

FIRST PRINT

**FIRE BRIGADES (CONTRIBUTIONS) AMENDMENT
BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

Part 5 of the Fire Brigades Act 1989 requires local councils and insurance companies to contribute, along with the State government, to fire brigade costs in the State. The total amount required to be contributed is based on the estimated fire brigade expenditure in relation to fire districts.

The object of this Bill is to amend the Fire Brigades Act 1989:

- to provide that the contributions by insurance companies and local councils to fire brigade costs will be determined on a financial year basis rather than on a calendar year basis
- to provide for advance contribution payments to be made by councils to fire brigade costs (such advance payments are already required from insurance companies)
- to simplify the basis on which the total of the estimates for a financial year are adjusted under section 47 of the Act
- to remove references to the NSW Fire Brigade's working account to bring the Act into line with the current manner of operating Departmental accounts.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 gives effect to the Schedule of amendments to the Fire Brigades Act 1989.

Schedule 1 makes the amendments to the Fire Brigades Act 1989 referred to above.

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TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENTS

**FIRE BRIGADES (CONTRIBUTIONS) AMENDMENT
BILL 1994**

NEW SOUTH WALES



No. , 1994

A BILL FOR

An Act to amend the Fire Brigades Act 1989 with respect to contributions to fire brigade costs.

Fire Brigades (Contributions) Amendment 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Fire Brigades (Contributions) Amendment Act 1994.

5 **Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Fire Brigades Act 1989 No. 192

3. The Fire Brigades Act 1989 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 44 (**Definitions**):

Omit the definitions of “calendar year” and “Working Account”.

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(2) Section 47 (**Adjustment of amount estimated**):

(a) Omit section 47 (1), insert instead:

(1) The total of the estimates for a financial year is to be adjusted as necessary, whether by way of a reduction or increase, by the aggregation of:

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(a) such amounts standing to the credit or debit of the Department; and

(b) such amounts it is estimated will be paid to the Department for the financial year (otherwise than from contributions under this Part for fire brigade expenditure),

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as may be determined by the Treasurer in consultation with the Minister.

(b) From section 47 (2), omit “reduction” and “reduced”, insert instead “adjustment” and “adjusted”, respectively.

Fire Brigades (Contributions) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

- (3) Section 48 (**Financial year estimate to be used to produce calendar year estimate**):
Omit the section.
- (4) Section 49 (**Times for instalment payments**): 5
From section 49 (1), omit “1 January, 1 April, 1 July and 1 October in each year”, insert instead “1 July, 1 October, 1 January and 1 April in each financial year”.
- (5) Section 50A:
After section 50, insert: 10
Advance contribution payment by councils
50A. (1) If the amount required to be contributed by a local government area has not been finally determined by 1 July in any financial year, the council concerned must make an advance contribution payment to the Commissioner pending the making of an estimate for that financial year for all fire districts. 15
(2) The advance contribution payment is to be an amount determined by the Commissioner.
(3) When the estimates for all fire districts are determined, the required contribution for the financial year is to be adjusted by the Commissioner having regard to the amount of the advance contribution payment. 20
- (6) Section 53 (**Returns by councils**):
From section 53 (1), omit “July”, insert instead “December”. 25
- (7) Section 53A:
After section 53, insert:
Council’s requirements under Local Government Act 1993 30
53A. A council does not contravene any requirement under the Local Government Act 1993 as a result of doing any thing required to be done in connection with this Division.

Fire Brigades (Contributions) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

(8) Section 54 (**Contributions required from insurance companies**):

Omit “calendar”, insert instead “financial”.

5 (9) Section 55 (**Advance payment by insurance companies**):

(a) From section 55 (1) and (3), omit “calendar” wherever occurring, insert instead “financial”.

10 (b) From section 55 (2), omit “last ended before that calendar year”, insert instead “ended one year before the financial year for which the advance payment is due”.

(10) Section 56 (**Assessments and adjustments**):

(a) From section 56 (1), omit “calendar”, insert instead “financial”.

15 (b) In section 56 (2)–(5), before “year” wherever occurring, insert “financial”.

(c) From section 56 (4), omit “31 January”, insert instead “30 June”.

(11) Section 58 (**Returns by insurance companies**):

20 (a) From section 58 (1) and (4), omit “calendar” wherever occurring, insert instead “financial”.

(b) From section 58 (4), omit “1 July” wherever occurring, insert instead “31 March”.

(12) Section 62 (**Special appropriation**):

25 (a) From section 62 (1), omit “reduced”, insert instead “adjusted”.

(b) From section 62 (3), omit “Working Account”, insert instead “bank account for the Department’s operations”.

Fire Brigades (Contributions) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

(13) Section 63 (**Department's Working Account**):

Omit the section.

(14) Schedule 4 (**Savings and transitional provisions**):

(a) At the end of clause 2 (1), insert:

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the Fire Brigades (Contributions) Amendment Act 1994

(b) After Part 6, insert:

**Part 7—Provisions relating to the Fire Brigades
(Contributions) Amendment Act 1994**

**1994/1995 financial year estimates of fire brigade
expenditure** 10

25. (1) The estimates of fire brigade expenditure for all fire districts for the 1995 calendar year, as determined under Part 5 of this Act before the commencement of the Fire Brigades (Contributions) Amendment Act 1994, are taken to be the estimates of fire brigade expenditure for all fire districts for the financial year beginning 1 July 1994. 15

(2) However, the Commissioner is entitled to recover only the contributions payable in accordance with those estimates for the 6 month period beginning 1 January 1995 and ending 30 June 1995. 20

**Adjustment of contributions by insurance companies
for 6 month period ending 30 June 1994**

26. As soon as practicable after the commencement of the Fire Brigades (Contributions) Amendment Act 1994, the Commissioner is to make the necessary adjustments to the contributions required to be paid by insurance companies under Part 5 of this Act for the 6 month period that ended 30 June 1994. The adjusted contributions are to be notified to the relevant contributors and become the contributions payable for that period. 25
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Fire Brigades (Contributions) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

Department's Working Account

27. Any money in the Department's Working Account (as established under section 63 before the repeal of that section by the Fire Brigades (Contributions) Amendment Act 1994) is to be dealt with in such manner as the Treasurer, in consultation with the Minister, directs.
