

First print



New South Wales

Fire Brigades Amendment (Contributions) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

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)
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Fire Brigades Amendment (Contributions) Bill 1995

Explanatory note

- 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.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence 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.

First print

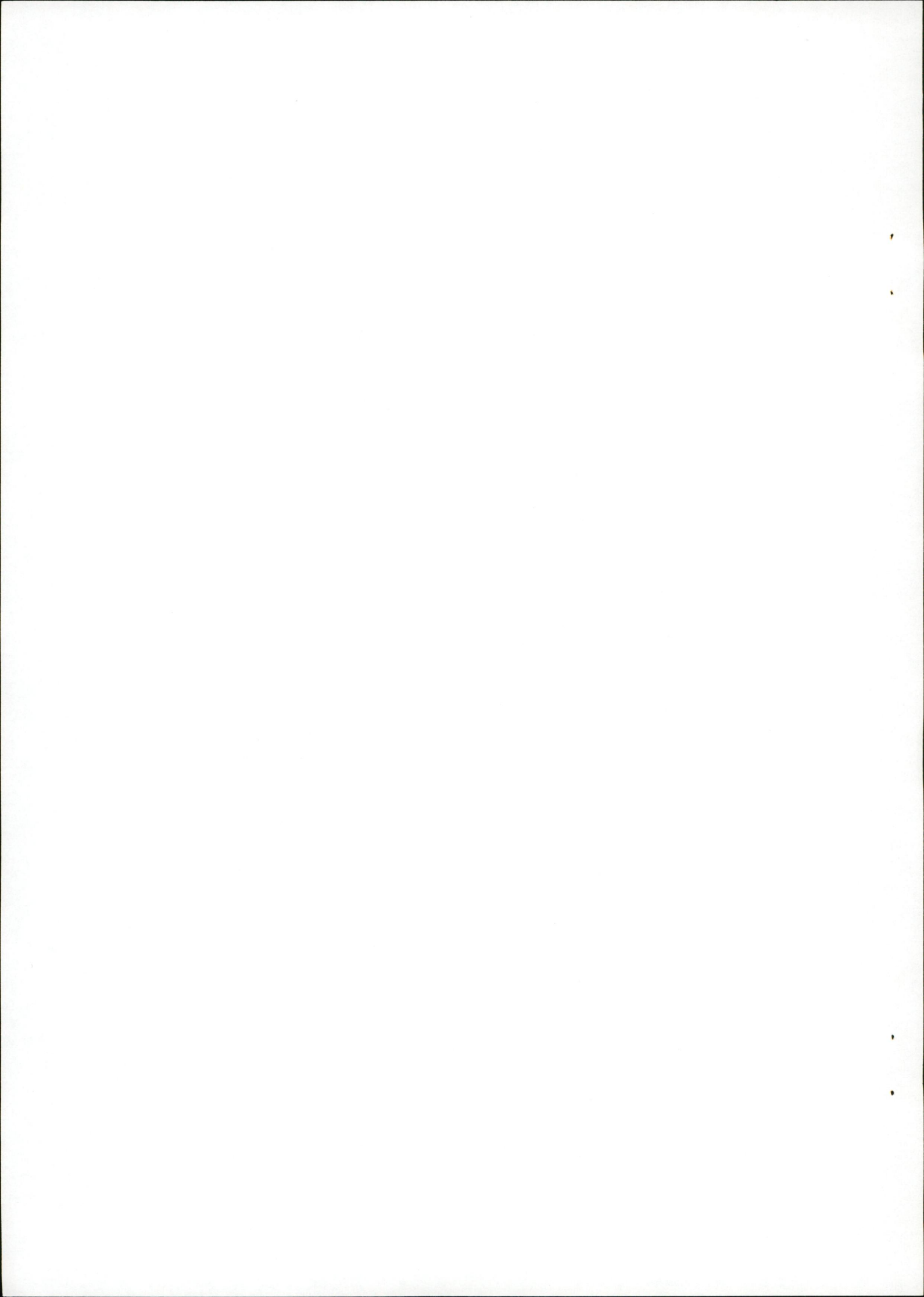


New South Wales

Fire Brigades Amendment (Contributions) Bill 1995

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New South Wales

Fire Brigades Amendment (Contributions) Bill 1995

No. , 1995

A Bill for

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

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fire Brigades Amendment (Contributions) Act 1995*.

2 Commencement

5

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

3 Amendment of Fire Brigades Act 1989 No 192

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

Schedule 1 Amendments

(Section 3)

[1] Section 44 Definitions

Omit the definitions of "calendar year" and "Working Account".

[2] Section 47 Adjustment of amount estimated

5

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:

(a) such amounts standing to the credit or debit of the Department, and 10

(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), 15

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

[3] Section 47

Omit "reduction" and "reduced" from section 47 (2).

Insert instead "adjustment" and "adjusted", respectively. 20

[4] Section 48 Financial year estimate to be used to produce calendar year estimate

Omit the section.

[5] Section 49 Times for instalment payments

Omit "1 January, 1 April, 1 July and 1 October in each year" from section 49 (1).

Insert instead "1 July, 1 October, 1 January and 1 April in each financial year".

5

[6] Section 50A

Insert after section 50:

50A Advance contribution payment by councils

- (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. 10
- (2) The advance contribution payment is to be an amount determined by the Commissioner. 15
- (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

[7] Section 53 Returns by councils

Omit "July" from section 53 (1). Insert instead "December".

[8] Section 53A

Insert after section 53:

53A Council's requirements under Local Government Act 1993 25

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. 30

-
- [9] Section 54 Contributions required from insurance companies**
Omit "calendar". Insert instead "financial".
- [10] Section 55 Advance payment by insurance companies**
Omit "calendar" wherever occurring from section 55 (1) and (3).
Insert instead "financial". 5
- [11] Section 55**
Omit "last ended before that calendar year" from section 55 (2).
Insert instead "ended one year before the financial year for which
the advance payment is due".
- [12] Section 56 Assessments and adjustments** 10
Omit "calendar" from section 56 (1). Insert instead "financial".
- [13] Section 56**
Insert "financial" in section 56 (2)–(5), before "year" wherever
occurring.
- [14] Section 56** 15
Omit "31 January" from section 56 (4). Insert instead "30 June".
- [15] Section 58 Returns by insurance companies**
Omit "calendar" wherever occurring from section 58 (1) and (4).
Insert instead "financial".
- [16] Section 58** 20
Omit "1 July" wherever occurring from section 58 (4).
Insert instead "31 March".

Fire Brigades Amendment (Contributions) Bill 1995

Schedule 1 Amendments

- [17] Section 62 Special appropriation**
Omit "reduced" from section 62 (1). Insert instead "adjusted".
- [18] Section 62**
Omit "Working Account" from section 62 (3).
Insert instead "bank account for the Department's operations". 5
- [19] Section 63 Department's Working Account**
Omit the section.
- [20] Schedule 4 Savings and transitional provisions**
Insert at the end of clause 2 (1):
the *Fire Brigades Amendment (Contributions) Act 1995* 10
- [21] Schedule 4**
Insert after Part 6:
- Part 7 Provisions relating to the Fire Brigades Amendment (Contributions) Act 1995**
- 25 Financial year (1994–1995) estimates of fire brigade expenditure** 15
- (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 Amendment (Contributions) Act 1995*, are taken to be the estimates of fire brigade expenditure for all fire districts for the financial year beginning 1 July 1994. 20
- (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. 25

26 Adjustment of contributions by insurance companies

- (1) As soon as practicable after the commencement of the *Fire Brigades Amendment (Contributions) Act 1995*, the Commissioner is:
- (a) to set aside the assessments made under Part 5 of this Act in respect of the 12 month period ending 31 December 1994, and 5
 - (b) to make the assessments under that Part in respect of the 6 month period ending 30 June 1994, and
 - (c) to make the necessary adjustments to the contributions required to be paid by insurance companies under that Part. 10
- (2) The adjusted contributions are to be notified to the relevant contributors and become the contributions payable. 15

27 Department's Working Account

Any money in the Department's Working Account (as established under section 63 before the repeal of that section by the *Fire Brigades Amendment (Contributions) Act 1995*) is to be dealt with in such manner as the Treasurer, in consultation with the Minister, directs. 20

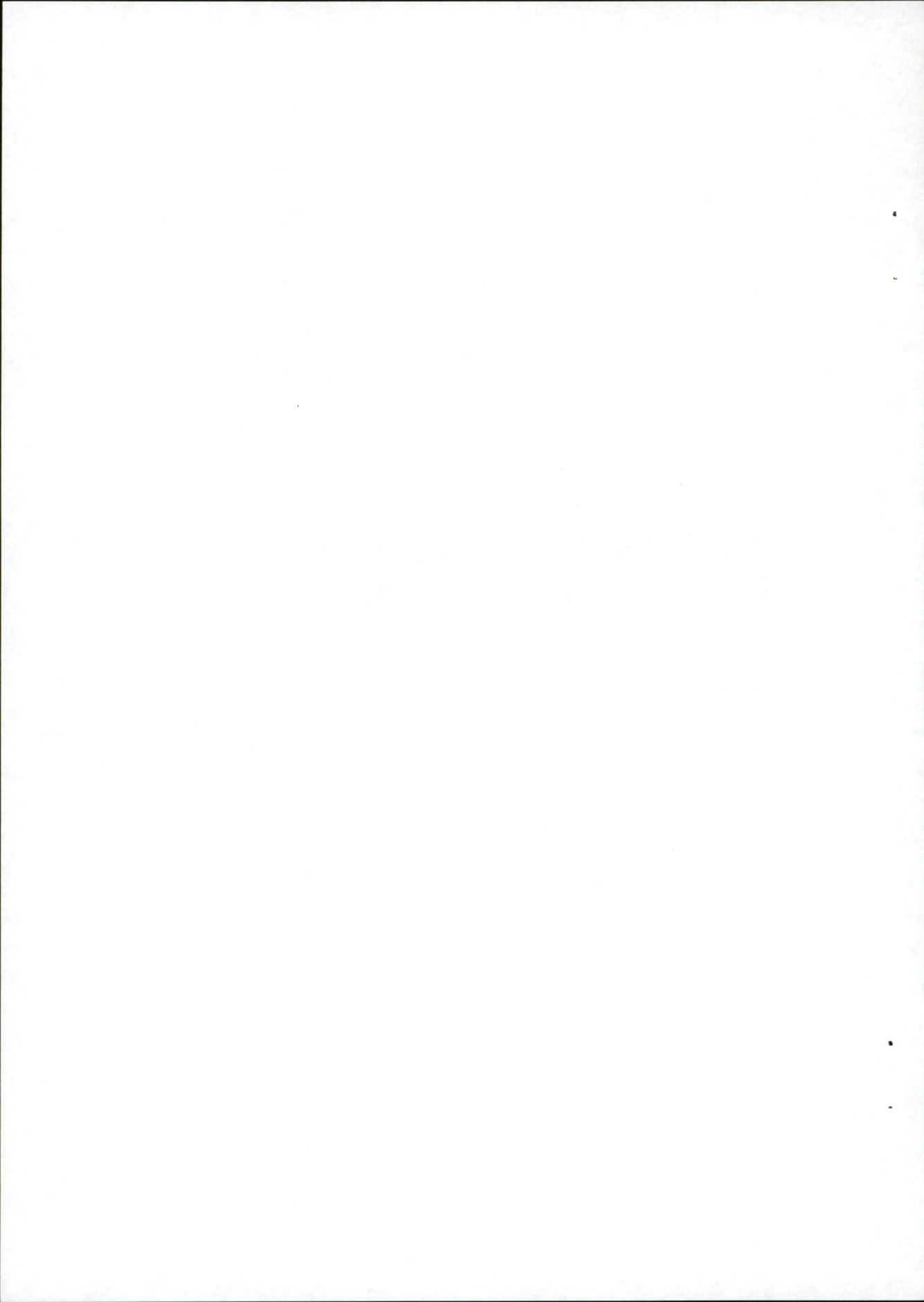


New South Wales

Fire Brigades Amendment (Contributions) Act 1995 No 6

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New South Wales

Fire Brigades Amendment (Contributions) Act 1995 No 6

Act No 6, 1995

An Act to amend the *Fire Brigades Act 1989* with respect to contributions to fire brigade costs. [Assented to 8 June 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fire Brigades Amendment (Contributions) Act 1995*.

2 Commencement

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

3 Amendment of Fire Brigades Act 1989 No 192

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

Schedule 1 Amendments

(Section 3)

[1] Section 44 Definitions

Omit the definitions of "calendar year" and "Working Account".

[2] Section 47 Adjustment of amount estimated

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:
 - (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),

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

[3] Section 47

Omit "reduction" and "reduced" from section 47 (2).
Insert instead "adjustment" and "adjusted", respectively.

[4] Section 48 Financial year estimate to be used to produce calendar year estimate

Omit the section.

[5] Section 49 Times for instalment payments

Omit "1 January, 1 April, 1 July and 1 October in each year" from section 49 (1).

Insert instead "1 July, 1 October, 1 January and 1 April in each financial year".

[6] Section 50A

Insert after section 50:

50A Advance contribution payment by councils

- (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.
- (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.

[7] Section 53 Returns by councils

Omit "July" from section 53 (1). Insert instead "December".

[8] Section 53A

Insert after section 53:

53A Council's requirements under Local Government Act 1993

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.

[9] Section 54 Contributions required from insurance companies

Omit "calendar". Insert instead "financial".

[10] Section 55 Advance payment by insurance companies

Omit "calendar" wherever occurring from section 55 (1) and (3).
Insert instead "financial".

[11] Section 55

Omit "last ended before that calendar year" from section 55 (2).
Insert instead "ended one year before the financial year for which
the advance payment is due".

[12] Section 56 Assessments and adjustments

Omit "calendar" from section 56 (1). Insert instead "financial".

[13] Section 56

Insert "financial" in section 56 (2)–(5), before "year" wherever
occurring.

[14] Section 56

Omit "31 January" from section 56 (4). Insert instead "30 June".

[15] Section 58 Returns by insurance companies

Omit "calendar" wherever occurring from section 58 (1) and (4).
Insert instead "financial".

[16] Section 58

Omit "1 July" wherever occurring from section 58 (4).
Insert instead "31 March".

[17] Section 62 Special appropriation

Omit "reduced" from section 62 (1). Insert instead "adjusted".

[18] Section 62

Omit "Working Account" from section 62 (3).
Insert instead "bank account for the Department's operations".

[19] Section 63 Department's Working Account

Omit the section.

[20] Schedule 4 Savings and transitional provisions

Insert at the end of clause 2 (1):

the Fire Brigades Amendment (Contributions) Act 1995

[21] Schedule 4

Insert after Part 6:

**Part 7 Provisions relating to the Fire Brigades
Amendment (Contributions) Act 1995**

**25 Financial year (1994–1995) estimates of fire brigade
expenditure**

- (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 Amendment (Contributions) Act 1995*, are taken to be the estimates of fire brigade expenditure for all fire districts for the financial year beginning 1 July 1994.
- (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.

26 Adjustment of contributions by insurance companies

- (1) As soon as practicable after the commencement of the *Fire Brigades Amendment (Contributions) Act 1995*, the Commissioner is:
 - (a) to set aside the assessments made under Part 5 of this Act in respect of the 12 month period ending 31 December 1994, and
 - (b) to make the assessments under that Part in respect of the 6 month period ending 30 June 1994, and
 - (c) to make the necessary adjustments to the contributions required to be paid by insurance companies under that Part.
- (2) The adjusted contributions are to be notified to the relevant contributors and become the contributions payable.

27 Department's Working Account

Any money in the Department's Working Account (as established under section 63 before the repeal of that section by the *Fire Brigades Amendment (Contributions) Act 1995*) is to be dealt with in such manner as the Treasurer, in consultation with the Minister, directs.

[Minister's second reading speech made in—
Legislative Assembly on 23 May 1995
Legislative Council on 30 May 1995]

