



## FIRE SERVICE AMENDMENT

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 No. 8 of 1980  
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**AN ACT to amend the Fire Service Act 1979 for the purpose of making further provision with respect to the finances of the Commission and with respect to certain other matters and to amend the Local Government Act 1962.**

[Royal Assent 30 April 1980]

**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. 1980.

**2**—Sections 4 and 8 shall be deemed to have commenced on Commence- 1st March 1980. ment.

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

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\* No. 35 of 1979. Subsequently amended by No. 71 of 1979.

Amendment of  
section 74 of  
Principal Act  
(Interpre-  
tation;  
Part VI).

4—Section 74 (1) of the Principal Act is amended as follows:—

(a) by inserting after the definition of “ land ” the following definition:—

“ net assessed annual value ”—

(a) in relation to urban land in the State or in a municipality, means the total of the assessed annual value of all urban land in the State or, as the case may be, in a municipality obtained from the Valuer-General less the assessed annual value of any urban land in the State or in that municipality that the Commission is notified, pursuant to section 80 (2), is wholly exempted from rating under section 243 of the *Local Government Act 1962*; and

(b) in relation to rural land in the State or in a municipality, means the total of the assessed annual value of all rural land in the State or, as the case may be, in a municipality obtained from the Valuer-General less the assessed annual value of any rural land in the State or in that municipality that the Commission is notified, pursuant to section 80 (2), is wholly exempted from rating under section 243 of the *Local Government Act 1962*;

(b) by omitting the definition of “ rural land ” and substituting the following definition:—

“ rural land ” means any land that at the commencement of a financial year is not urban land;

(c) by omitting the definition of “ urban land ” and substituting the following definition:—

“ urban land ” means any land that at the commencement of a financial year is situated within an urban area.

**5**—Section 77 of the Principal Act is amended as follows:—

Amendment of section 77 of Principal Act (Annual estimate of expenditure).

- (a) by omitting from subsection (1) “ 30th April ” (wherever occurring) and substituting “ 15th April ”;
- (b) by omitting from subsection (3) “ 31st May ” (wherever occurring) and substituting “ 30th April ”;
- (c) by omitting from subsection (5) “ within such period, being a period of not less than 14 days, as the Minister may allow for that purpose,” and substituting “ within 7 days of receiving notification of the proposed variation,”.

**6**—The heading to Division 3 of Part VI of the Principal Act is amended by omitting “ *Fire protection levies* ” and inserting “ *Amounts payable by municipalities* ”.

Amendment of heading to Division 3 of Part VI of Principal Act.

**7**—Section 78 of the Principal Act is amended as follows:—

Amendment of section 78 of Principal Act (Application of Division 3 of Part VI).

- (a) by being renumbered as subsection (1);
- (b) by omitting paragraph (b) of that subsection;
- (c) by adding the following subsections:—
  - (2) Where the election referred to in section 81A (1) (a) is made by the corporation of a municipality—
    - (a) sections 91 (1A) and (2) and section 92A apply; and
    - (b) section 96 applies as if the reference to fire protection levy were read as a reference to fire service component.
  - (3) Where the election referred to in section 81A (1) (b) is made by the corporation of a municipality, sections 82, 83, 84, 85, 86, 87, 88, 89, 90, 91 (1) and (2), 92, 93, 94, 95, 96, 97, 98, 99, and 100 apply.
  - (4) For the purposes of subsection (2) (b), “ fire service component ” means that portion of the amount of a rates demand issued by the corporation of a municipality in respect of land within that municipality that is attributable to the corporation’s contribution to the Commission under section 81 in respect of that land.

Substitution of sections 79, 80, and 81 of Principal Act.

**8**—Sections 79, 80, and 81 of the Principal Act are repealed and the following sections are substituted:—

Expenditure of Commission to be defrayed out of contributions by municipalities and Treasurer.

79—(1) The urban expenditure and the rural expenditure of the Commission shall be defrayed out of contributions to be made to the Commission by the corporations of the municipalities in the State as provided in this Division and by the Treasurer as provided in section 101.

(2) The corporations of the municipalities in the State shall, in respect of the financial year commencing on the fourth commencement day and for each subsequent financial year, contribute 60 per cent of the estimate of the urban and rural expenditure of the Commission as approved by the Minister under section 77.

(3) The Commission shall, for the financial year commencing on the fourth commencement day and for each subsequent financial year, provide—

(a) for the recovery from the corporations of the municipalities in the State of such an amount in respect of urban land as will be sufficient to cover 60 per cent of its urban expenditure as approved by the Minister under section 77; and

(b) for the recovery from the corporations of the municipalities in the State of such an amount in respect of rural land as will be sufficient to cover 60 per cent of its rural expenditure as approved by the Minister under section 77.

Commission to obtain assessed annual value of land.

80—(1) The Commission shall, on or before 15th April immediately following the third commencement day and on or before 15th April in each subsequent year, obtain from the Valuer-General—

(a) the total of the assessed annual value, as at the beginning of the immediately preceding financial year, of—

(i) all urban land in the State; and

(ii) all rural land in the State; and

(b) the total of the assessed annual value, as at the beginning of the immediately preceding financial year, of—

- (i) all urban land in each municipality; and
- (ii) all rural land in each municipality.

(2) The corporation of each municipality shall, on or before the 7th May immediately following the third commencement day and on or before 7th May in each subsequent year, notify the Commission of the assessed annual value of any urban land and rural land in that municipality that at the beginning of the immediately preceding financial year is wholly exempted from rating under section 243 of the *Local Government Act 1962*.

(3) The Commission shall, on advice and information supplied by the Valuer-General, make, as and when the occasion requires, such adjustments to the net assessed annual value or the assessed annual value, as the case may require, of land in different municipalities as may be necessary to avoid inequalities arising from differences in the dates on which the valuations of that land come into force.

81—(1) The contribution required to be made by the corporation of a municipality for the financial year commencing on the fourth commencement day and for each subsequent financial year in respect of—

Contributions  
to be made  
by municipi-  
palities.

- (a) urban land within that municipality; and
- (b) rural land within that municipality,

shall be an amount calculated in accordance with the following formula:—

$$a = \frac{b}{c} \times d$$

where—

“a” is the amount payable by the corporation of a municipality in respect of urban land or rural land, as the case may be, for a financial year;

“b” is the total of the net assessed annual value of urban land or rural land, as the case may be, in the municipality adjusted by the Commission under section 80;

“c” is the total of the net assessed annual value of urban land or rural land, as the case may be, in the State adjusted by the Commission under section 80;

“d” is 60 per cent of the estimate of the Commission’s urban expenditure or rural expenditure, as the case may be, as approved by the Minister under section 77 in respect of the financial year.

(2) Where the corporation of a municipality fails to supply the information referred to in section 80 (2) to the Commission by the date specified in that subsection, the contribution to be paid by that corporation shall be calculated in accordance with the formula referred to in subsection (1) as if the reference to net assessed annual value were a reference to assessed annual value.

81A—(1) The corporation of a municipality shall, on or before 15th May immediately following the third commencement day, notify the Commission that it elects—

(a) to pay to the Commission in quarterly instalments the contribution in respect of urban land and rural land in that municipality required to be made by it for each financial year; or

(b) to collect the contribution required to be made by it for each financial year by means of a fire protection levy to be levied on urban land and rural land in that municipality.

(2) Where the corporation of a municipality has made an election referred to in subsection (1), that election shall remain binding on the corporation until varied by the Commission at the request of the corporation.

(3) Where the corporation of a municipality fails to notify the Commission by the date specified in subsection (1) of its election under that subsection, it shall be deemed to have made the election referred to in subsection (1) (a).

81B—The Commission shall, not later than 1st June immediately following the third commencement day and not later than 1st June in each subsequent year, notify—

(a) the corporation of a municipality that has made the election referred to in section 81A (1) (a) or that is deemed by section 81A (3) to have made

Elections by municipalities in respect of payments to Commission.

Commission to notify municipalities of contribution or rate of fire protection levy.

such an election of the contribution which that corporation is required to make in respect of urban land and rural land in that municipality for the immediately following financial year; and

- (b) the corporation of a municipality that has made the election referred to in section 81A (1) (b) of the rates of the fire protection levy to be levied on urban land and rural land in that municipality for the immediately following financial year.

81C—(1) A corporation of a municipality that has made the election referred to in section 81A (1) (a) shall collect the amount of contribution that it is notified under section 81B (a) it is required to make in respect of urban land and rural land in that municipality as if it were part of the rates for that municipality and shall clearly indicate in any rates demand issued by it that part of the amount of the rates that is attributable to the corporation's contribution to the Commission under section 81 in respect of that land.

Collection by municipalities of contribution or fire protection levy.

(2) A corporation of a municipality referred to in subsection (1) may pay the contribution required to be made by it out of proceeds of its general rate or of a special rate which it may make and levy under the *Local Government Act 1962*.

(3) A special rate under subsection (2) may be a separate local rate and if so section 186 of the *Local Government Act 1962* does not apply to it.

(4) A corporation of a municipality that has made the election referred to in section 81A (1) (b) shall demand and collect the fire protection levy to be levied on urban land and rural land in that municipality as an addition to the general rate levied by it or, if a consolidated rate is levied by it, as an addition to that rate.

81D—(1) A fire protection levy shall be expressed as a rate in the dollar and shall be based on the assessed annual value of land that is subject to the levy as at the beginning of the immediately preceding financial year to which it relates.

Fixing of rate of levy.

(2) Fire protection levies may be fixed at different rates according to whether the levy is levied on urban land or on rural land, but, subject to subsection (1), for each financial year the rate in respect of all urban land within a municipality shall be the same, and the rate for all rural land within a municipality shall be the same.

(3) Not later than 14 days after fixing the rate of a fire protection levy, the Commission shall publish in the *Gazette* a notice specifying that rate.

Amendment of section 91 of Principal Act (Quarterly returns and payments to Commission of levies and contributions).

**9**—Section 91 of the Principal Act is amended as follows:—

(a) by inserting in subsection (1) “that has made the election referred to in section 81A (1) (b)” after “municipality”;

(b) by inserting after subsection (1) the following subsection:—

(1A) The corporation of a municipality that has made the election referred to in section 81A (1) (a) shall, within 14 days after the end of each quarter, pay to the Commission one-quarter of the total amount of contribution that it is notified under section 81B (a) it is required to make less the prescribed collection fee.

Insertion in Principal Act of new section 92A.

**10**—After section 92 of the Principal Act the following section is inserted:—

Recovery of unpaid contributions.

92A—The Commission may recover from the corporation of a municipality in a court of competent jurisdiction as a debt due to it any amount of contribution that it is notified under section 81B (a) it is required to make and that remains unpaid at the expiration of the period fixed for its payment.

Amendment of section 109 of Principal Act (Charges for services at fires).

**11**—Section 109 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

(3) Notwithstanding subsection (2), a charge is not payable under this section by an owner or occupier of any land or structure who is liable to pay to the corporation of a municipality in respect of that land or structure—

(a) a fire protection levy under this Act; or



- (b) an amount towards the contribution that the corporation is notified under section 81B (a) it is required to make.

**12**—Section 128 (1) of the Principal Act is amended by inserting the following paragraph after paragraph (b):—

Amendment of section 128 of Principal Act (Offences and penalties).

- (ba) install, maintain, or repair any fire protection equipment unless he is the holder of a permit issued in accordance with the General Fire Regulations;

**13**—Section 133 (1) of the Principal Act is amended as follows:—

Amendment of section 133 of Principal Act (General fire regulations).

- (a) by inserting in paragraph (a) “prevention of fire, minimising of fire risk, protection of life and property from fire, and” after “respect of”;
- (b) by inserting in paragraph (b) “for the reasonable means of prevention of fire, minimising of fire risk, protection of life and property from fire, and” after “provide”;
- (c) by omitting from paragraph (l) “premises;” and substituting “premises, except where a chief officer isolates, or causes to be isolated, an alarm system or part of an alarm system that contains a fault for the purpose of enabling that fault to be rectified;”.

**14**—*The Local Government Act 1962* is amended as follows:—

Amendment of Local Government Act 1962.

- (a) by inserting after paragraph (a) of section 246 (1) the following paragraph:—

(b) prevention of fire;

- (b) by inserting after section 686 the following section:—

686A—(1) In addition to the powers conferred on it by section 599 (1) (l) (ii), (iii), and (iv) and section 599 (1) (m) and (o), the corporation may, for the purposes of preventing, controlling, and extinguishing fires occurring within its municipal district, carry out such fire protection operations as it considers necessary or desirable.

Municipal fire protection operations.

(2) The corporation may borrow money for the purpose of defraying the cost, or any part of the cost, of any fire protection operations carried out by it pursuant to this section that, in the opinion of the corporation, is of a capital nature.

(3) In this section, "fire protection operations" includes—

- (a) the establishment and maintenance of fire-breaks and fire trails; and
- (b) the taking of measures generally for preventing, controlling, and extinguishing fires.