



FIRE SERVICE AMENDMENT ACT (No. 2) 1983

—
 No. 61 of 1983
 —

TABLE OF PROVISIONS

- | | |
|---|---|
| 1. Short title.
2. Principal Act.
3. Amendment of section 79 of Principal Act (Contributions payable by corporations of municipalities).
4. Amendment of section 80 of Principal Act (Commission to obtain assessed annual value of land). | 5. Amendment of section 81B of Principal Act (Commission to notify municipalities of contribution or rate of fire protection levy).
6. Amendment of section 81C of Principal Act (Collection by municipalities of contribution or fire protection levy).
7. Amendment of section 81D of Principal Act (Fixing of rate of levy).
8. Validation of certain acts of Commission. |
|---|---|

 AN ACT to amend the Fire Service Act 1979.

[Royal Assent 2 December 1983]

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. (No. 2) 1983.

Principal Act. **2**—In this Act, the *Fire Service Act 1979** is referred to as the Principal Act.

Amendment of section 79 of Principal Act (Contributions payable by corporations of municipalities).

3—Section 79 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

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

$$a = \left(\frac{b}{c} \times d \right) + \left(\frac{x}{y} \times z \right),$$

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 amount of the contributions required to be made to the Commission in the relevant financial year by the insurance companies under Division 2B;
- “x” is the total estimated population in the urban group territory or in the rural area, as the case may be, as at the day before the beginning of the immediately preceding financial year as based on the report published by the Australian Bureau of Statistics entitled “Estimated Population of Local Government Areas in Tasmania”;
- “y” is the total estimated population of Tasmania as at the day before the beginning of the immediately preceding financial year as based on the report published by the Australian Bureau of Statistics entitled “Estimated Population of Local Government Areas in Tasmania”;

* No. 35 of 1979. For this Act, as amended up to and including 30th April 1981, see the continuing Reprint of Statutes. Subsequently amended by Nos. 73 and 74 of 1981, Nos. 9 and 10 of 1982, and Nos. 22 and 24 of 1983.

“z” is the contribution required to be made to the Commission in the relevant financial year by the Treasurer under Division 2c.

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

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

- (a) by omitting from subsection (1) (a) “the beginning of the immediately preceding financial” and substituting “1st July of the immediately preceding”;
- (b) by omitting from subsection (1) (b) “the beginning of the immediately preceding financial” and substituting “1st July of the immediately preceding”;
- (c) by omitting from subsection (2) “the beginning of the immediately preceding financial” and substituting “1st July of the immediately preceding”.

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

Amendment of section 81B of Principal Act (Commission to notify municipalities of contribution or rate of fire protection levy).

- (a) by inserting in paragraph (a) “in each district” after “land” where firstly occurring;
- (b) by inserting in paragraph (b) “in each district” after “land” where firstly occurring.

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

Amendment of section 81C of Principal Act (Collection by municipalities of contribution or fire protection levy).

- (a) by inserting in subsection (1) “, subject to subsections (2) and (2A),” after “shall”, where firstly occurring;
- (b) by inserting in that subsection “in each district” after “land”, where firstly occurring;
- (c) by omitting subsections (2) and (3) and substituting the following subsections:—

(2) A corporation of a municipality referred to in subsection (1) shall pay the contribution required to be made by it in respect of urban land in each district out of proceeds of a special rate made and levied by it in respect of each district under the *Local Government Act 1962* (being a rate different from the rate made and levied by it in respect of rural land).

(2A) Where the contribution required to be made by a corporation of the municipality in respect of rural land is, in the opinion of the Commission, of such an amount as to not justify making and levying a special rate, the corporation may make the contribution from the proceeds of a general rate or a consolidated rate.

(3) Where a special rate under this section is made and levied as a separate local rate, sections 186 and 265 of the *Local Government Act 1962* do not apply to the making of such a rate.

(d) by inserting in subsection (4) “in each district” after “land”, where firstly occurring.

Amendment of section 81D of Principal Act (Fixing of rate of levy).

7—Section 81D of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

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

(a) whether the levy is levied on urban land in each district or on rural land; or

(b) the district in which the urban land is situated, but, subject to subsection (1), for each financial year the rate in respect of all urban land within each district within a municipality shall be the same, and the rate for all rural land within a municipality shall be the same.

Validation of certain acts of Commission.

8—Where, before the commencement of this Act, the Commission purported to calculate contributions under the Principal Act and did not comply with all the provisions of that Act with respect to that calculation:—

(a) the Commission shall be deemed to have made the calculations validly and properly; and

(b) the contributions payable according to those calculations shall be deemed to have been recoverable or be recoverable as if the Commission had complied with all the provisions of that Act in respect of the calculation of those contributions.