

# **FIRE SERVICE AMENDMENT BILL 2009**

## **CLAUSE NOTES**

### **CLAUSE 1**

#### **SHORT TITLE**

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

### **CLAUSE 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.

### **CLAUSE 3**

#### **PRINCIPAL ACT**

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

### **CLAUSE 4**

#### **SECTION 74 AMENDED (INTERPRETATION OF PART V1)**

This amendment provided for a new definition of the “minimum assessed annual value”.

The amendment removes the requirement to make Regulations in regard to the minimum assessed annual value as councils have the legal authority under the *Fire Service Act 1979* to individually determine the minimum.

### **CLAUSE 5**

#### **SECTION 79A REPEALED**

This section of the Act is repealed as there is no longer a requirement to make Regulations in regard to the “minimum assessed annual value”.

## **CLAUSE 6**

### **SECTION 80 AMENDED (COMMISSION TO OBTAIN ASSESSED ANNUAL VALUE OF LAND)**

This amendment changes the reporting dates for Councils to furnish returns to the State Fire Commission. The original date of 15 April has now been moved back to 30 September each financial year.

This amendment also requires Councils to reconcile their own property records with that of the Valuer-General and submit the reconciliation to the Commission by 30 September each year.

## **CLAUSE 7**

### **SECTION 81 SUBSTITUTED**

This amendment repeals Section 81 and replaces it with two new sections.

Section 81 replaces the formula used by the Commission to determine "Contributions to be made by local councils" with a new formula that includes a five year rolling average designed to smooth out large movements in the Fire Service Contribution.

Section 81A provides for an "allowable rate of annual increase or decrease in contribution" over which a Council's annual increase or decrease from one year to the next cannot exceed.

## **CLAUSE 8**

### **SECTION 81B AMENDED (COMMISSION TO NOTIFY LOCAL COUNCILS OF CONTRIBUTION)**

Section 81B amends the date which the Commission must advise Councils of the amount, of Fire Service Contribution, that they must collect from 1 June to 30 April each year.

## **CLAUSE 9**

### **SECTION 81C AMENDED (COLLECTION BY LOCAL COUNCILS OF CONTRIBUTION)**

Section 81C is amended by omitting subsection (5) and substituting with a new subsection (5) that continues to allow Councils to collect the Fire Service Contribution under the *Local Government Act 1993* rather than the *Fire Service Act 1979* only.

## **CLAUSE 10**

### **SECTION 82 INSERTED**

This amendment is designed to provide clarity with regard to its effect on the 2009-10 financial year calculations.