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**FIRE SERVICE AMENDMENT (CONTRIBUTION RATES) ACT  
1988**

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**No. 64 of 1988**

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**FIRE SERVICE AMENDMENT (CONTRIBUTION RATES)  
ACT 1988**

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**No. 64 of 1988**  
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**AN ACT to amend the Fire Service Act 1979.**

**[Royal Assent 22 December 1988]**

**B**E 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* Short title.  
(*Contribution Rates*) Act 1988.

**2**—This Act shall commence on the day on which it receives Commencement.  
the Royal assent.

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

\* 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, 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, and No. 79 of 1987.

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

**4**—Section 80 of the Principal Act is amended by omitting subsection (3).

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

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

(a) by omitting from subsection (1) the items relating to “b” and “c” after the formula, and substituting the following items:—

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

“c” is the sum of the total net assessed annual values 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 as at 1st July for each of the immediately preceding 5 years;

(b) by inserting in subsection (2) “, in respect of a particular year,” after “Where”;

(c) by inserting in subsection (2) “for that particular year” after “net assessed annual value”.

Amendment of section 81A of Principal Act (Elections by municipalities in respect of payments to Commission).

**6**—Section 81A (1) (a) of the Principal Act is amended by omitting “quarterly”.

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

**7**—Section 91 of the Principal Act is amended by omitting subsection (1A) and substituting the following subsection:—

(1A) The corporation of a municipality that has made the election referred to in section 81A (1) (a) shall—

(a) by 14th October, 14th January, and 14th April in the financial year commencing on 1st July 1988 and in each subsequent financial year, 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; and

(b) by 14th June in each financial year referred to in paragraph (a), pay to the Commission the remaining one-quarter of the total amount of the contribution that it is notified under section 81B (a) it is required to make less the prescribed collection fee.

**8**—After section 109 of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act of  
new section  
109A.

109A—(1) Subject to subsection (4), the Commission may make a charge for the attendance of a brigade at premises in response to a call arising out of a false alarm. False alarms.

(2) For the purposes of subsection (1), a false alarm is made by the activation of an automatic fire alarm system—

(a) due to a fault in the operation of the system arising out of the failure to properly maintain or repair the system;

(b) due to the failure of the owner of the premises to notify the appropriate brigade at which the alarm system is connected of work practices carried out on those premises that may result in a false alarm being transmitted to the brigade; or

(c) due to the failure of a person to notify the appropriate brigade at which the alarm system is connected of testing or maintenance work being, or about to be, carried out on the system.

(3) The charge referred to in subsection (1) shall be payable—

(a) in the case of activation of the alarm due to circumstances referred to in subsection (2) (a) or (b), by the subscriber for the system concerned; or

(b) in the case of activation of the alarm due to circumstances referred to in subsection (2) (c), by the person testing, maintaining, or working on the system.

(4) Where a brigade responds to a call that is determined by an officer of the brigade or of the Commission to be a false alarm, the officer shall—

(a) if the false alarm is determined by him to have been caused by the activation of the system in the manner referred to in subsection (2) (a) or (b) and it is the third false alarm recorded by the brigade from the same system within a

(b) if the false alarm is determined by him to have been caused in the manner referred to in subsection (2) (c),

provide a report in writing to the Commissioner concerning the circumstances relating to the alarm, and the Commissioner shall determine whether a charge should be made pursuant to subsection (1).

(5) Where the Commissioner determines that a charge should be made under this section the amount of the charge shall be calculated in accordance with the scale of charges fixed by the Commission pursuant to section 41 as if the attendance of the brigade were carried out pursuant to that section.

Substitution of section 111 of Principal Act.

**9**—Section 111 of the Principal Act is repealed and the following section is substituted:—

Damage caused by officers of Commission or other persons.

111—Any damage to property caused—

(a) by an officer of the Commission or a member of a brigade in the lawful execution of any power conferred by this Act; or

(b) by any member of an auxiliary fire brigade or a firefighting crew employed in the Forestry Department assisting that officer of the Commission or member of a brigade,

shall be deemed to be damage by fire, within the meaning of a policy of insurance against fire, covering the property so damaged, notwithstanding anything in that policy to the contrary.

Amendment of section 119 of Principal Act (Recovery and appropriation of charges).

**10**—Section 119 (1) of the Principal Act is amended by omitting “or 109” and substituting “, 109, or 109A”.

Validation of certain acts of Commission.

**11**—Where, after the commencement of the *Fire Service Amendment Act (No. 2) 1983* and 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.

