

A BILL

i n t i t u l e d

An Act to amend the Fire Services Act 1988.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Fire Services (Amendment) Act 2018.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of long title

2. The Fire Services Act 1988 [Act 341], which is referred to as the “principal Act” in this Act, is amended by inserting after the words “property from fire risks” the words “or emergencies”.

Amendment of section 2**3. Section 2 of the principal Act is amended—**

(a) in the definition of “fire-fighting equipment or fire safety installation”—

- (i) in paragraph (f), by deleting the word “or” at the end of the paragraph;
- (ii) in paragraph (g), by inserting after the semicolon at the end of the paragraph the word “or”; and
- (iii) by inserting after paragraph (g) the following paragraph:

“(h) controlling the spread of smoke resulting from a fire;”;

(b) by inserting after the definition of “fire-fighting equipment or fire safety installation” the following definition:

“vehicle” has the meaning assigned to it in the Road Transport Act 1987 [Act 333];”;

(c) by inserting after the definition of “notice” the following definition:

“Voluntary Fire Brigade” means a Voluntary Fire Brigade established under section 4B;”;

(d) in the definition of “Senior Fire Officer”, by substituting for the words “Assistant Superintendent” the words “Assistant Fire Superintendent”;

(e) by inserting after the definition of “owner” the following definition:

“Registrar” means the Director General;”;

(f) in the definition of “special duty”, by substituting for the words “authorized officer” the words “Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer”.

Amendment of section 3

4. Section 3 of the principal Act is amended—

- (a) in subsection (2), by deleting the words “Assistant Directors General of Fire and Rescue,”;
- (b) in subsection (4), by deleting the words “, Assistant Director General,”;
- (c) in subsection (6), by substituting for the words “and Auxiliary Fire Officers” the words “, Auxiliary Fire Officers and Voluntary Fire Officers”; and
- (d) by inserting after subsection (6) the following subsection:

“(7) The Minister may, by order published in the *Gazette*, amend the Second Schedule.”.

Amendment of section 4

5. Section 4 of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “**Appointment of**”; and
- (b) by inserting after subsection (1) the following subsection:

“(1A) The Director General may promote an Auxiliary Fire Officer.”.

New sections 4A, 4B, 4C and 4D

6. The principal Act is amended by inserting after section 4 the following sections:

“Voluntary Fire Officers

4A. (1) The Director General may, with the concurrence of the Minister, appoint such number of Voluntary Fire Officers on such terms and conditions as may be prescribed.

(2) The Director General may promote a Voluntary Fire Officer.

(3) The Director General may terminate the appointment made under subsection (1).

(4) Voluntary Fire Officers shall not be paid any remuneration other than such allowances as the Minister may, with the concurrence of the Minister of Finance, prescribe.

(5) Voluntary Fire Officers shall be subject to the immediate control and direction of the Director General.

Establishment of Voluntary Fire Brigade

4B. (1) A Voluntary Fire Brigade consisting of at least two Voluntary Fire Officers may apply to be registered with the Registrar.

(2) The Registrar may, after considering the application under subsection (1), approve or reject the application.

(3) The Registrar shall, when approving the registration of the Voluntary Fire Brigade, assign a fire cover to the Voluntary Fire Brigade.

(4) For the purpose of this section, “fire cover” means an area where rescue and support is made available in the event of a fire.

Registrar, Deputy Registrar and Assistant Registrar

4c. (1) The Registrar shall maintain a register of Voluntary Fire Officers and a register of Voluntary Fire Brigades.

(2) The register shall contain—

- (a) the names and any other particulars as required by the Registrar of every Voluntary Fire Officer appointed and every Voluntary Fire Brigade registered and their fire cover; and

(b) the names and any other particulars as required by the Registrar of every Voluntary Fire Officer whose appointment has been terminated and every Voluntary Fire Brigade whose registration has been cancelled.

(3) The Registrar may appoint a Deputy Registrar and such number of Assistant Registrars from amongst the Fire Officers who shall be subject to the direction and control of the Registrar.

(4) The Registrar shall have the powers and exercise the functions conferred on him by this Act, and in his absence such powers and functions may be exercised by the Deputy Registrar.

(5) The Deputy Registrar or the Assistant Registrar may exercise all the powers and functions conferred on the Registrar by or under this Act, subject to any restriction that may be imposed by the Registrar.

Appeal

4D. Where an appointment of an Auxiliary Fire Officer or a Voluntary Fire Officer is terminated by the Director General, an appeal may be made to the Minister, as prescribed.”.

Amendment of section 6

7. Subsection 6(1) of the principal Act is amended by substituting for the words “and Auxiliary Fire Officer” the words “, Auxiliary Fire Officer and Voluntary Fire Officer”.

New sections 7A and 7B

8. The principal Act is amended by inserting after section 7 the following sections:

“Conferment of medal or honorary rank

7A. The Director General may determine matters relating to the conferment of medal or honorary rank to any person as he deems fit.

Standing orders

7B. The Director General may issue standing orders for the general control, direction and information of Fire Officers, Auxiliary Fire Officers and Voluntary Fire Officers under this Act.”.

Amendment of section 18

9. Section 18 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**Fire Officers**” the words “**or Auxiliary Fire Officers**”;

(b) in subsection (1)—

(i) by inserting after the words “Fire Officer” the words “or an Auxiliary Fire Officer”;

(ii) in paragraph (e), by substituting for the full stop at the end of the paragraph a semicolon; and

(iii) by inserting after paragraph (e) the following paragraphs:

“(f) remove or direct the transfer of flammable, explosive or hazardous material within or in the vicinity of the premises;

(g) shut off or disconnect or direct any person having the control thereof to shut off or disconnect any energy supply including gas supply, fuel supply or electricity supply within or in the vicinity of the premises; and

(h) remove, by force if necessary, any vehicles or objects obstructing the operations of the Fire and Rescue Department.”; and

(c) by inserting after subsection (2) the following subsection:

“(3) For the purpose of paragraph (1)(e), no payment shall be imposed by any person or water authority on the Fire and Rescue Department for the use of water in carrying out their duties under this Act.”.

New section 18A

10. The principal Act is amended by inserting after section 18 the following section:

“Power to obtain information

18A. (1) For the purpose of paragraph 5(1)(b) of this Act, a Fire Officer may, by notice in writing served on a person, require the person—

(a) to provide all information relating to the fire; and

(b) to appear before a Fire Officer to give an oral statement and a Fire Officer shall, as soon as practicable, reduce the oral statement in writing.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.”.

Amendment of section 20

11. Section 20 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**and Auxiliary Fire Officers**” the words “, **Auxiliary Fire Officers and Voluntary Fire Officers**”; and

(b) by substituting for the words “or Auxiliary Fire Officer” the words “, Auxillary Fire Officer or Voluntary Fire Officer”.

New section 27A

12. The principal Act is amended by inserting after section 27 the following section:

“Fire safety organization in designated premises

27A. (1) The owner, occupier or person having the overall management of the designated premises shall establish a fire safety organization.

(2) Any owner, occupier or person having the overall management of the designated premises who fails to comply with subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.”.

Amendment of section 29

13. Section 29 of the principal Act is amended—

- (a) in subsection (4), by substituting for the words “life safety, fire prevention, fire protection and fire-fighting facilities, as the case may be,” the words “fire-fighting equipment or fire safety installation”; and
- (b) in subsection (5), by substituting for the word “facilities” the words “fire-fighting equipment or fire safety installation”.

Amendment of section 32

14. Section 32 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**life safety facilities, etc.**” the words “**fire-fighting equipment or fire safety installation**”;
- (b) in subsection (1), by substituting for the words “life safety, fire prevention, fire protection and fire-fighting facilities” the words “fire-fighting equipment or fire safety installation”;

(c) in subsection (3)—

- (i) in the English language text, by substituting for the word “facilities” wherever appearing the words “fire-fighting equipment or fire safety installation”; and
- (ii) in the national language text, by substituting for the words “kemudahan” and “kelengkapan”, respectively the words “kelengkapan menentang kebakaran atau pemasangan keselamatan kebakaran”; and

(d) in subsection (4), by substituting for the word “facilities” wherever appearing the words “fire-fighting equipment or fire safety installation”.

Amendment of section 33

15. Section 33 of the principal Act is amended by inserting after the words “an offence” the words “and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both”.

Amendment of section 45

16. Section 45 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Fire Enquiry Commission”; and

(b) in subsection (1), by inserting after the words “any person or persons” the words “to form a commission and”.

Amendment of section 51

17. Section 51 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**Fire Officers**” the words “, **Auxiliary Fire Officer or Voluntary Fire Officer**”;

- (b) by substituting for the words “or Auxiliary Fire Officer” the words “, Auxiliary Fire Officer or Voluntary Fire Officer”;
- (c) by substituting for the words “the officer-in-charge” the words “a Fire Officer”; and
- (d) by inserting after the words “shall be guilty of an offence” the words “and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.”.

Amendment of section 56

18. Section 56 of the principal Act is amended, by inserting after the words “an offence” the words “and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding three years or to both”.

New section 61A

19. The principal Act is amended by inserting after section 61 the following section:

“Duty to inform upon an outbreak of fire

61A. Upon an outbreak of fire on any premises, vehicle or vessel, the owner of the premises, vehicle or vessel, or the occupier or the person having the overall management of the premises, shall immediately inform the outbreak of a fire to the nearest fire station.”.

Amendment of section 62

20. Section 62 of the principal Act is amended—

- (a) in paragraph (1)(ca), by inserting after the word “establishment” the words “, duties and powers”;
- (b) in paragraph (1)(d), by inserting after the word “establishment” the words “, duties and powers”;

- (c) in paragraph (1)(e), by substituting for the words “and Auxiliary Fire Officers” the words “, Auxiliary Fire Officers and Voluntary Fire Officers”;
- (d) in paragraph (1)(f), by inserting after the words “Auxiliary Fire Officers” the words “and Voluntary Fire Officers”;
and
- (e) in subsection (2)—
 - (i) by substituting for the words “one thousand” the words “ten thousand”; and
 - (ii) by substituting for the words “six months” the words “three years”.

Substitution of Second Schedule

21. The principal Act is amended by substituting for the Second Schedule the following Schedule:

“SECOND SCHEDULE
[Subsection 3(6)]

(A) RANKS OF FIRE OFFICERS

(i) Fire Superintendent

Chief Fire Commissioner
Fire Commissioner
Deputy Fire Commissioner
Senior Assistant Fire Commissioner
Assistant Fire Commissioner
Senior Fire Superintendent I
Senior Fire Superintendent II
Fire Superintendent

(ii) Assistant Fire Superintendent

Deputy Fire Superintendent
Senior Assistant Fire Superintendent
Assistant Fire Superintendent

(iii) Fire Officers

Lead Fire Officer
Senior Fire Officer I
Senior Fire Officer II
Fire Officer

(B) RANKS OF AUXILIARY FIRE OFFICERS

Lead Auxiliary Fire Officer
Senior Auxiliary Fire Officer I
Senior Auxiliary Fire Officer II
Auxiliary Fire Officer

(C) RANKS OF VOLUNTARY FIRE OFFICERS

Lead Voluntary Fire Officer
Senior Voluntary Fire Officer I
Senior Voluntary Fire Officer II
Voluntary Fire Officer”.

Savings and transitional provisions

22. (1) Any Voluntary Fire Brigade which had been registered under the Societies Act 1966 [*Act 335*] shall, on the coming into operation of this Act, be deemed to have been registered under the principal Act as amended under this Act.

(2) All matters relating to the Voluntary Fire Brigade shall, on the coming into operation of this Act, be dealt with under the principal Act as amended by this Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Fire Services Act 1988 (“Act 341”) to make the provisions of the Act more comprehensive and to introduce new provisions relating to Voluntary Fire Officers, the establishment of Voluntary Fire Brigade, fire safety organization in designated premises and other related matters. The proposed amendments also seek to enhance the enforcement and offence provisions.

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.
3. *Clause 2* seeks to amend the long title of Act 341 by inserting the words “or emergencies” to be in line with the functions of the Fire Services and Rescue Department.
4. *Clause 3* seeks to amend certain existing definitions and to introduce new definitions into Act 341.
5. *Clause 4* amongst others, seeks to introduce a new subsection 3(7) into Act 341 to empower the Minister to amend the existing Second Schedule by an order published in the *Gazette*.
6. *Clause 5* seeks to introduce a new subsection 4(1A) into Act 341. The proposed amendment seeks to empower the Director General of Fire and Rescue to promote an Auxiliary Fire Officer.
7. *Clause 6* seeks to introduce a new sections 4A, 4B, 4C and 4D into Act 341. The proposed new section 4A seeks to introduce a provision on the appointment, promotion and termination of appointment of a Voluntary Fire Officer. The proposed new section 4B seeks to provide for the establishment of Voluntary Fire Brigade. The proposed new section 4C seeks to provide that the Director General of Fire and Rescue as the Registrar shall maintain a register of Voluntary Fire Officers and a register of Voluntary Fire Brigade and also seeks to empower the Director General of Fire and Rescue as the Registrar to appoint a Deputy Registrar or Assistant Registrars to exercise his functions under Act 341. The proposed new section 4D seeks to introduce the mechanism of appeal if the appointment of Auxiliary Fire Officer or Voluntary Fire Officer has been terminated by the Director General of Fire and Rescue.
8. *Clause 7* seeks to amend subsection 6(1) of Act 341 to provide that uniform and rank markings may be issued to a Voluntary Fire Officer.
9. *Clause 8* seeks to introduce new sections 7A and 7B into Act 341. The proposed new section 7A seeks to empower the Director General of Fire and Rescue to determine the matters relating to conferment of medal or honorary rank to any person as he deems fit. The proposed new section 7B seeks to empower the Director General of Fire and Rescue to issue standing orders for the general control, direction and information of Fire Officers, Auxiliary Fire Officers and Voluntary Fire Officers under Act 341.
10. *Clause 9* seeks to amend section 18 of Act 341. The proposed amendments to subsection 18(1) amongst others, seek to introduce new paragraphs (1)(f), (g) and (h). The proposed amendment to section 18 also seeks to introduce a new subsection 18(3) to provide that no person or water authority may impose any payment on the Fire and Rescue Department for the water used in carrying out the duties under Act 341.

11. *Clause 10* seeks to introduce a new section 18A into Act 341 to empower a Fire Officer to obtain information from any person or require that person to appear before him to provide oral statement for the purpose of inquiry into fire. The proposed new section also seeks to make it an offence for any failure to comply with the requirement of the Fire Officer and to provide the provision for penalty.
12. *Clause 11* seeks to amend section 20 of Act 341 to extend the protection against any action for damages to Voluntary Fire Officers in connection with his duties under Act 341.
13. *Clause 12* seeks to introduce a new section 27A into Act 341 for the purpose of enhancing fire safety in designated premises by the establishment of a fire safety organization in designated premises.
14. *Clause 15* seeks to amend section 33 of Act 341 to increase the penalty to be consistent with the penalty provided in the new section 27A.
15. *Clause 17* seeks to amend section 51 of Act 341 as a consequence to the introduction of Voluntary Fire Officers into Act 341. The proposed amendment also seeks to provide a specific penalty for the offence committed under the said section.
16. *Clause 18* seeks to amend section 56 of Act 341 to provide a specific penalty for the offence committed under the said section.
17. *Clause 19* seeks to introduce a new section 61A into Act 341 to impose a duty on the owner of a premises, vehicle or vessel or the occupier or person having overall management of a premises to immediately inform the nearest fire station upon an outbreak of a fire.
18. *Clause 20* seeks to amend section 62 of Act 341 in relation to the powers of the Minister to make regulations under Act 341.
19. *Clause 21* seeks to amend the Second Schedule of Act 341 by restructuring the ranking of Fire Officers, Auxiliary Fire Officers and Voluntary Fire Officers.
20. *Clause 22* provides for savings and transitional provision.
21. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)3086]