



New South Wales

Fire Brigades Amendment Bill 1997

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Fire Brigades Act 1989* so as:
 - (i) to clarify the procedure by which annual estimates of the recurrent and capital expenditure requirements of NSW Fire Brigades are prepared, and
 - (ii) to clarify the procedure by which local council and insurance company contributions to fire brigade expenditure are calculated, particularly with respect to capital expenditure, and
 - (iii) to enable NSW Fire Brigades to carry over capital funding from one financial year to the next, and
 - (iv) to allow the apportionment of contributions between councils within the same fire district to be carried out on the basis of land values averaged over 5 years, and
 - (v) to clarify the powers of the Commissioner of NSW Fire Brigades to enter into certain arrangements, and
 - (b) to amend the *Valuation of Land Act 1916* as a consequence of the amendments proposed to be made to the *Fire Brigades Act 1989*.
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Outline of provisions

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

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

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Fire Brigades Act 1989*.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to the *Valuation of Land Act 1916*.

Schedule 1 Amendment of Fire Brigades Act 1989

Procedures for preparing estimates of fire brigade expenditure

Certain changes are proposed to the procedures for preparing the estimates of fire brigade expenditure. These arise from the fact that NSW Fire Brigades now receives appropriations through the budget, rather than through the special appropriation provisions of the *Fire Brigades Act 1989*.

Under the revised procedures, it will be necessary for the Minister, each financial year, to prepare estimates of the aggregate recurrent expenditure requirements and aggregate capital expenditure requirements for the next financial year (proposed section 45 (1) to be inserted by Schedule 1 [5]). The estimates will be forwarded to the Treasurer for approval and, once approved, will become the basis for calculating the contributions payable by insurance companies under Division 3 of Part 5.

Following the enactment of the annual *Appropriation Act*, it will be necessary for the Commissioner to prepare estimates of the recurrent expenditure requirements for each fire district (proposed section 45 (2) to be inserted by Schedule 1 [5]). The estimates will be forwarded to the Minister for approval and, once approved, will become the basis for calculating the contributions payable by local councils under Division 2 of Part 5.

Local council and insurance company contributions to fire brigade expenditure

For the purpose of establishing the contributions payable by insurance companies and local government areas, the estimates of aggregate recurrent expenditure requirements will be subject to adjustment under section 47 (to

which consequential amendments are made by Schedule 1 [6] and [7]). The total amount of those contributions is to be established by section 48 (1) (to be inserted by Schedule 1 [11]).

The estimates of the recurrent expenditure requirements for each fire district will also be subject to adjustment under section 47 (to which consequential amendments are made by Schedule 1 [8], [9] and [10]). The actual amount of the contribution payable for a fire district is to be established by section 48 (2) (to be inserted by Schedule 1 [11]).

Apportionment of contributions between local government areas

The apportionment of contributions between councils within the same fire district is carried out on the basis of the aggregated land values of land within the respective local government areas. Because valuations of land within local government areas are not carried out simultaneously, an inequity arises when new land values are used in connection with one local government area but old land values are used in connection with another. It is proposed to reduce the scope for such inequities by amending section 51 to provide for valuations based on 5-year average land values (Schedule 1 [12] and [13]).

Capital funding

A Parliamentary appropriation of funds generally ceases to have effect at the end of the financial year in which it is made. This prevents public bodies from carrying unspent money over to the following financial year. It is proposed to allow NSW Fire Brigades to carry over unspent capital funding by providing for it to be paid into the New South Wales Fire Brigades Capital Fund at the end of the financial year (proposed section 64 (2) to be inserted by Schedule 1 [17]).

Powers of Commissioner to enter into certain arrangements

Proposed section 79A empowers the Commissioner to enter into arrangements for the installation and maintenance of fire alarm links between fire brigade premises and other premises (Schedule 1 [18]). Consequential amendments to section 42 ensure that the Commissioner is entitled to payment of any charges payable under such an arrangement (Schedule 1 [1] and [2]).

Miscellaneous amendments

It is proposed to repeal section 53 of the Act (which requires councils to provide information concerning ratable property within their areas) (Schedule 1 [14]). That information is no longer of any consequence to the operation of the Act.

It is proposed to repeal section 62 of the Act (which provides for an automatic appropriation of funds from the Consolidated Fund) (Schedule 1 [16]). Such appropriations are no longer made now that the Minister receives funds under the annual *Appropriation Acts*. The provision of that section that currently allows unspent recurrent funding to be carried over from year to year is to be retained as a new section 62.

It is proposed to amend section 83 of the Act to make it clear that the Commissioner may delegate functions under the regulations as well as functions under the Act (Schedule 1 [19]).

Schedule 2 Amendment of Valuation of Land Act 1916

The amendments to this Act are by way of statute law revision, updating references as a consequence of the amendments proposed to be effected under Schedule 1 and updating other references that have become obsolete (Schedule 2 [1]–[5]).

First print



New South Wales

Fire Brigades Amendment Bill 1997

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fire Brigades Act 1989 No 192	2
4 Amendment of Valuation of Land Act 1916 No 2	2

Schedules

1 Amendment of Fire Brigades Act 1989	3
2 Amendment of Valuation of Land Act 1916	9



New South Wales

Fire Brigades Amendment Bill 1997

No. , 1997

A Bill for

An Act to amend the *Fire Brigades Act 1989* with respect to the expenditure requirements of fire brigades and to consequentially amend the *Valuation of Land Act 1916*, and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fire Brigades Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Fire Brigades Act 1989 No 192

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

4 Amendment of Valuation of Land Act 1916 No 2

The *Valuation of Land Act 1916* is amended as set out in Schedule 2. 10

Schedule 1 Amendment of Fire Brigades Act 1989

(Section 3)

[1] Section 42 Charges for other matters

Insert "otherwise than under an automatic fire alarm network service arrangement referred to in section 79A" after "any law)" in section 42 (1).

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[2] Section 42 (1A) and (1B)

Insert after section 42 (1):

(1A) The Commissioner is entitled to payment of any charges that a person has agreed to pay under an automatic fire alarm network service arrangement referred to in section 79A, including charges of a kind referred to in subsection (1) (a)–(e).

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(1B) Nothing in subsection (1A) affects the Commissioner's entitlement to payment of any charges payable otherwise than as referred to in that subsection.

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[3] Section 44 Definitions

Omit the definition of *fire brigade expenditure*.

[4] Section 44 (2)

Insert at the end of the section:

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(2) In this Part:

(a) a reference to the *aggregate recurrent expenditure requirements* for fire brigades is a reference to the estimate of those requirements prepared under section 45 (1), as approved by the Treasurer, and

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- (b) a reference to the *aggregate capital expenditure requirements* for fire brigades is a reference to the estimate of those requirements prepared under section 45 (1), as approved by the Treasurer, and
- (c) a reference to the *recurrent expenditure requirements* for fire brigades for a fire district is a reference to the estimate of those requirements prepared under section 45 (2), as approved by the Minister. 5

[5] Sections 45 and 46 10

Omit the sections. Insert instead:

45 Estimate of recurrent and capital fire brigade expenditure

- (1) During each financial year, the Minister is to prepare, for approval by the Treasurer: 15
 - (a) an estimate of the aggregate recurrent expenditure requirements for fire brigades for the following financial year, and
 - (b) an estimate of the aggregate capital expenditure requirements for fire brigades for the following financial year. 20
- (2) As soon as practicable after money has been appropriated by Parliament for the purposes of this Act for a particular financial year, the Commissioner is to prepare, for approval by the Minister, an estimate of the recurrent expenditure requirements for fire brigades for that year for each fire district. 25

[6] Section 47 Adjustment of estimates of recurrent expenditure requirements

Omit "The total of the estimates" from section 47 (1). 30
Insert instead "The aggregate recurrent expenditure requirements for fire brigades".

[7] Section 47 (1) (a)

Omit the paragraph. Insert instead:

- (a) such part of the surplus or deficit in the Department's operating account as at the end of the previous financial year, and

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[8] Section 47 (2)

Omit "the amount required to be contributed" where firstly occurring.

Insert instead "the estimate of the recurrent expenditure requirements".

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[9] Section 47 (2)

Omit "the amount required to be contributed is calculated".

Insert instead "the estimate is adjusted".

[10] Section 47 (2)

Omit the formula at the end of the subsection. Insert instead:

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$$F_{(adj)} = F \times \frac{A_{(adj)}}{A}$$

where:

$F_{(adj)}$ represents the adjusted amount for the fire district.

F represents the recurrent expenditure requirements for the fire district.

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$A_{(adj)}$ represents the aggregate recurrent expenditure requirements for fire brigades, as adjusted in accordance with subsection (1).

A represents the aggregate recurrent expenditure requirements for fire brigades.

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[11] Section 48

Insert after section 47:

48 Contributions payable

- | | | |
|-----|---|----|
| (1) | The total amount required to be contributed under this Part for a financial year is the sum of the following amounts: | 5 |
| (a) | an amount equivalent to the aggregate recurrent expenditure requirements for fire brigades for that year, as adjusted in accordance with section 47 (1), | 10 |
| (b) | an amount equivalent to the aggregate capital expenditure requirements for fire brigades for that year, other than money representing provision for depreciation of the Department's assets, proceeds of the sale of any of the Department's assets or capital receipts arising otherwise than by way of appropriation by Parliament. | 15 |
| (2) | The amount required to be contributed under this Part for a financial year for a fire district is the sum of the following amounts: | 20 |
| (a) | an amount equivalent to the recurrent expenditure requirements for fire brigades for that year for that fire district, as adjusted in accordance with section 47 (2), | |
| (b) | such proportion of the aggregate capital expenditure requirements for fire brigades for that year as the Commissioner, with the approval of the Minister, may determine in relation to that fire district. | 25 |

[12] Section 51 Apportionment between local government areas 30

Omit "the aggregated land values (estimated under section 67 of the *Valuation of Land Act 1916*)".

Insert instead "the current 5-year average of the aggregated land values".

[13] Section 51 (2)

Insert at the end of the section:

- (2) In this section, *current 5-year average*, in relation to the aggregated land values of land, means the arithmetic mean of the aggregate land values of the land (estimated in accordance with section 67 of the *Valuation of Land Act 1916*) as at 1 July in each of the 5 periods of 12 months prior to the date on which the average is being calculated.

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[14] Section 53 Returns by councils

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Omit the section.

[15] Part 5, Division 4, heading

Omit "Appropriation of estimated expenditure".
Insert instead "Administration of funds".

[16] Section 62

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Omit the section. Insert instead:

62 Management of unspent funds

Any money remaining to the credit of the Department at the end of a financial year, other than money that is required to be paid into the New South Wales Fire Brigades Capital Fund, is to be paid into the Department's operating account.

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[17] Section 64 New South Wales Fire Brigades Capital Fund

Omit section 64 (2). Insert instead:

- (2) There is to be paid into the Fund any money that is required to be paid into the Fund by or under this or any other Act or law.

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Fire Brigades Amendment Bill 1997

Schedule 1 Amendment of Fire Brigades Act 1989

(2A) In particular, there is to be paid into the Fund:

- (a) all money appropriated by Parliament for the capital works and services of the Department for that year, and
- (b) such of the money appropriated by Parliament for the recurrent services of the Department for that year as is necessary to cover depreciation of the Department's assets, and 5
- (c) such money as arises from the sale of any of the Department's assets during that year. 10

[18] Section 79A

Insert after section 79:

79A Automatic fire alarm network service arrangements

- (1) The Commissioner may, on behalf of the Department, enter into, and do anything else in connection with, automatic fire alarm network service arrangements. 15
- (2) Nothing in this section affects any other power that the Commissioner has to enter into contracts or do anything else.
- (3) In this section, *automatic fire alarm network service arrangement* means an arrangement for the installation and maintenance of fire alarm links between fire brigade premises and other premises. 20

[19] Section 83 Delegation

Insert "or the regulations" after "this Act" in section 83 (1). 25

Schedule 2 Amendment of Valuation of Land Act 1916

(Section 4)

[1] Section 67 Valuation for the purposes of Fire Brigades Act 1989

Omit "Board of Fire Commissioners" wherever occurring. 5
Insert instead "Commissioner of NSW Fire Brigades".

[2] Section 67 (2)

Omit "If an area so constituted includes 2 or more (or any part of 2
or more) local government areas, the estimate".
Insert instead "The estimate". 10

[3] Section 67 (3) (a)

Omit the paragraph.

[4] Section 67 (3) (b)

Omit "section 35 of that Act".
Insert instead "section 51 of the *Fire Brigades Act 1989*". 15

[5] Section 67 (4)

Insert after section 67 (3):

- (4) This section applies only to such fire districts as include
more than one, or parts of more than one, local
government area. 20



New South Wales

Fire Brigades Amendment Act 1997 No 27

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fire Brigades Act 1989 No 192	2
4 Amendment of Valuation of Land Act 1916 No 2	2

Schedules

1 Amendment of Fire Brigades Act 1989	3
2 Amendment of Valuation of Land Act 1916	9



New South Wales

Fire Brigades Amendment Act 1997

No 27

Act No 27, 1997

An Act to amend the *Fire Brigades Act 1989* with respect to the expenditure requirements of fire brigades and to consequentially amend the *Valuation of Land Act 1916*, and for other purposes. [Assented to 25 June 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fire Brigades Amendment Act 1997*.

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.

4 Amendment of Valuation of Land Act 1916 No 2

The *Valuation of Land Act 1916* is amended as set out in Schedule 2.

Schedule 1 Amendment of Fire Brigades Act 1989

(Section 3)

[1] Section 42 Charges for other matters

Insert “otherwise than under an automatic fire alarm network service arrangement referred to in section 79A” after “any law)” in section 42 (1).

[2] Section 42 (1A) and (1B)

Insert after section 42 (1):

(1A) The Commissioner is entitled to payment of any charges that a person has agreed to pay under an automatic fire alarm network service arrangement referred to in section 79A, including charges of a kind referred to in subsection (1) (a)–(e).

(1B) Nothing in subsection (1A) affects the Commissioner’s entitlement to payment of any charges payable otherwise than as referred to in that subsection.

[3] Section 44 Definitions

Omit the definition of *fire brigade expenditure*.

[4] Section 44 (2)

Insert at the end of the section:

(2) In this Part:

(a) a reference to the *aggregate recurrent expenditure requirements* for fire brigades is a reference to the estimate of those requirements prepared under section 45 (1), as approved by the Treasurer, and

- (b) a reference to the *aggregate capital expenditure requirements* for fire brigades is a reference to the estimate of those requirements prepared under section 45 (1), as approved by the Treasurer, and
- (c) a reference to the *recurrent expenditure requirements* for fire brigades for a fire district is a reference to the estimate of those requirements prepared under section 45 (2), as approved by the Minister.

[5] Sections 45 and 46

Omit the sections. Insert instead:

45 Estimate of recurrent and capital fire brigade expenditure

- (1) During each financial year, the Minister is to prepare, for approval by the Treasurer:
 - (a) an estimate of the aggregate recurrent expenditure requirements for fire brigades for the following financial year, and
 - (b) an estimate of the aggregate capital expenditure requirements for fire brigades for the following financial year.
- (2) As soon as practicable after money has been appropriated by Parliament for the purposes of this Act for a particular financial year, the Commissioner is to prepare, for approval by the Minister, an estimate of the recurrent expenditure requirements for fire brigades for that year for each fire district.

[6] Section 47 Adjustment of estimates of recurrent expenditure requirements

Omit "The total of the estimates" from section 47 (1).
Insert instead "The aggregate recurrent expenditure requirements for fire brigades".

[7] Section 47 (1) (a)

Omit the paragraph. Insert instead:

- (a) such part of the surplus or deficit in the Department's operating account as at the end of the previous financial year, and

[8] Section 47 (2)

Omit "the amount required to be contributed" where firstly occurring.

Insert instead "the estimate of the recurrent expenditure requirements".

[9] Section 47 (2)

Omit "the amount required to be contributed is calculated".

Insert instead "the estimate is adjusted".

[10] Section 47 (2)

Omit the formula at the end of the subsection. Insert instead:

$$F_{(adj)} = F \times \frac{A_{(adj)}}{A}$$

where:

$F_{(adj)}$ represents the adjusted amount for the fire district.

F represents the recurrent expenditure requirements for the fire district.

$A_{(adj)}$ represents the aggregate recurrent expenditure requirements for fire brigades, as adjusted in accordance with subsection (1).

A represents the aggregate recurrent expenditure requirements for fire brigades.

[11] Section 48

Insert after section 47:

48 Contributions payable

- (1) The total amount required to be contributed under this Part for a financial year is the sum of the following amounts:
 - (a) an amount equivalent to the aggregate recurrent expenditure requirements for fire brigades for that year, as adjusted in accordance with section 47 (1),
 - (b) an amount equivalent to the aggregate capital expenditure requirements for fire brigades for that year, other than money representing provision for depreciation of the Department's assets, proceeds of the sale of any of the Department's assets or capital receipts arising otherwise than by way of appropriation by Parliament.
- (2) The amount required to be contributed under this Part for a financial year for a fire district is the sum of the following amounts:
 - (a) an amount equivalent to the recurrent expenditure requirements for fire brigades for that year for that fire district, as adjusted in accordance with section 47 (2),
 - (b) such proportion of the aggregate capital expenditure requirements for fire brigades for that year as the Commissioner, with the approval of the Minister, may determine in relation to that fire district.

[12] Section 51 Apportionment between local government areas

Omit "the aggregated land values (estimated under section 67 of the *Valuation of Land Act 1916*)".

Insert instead "the current 5-year average of the aggregated land values".

[13] Section 51 (2)

Insert at the end of the section:

- (2) In this section, *current 5-year average*, in relation to the aggregated land values of land, means the arithmetic mean of the aggregate land values of the land (estimated in accordance with section 67 of the *Valuation of Land Act 1916*) as at 1 July in each of the 5 periods of 12 months prior to the date on which the average is being calculated.

[14] Section 53 Returns by councils

Omit the section.

[15] Part 5, Division 4, heading

Omit "Appropriation of estimated expenditure".
Insert instead "Administration of funds".

[16] Section 62

Omit the section. Insert instead:

62 Management of unspent funds

Any money remaining to the credit of the Department at the end of a financial year, other than money that is required to be paid into the New South Wales Fire Brigades Capital Fund, is to be paid into the Department's operating account.

[17] Section 64 New South Wales Fire Brigades Capital Fund

Omit section 64 (2). Insert instead:

- (2) There is to be paid into the Fund any money that is required to be paid into the Fund by or under this or any other Act or law.

(2A) In particular, there is to be paid into the Fund:

- (a) all money appropriated by Parliament for the capital works and services of the Department for that year, and
- (b) such of the money appropriated by Parliament for the recurrent services of the Department for that year as is necessary to cover depreciation of the Department's assets, and
- (c) such money as arises from the sale of any of the Department's assets during that year.

[18] Section 79A

Insert after section 79:

79A Automatic fire alarm network service arrangements

- (1) The Commissioner may, on behalf of the Department, enter into, and do anything else in connection with, automatic fire alarm network service arrangements.
- (2) Nothing in this section affects any other power that the Commissioner has to enter into contracts or do anything else.
- (3) In this section, *automatic fire alarm network service arrangement* means an arrangement for the installation and maintenance of fire alarm links between fire brigade premises and other premises.

[19] Section 83 Delegation

Insert "or the regulations" after "this Act" in section 83 (1).

Schedule 2 Amendment of Valuation of Land Act 1916

(Section 4)

[1] Section 67 Valuation for the purposes of Fire Brigades Act 1989

Omit "Board of Fire Commissioners" wherever occurring.

Insert instead "Commissioner of NSW Fire Brigades".

[2] Section 67 (2)

Omit "If an area so constituted includes 2 or more (or any part of 2 or more) local government areas, the estimate".

Insert instead "The estimate".

[3] Section 67 (3) (a)

Omit the paragraph.

[4] Section 67 (3) (b)

Omit "section 35 of that Act".

Insert instead "section 51 of the *Fire Brigades Act 1989*".

[5] Section 67 (4)

Insert after section 67 (3):

- (4) This section applies only to such fire districts as include more than one, or parts of more than one, local government area.

[Minister's second reading speech made in—

Legislative Assembly on 8 May 1997

Legislative Council on 16 June 1997]

BY AUTHORITY

