**PNG FIRE SERVICE**

**FIRE SERVICE ACT REVIEW**

**REGIONAL CONSULTATIONS**

**THEMATIC AREAS FOR REVIEW**

| **PROVISION (SECTION)** | **COMMENTS/ISSUES** | **RESOLUTION** | **SUMMARY PROPOSED CHANGE** | **STAKEHOLDER(S) TO CONSULT** |
| --- | --- | --- | --- | --- |
| **PART I - PRELIMINARY** | | | | |
| 1. Interpretation | Replace “Fireman” with “Fire fighter” for gender neutrality | Term “fire fighter” used | Gender neutrality of terms – from ‘firemen’ to firefighter | Firemen; DPM |
|  | PNGFS is currently undertaking additional Rescue and emergency services apart from the traditional firefighting role. Need to be recognized under the Act.  Define “(other) Emergency” OTHER RELATED EMERGENCY | Definition of “Other related Emergency”  Capture Provision as to assist in emergency services (include under miscellaneous)  SOPs to cover the engagement and procedure for the engagement of officers  **“OTHER related emergencies”** means an actual or imminent event from a hazard, apart from fire, which endangers or threatens to endanger safety or health of any person, which destroys or damages, or threatens to destroy or damage any property and/or environment and which requires a coordinated response, and which includes but is not limited to:   1. explosion; 2. road, industrial or other emergency; 3. dangerous goods emergency; 4. urban search and rescue; 5. aviation or maritime incident; and 6. a cyclone, volcanic eruption, tsunami, flood, wind storm, earthquake, land slide or natural event and other effects of climate change. 7. structural collapse | PNG Fire Service to carry out “Other related Emergency” services | Police, PNGDF, Road Traffic Authority, Department of Labour (OHS), NAC, National Disaster Office; Building Boards; St John’s Ambulance |
| Insert term “Fire Service” | “Fire Service” means the Office of Fire Service | Clarification of term “Fire Service” as “Office of Fire Service” | Firemen |
| Meaning of Officer  Remove subsection (meaning) (b) under term “officer”  Vesting of powers under section 7 will be amended since there is no direct vesting of powers from the Minister down to the Officers. | (b) in relation to any function, duty, responsibility or privilege of an officer that is vested, under Section 7, in a person–that person; | Clarification on vesting of powers on Officers, and the role played by the Minister | Firemen; DPM |
| **PART II – ADMINISTRATION** | | | | |
| 2. Fire Areas | “Chief Fire Officer” to be inserted instead of “Minister” for administration purposes. Convenience, unnecessary responsibility on the Minister. Currently, all the decisions are made by the Chief Fire Officer.  Fire Areas to be established in towns and areas after conducting a SOFEC | Remove references to the Minister and Insert “Chief”.  “Fire Areas” should be “Fire Zones”  After SOEFC conducted, then “Fire Area” declared  SOEFC mainly done within a town area | Changing/Transferring Minister’s power to the Chief Fire Officer to declare a Fire area | Ministry of Defence, Office of the Minister |
| 3. Fire Brigades | “Chief Fire Officer” to be inserted instead of “Minister” for administration purposes. Convenience, unnecessary responsibility on the Minister. Currently, all the decisions are made by the Chief Fire Officer. | “Chief Fire Officer” to be inserted instead of “Minister” | Changing/Transferring Minister’s power to the Chief Fire Officer to set up of Fire Brigades | Ministry of Defence, Office of the Minister |
| 4. Chief Fire Officer. | (Appointment Clause) | Remove term “Service” between “Fire” and “Officer” for consistency purposes | Clarification of Terms – Fire Officer | Firemen |
| 5. Chief Fire Officer. | (Functions Clause)  Specify in title the “Functions” clause | Specify in title the “Functions” clause – for clarity purposes | Clarification of Terms – Functions | Firemen |
| 5B. Regulatory Functions  ***(New Section)*** | Set out the regulatory functions of the Fire Service under this clause. These include the regulating of fire standards and compliance in the country. It also includes training and certification Eg Sika Fire  This can extend to protection from unauthorized distribution of intellectual property from PNGFS going out to other persons or players in the industry. | Insertion of new section:  “5A REGULATORY FUNCTIONS  (1) The Fire Service shall perform the role of regulating fire standards and compliance within the country.  (2) The Chief Fire Officer in performing the function under subsection (1) shall set out the fire code, standards and related matters in consultation with the Minister.  (3) The Chief Fire Officer shall conduct compulsory training and certification in relation to fire prevention and safety.” | Giving PNGFS regulatory functions in matters relating to Fire. | NISIT (for Fire Standards); IPA; Chamber of Commerce; Building Boards; companies such as SIKA Fire |
| 5B. Powers of the Chief Fire Officer  ***(New Section)*** | Insertion of new clause 5A  Contains all powers of the Chief Fire Officer | Insert New Section on Powers of the Chief Fire Officer (s.5A) – Include Power to impose/ charge fees for cost recovery purposes. (Administrative responsibilities – impose fees): See Gazettal Notice No: G242 of 7th May 2020. | * + - * 1. Giving Power to the Chief Fire Officer to impose cost recovery fees for Non-emergency response activities. | Dept of Finance |
|  | Include Power to authorise response to other emergencies  Power of Chief Fire Officer to include other functions such as authorization of other rescue and emergency services (eg subject to capabilities) | * + - * 1. Power given to Chief Fire Officer to authorize response to ‘other related emergency’ | Police, PNGDF, Road Traffic Authority, Department of Labour (OHS), NAC, National Disaster Office; Building Boards; St John’s Ambulance |
| 6. Delegation. | ok |  |  |  |
| 7. Vesting of Powers of Officers | Clause confusing/inapplicable | Remove | Vesting of powers to Officers by Minister to be removed | Firemen; Ministry of Defence, Office of the Minister, BPNG |
| 8. Firemen | Change term to “fire fighter” for consistency with definition | Change term to “fire fighter”  Amendment to section 8(1A)  (1A) The Chief Fire Officer shall have regard to both male and female applicants when appointing persons under subsection (1).  (to cover for gender neutrality, appointment, etc) | 1. Gender neutrality of terms – from ‘firemen’ to firefighter 2. PNGFS should consider gender equality when recruiting | Firemen; DPM |
| 9. Volunteer Firemen | Term “privilege” confusing and can be open to misuse | Remove term “privilege” | The term ‘privilege’ will not be considered in engaging Volunteer Firemen | Firemen; DPM |
| 9A FINANCIAL RESOURCES  ***(New Section)*** | Financial Resources (Consult DEpt Finance,) PMMR Reporting/Audit) take into account Reporting, Charges, etc | 9A. **FINANCIAL RESOURCES**  Pursuant to the *Public Finance (Management) Act 1995*, the Fire Service shall have a:   * + - 1. annual budget to provide financial support for implementation of program in line with government’s development objectives; and       2. public account to hold and expend funds to implement programs in line with annual budget.   Subject to consultations eg Dept of Finance section 11(2) of the PFM Act 1995 / requirement for consent by Minister for Finance | PNGFS to have financial auditing and reporting. That is in line with the collection of recovery fees for non-response services. | Dept of Finance; Provincial Governments (where provincial assistance comes in); DPLGA; BPNG |
| **PART III – POWERS, ETC., OF THE FIRE SERVICE** | | | | |
| 10.Alarms of fire | Ok |  |  |  |
| 11. Powers of members of fire brigades. | Ok |  |  |  |
| 12. Assistance by police at fires | Ok |  |  |  |
| 13. Assistance by fire brigades at outside their fire area. | Ok |  |  |  |
| 14. Liability for damage by fire brigade. | Ok | Subsection (1) does limit the liability of a fireman but extends to (scope of liability to other authorized activities). | Firefighters will be protected for acting within the course of their employment. Not only in response to “Fire emergency”. | Firemen; Police (for related protection) |
| 15 .[repealed.] | (we need details of this clause) specifics of this clause and why it was repealed |  |  | FLC to verify this repealed provision. |
| 16. Certificate of commendation. | Ok |  |  |  |
|  |  |  |  |  |
| **PART IV – FIRE PREVENTION** | | | | |
| 17. Powers of chief fire officer. | (Enforcement by CFO available and very comprehensive. but *resolution* for other relevant agencies to have PNGFS information access for enforcement – not clear)  Current approaches to info sharing eg buiding board, insurance companies (eg insurance fraud)  Sharing of info needed (for assist enforcement + assistance by stakeholder parties (partners))  Insert info-sharing provision (followed by MOAs, SOPs)  For example:   * + - * 1. Condemned Building = PNG Power, Health, Building Board  1. PNGFs – Fire Hazards | Info sharing provision as section 17(2A):  “(2A) The Chief Fire Officer may, where he thinks proper, taking into consideration the interest and need for saving of life and property, share with a relevant stakeholder:   * + - * 1. a finding or report under subsection (1), or         2. a written notice under subsection (2). “   Strengthening enforcement through Regulations, SOPs, etc. | PNGFS be allowed to share information in relation to fire safety and other related emergency, whilst also be allowed to have receive shared information by other partner agencies. | Police, IRC, Chamber of Commerce, Building Boards, Water PNG, PNG Power, Department of Health, etc. |
| 18. Liability for damage where notice not complied with. | Ok |  |  | Firemen; |
| 19. Negligently setting fire to crops, etc. | Ok  Penalty increase | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 20. Damage by fire to dividing fence. | Ok  Penalty increase | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 21. Burning-off, etc. | Ok  Penalty increase | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
|  | Change reference to Minister to “Chief Fire Officer” | Changing/Transferring Minister’s power to the Chief Fire Officer to declare Fire Areas | Ministry of Defence; Office of the Minister |
| 22. Application of sections 19-21. | Fix definition of “Fire Areas” for practical implementation/enforcement |  | Changing/Transferring Minister’s power to the Chief Fire Officer to declare Fire Areas | Firemen; Ministry of Defence; Office of the Minister |
| 23. Duty to clear land. | Ok  Penalty increase | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
|  | Change reference to Minister under subsection (1) to “Chief Fire Officer” |  |  |
| 24. Clearance by fire officer, etc. | OK | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
|  | Change reference to “District Officer” under subsection (1) to “an authorized officer” | Change of Terms – “Authorized Officers” | Firemen |
| 25.Customary rights to set fire to land. | Ok  Penalty increase | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
|  | Change reference to “District Officer” under subsection (1) (a) and (c) to “an authorized officer” | Change of Terms – “Authorized Officers” | Firemen |
| 26. Injuring bridges, etc., by carelessness. | Ok  Penalty increase | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 27. Lighting fires under wooden bridges, etc. | Ok  Penalty increase | K1000.00 | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| **PART V – FIRE PREVENTION** | | | | |
| 28. Compensation to members of fire brigades. | Change term “fireman” to “firefighter” – section 28(1)(b) | Change term “fireman” to “firefighter” | Gender equality & Changing and clarity of terms – ‘fireman’ to ‘fire fighter’ | Firemen; DPM |
| 29. Right to sue for compensation. | Remove term “underlying” before law.  Underlying in the context of “underlying law” can mean customary law or English common Law. A general appropriate term which include all laws (section 9 of the Constitution) is “laws of Papua New Guinea” | Remove term “underlying” before the term “law”.  Insert after the term “law” the phase “of Papua New Guinea”  = ie laws of Papua New Guinea |  | Firemen; Lawyers; DJAG; Police; District Courts (Magisterial Services); |
| 30. Badges, etc. | ok |  |  |  |
| 31. Hindering or obstructing member of fire brigade, etc. | Ok  Penalty increase | Penalty: A fine not exceeding K2000.00 or amount equivalent to the damage caused. Or a term of imprisonment of not exceeding 6 months. | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 32. False alarm of fire. | Ok  Penalty increase | K2000.00 or a term of imprisonment of not exceeding 6 months. | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 33. Inducing members of fire brigades to neglect duty, etc. | Ok  Penalty increase | K2000.00 or a term of imprisonment of not exceeding 6 months. | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 34. Unauthorized use of uniforms, etc. | Ok  Penalty increase | K2000.00 or a term of imprisonment of not exceeding 6 months. | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 35. Orders and general instructions. | Ok  Capitalize term “Instructions”  Insert “firefighters” instead of “fireman” for consistency purposes | Insert “firefighters” instead of “fireman” | Gender equality & Changing and clarity of terms – ‘fireman’ to ‘fire fighter’ | Firemen; DPM |
|  | K2000.00 or a term of imprisonment of not exceeding 6 months. |  | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |
| 36. Regulations. | Insert “firefighters” instead of “fireman” for consistency purposes | Insert “firefighters” instead of “fireman” for section 36 (a) to (h) | Gender equality & Changing and clarity of terms – ‘fireman’ to ‘fire fighter’ | Firemen; DPM |
| Relationships on “Officers” under section 7. Vesting of powers under section 7 will be amended since there is no direct vesting of powers from the Minister down to the Officers. | To remove section 36(f) and allow for Chief Fire Officer to authorise or delegate powers and functions to Officers. | Vesting of powers to Officers by Minister to be removed  Chief Fire Officer to be in charge of authorizing and delegating powers to Officers – not the Minister. | Ministry of Defence, Office of the Minister |
| Penalty increase for section 36(h) for consistency purposes | and section 36(h) penalty increase:  K2000.00 or a term of imprisonment of not exceeding 6 months. | Increase in fines and Terms of Imprisonment | Firemen; Police; District Courts (Magisterial Services); Dept of Finance |

Some Key Areas in the Review:

PNGFS to collect cost recovery fees for Non-emergency response activities;

PNGFS to respond to “other related emergencies”, subject to their capabilities;

PNGFS to be the Regulator of Fire Safety and emergency activities in PNG;

Name change of firemen to firefighters;

Transfer of administrative Powers from the Minister to the Chief Fire Officer;

PNGFS can share and receive information with other agencies in matters relating to Fire Safety and Other related emergency;

Increase in Penalties – Fines and Term of Imprisonment