



## TASMANIA

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**FIRE SERVICE AMENDMENT ACT 1990**

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**No. 3 of 1990**

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## FIRE SERVICE AMENDMENT ACT 1990

No. 3 of 1990

AN ACT to amend the *Fire Service Act 1979* and to consequentially amend the *Traffic Act 1925* and the *Local Government Act 1962*

[Royal Assent 16 May 1990]

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:—

### Short title

1—This Act may be cited as the *Fire Service Amendment Act 1990*.

### Commencement

2—(1) This Act, except sections 7 (1) (c), 7 (1) (d), 7 (1) (e), 7 (2), 8, 9, 10, 11, 13, 14, 17, 18, 21 and 23, commences on the day on which it receives the Royal Assent.

(2) Sections 7 (1) (c), 7 (1) (d), 7 (1) (e), 7 (2), 8, 9, 10, 11, 13, 14, 17, 18, 21 and 23 commence on 1st July 1990.

### Principal Act

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

\* No. 35 of 1979. For this Act, as amended to 30th April 1981, see the continuing Reprint of Statutes. Subsequently amended by Nos. 73 and 74 of 1981, Nos. 9 and 10 of 1982, Nos. 22, 24, 61 and 88 of 1983, Nos. 29, 34 and 81 of 1984, Nos. 10, 31 and 51 of 1985, No. 60 of 1986, No. 79 of 1987 and No. 64 of 1988.

**Section 3 amended (Interpretation)**

4—Section 3 (1) of the Principal Act is amended by inserting the following definition after the definition of “country fire brigade”:

“country fire brigade district” means a country fire brigade district established under section 32A;

**Section 32A inserted**

5—After section 32 of the Principal Act, the following section is inserted:—

**Country fire brigade districts**

32A—(1) In respect of a country fire brigade, the Commission, after consultation with the Local Fire Committee or Sub-regional Fire Committee, as the case may be, may, by notice published in the *Gazette*, declare the area specified in the notice to be the country fire brigade district within which that brigade shall operate.

(2) In determining the area of a country fire brigade district, consideration shall be given to such requirements and limitations in respect of fire brigade operations as the Commission may from time to time determine.

(3) A notice under subsection (1) which is published in the *Gazette* not later than 30th June 1990 may specify that the notice takes effect on the day on which the *Fire Service Amendment Act 1990* received the Royal Assent and such a notice is deemed to have taken effect on that day.

**Section 39 amended (Attendance at fires)**

6—Section 39 (4) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraphs:—

(b) in the case of a country fire brigade in respect of which a country fire brigade district has been declared under section 32A, is that country fire brigade district; and

- (c) in the case of any other country fire brigade, is the area, not within an urban fire brigade district or a country fire brigade district, determined by the Commission.

### Section 74 amended (Interpretation: Part VI)

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

- (a) by inserting the following definitions before the definition of “exempted class of general insurance”:—

“**class A rural land**” means any land that, at the commencement of a financial year, is situated within a country fire brigade district;

“**class B rural land**” means any land that, at the commencement of a financial year, is not urban land or class A rural land;

“**country group territory**” means all the land within all the country fire brigade districts;

- (b) by inserting the following definitions after the definition of “land”:—

“**minimum assessed annual value**”, in relation to any financial year, means the minimum assessed annual value of land in an urban group territory, the country group territory or the rural area, as the case may require, which is determined under section 79A for that financial year;

“**minimum fire protection levy**”, in relation to any financial year, means the minimum fire protection levy determined under section 79A for that financial year;

- (c) by omitting paragraph (b) of the definition of “net assessed annual value” and substituting the following paragraphs:—

(b) in relation to class A rural land in the State or in a municipality, means the total of the assessed annual value, obtained from the Valuer-General, of all class A rural land in the State or in the municipality, less the assessed annual value of any class A 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*; and

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

(d) by adding “or a country fire brigade district” in the definition of “rural area” after “urban fire brigade district”;

(e) by omitting the definition of “rural land”.

(2) Section 74 (2) of the Principal Act is amended by inserting “, in the country group territory” after “urban group territory” (wherever occurring).

#### **Section 77 amended (Annual estimate of expenditure)**

8—Section 77 (2) of the Principal Act is amended by inserting the following paragraph after paragraph (a):—

(ab) a separate estimate of the operating costs of the brigades in the country group territory; and

#### **Section 77C amended (Contributions payable by insurance companies)**

9—Section 77C (1) of the Principal Act is amended by omitting “territory” and substituting “territory, the operating costs of the brigades in the country group territory”.

#### **Section 77L amended (Contributions payable by Treasurer)**

10—Section 77L (1) of the Principal Act is amended as follows:—

(a) by omitting “territory” and substituting “territory, the operating costs of the brigades in the country group territory”;

(b) by omitting subsection (2);

(c) by omitting “(3) The” from subsection (3) and substituting “(2) The”;

(d) by adding the following subsections after subsection (2), as renumbered by this section:—

(3) For the purposes of this section, the “**prescribed amount**” means an amount calculated in accordance with the following formula:—

$$I \times V$$

where—

“I” is the rounded indexed amount;

“V” is the total number of motor vehicles (other than motor cycles) in respect of which, during the relevant financial year, fees for registration or renewal of registration under the *Traffic Act 1925* and the regulations made under that Act, if any, have been paid.

(4) For the purposes of this section—

“**Consumer Price Index**” means the Consumer Price Index: All Groups Index for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth;

“**December quarter**”, in relation to a financial year, means the months of October, November and December in that financial year;

“**indexed amount**”—

(a) in relation to the financial year ending on 30th June 1991, is the amount of \$9; and

(b) in relation to a later financial year, is the amount that bears to the indexed amount applicable, in accordance with this section, to the immediately preceding financial year the same proportion as the Consumer Price Index for the December quarter immediately preceding that later financial year bears to the Consumer Price Index for the December quarter immediately preceding the immediately preceding financial year;

“**rounded indexed amount**”, in relation to a financial year, means—

(a) where the indexed amount for that financial year is an amount that is a number of dollars only, that indexed amount; or

(b) where the indexed amount for that financial year is an amount containing dollars and a number of cents, the indexed amount rounded to the nearest dollar in accordance with subsection (5).

(5) An amount which is dollars and a number of cents is rounded to the nearest dollar by—

(a) where the number of cents is 50 or more, increasing that amount to the next whole dollar; or

(b) where the number of cents is less than 50, taking those cents off that amount.

### **Section 79 amended (Contributions payable by corporations of municipalities)**

**11—(1)** Section 79 of the Principal Act is amended as follows:—

(a) by omitting “territory” from subsection (1) and substituting “territory, the operating costs of the brigades in the country group territory”;

(b) by inserting the following paragraph in subsection (2) after paragraph (a):—

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

(2) Section 79 (3) of the Principal Act is amended as follows:—

(a) by omitting “territory” from the definition of “b” and substituting “territory, in the country group territory”;

(b) by omitting “territories” from the definition of “c” and substituting “territories, in the country group territory”;

(c) by omitting “territory” from the definition of “x” and substituting “territory, in the country group territory”.

### **Section 79A inserted**

**12—**After section 79 of the Principal Act, the following section is inserted:—



**Minimum assessed annual value and minimum fire protection levy**

79A—(1) For the financial year commencing on 1st July 1990, the minimum fire protection levy is \$25 and the minimum assessed annual value of land—

- (a) in the urban group territory in which all permanent member urban fire brigades operate is \$910; and
- (b) in the urban group territory in which all the composite member urban fire brigades operate is \$1 220; and
- (c) in the urban group territory in which all the volunteer member urban fire brigades operate is \$3 070; and
- (d) in the country group territory is \$3 070; and
- (e) in the rural area is \$7 080.

(2) In relation to each subsequent financial year, the Commission shall, not later than 15th March in each year, submit to the Minister for consideration—

- (a) a proposed minimum fire protection levy for that financial year; and
- (b) a proposed minimum assessed annual value for the financial year commencing on 1st July in that year in relation to each urban group territory, the country group territory and the rural area.

(3) After the Commission has submitted, in any year, a proposed minimum fire protection levy and proposed minimum assessed annual values in relation to a financial year to the Minister in accordance with subsection (2), the Governor may, not later than 1st April in that year, make regulations determining—

- (a) the minimum fire protection levy for that financial year; and
- (b) the minimum assessed annual value of land for that financial year in relation to each urban group territory, the country group territory and the rural area.

(4) The Commission shall, not later than 7th April in each year, notify the corporation of each municipality of—

- (a) the minimum fire protection levy for that financial year; and
- (b) the minimum assessed annual value for the financial year commencing on 1st July in that year in relation to each urban group territory, the country group territory and the rural area.

**Section 80 amended (Commission to obtain assessed annual value of land)**

**13**—Section 80 of the Principal Act is amended as follows:—

(a) by omitting paragraphs (a) and (b) from subsection (1) and substituting the following paragraphs:—

(a) the total of the assessed annual values for properties with an assessed annual value greater than the minimum assessed annual value, as at 1st July in the immediately preceding year, of—

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

(ii) all class A rural land in each municipality; and

(iii) all class B rural land in each municipality; and

(b) the total of the assessed annual values for properties with an assessed annual value equal to or less than the minimum assessed annual value, as at 1st July in the immediately preceding year, of—

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

(ii) all class A rural land in each municipality; and

(iii) all class B rural land in each municipality; and

(c) the total number of properties with an assessed annual value equal to or less than the minimum assessed annual value, as at 1st July in the immediately preceding year, in—

(i) each urban group territory in each municipality; and

(ii) the country group territory in each municipality; and

(iii) the rural area in each municipality.

(b) by omitting “urban land and rural land” from subsection (2) and substituting “urban land, class A rural land and class B rural land”.

**Section 81 amended (Contributions to be made by municipalities)**

**14**—Section 81 of the Principal Act is amended as follows:—

(a) by omitting paragraph (b) from subsection (1) and substituting the following paragraphs:—

- (b) class A rural land in that municipality; and
- (c) class B rural land in that municipality—
- (b) by omitting the formula from subsection (1) and substituting the following formula:—

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

- (c) by omitting “land or” from the definition of “a” and substituting “land, class A rural land or class B”;
- (d) by omitting the definition of “b” from subsection (1) and substituting the following definition:—

“b” is the sum of the total net assessed annual values being, values greater than the minimum assessed annual value, of urban land, class A rural land or class B rural land, as the case may be, in each municipality as at 1st July for each of the immediately preceding 5 years;

- (e) by omitting “values” from the definition of “c” and substituting “values, being values greater than the minimum assessed annual value,”;
- (f) by omitting “rural land” from the definition of “c” and substituting “class A rural land or class B rural land”;
- (g) by omitting “or country fire brigades in the urban group territory” from the definition of “d” and substituting “in the urban group territory or country fire brigades in the country group territory”;
- (h) by omitting “those brigades.” from the definition of “d” and substituting “those brigades and less the sum of all minimum fire protection levies that the Commission estimates will be payable in respect of that financial year.”;
- (i) by adding the following definition at the end of subsection (1):—

“e” is the sum of all the minimum fire protection levies that the Commission estimates will be payable in that financial year by the municipality.

### **Section 81A amended (Elections by municipalities in respect of payments to Commission)**

**15**—Section 81A (1) of the Principal Act is amended as follows:—

- (a) by omitting “urban land and” from paragraph (a) and substituting “urban land, class A rural land and class B”;
- (b) by omitting “urban land and” from paragraph (b) and substituting “urban land, class A rural land and class B”.

**Section 81B amended (Commission to notify municipalities of contribution or rate of fire protection levy)**

**16**—Section 81B of the Principal Act is amended as follows:—

- (a) by omitting “district and” from paragraph (a) and substituting “district, class A rural land and class B”;
- (b) by omitting “district and” from paragraph (b) and substituting “district, class A rural land and class B”.

**Section 81C amended (Collection by municipalities of contribution or fire protection levy)**

**17**—Section 81C of the Principal Act is amended as follows:—

- (a) by omitting “district and” from subsection (1) and substituting “district, class A rural land and class B”;
- (b) by inserting “class B” in subsection (2) before “rural land”;
- (c) by inserting the following subsection after subsection (2):—

(2AA) A corporation of a municipality referred to in subsection (1) shall pay the contribution required to be made by it in respect of class A rural land in the municipality out of proceeds of a separate rate which it may make and levy in respect of class A rural land (being a rate different from the rate made and levied by it in respect of class B rural land).

- (d) by inserting “class B” in subsection (2A) after “in respect of”;
- (e) by omitting “district and” from subsection (4) and substituting “district, class A rural land and class B”.

**Section 81D amended (Fixing of rate of levy)**

**18**—Section 81D is amended as follows:—

- (a) by omitting “subsection (1A),” from subsection (1) and substituting “subsections (1A) and (1B),”;
- (b) by inserting the following subsection after subsection (1A):—

(1B) Where the assessed annual value of land that is subject to a fire protection levy as at the beginning of the immediately preceding financial year to which it relates is equal to or less than the minimum assessed annual value in respect of that immediately preceding financial year, the fire protection levy in respect of that land shall be the minimum fire protection levy relating to the financial year in which the levy is payable.

(c) by omitting subsection (2) and substituting the following subsection:—

(2) Fire protection levies shall be fixed at rates according to—

(a) whether the levy is levied on urban land in each district, on land in the country group territory or on land in the rural area; or

(b) the district in which the urban land is situated—

but, subject to subsections (1) and (1B), for each financial year the rate in respect of all urban land within each district within a municipality shall be the same, the rate for all land in the country group territory within a municipality shall be the same and the rate for all land in the rural area within a municipality shall be the same.

### **Section 118 amended (Evidence as to certain matters)**

**19**—Section 118 (1) (a) of the Principal Act is amended by omitting “district;” and substituting “district or country fire brigade district;”.

### **Transitional provisions relating to Principal Act**

**20**—(1) A corporation of a municipality that has, before this Act receives the Royal Assent, made an election under section 81A of the Principal Act, or has been deemed to have made such an election, in respect of the financial year commencing on 1st July 1990 is deemed to have made that election in respect of class A and class B rural land.

(2) Where the Commission has, before this Act receives the Royal Assent, notified a corporation of a municipality under section 81B (a) of the Principal Act of the contribution required for the financial year commencing on 1st July 1990, the Commission shall, within 14 days after this Act receives the Royal Assent, notify, in accordance with that section as amended by this Act, that corporation of the contribution that municipality is required to make under the Principal Act as amended by this Act for that financial year.

(3) Where the Commission has, before this Act receives the Royal Assent, notified a corporation of a municipality under section 81B (b) of the Principal Act of the rates of the fire protection levy to be levied for the financial year commencing on 1st July 1990, the Commission shall, within 14 days after this Act receives the Royal Assent, notify, in accordance with that section as amended by this Act, that corporation of the rates of the fire protection levy to be levied under the Principal Act as amended by this Act for that financial year.

(4) For the purposes of this section, “class A rural land”, “class B rural land”, “Commission” and “fire protection levy” have the meanings assigned to those expressions by the Principal Act.

### Consequential amendments to *Traffic Act 1925*

21—Schedule 2 to the *Traffic Act 1925* is amended as follows:—

- (a) by omitting the heading and substituting the following heading:—

#### PART I

##### FEES IN RESPECT OF MOTOR VEHICLES AND DRIVERS GENERALLY

- (b) by omitting “Registration or renewal of registration ..... 28.00” from the item relating to “*Motor vehicle (other than a motor cycle)*”;
- (c) by adding the following Part as Part II of that Schedule:—

#### PART II

##### FEE FOR REGISTRATION AND RENEWAL OF REGISTRATION OF MOTOR VEHICLES

1. The fee for the registration or the renewal of registration of a motor vehicle (other than a motor cycle) is the sum of \$22 plus the rounded indexed amount for the financial year in which that registration or renewal takes effect.

2. For the purposes of item 1, “rounded indexed amount” has the meaning assigned to that expression by section 77L of the *Fire Service Act 1979*.

### Transitional provision relating to *Traffic Act 1925*

22—Where an application for the registration or the renewal of registration of a motor vehicle (other than a motor cycle) is made after this Act receives the Royal Assent but before 1st July 1990, and that registration or renewal, if done, takes effect on or after 1st July 1990 the fee prescribed by virtue of Part II of Schedule 2 to the *Traffic Act 1925*, as added by this Act, has effect in relation to that application.

**Consequential amendment to *Local Government Act 1962***

**23**—Section 263 of the *Local Government Act 1962* is amended by adding the following subsection after subsection (4):—

(5) For the purposes of subsection (3), “**rates and charges**” does not include that part of the rates and charges which relates to the contribution payable under the *Fire Service Act 1979*.

