(1) In this section—

“the due date” means the date on which a fireman becomes entitled to the grant of leave fares under this section;

"gross pay" means the annual gross rate of salary to which the fireman is entitled at the time of applying for leave fares, and includes any family needs allowance;

"home Subdistrict", in relation to a fireman or the wife of a fireman, means the Subdistrict within which the principal home or family ties of the fireman or the wife are, in the opinion of the Chief Fire Officer, established.

(2) Subject to this section, the Chief Fire Officer shall authorize payment of the cost of fares of a fireman and of his wife and family (if any) travelling on approved recreation leave, for the specific purpose of enabling the fireman to spend the major portion of the leave in his home Subdistrict or his wife's home Subdistrict.

(3) Fares under this section shall be granted to a fireman—

- (a) in the case of leave in his home Subdistrict—for return travel between the station at which he was employed immediately before commencing recreation leave and the administrative headquarters of his home Subdistrict; or
- (b) in the case of leave in his wife's home Subdistrict—for return travel between the station at which he was employed immediately before commencing recreation leave and the administrative headquarters of his wife's home Subdistrict, but in that case the amount authorized shall not exceed the cost of the fares referred to in Paragraph (a).

(4) Subject to Subsections (5), (8) and (9), leave fares shall be granted only after a fireman has served for a continuous period of two years outside his home Subdistrict, commencing from—

- (a) the date of his appointment to the Fire Service; or
- (b) the date on which he was first posted to a station outside his home Subdistrict; or
- (c) the date on which he last returned from recreation leave with leave fares granted under this section, or in any corresponding previous provision,

whichever is the latest date.

(5) The continuous period of a fireman's service outside his home Subdistrict is not affected by any period of service, not exceeding six weeks, in that Subdistrict.

(6) A fireman who is entitled to payment of leave fares under this section—

- (a) shall make written application in such manner and at such time as the Chief Fire Officer directs; and
- (b) shall pay to the State, at the time of making the application, a contribution towards the cost of the fares, in accordance with the following scale :—

Gross pay of fireman.	Amount of contribution.
Less than K1 000.00	K10
K1 000.00 or more and less than K3 000.00	K20
K3 000.00 or more	K30

(7) Notwithstanding the due date for leave fares prescribed by Subsection (4), the Chief Fire Officer may in his discretion, on application by a fireman and on payment by him of the contribution prescribed by Subsection (6), authorize the granting of leave fares at any time before the due date where, because of the death of a member of the fireman's

immediate family or other acceptable grounds, the Chief Fire Officer thinks that the application should be granted.

(8) Where fares are granted under Subsection (7) before the due date, the next entitlement of the fireman to the grant of fares is not due until two years after the date when it would have otherwise been due.

(9) Notwithstanding the period of two years prescribed by Subsection (4) for entitlement to fares, but subject to Subsection (10), the Chief Fire Officer may in his discretion, on application by a fireman, authorize the granting of leave fares after the fireman has served for a continuous period of one year outside his home Subdistrict, commencing from the relevant date prescribed by Subsection (4).

(10) Where the granting of leave fares after one year's service is authorized under Subsection (9), the Chief Fire Officer shall authorize payment of half of the total cost of return fares of the fireman, his wife and his family (if any), and the fireman shall contribute half of the appropriate amount prescribed by Subsection (6).

(11) If the time of taking recreation leave is delayed beyond the due date by the default or at the request of a fireman—

- (a) the date on which he returns from leave shall be used for calculating his next entitlement to fares under this section; and
- (b) he may be directed to take all recreation leave entitlements accruing to him up to the date of commencing the leave.

(12) If a fireman is required to delay taking his leave beyond the due date in order to meet the needs of the Fire Service, or if the delay was not the fault of the fireman, the due date shall be used for calculating the fireman's next entitlement to fares.

(13) Subject to Subsection (14), leave fares under this section shall be granted only with respect to travel by the most direct route unless otherwise authorized by the Chief Fire Officer for reasons of economy, and travel shall be by public transport (otherwise than by taxi).

(14) The State may provide transport, in place of payment of fares, for the whole or any part of the journey to and from the administrative headquarters of the fireman's home Subdistrict or his wife's home Subdistrict, but this does not relieve the fireman of his obligation to pay the contribution prescribed by Subsection (6).

(15) Where return fares in accordance with this section are granted at a time later than two years after a fireman was last granted recreation leave, he does not lose his accrued leave entitlement.

36. Travelling time.

(1) The Chief Fire Officer may grant to a fireman in respect of whom the payment of fares has been authorized under Section 35 such travelling time, not exceeding seven days, as he thinks reasonable.

(2) In any special case, the Chief Fire Officer may approve such additional travelling time as he thinks proper.

PART V.—TRANSFER OF CERTAIN RIGHTS.

37. Effect of Part V.

The rights conferred by this Part are in addition to and not in derogation of any other rights conferred by this Determination.

38. Minimum salary on appointment.

(1) In this section, "actual salary", in relation to a fireman, means the sum of—

- (a) annual salary specified in the Schedule; and
- (b) any payment in the nature of higher duties allowance and family needs allowance payable under this Determination.

(2) Notwithstanding anything in this Determination, where the actual salary of a fireman who, immediately before his appointment as a fireman, was—

- (a) an Administration Servant under the *Administration Servants Act 1958* (Adopted); or
- (b) a constable or non-commissioned officer of police under the *Police Force Act*,

is less than his assessed former emoluments calculated in accordance with Subsections (3), (4) and (5), he shall be paid an allowance equal to the difference between his actual salary and his assessed former emoluments.

(3) For the purposes of Subsection (2), "assessed former emoluments" means the annual cash wage payable to the fireman immediately before his appointment as a fireman, adjusted, where necessary, in accordance with the succeeding provisions of this section.

(4) In the calculation of assessed former emoluments in relation to a fireman who was, immediately before his appointment as a fireman, in receipt of rations for himself, or an allowance in lieu of rations, the amount calculated in accordance with Subsection (3) shall be increased by the value of the rations as assessed by the Chief Fire Officer, not exceeding K280.00.

(5) In the calculation of assessed former emoluments in relation to a fireman who, immediately before his appointment as a fireman, had dependants, the amount calculated in accordance with Subsection (3), or Subsections (3) and (4), as the case requires, shall be increased by an amount assessed by the Chief Fire Officer in each case.

39. Leave credits.

(1) A fireman who, immediately before his appointment as a fireman, was—

- (a) an officer or employee of the Public Service or a former Public Service; or
- (b) an Administration Servant under the *Administration Servants Act 1958* (Adopted); or
- (c) a constable or non-commissioned officer of police under the *Police Force Act*,

shall be credited with any amounts of sick leave and recreation leave to which he was entitled under—

- (d) the *Public Service Act* or any corresponding previous pre-Independence Act; or
- (e) the *Administration Servants Act 1958* (Adopted); or
- (f) the *Police Force Act*,

as the case may be, immediately before his appointment as a fireman.

(2) For the purpose only of calculating the date on which the first period of recreation leave of a fireman after his date of appointment becomes due under this Determination, he shall be deemed to have been appointed to the Fire Service on the date on which he was first appointed under the Acts specified in Subsection (1) or the date on which he last resumed duty after a period of recreation leave under those Acts, whichever is the later.

PART VI.—VACANCIES, PROMOTIONS, TRANSFERS, ETC.

40. Filling of vacancies.

Where a vacancy exists in the ranks of the Fire Service and in the opinion of the Chief Fire Officer it is necessary to fill that vacancy by the transfer or promotion of a fireman, the Chief Fire Officer may, subject to this Determination, promote a fireman to fill the vacancy.

41. Permission to decline promotion.

The Chief Fire Officer may permit a fireman to decline promotion without prejudice to any claim he might have to promotion at some future date.

42. Criteria for selection for promotion.

(1) In this section, "efficiency" means special qualifications and aptitude for the discharge of duties of the rank to be filled, together with merit, good conduct and diligence.

(2) In the selection of a fireman for promotion under Section 40, consideration shall be given first to relative efficiency, and in the event of equality of efficiency of two or more firemen then to their relative seniority.

PART VII.—MISCELLANEOUS.

43. Re-appointment of persons who have resigned from the Fire Service to become candidates at elections.

(1) Where the Chief Fire Officer is satisfied that—

(a) a person who was a fireman—

(i) resigned or retired from the Fire Service in order to become a candidate for election as a member of the Parliament; and

(ii) was a candidate at the election; and

(iii) failed to be elected; and

(b) the resignation or retirement took effect not earlier than one month before the date on which nominations for the election closed,

the Chief Fire Officer may, on application by the person within two months after the declaration of the result of the election, re-appoint him to the Fire Service under this section, to a rank equivalent to the rank that he held immediately before his resignation or retirement.

(2) A person may be re-appointed under this section without being required to undergo medical examination.

(3) If the Chief Fire Officer thinks it desirable, a person may be re-appointed under this section without probation.

(4) A person re-appointed under this section shall be deemed to have continued in the Fire Service as if he had not resigned or retired but had been on leave of absence without pay during the period from the day on which his resignation or retirement became effective to and including the day before the day on which he was re-appointed.

(5) The period referred to in Subsection (4) shall, for all purposes, be deemed to form part of the fireman's service.

44. Compulsory retirement.

A fireman shall retire from the Fire Service on attaining the age of 60 years.

45. Retirement on account of infirmity or incapacity.

(1) If a fireman appears to the Chief Fire Officer, after full investigation of the circumstances, to be, by reason of mental or bodily infirmity or for any other reason, unfit to discharge, or incapable of discharging, the duties of his rank efficiently, the Chief Fire Officer may retire the fireman from the Fire Service or transfer him to some other rank of equal or lower status and salary.

(2) The retirement of a fireman under this section shall not be deemed to be on account of mental or bodily infirmity unless it is so stated in the instrument affecting the retirement.

(3) A fireman retired or transferred under this section may within 28 days appeal against—

(a) his retirement or transfer; and

(b) in the case of retirement, the failure by the Chief Fire Officer to state that the retirement was on account of mental or bodily infirmity.

(4) Until the time for appeal has expired and pending the hearing of an appeal, the fireman shall be deemed to be on leave without pay unless he advises the Chief Fire Officer that he does not intend to appeal, in which case his retirement or transfer takes effect on the date on which he so advises the Chief Fire Officer.

(5) Where the Chief Fire Officer refuses to retire a fireman under this section the fireman may appeal against the refusal.

(6) An appeal under Subsection (3) or (5) shall be determined by the Head of State, acting on advice.

46. Bankrupt fireman.

A fireman who becomes bankrupt or insolvent, or whose estate is sequestrated voluntarily or compulsorily for the benefit of his creditors, shall—

(a) immediately give notice to the Chief Fire Officer of the fact; and

(b) furnish, as and when required by the Chief Fire Officer, such information relating to the bankruptcy, insolvency or sequestration as the Chief Fire Officer requires.

47. Attachment of salaries.

An order for the attachment of the salary of a fireman may be made by a court of competent jurisdiction.

48. Outside employment.

A fireman may, with the permission of the Chief Fire Officer, which permission may at any time be withdrawn, engage in outside employment.

49. Payment of costs of transfer in certain cases.

Where a fireman is transferred—

(a) in the interests of the Fire Service or in the ordinary course of promotion; or

(b) on account of illness due to causes over which the fireman has no control and in respect of which satisfactory medical evidence is furnished that a change is necessary to restore health,

the actual cost of transfer, to the place to which the fireman is transferred, of the fireman and his dependants (if any), together with such amount as is considered reasonable by the Chief Fire Officer to cover the cost of the removal of the fireman's furniture and personal effects, shall be paid by the State.

50. Delegation.

The Chief Fire Officer may delegate to the officer-in-charge, by writing under his hand, any or all of his powers and functions under Sections 2, 12(5), 18, 21, 23, 25, 26, 27, 28 and 36.

51 Additional powers of Minister.

Where there is no provision, or no sufficient provision, in this Determination in respect of any matter or thing that is necessary or desirable to give effect to this Determination, the Minister¹ may determine in what manner and form the want of provision or insufficient provision shall be supplied.

SCHEDULE.

Sec. 6.

ANNUAL SALARY OR SCALES OF SALARY OF FIREMAN.

		K
Probationary Fireman	19 years or under	400
	20 years	440
	Adult or married	480
Fireman	K600-650-700-750-800-850-905-960	
Senior Fireman	K1 235-1 290	

¹ As at the effective date, the reference was to be the Prime Minister.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service.

SUBSIDIARY LEGISLATION.

1. Act, Section 2—Declaration of fire areas.

Arawa, Town of.

Bulolo, Town of.

Goroka, Town of.

Kavieng, Town of.

Lae, City of.

Madang, Town of.

Mount Hagen, Town of.

Popondetta, Town of.

Port Moresby, City of.

Rabaul, Town of.

Wau, Town of.

Wewak, Town of.

2. Act, Section 3—Establishment of Fire Brigades.

Fire area of—

Arawa, Town of.

3. Act, Section 22—Application of Sections 19, 20, 21.

Daru Island, Western Province.

Eastern Highlands Province.

Kerevat Plantation Area, Rabaul Subdistrict, East New Britain Province, as more particularly described in notice dated 21 October 1975 and published in National Gazette No. 16 of 30 October 1975, page 10.

Milne Bay Province.

Mumeng Subdistrict, Morobe Province.

National Capital District.

Northern Province.

Port Moresby Subdistrict, Central Province.

Wau Subdistrict, Morobe Province.

4. Act, Section 23—Application of Section 23.

Daru Island, Western Province.

Eastern Highlands Province.

Kerevat Plantation Area, Rabaul Subdistrict, East New Britain Province, as more particularly described in notice dated 21 October 1975 and published in National Gazette No. 16 of 30 October 1975, page 10.

Milne Bay Province.

Mumeng Subdistrict, Morobe Province.

National Capital District.

Northern Province.

Port Moresby Subdistrict, Central Province.

Wau Subdistrict, Morobe Province.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 64.

Fire Service.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE FIRE SERVICE ACT.

Part A.—Previous Legislation.

Fire Service Act 1962 (No. 44 of 1962)

as amended by—

Fire Service Act 1963 (No. 23 of 1963)

Fire Service Act 1968 (No. 38 of 1968)

Fire Service (Administration) Act 1969 (No. 76 of 1969)

Fire Service (Awards) Act 1970 (No. 53 of 1970)

Transfer of Powers Regulations 1973 (Statutory Instrument No. 49 of 1973)

Fire Service (Medals Discontinuance) Act 1981 (No. 32 of 1981).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	5	19	21
2	6	20	22
3	7	21	23
4	7A	22	24
5	8	23	25
6	9	24	26
7	10	25	26A
8	11	26	27
9	12	27	28
10	13	28	29
11	14	29	30
12	15	30	32
13	16	31	33
14	17	32	34
15 (Rep.)	18	33	35, 36
16	18A	34	37, 38, 39
17	19	35	40
18	20	36	41

¹Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE FIRE SERVICE REGULATION.

Previous Legislation.

Fire Service Regulation

as amended by—

Fire Service (Amendment) Regulation (Statutory Instrument No. 2 of 1985).

APPENDIX 3.

SOURCE OF THE FIRE SERVICE DETERMINATION.

Part A.—Previous Legislation.

Fire Service (Conditions of Employment) Determination 1968 (Fire Service Determination No. 1 of 1968)

as amended by—

Fire Service (Conditions of Employment) Determination 1971 (Fire Service Determination No. Min. 1 of 1971)

Fire Service (Conditions of Employment) Determination (No. 2) 1971 (Fire Service Determination No. Min. 2 of 1971)

Fire Service (Conditions of Employment) Determination 1972 (Fire Service Determination No. 1 of 1972)

Fire Service (Conditions of Employment) (Amendment) Determination 1975 (Determination made by the Chief Minister and dated 15 September 1975)

Fire Service (Salaries) Determination 1975 (Determination made by the Chief Minister and dated 21 October 1975)

and as affected by the *Commencement of Legislation (Special Provisions) Act* 1975, Section 4 (which related to the date of commencement of the two 1975 Determinations).

Fire Service

Ch. No. 64

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	3, 53	27	32
2	4	28	33
3	5	29	36
4	6	30	28
5	7	31	34
6	8	32	35
7	9	33	37
8	10	34	38
9	11	35	38A
10	12	36	38B
11	13	37	39
12	14	38	40
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19	21	45	47
20	22	46	48
21	23	47	49
22	26	48	50
23	27	49	51
24	29	50	52
25	30	51	54
26	31	Schedule	Schedule

¹Unless otherwise indicated, references are to the determination set out in Part A.

