

TASMANIA

FIRE SERVICE AMENDMENT BILL 2005

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FIRE SERVICE AMENDMENT BILL 2005

*(Brought in by the Minister for Health and Human Services,
the Honourable David Edward Llewellyn)*

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 2005*.

2. Commencement

- (1) This Act, other than section 4, commences on the day on which this Act receives the Royal Assent, but if it does not receive the Royal Assent on or before 1 July 2005 this Act, other than section 4, is taken to have commenced on 1 July 2005.
- (2) Section 4 commences on 1 July 2006.

3. Principal Act

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

4. Section 78 amended (Application of Division)

Section 78 of the Principal Act is amended as follows:

- (a) by omitting “This” and substituting “(1) Except as provided in subsection (2), this”;
- (b) by inserting the following paragraphs after paragraph (ba):
 - (bb) land owned, vested in or occupied by a GBE that is not specified in Schedule 8 to the *Government Business Enterprises Act 1995*; or
 - (bc) State forest; or
- (c) by inserting the following subsections:
 - (2) This Division does apply to and in respect of land referred to in subsection (1)(a), (b) or (bb) if the land, or any part of it, is let or sublet to a private tenant.
 - (3) For the avoidance of doubt, a State-owned company is taken to be a private tenant for the purposes of this section.

*No. 35 of 1979

(4) In this section –

“exempt tenant”, of land in a municipal area, means a tenant that the Commission, in its discretion and on the written application of the local council of the municipal area, has certified is occupying the land for –

- (a) a benevolent, charitable or philanthropic purpose; or
- (b) a non-profit community or non-profit sporting purpose;

“GBE” means a Government Business Enterprise within the meaning of the *Government Business Enterprises Act 1995*;

“private tenant”, of land in a municipal area, means a tenant other than –

- (a) the Crown in right of the Commonwealth or in right of any State or Territory; or

- (b) a local council; or
- (c) a single authority or joint authority within the meaning of the *Local Government Act 1993*; or
- (d) a State authority specified in Part 2 of Schedule 1 to the *State Service Act 2000*; or
- (e) an exempt tenant;

“State-owned company”

means a company incorporated under the Corporations Act that is controlled by the Crown in right of this State, by a GBE or statutory authority, or by another company that is so controlled;

“statutory authority”

means a body or authority, whether incorporated or not, that is established or constituted by or under an Act or under the Royal Prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or

persons appointed by the Governor, a Minister or another statutory authority.

5. Validation

- (1) A fire service contribution collected by a local council pursuant to section 81C of the Principal Act before 1 July 2005 is not taken to have been invalidly levied or collected (or contributed) by reason only that the fire service contribution was levied and collected in respect of public land to which Division 3 of Part VI of the Principal Act did not, before that day, apply.

- (2) In this section –

“contributed” means contributed, pursuant to section 79 of the Principal Act, towards the operating costs of fire brigades established and maintained under that Act;

“fire service contribution” means a fire service contribution referred to in section 81C(2) of the Principal Act;

“local council” has the same meaning as in the Principal Act;

“public land” means land owned by –

- (a) a local council; or
- (b) the Crown in right of this State.