



FIRE SERVICE AMENDMENT

No. 71 of 1979

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AN ACT to amend the Fire Service Act 1979 for the purpose of making further provision with respect to the service of officers of the Commission and with respect to certain other matters.

[Royal Assent 14 December 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Fire Service Amendment Act* Short title 1979.

Commencement. **2**—(1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 6 and 7 and Schedule 1 shall be deemed to have commenced on 1st November 1979.

Principal Act. **3**—In this Act, the *Fire Service Act 1979** is referred to as the Principal Act.

Amendment of section 2 of Principal Act (Commencement). **4**—(1) Section 2 (4) of the Principal Act is amended by omitting “ sections 104 and 105 ” and substituting “ section 104 ”.

(2) Section 105 of the Principal Act shall be deemed to have commenced on 1st November 1979.

Amendment of section 11 of Principal Act (Directions from Minister). **5**—Section 11 of the Principal Act is amended as follows:—

(a) by being renumbered as subsection (1) of that section;

(b) by adding the following subsection:—

(2) The fact that the Minister has power to give directions to the Commission under this section or gives such directions does not have the effect of—

(a) making the Commission the servant or agent of the Crown for the purposes of this or any other Act; or

(b) conferring on the Commission any status, privilege, or immunity of the Crown.

Amendment of section 24 of Principal Act (Officers of the Commission). **6**—Section 24 of the Principal Act is amended by omitting subsection (7) and substituting the following subsections:—

(7) If an officer of the Public Service is appointed under this Division as an officer of the Commission, he is entitled to retain all his existing and accruing rights as if his service as an officer of the Commission were a continuation of his service as an officer of the Public Service.

* No. 35 of 1979.

(7A) Where a person referred to in subsection (7) ceases to be an officer of the Commission and becomes an officer of the Public Service, his service as an officer of the Commission shall be regarded as service in the Public Service for the purposes of determining his rights as an officer of the Public Service.

(7B) Where a person appointed under this Division as an officer of the Commission was, immediately before his appointment, an officer of the Public Service (not being a person employed in the Public Service as a temporary employee), sections 32 and 33 of the *Public Service Act 1973* shall continue to apply in respect of that person as if his service as an officer of the Commission were service as an officer within the meaning of that Act, and, for the purpose of those sections, he shall be deemed to be an officer within that meaning while he remains an officer of the Commission.

(7C) A person who has attained the age of 65 years shall not be appointed as an officer of the Commission, and a person holding office as such vacates his office on attaining that age.

7—The Principal Act is further amended in the manner specified in Schedule 1. Statute law revision.

(Section 7)

SCHEDULE 1

AMENDMENTS TO PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION

COLUMN 1 Provisions of Principal Act amended	COLUMN 2 Amendment
(1) Section 8 (4)	(a) Omit "commencement of this Act" and substitute "second commencement day"; (b) Omit "at that commencement" and substitute "on the second commencement day".
(2) Section 14 (5)	Omit "(o)", substitute "(q)".
(3) Section 19 (2) (a)	Omit "as provided in subsection (3)".
(4) Section 20 (1) (a)	Omit "in the year".
(5) Section 35 (1) (i)	Omit "and".
(6) Section 36 (1)	Omit "commencement of this Act", wherever occurring, and substitute "second commencement day".
(7) Section 89 (6) (c) (iii)	Omit "46 of the <i>Land Valuation Act 1950</i> " and substitute "45 of the <i>Land Valuation Act 1971</i> ".
(8) Section 94 (4)	Omit "deputy clerk of the peace", wherever occurring, and substitute "clerk of petty sessions".
(9) Section 94 (6)	Omit "(4)" and substitute "(3)".
(10) Section 132 (3) (e)	Omit "commencement of this Act" and substitute "second commencement day".
(11) Section 133 (3)	Omit "commencement of this Act" and substitute "second commencement day".
(12) Schedule 4	After "remuneration" in clause 1 (2), insert "and allowances".
(13) Schedule 6	(a) Renumber clause 1 as subclause (1) of that clause; (b) Add the following subclause:—
	(2) In this Schedule, a reference to the commencement of this Act shall be read as a reference to the second commencement day.

COLUMN 1 Provisions of Principal Act amended	COLUMN 2 Amendment
(14) Schedule 7	<p>(a) After "financial year", second occurring, in clause 1 (5), insert the following paragraphs:—</p> <p>(a) in subsection (1) of that section for "boards" there were substituted "Commission in respect of urban land";</p> <p>(b) in that subsection for "amounting in the aggregate to the aggregate of the approved estimates of the boards" there were substituted "to meet the estimate of its urban expenditure approved by the Minister under section 77 of the <i>Fire Service Act 1979</i>";</p> <p>(b) Renumber paragraphs (a), (b), and (c) of subclause (1) as paragraphs (c), (d), and (e) respectively of that subclause;</p> <p>(c) Omit from paragraph (c) (as renumbered) of that subclause "reference in subsection (4)" and substitute "references in subsections (3) and (4)";</p> <p>(d) Omit from clause 2 (1) (b) "of the Board";</p> <p>(e) Omit from clause 2 (1) (b) "Hobart special fire committee and any special fire committee referred to" and substitute "committee referred to in section 59 and a committee as mentioned".</p>

