

## TASMANIA

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## **FIRE SERVICE AMENDMENT BILL 2009**

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# **FIRE SERVICE AMENDMENT BILL 2009**

*(Brought in by the Minister for Police and Emergency Management, the Honourable James Glennister Cox)*

## **A BILL FOR**

### **An Act to amend the *Fire Service Act 1979***

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. Short title**

This Act may be cited as the *Fire Service Amendment Act 2009*.

#### **2. Commencement**

This Act commences on the day on which it receives the Royal Assent, but if it does not receive the Royal Assent on or before 1 September 2009 it is taken to have commenced on that date.

#### **3. Principal Act**

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

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\*No. 35 of 1979

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**4. Section 74 amended (Interpretation of Part VI)**

Section 74(1) of the Principal Act is amended by omitting the definition of “minimum assessed annual value” and substituting the following definition:

**“minimum assessed annual value”**, in relation to any rating district land or general land for a financial year, means the minimum assessed annual value of that land for that financial year as determined by the Commission after it has complied with section 80(1) and (3);

**5. Section 79A repealed**

Section 79A of the Principal Act is repealed.

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

Section 80 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “15 April” and substituting “30 September”;
- (b) by omitting from subsection (1)(a) “in the immediately preceding year” and substituting “in that year”;

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- (c) by omitting from subsection (1)(b) “in the immediately preceding year” and substituting “in that year”;
  - (d) by omitting from subsection (1)(c) “in the immediately preceding year” and substituting “in that year”;
  - (e) by omitting from subsection (2) “15 April” and substituting “30 September”;
  - (f) by omitting from subsection (2) “in the immediately preceding year” and substituting “in that year”;
  - (g) by inserting the following subsections after subsection (3):
    - (4) A local council, on or before 30 September in each year, must –
      - (a) reconcile its own records as to the assessed annual values (and overall number) of properties of each grade in its municipal area with the Valuer-General’s assessment notices for the same municipal area; and
      - (b) give the Commission a copy of that reconciliation in an approved form.
    - (5) In this section –

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“**grade**”, of property, means  
its grade according to  
whether its assessed  
annual value is –

- (a) greater than the  
minimum assessed  
annual value; or
- (b) equal to the  
minimum assessed  
annual value; or
- (c) less than the  
minimum assessed  
annual value.

**7. Section 81 substituted**

Section 81 of the Principal Act is repealed and  
the following sections are substituted:

**81. Contributions to be made by local councils**

- (1) The contribution required to be made by  
a local council for a financial year (in  
this section referred to as “**the  
contribution year**”) in respect of each  
category of land in its municipal area is  
an amount calculated in accordance with  
the following formula:

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

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where –

“a” is the amount of the contribution;  
and

“b” is the total leviable value of all  
land of that particular category  
within the local council’s  
municipal area for the  
contribution year and the 5  
financial years immediately  
preceding the contribution year;  
and

“c” is the total leviable value of all  
land of that particular category in  
the State for the contribution year  
and the 5 financial years  
immediately preceding the  
contribution year; and

“d” is the total estimated operating  
expenses and capital costs, as  
approved by the Minister, of  
brigades within that particular  
category of land in the State,  
less –

(a) such portion of the  
prescribed amount under  
section 79(3) as relates to  
the same category of land;  
and

(b) the sum of all the  
minimum fire service  
contributions that the

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Commission estimates  
will be payable in respect  
of the contribution year in  
the State as regards the  
same category of land;  
and

“e” is the sum of all the minimum fire  
service contributions that the  
Commission estimates will be  
payable for the contribution year  
in the council’s municipal area as  
regards that particular category of  
land.

(2) In this section –

“category”, of land, means its  
category according to whether it  
is –

- (a) permanent brigade rating  
district land; or
- (b) composite brigade rating  
district land; or
- (c) volunteer brigade rating  
district land; or
- (d) general land;

“leviable value”, of land, means its  
net assessed annual value (being  
net assessed annual value greater  
than minimum assessed annual  
value), adjusted by the



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Commission pursuant to  
section 80(3).

**81A. Allowable rate of annual increase or decrease in contribution**

- (1) This section applies if, for any council, the amount of the contribution calculated under section 81 for any category of land for a financial year (“the council’s new contribution”) increases or decreases by more than the allowed percentage relative to the amount of the contribution so calculated for the immediately preceding financial year (“the council’s previous contribution”).
- (2) The council’s new contribution is to be adjusted so that it does not exceed or, as the case may be, fall short of the council’s previous contribution by more than the allowed percentage.
- (3) The excess or shortfall (being the amount by which the council’s new contribution exceeded or, as the case may be, fell short of the council’s previous contribution by more than the allowed percentage) is to be reallocated across all other councils, for the same category of land, in accordance with the formula in section 81.
- (4) In this section –

**“adjustment rate”** means –

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(a) 5%; or

(b) if another percentage is prescribed, that other percentage (instead of 5%);

**“allowed percentage”** means the total (Statewide) percentage increase or decrease for the relevant category of land for the relevant financial year relative to the immediately preceding financial year, plus the adjustment rate (in the case of an increase) or minus the adjustment rate (in the case of a decrease).

**8. Section 81B amended (Commission to notify local councils of contribution)**

Section 81B of the Principal Act is amended by omitting “1 June” and substituting “30 April”.

**9. Section 81C amended (Collection by local councils of contribution)**

Section 81C of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

(5) A council may collect the fire service contribution (for the rateable parcels of

land in its municipal area) under the  
*Local Government Act 1993*.

**10. Section 82 inserted**

After section 81D of the Principal Act, the  
following section is inserted in Division 3:

**82. 2010 transitional doubts removal**

- (1) To avoid doubt, the amendments of this  
Division made by the *Fire Service  
Amendment Act 2009* –
  - (a) apply only in respect of the  
financial years following the  
transition year; and
  - (b) do not affect the calculation or  
collection of contributions under  
section 79 for the transition year.
- (2) In this section –

**“transition year”** means the financial  
year ending on 30 June 2010.