

FIRE SERVICE AMENDMENT ACT 1981

No. 12 of 1981

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FIRE SERVICE AMENDMENT ACT 1981

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 No. 12 of 1981
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 AN ACT to amend the Fire Service Act 1979 for the purpose of making fresh provision with respect to the funding of fire services in the State, increasing the membership of the Fire Service Advisory Council, and providing, in certain cases, for additional membership of Local Fire Committees and Sub-regional Fire Committees, and for other purposes.

[Royal Assent 15 April 1981]

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.
 1981.

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

(2) Sections 5, 6, 7, 8, 14, 31, and 33 shall commence on the seventh day after the date of assent to this Act.

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

Amendment of section 3 of Principal Act (Interpretation).

4—Section 3 (1) of the Principal Act is amended as follows:—

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

“composite member urban fire brigade” means an urban fire brigade the membership of which consists of both permanent members and part-time members;

(b) by inserting the following definition after the definition of “part-time member”:

“part-time member urban fire brigade” means an urban fire brigade the membership of which consists of only part-time members;

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

“permanent member urban fire brigade” means an urban fire brigade the membership of which consists of only permanent members;

Amendment of section 14 of Principal Act (Fire Service Advisory Council).

5—(1) Section 14 (2) of the Principal Act is amended as follows:—

(a) by omitting from paragraph (p) “Association; and” and substituting “Association;”;

(b) by omitting from paragraph (q) “Association.” and substituting “Association; and”;

(c) by inserting the following paragraph after paragraph (q):—

(r) a person nominated by the State Fire Commission Officers’ Association.

(2) Section 14 of the Principal Act is further amended as follows:—

(a) by omitting from subsection (5) “(q)” and substituting “(r)”;

* No. 35 of 1979. Amended by No. 71 of 1979 and Nos. 8 and 50 of 1980.

(b) by omitting from subsection (6) “ or (q)” and substituting “(q), or (r)”;

(c) by omitting from subsection (7) “ or (q)” and substituting “ (q), or (r)”.

6—Section 17 (3) of the Principal Act is amended by omitting “ Strahan, and Waratah ” and substituting “ and Strahan ”.

Amendment of section 17 of Principal Act (Sub-regions).

7—(1) Section 18 (2) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

Amendment of section 18 of Principal Act (Local Fire Committees).

(a) members appointed by the Commission, being persons of the kinds specified in subsection (3); and

(2) Section 18 (3) of the Principal Act is amended as follows:—

(a) by omitting “ 5 ”;

(b) by omitting paragraph (c) and substituting the following paragraph:—

(c) in a case where—

(i) both urban fire brigades and country fire brigades are established and maintained in that municipality, one shall be an officer of the Commission appointed to represent urban fire brigades in that municipality and one shall be an officer of the Commission appointed to represent country fire brigades in that municipality; or

(ii) only urban fire brigades or only country fire brigades are established and maintained in that municipality, one shall be an officer of the Commission appointed to represent urban fire brigades or country fire brigades in that municipality, as the case may be; and

8—(1) Section 19 (2) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

Amendment of section 19 of Principal Act (Sub-regional Fire Committees).

(a) members appointed by the Commission, being persons of the kinds specified in subsection (3); and

(2) Section 19 (3) of the Principal Act is amended as follows:—

(a) by omitting “ 5 ”;

(b) by omitting paragraph (c) and substituting the following paragraph:—

(c) in a case where—

(i) both urban fire brigades and country fire brigades are established and maintained in that sub-region, one shall be an officer of the Commission appointed to represent urban fire brigades in that sub-region and one shall be an officer of the Commission appointed to represent country fire brigades in that sub-region; or

(ii) only urban fire brigades or only country fire brigades are established and maintained in that sub-region, one shall be an officer of the Commission appointed to represent urban fire brigades or country fire brigades in that sub-region, as the case may be; and

9—After section 24 of the Principal Act, the following section is inserted in Division 3 of Part II:—

24A—(1) Where the Commission is of the opinion that temporary assistance is required for the purpose of enabling it to perform its functions or exercise its powers under this Act, it may employ such persons for such periods as it considers necessary in the circumstances.

(2) A person employed under subsection (1) shall be employed on such terms and conditions, and at a salary at such rate, as the Commission determines.

10—(1) Section 26 (1) of the Principal Act is amended by omitting “ such number of urban fire brigades in that area as the Committee requires ” and substituting “ in that area such number of urban fire brigades of such class or classes as the Committee requires ”.

Insertion in Division 3 of Part II of Principal Act of new section 24A. Temporary employees.

Amendment of section 26 of Principal Act (Urban fire brigades).

(2) Section 26 of the Principal Act is further amended by inserting the following subsection after subsection (1):—

(1A) In subsection (1), “class”, in relation to an urban fire brigade, means—

- (a) a class consisting of permanent member urban fire brigades;
- (b) a class consisting of composite member urban fire brigades; or
- (c) a class consisting of part-time member urban fire brigades.

11—Section 29 (4) (b) of the Principal Act is amended by omitting “the cause of the fire” and substituting “whether a crime has been committed”.

Amendment of section 29 of Principal Act (Powers and functions of chief officers).

12—(1) Section 30 (1) of the Principal Act is amended by omitting “The Commission shall” and substituting “Subject to subsection (2), the Commission may, in its discretion,”.

Amendment of section 30 of Principal Act (Deputy chief officers).

(2) Section 30 of the Principal Act is further amended by omitting subsection (2) and substituting the following subsection:—

(2) The Commission may not appoint a person to the position of deputy chief officer of a composite member urban fire brigade unless that person is a permanent member of the brigade.

13—(1) Section 38 (1) of the Principal Act is amended as follows:—

Amendment of section 38 of Principal Act (Re-establishment of brigades).

- (a) by inserting “of any class” after “urban fire brigade”, wherever occurring;
- (b) by inserting “an urban fire brigade of any other class or as” after “re-established as”, where firstly occurring.

(2) Section 38 of the Principal Act is further amended by omitting subsection (4) and substituting the following subsections:—

(4) Notwithstanding subsection (1), the Commission may, after consultation with—

- (a) the appropriate Local Fire Committee and the corporation of the appropriate municipality; or

(b) the appropriate Sub-regional Fire Committee and the corporations of the appropriate municipalities, determine that an urban fire brigade of any class shall be re-established as an urban fire brigade of any other class or as a country fire brigade or that a country fire brigade shall be re-established as an urban fire brigade of any class.

(5) For the purposes of this section, “ class ”, in relation to an urban fire brigade, has the meaning assigned to that expression by section 26 (1A).

Amendment of section 47 of Principal Act (Police officers at fires).

14—Section 47 (3) of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:—

(c) order to withdraw or, in the event of a refusal to withdraw, remove—

(i) any person who, by his presence or otherwise, interferes with any fire-fighting operations; or

(ii) any person, other than an officer of the Commission or a member of a brigade, who is in or on any land or premises that is burning or is threatened by fire.

Substitution of section 74 of Principal Act.

15—Section 74 of the Principal Act is repealed and the following section is substituted:—

Interpretation; Part VI.

74—(1) In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“ exempted class of general insurance ” means—

- (a) motor vehicle comprehensive insurance;
- (b) compulsory third party insurance;
- (c) motor vehicle third party property damage insurance;
- (d) homeowners and householders insurance;
- (e) crop insurance;
- (f) livestock insurance;
- (g) burglary insurance;
- (h) plate glass insurance;
- (i) guarantee insurance;
- (j) personal accident insurance;
- (k) employers’ liability insurance;
- (l) public liability insurance;

- (m) product liability insurance;
- (n) professional indemnity insurance; or
- (o) loan, mortgage, and lease insurance;

“ general insurance ” means insurance other than life insurance;

“ inspector ” means an inspector referred to in section 77F;

“ insurance company ” means any body corporate, partnership, or other association that carries on in the State the business of insuring against loss of, or damage to, property, either alone or in conjunction with any other business, and includes an agent of any such body corporate, partnership, or other association;

“ land ” has the meaning assigned to that expression by section 231 of the *Local Government Act 1962*;

“ net assessed annual value ”—

(a) in relation to urban land in an urban group territory or in a municipality, means the total of the assessed annual value, obtained from the Valuer-General, of all urban land in the territory or in the municipality, less the assessed annual value of any urban land in the territory or in the 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, obtained from the Valuer-General, of all rural land in the State or in the municipality, less the assessed annual value of any rural land in the State or in the 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*;

“prescribed classes of insurance” means the following classes of general insurance:—

- (a) fire insurance;
- (b) loss of profits insurance;
- (c) contractors’ risk insurance;
- (d) marine hull insurance;
- (e) marine cargo insurance;
- (f) all risks/baggage insurance;
- (g) boiler/engineering and machine break-down insurance;
- (h) any other class of general insurance, other than an exempted class of general insurance;

“quarter” means a period of 3 months commencing on 1st July, 1st October, 1st January, or 1st April in the financial year commencing on 1st July 1981 and in each subsequent financial year;

“rural area” means all the areas of the State that are not situated within an urban fire brigade district;

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

“urban group of brigades” means—

- (a) a group of urban fire brigades consisting of all the permanent member urban fire brigades;
- (b) a group of urban fire brigades consisting of all the composite member urban fire brigades; or
- (c) a group of urban fire brigades consisting of all the part-time member urban fire brigades;

“urban group territory” means the areas of urban land in which an urban group of brigades operates;

“urban land” means any land that, at the commencement of a financial year, is situated within an urban fire brigade district.

(2) For the purposes of this Part, “operating costs”, in relation to the operating costs of the brigades in each urban group territory or in the rural area, means the costs incurred by the Commission in—

- (a) the payment of the salaries, wages, and allowances of the members of the brigades in that urban group territory or in the rural area and in the payment of any other expenses incurred by the Commission in relation to the employment of the members of those brigades, excluding administrative costs incurred by the Commission in paying those salaries, wages, allowances, and other expenses;
- (b) the purchase and maintenance of equipment or premises for the brigades in that urban group territory or in the rural area;
- (c) making payments on account of principal and of interest and other charges required to be made by the Commission in respect of money borrowed by it for the purpose of purchasing equipment or premises for the use of the brigades in that urban group territory or in the rural area;
- (d) the payment by the Commission of—
 - (i) workers’ compensation insurance in respect of members of the brigades in that urban group territory or in the rural area; and
 - (ii) rates and charges in respect of land occupied by brigades in that urban group territory or in the rural area; and
- (e) the payment of expenses incurred by the members of the brigades in that urban group territory or in the rural area in the exercise or performance of their powers or functions as members of those brigades.

16—(1) Section 77 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

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

(2) The estimate referred to in subsection (1) shall include—

- (a) a separate estimate of the operating costs of the brigades in each urban group territory; and

(b) a separate estimate of the operating costs of the brigades in the rural area,

for the financial year referred to in that subsection that are expected to be incurred by the Commission in that year.

(2) Section 77 (6) of the Principal Act is amended by omitting “(a)”.

Insertion in
Principal Act
of new
Divisions 2A,
2B, and 2C,
Part VI.

17—After section 77 of the Principal Act, the following Divisions are inserted:—

Division 2A—General provision relating to defraying of operating costs of all brigades

Sources of the
defraying of
operating
costs of all
brigades.

77A—The operating costs of all brigades shall be defrayed out of contributions to be paid to the Commission—

- (a) by insurance companies as provided in Division 2B;
- (b) by the Treasurer as provided in Division 2C; and
- (c) by the corporations of the municipalities in the State as provided in Division 3.

Division 2B—Provisions relating to contributions payable by insurance companies towards operating costs of brigades

Returns
required to be
lodged by
insurance
companies.

77B—(1) An insurance company shall, not later than 30th April 1981 and not later than each subsequent 1st April, lodge a return with the Commission, in a form approved by the Commission and containing such particulars as are required by the Commission, of the premium income received by the company in respect of the prescribed classes of insurance during the period of 12 months ended on 31st December immediately preceding the date in the relevant year by which the company is required by this subsection to lodge that return with the Commission.

(2) A return under this section by an insurance company shall be verified by a declaration by the manager or secretary, or by a like officer, of the company certifying that, according to the books of the company and to the best of his knowledge and belief, the return contains a true account and statement of the matters referred to in it.

(3) An insurance company that fails to lodge a return that the company is required to furnish by this section or fails to furnish such a return within the time prescribed by subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$250 and to an additional penalty not exceeding \$50 for every day during which the offence continues.

77C—(1) The insurance companies shall, in respect of the financial year commencing on 1st July 1981 and in respect of each subsequent financial year, contribute the prescribed amount towards the aggregate of the operating costs of the brigades in each urban group territory and the operating costs of the brigades in the rural area, being operating costs that, in each case, are included in the Commission's estimates for the relevant financial year and approved by the Minister under section 77.

Contributions payable by insurance companies.

(2) In subsection (1), "prescribed amount", in respect of a financial year to which that subsection applies, means an amount equal to 6 per cent of the total premium income received by insurance companies in respect of the prescribed classes of insurance during the period of 12 months ended on 31st December immediately preceding the commencement of that financial year.

77D—The Commission shall, not later than 1st June 1981 and not later than 1st June in each subsequent year, notify an insurance company that carries on business in relation to any of the prescribed classes of insurance of the amount that the company is required to contribute in respect of the immediately following financial year towards the aggregate of the operating costs referred to in section 77C.

Notification by Commission of amount required to be contributed by insurance company in respect of each financial year.

77E—(1) The contributions that are required by this Division to be paid by an insurance company in a financial year shall be paid to the Commission by quarterly instalments of, as far as is practicable, equal amounts.

Payment of contributions.

(2) An insurance company shall, not later than 14 days after the end of each quarter, pay to the Commission a quarterly instalment referred to in subsection (1).

(3) An insurance company that, within the time prescribed by subsection (2), fails to pay to the Commission a quarterly instalment referred to in subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$50 for every day during which the offence continues.

Inspectors.

77F—(1) The Commissioner may, by warrant under his hand, authorize any person who is for the time being an officer of the Commission to be an inspector to exercise the powers conferred on inspectors by this Division.

(2) The Commissioner shall be deemed to be an inspector and may exercise the powers conferred on inspectors by this Division.

Powers, &c.,
of inspectors.

77G—(1) For the purposes of this Division, an inspector, on production of his warrant of authorization as such, may at any reasonable time and with such assistants as he considers necessary—

- (a) enter and remain in any premises at which, or at which he reasonably suspects, an insurance company is, or has been, carrying on business in relation to any of the prescribed classes of insurance;
- (b) request any person found in or on any premises at which, or at which he reasonably suspects, an insurance company is, or has been, carrying on business in relation to any of the prescribed classes of insurance—
 - (i) to produce any record which relates to, or which the inspector reasonably suspects relates to, the carrying on of such a business and which, at the time of the request, is in the possession or under the control of that person; and
 - (ii) to answer any question with respect to any such record or the carrying on of such a business; and
- (c) inspect, or take copies of, or make notes in respect of, any record referred to in this subsection or any part of any such record.

(2) Whenever the Commissioner exercises a power conferred by subsection (1) in his capacity as an inspector, it shall be sufficient for the purposes of that subsection if he produces evidence of his appointment as Commissioner.

(3) Any person who—

(a) prevents or attempts to prevent an inspector from exercising any power conferred on him by subsection (1);

(b) hinders or obstructs an inspector in the exercise of any such power; or

(c) fails to comply with a request of an inspector under subsection (1) (b),

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$250 or to imprisonment for a term not exceeding 3 months, or both, and, in the case of an offence under paragraph (c), to an additional penalty not exceeding \$50 for every day during which the offence continues.

(4) A person is not guilty of an offence under subsection (3) (c) by reason of his failure to answer any question referred to in subsection (1) (b) (ii) if he proves to the satisfaction of the court before which he is prosecuted for the offence that he did not know, and could not with reasonable diligence have ascertained, the answer to the question.

(5) A person is not excused from answering any question if required to do so under subsection (1) (b) on the ground that the answer might tend to incriminate him or make him liable to a penalty, but the information provided by him shall not be admissible against him in any proceedings, civil or criminal, except in proceedings for an offence under subsection (3) or section 77H.

(6) Where an answer to a question referred to in subsection (1) (b) (ii) or any information whatever is given to an inspector by an officer of a corporation within the meaning of the *Companies Act* 1962 which is carrying on or has carried on business in relation to any of the prescribed classes of insurance, the answer and information are, for the purposes of any proceedings against the corporation under any of the provisions of this Division, binding on and admissible in evidence against the corporation, unless it is proved that the answer or information was given in relation to a matter in respect of which the officer had no authority to bind the corporation.

(7) The provisions of subsection (6) are in addition to any rule of law relating to the binding effect and admissibility in evidence of statements made by any officer or employee of a corporation.

False or misleading statements.

77H—(1) Subject to subsection (3), a person who, in a declaration verifying a return under section 77B, makes a statement or representation that is false or misleading in a material particular is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 or to imprisonment for a term not exceeding 3 months, or both.

(2) Subject to subsection (3), a person who makes an answer to a question put to him pursuant to section 77G (1) (b) (ii) by an inspector that is false or misleading in a material particular is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 or to imprisonment for a term not exceeding 3 months, or both.

(3) It is a defence to a charge under subsection (1) or (2) if it is proved that, at the time the statement, representation, or answer was made, the defendant believed on reasonable grounds that it was neither false nor misleading.

Offences by bodies corporate.

77I—(1) Where an offence against this Division is committed by a body corporate, every person concerned in the management of that body corporate shall be deemed also to have committed the offence and may be convicted of the offence, unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

(2) A person referred to in subsection (1) may be convicted of an offence under that subsection whether or not the body corporate is charged with or convicted of the offence.

Recovery of unpaid contributions.

77J—The Commission may recover from an insurance company in a court of competent jurisdiction as a debt due to the Commission any instalment of a contribution that the insurance company is required to pay to it under section 77E and that remains unpaid after the expiration of the period fixed for its payment under that section.

Division 2c—Provisions relating to contribution payable by the Treasurer towards operating costs of brigades

77k—(1) The Transport Commission shall, not later than 30th April 1981, and not later than each subsequent 1st April, lodge with the Commission a written statement giving the amount that the Transport Commission estimates that it will, during the relevant financial year, receive for fees payable to it for the registration and renewal of registration of motor vehicles (other than motor cycles) pursuant to regulations made under the *Traffic Act 1925*.

Statement required to be lodged by Transport Commission.

(2) In subsection (1), “relevant financial year” means the financial year beginning on 1st July in the year in which a statement is required by that subsection to be lodged with the Commission.

77L—(1) The Treasurer shall, in respect of the financial year commencing on 1st July 1981 and in respect of each subsequent financial year, contribute the prescribed amount towards the aggregate of the operating costs of the brigades in each urban group territory and the operating costs of the brigades in the rural area, being operating costs that, in each case, are included in the Commission’s estimates for the relevant financial year and approved by the Minister under section 77.

Contribution payable by Treasurer.

(2) In subsection (1), “prescribed amount”, in respect of a financial year to which that subsection relates, means an amount equal to 6/16th of the total amount received during that financial year by the Transport Commission for fees payable to it for the registration and renewal of registration of motor vehicles (other than motor cycles) pursuant to regulations made under the *Traffic Act 1925*.

(3) The Treasurer shall, within 14 days after the end of each quarter, pay to the Commission one-quarter of the prescribed amount that he is required to contribute under subsection (1).

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

18—The heading to Division 3 of Part VI of the Principal Act is repealed and the following heading is substituted:—

Division 3—Provisions relating to contributions payable by municipalities towards operating costs of brigades

Substitution of section 79 of Principal Act.

19—Section 79 of the Principal Act is repealed and the following section is substituted:—

Contributions payable by corporations of municipalities.

79—(1) The corporations of the municipalities in the State shall, in respect of the financial year commencing on 1st July 1981 and in respect of each subsequent financial year, contribute an amount, determined as provided by this section, towards the aggregate of the operating costs of the brigades in each urban group territory and the operating costs of the brigades in the rural area, being operating costs that, in each case, are included in the Commission's estimates for the relevant financial year and approved by the Minister under section 77.

(2) The Commission shall, for a financial year to which subsection (1) applies, provide—

(a) for the recovery from the corporations of the municipalities wholly or partly in each urban group territory of such an amount in respect of urban land within that territory as will be sufficient to cover the operating costs of the brigades in that territory for that year, as approved by the Minister under section 77, less the prescribed amount; and

(b) for the recovery from the corporations of the municipalities wholly or partly in the rural area of such an amount in respect of rural land in that area as will be sufficient to cover the operating costs of the brigades in that area for that year, as approved by the Minister under section 77, less the prescribed amount.

(3) For the purposes of subsection (2), "the prescribed amount" means the amount calculated in accordance with the following formula:—

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

where—

"a" is the amount to be calculated;

“ b ” is the estimated operating costs for the relevant financial year of the brigades in the urban group territory or in the rural area, as the case may be, as approved by the Minister under section 77;

“ c ” is the aggregate of the estimated operating costs for the relevant financial year of the brigades in all the urban group territories and in the rural area;

“ d ” is the aggregate of the contributions required to be made to the Commission in the relevant financial year by the insurance companies and by the Treasurer under Divisions 2B and 2c respectively.

20—Section 80 (1) of the Principal Act is amended as follows:—

(a) by omitting “ 15th April immediately following the third commencement day ” and substituting “ 30th April 1981 ”;

Amendment of section 80 of Principal Act (Commission to obtain assessed annual value of land).

(b) by omitting subparagraph (i) of paragraph (a) and substituting the following subparagraph:—

(i) all urban land in each urban group territory; and

21—Section 81 (1) of the Principal Act is amended as follows:—

(a) by omitting “ the fourth commencement day ” and substituting “ 1st July 1981 ”;

Amendment of section 81 of Principal Act (Contributions to be made by municipalities).

(b) by omitting the last 2 paragraphs in the formula and substituting the following paragraphs:—

“ c ” is the total of the net assessed annual value, adjusted by the Commission under section 80, of all urban land in the urban group territory within which the municipality is wholly or partly situated or, as the case may be, of all rural land in the State;

“ d ” is the total of the estimated operating costs, as approved by the Minister under section 77, of urban fire brigades or country fire brigades in the urban group territory or rural area within which the municipality is wholly or partly situated, less the amount calculated in accordance with section 79 (3) in relation to the operating costs of those brigades.

Amendment of section 86 of Principal Act (Liability for levy on change of occupier or owner).

22—Section 86 of the Principal Act is amended by omitting “ the fourth commencement day ” and substituting “ 1st July 1981 ”.

Amendment of section 89 of Principal Act (Demands for, and payment of, levies).

23—Section 89 (1) of the Principal Act is amended by omitting “ the fourth commencement day ” and substituting “ 1st July 1981 ”.

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

24—Section 91 (2) of the Principal Act is amended by omitting the definition of “ quarter ”.

Substitution of section 95 of Principal Act.

25—Section 95 of the Principal Act is repealed and the following section is substituted:—

Pensioners' rebates.

95—A person to whom the corporation of a municipality has, pursuant to subsection (1) of section 6 of the *Local Government (Rates and Charges Remissions) Act 1977*, remitted rates and charges payable in respect of a financial year in relation to land referred to in that subsection is entitled to a rebate of 50 per cent of any fire protection levy that, but for this section, he would be required to pay under this Division in respect of that financial year in relation to that land.

Repeal of section 96 of Principal Act (Certain persons entitled to partial refund of fire protection levy).

26—Section 96 of the Principal Act is repealed.

Repeal of section 97 of Principal Act (Partial refund by insurance companies of premiums paid in respect of certain fire insurance policies).

27—Section 97 of the Principal Act is repealed.

Amendment of heading to Division 4 of Part VI of Principal Act.

28—The heading to Division 4 of Part VI of the Principal Act is amended by omitting “ *Government contribution* ” and substituting “ *Government contribution with respect to expenditure incurred by the Commission, other than operating costs in relation to brigades* ”.

29—Section 101 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 101 of Principal Act.

101—(1) The Treasurer shall pay to the Commission, out of money appropriated by Parliament, such amount as is sufficient to defray the total cost of all expenditure, other than the prescribed operating costs, that is incurred by the Commission under this Act in the financial year commencing on 1st July 1981 and in each subsequent financial year.

Government contribution with respect to certain expenditure incurred by the Commission.

(2) In subsection (1), “the prescribed operating costs” means the operating costs of the brigades in each urban group territory and in the rural area.

30—Section 104 of the Principal Act is amended by inserting the following subsections after subsection (1):—

Amendment of section 104 of Principal Act (Grants to corporations of municipalities or to owners of land).

(1A) Subject to subsection (1B), the Commission may, from time to time, make a grant to the owner of land for the purchase by that owner of equipment which has been approved by the Commission for use by that owner in connection with fire-fighting operations in the area in which the land is situated.

(1B) The amount of a grant made by the Commission under subsection (1A) shall not exceed 50 per cent of the amount paid by the owner of land for the purchase of equipment referred to in that subsection.

31—Section 109 (3) of the Principal Act is amended as follows:—

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

- (a) by omitting “make.” and substituting “make,”;
- (b) by inserting, in alignment with the commencement of that subsection, “unless that owner or occupier has been convicted of an offence under this or any other Act, or of a crime, relating to the fire.”.

32—(1) Section 133 (1) of the Principal Act is amended by omitting from paragraph (1) “a chief officer” and substituting “an authorized officer”.

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

(2) Section 133 of the Principal Act is further amended by inserting the following subsection after subsection (1):—

(1A) In subsection (1) (l), “authorized officer” means a chief officer, member of an urban fire brigade, group captain, or brigade captain, or an officer of the Commission.

Amendment of
Schedule 5 to
Principal Act.

33—Schedule 5 to the Principal Act is amended as follows:—

- (a) by omitting from clause 1 “(q)” and substituting “(r)”;
- (b) by omitting from clause 2 (4) “or (q)” and substituting “(q), or (r)”.

Statute law
revision.

34—The Principal Act is further amended in the manner specified in Schedule 1.

Transitional
provisions.

35—(1) Notwithstanding the amendments to Part VI of the Principal Act made by this Act, the provisions of the prescribed sections of the Principal Act, as in force immediately before the date of assent to this Act, continue in force on and after that date in respect of the financial year ending on 30th June 1981 and in respect of all rights, obligations, and duties arising under those sections as if this Act had not been enacted.

(2) In subsection (1), “the prescribed sections of the Principal Act” means sections 74, 79, 81, 86, 89, 91, 95, 96, 97, and 101 of that Act (being sections in Part VI of that Act).

(3) Notwithstanding subsection (1), the corporation of a municipality to which section 91 (1A) of the Principal Act applies shall —

- (a) on or before 30th April 1981, pay to the Commission the third quarter of the total amount of contribution that it has been notified under section 81B (a) of that Act it is required to make in respect of the financial year ending on 30th June 1981; and
 - (b) on or before 30th June 1981, pay to the Commission the last quarter of that total amount of contribution,
- less, in each case, the prescribed collection fee within the meaning of section 91 of that Act.

SCHEDULE 1

Section 34

AMENDMENTS TO PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION

COLUMN 1 Provision of Principal Act amended or omitted	COLUMN 2 Amendment
(1) Section 2 (4)	Omit " next following the third commencement day ", substitute " 1980 ".
(2) Section 3 (1)	Omit the definitions of " fourth commencement day ", " second commencement day ", and " third commencement day ".
(3) Section 8 (4)	Omit " the second commencement day,," wherever occurring, substitute " 1st November 1979,,".
(4) Section 20 (1) (a)	Omit " next following the second commencement day and on or before each subsequent 31st March ", substitute " in each year ".
(5) Section 36 (1)	Omit " the second commencement day ", wherever occurring, substitute " 1st November 1979,,".
(6) Section 76 (1)	Omit " next following the second commencement day and not later than each subsequent 16 August ", substitute " in each year ".
(7) Section 77 (1)	Omit " next following the second commencement day and not later than each subsequent 15th April ", substitute " in each year ".
(8) Section 77 (3)	Omit " next following the second commencement day and not later than each subsequent 30th April ", substitute " in each year ".
(9) Section 78	<p>(a) Omit subsection (2), substitute the following subsection:—</p> <p>(2) Where the election referred to in section 81A (1) (a) is made by the corporation of a municipality—</p> <p>(a) sections 91 (1A) and (2), 92A, and 95 apply; and</p> <p>(b) section 95 applies as if the reference to fire protection levy were read as a reference to fire service component.</p> <p>(b) Omit from subsection (3) " 96, 97,,".</p>
(10) Section 80 (2)	Omit " immediately following the third commencement day and on or before 7th May in each subsequent year ", substitute " in each year ".

COLUMN 1 Provision of Principal Act amended or omitted	COLUMN 2 Amendment
(11) Section 81A (1)	Omit "immediately following the third commencement day", substitute "1980".
(12) Section 81B	Omit "immediately following the third commencement day and not later than 1st June in each subsequent year", substitute "in each year".
(13) Section 134	Omit the section, substitute the following section (Transitional provisions):— 134—Schedule 6 has effect.
(14) Schedule 6	Omit from clause 1 (2) "the second commencement day", substitute "1st November 1979".
(15) Schedule 7	Omit the Schedule.