

FIRE BRIGADES (AMENDMENT) ACT 1988 No. 54

NEW SOUTH WALES



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FIRE BRIGADES (AMENDMENT) ACT 1988 No. 54

NEW SOUTH WALES



Act No. 54, 1988

An Act to amend the Fire Brigades Act 1909 with respect to the method of calculating contributions to the cost of the work of fire brigades, with respect to the control of fire fighting and in other respects; to make consequential amendments to the Statutory and Other Offices Remuneration Act 1975 and the Valuation of Land Act 1916; and for other purposes. [Assented to 26 October 1988]

*Fire Brigades (Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the *Fire Brigades (Amendment) Act 1988*.

Commencement

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

Amendment of Fire Brigades Act 1909 No. 9

3. The Fire Brigades Act 1909 is amended as set out in Schedule 1.

Amendment of other Acts

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF FIRE BRIGADES ACT 1909

(Sec. 3)

(1) Section 5 (Definitions)—

Section 5, definition of "Inflammable matter"—

- (a) Omit "Inflammable", insert instead "Flammable".
- (b) Omit "inflammable", insert instead "flammable".

(2) Sections 5 (in the definition of "Superior fire brigade officer"), 9 (5)—
Omit "fireman" wherever occurring, insert instead "fire fighter".**(3) Sections 5 (in the expression "Volunteer firemen"), 9 (5), 27, 27B—**
Omit "firemen" wherever occurring, insert instead "fire fighters".**(4) Section 8 (Appointment and election of members of board)—****(a) Section 8 (3) (c)—**

Omit the paragraph, insert instead:

(c) The president of the board may be retired from office by the Governor after reaching the age of 60 years and before reaching the age of 65 years.

(b) Section 8 (4)—

Omit the subsection, insert instead:

(4) The president of the board shall devote the whole of his or her time to the office of president, except to the extent permitted by the Minister.

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 SCHEDULE 1—AMENDMENT OF FIRE BRIGADES ACT 1909—
continued

- (5) Section 11 (**Removal of members and appointment to vacancies**)—
 Section 11 (1) (d1), (h)—
 Omit “or deputy president” wherever occurring.
- (6) Section 12 (**Remuneration**)—
 (a) Section 12 (1)—
 Omit “and deputy president of the board are”, insert instead “of the board is”.
 (b) Section 12 (1) (b)—
 Omit “in each case”.
 (c) Section 12 (2)—
 Omit “and the deputy president”.
 (d) Section 12 (3)—
 Omit “Revenue”.
- (7) Sections 20 (2) (b) (ii), 21 (k3)–(k6), 30 (d), (e)—
 Omit “inflammable” wherever occurring, insert instead “flammable”.
- (8) Section 21 (**By-laws of board**)—
 Omit section 21 (g).
- (9) Section 22 (**Charges for attending fires**)—
 (a) Section 22 (1)—
 Omit “Schedule 2 or any alterations in the same, or any new Schedule made in lieu thereof. The above provisions do not apply to the Crown”, insert instead “the regulations”.
 (b) Section 22 (2)—
 Omit the subsection, insert instead:
 (2) This section binds the Crown in right of New South Wales and also, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.
- (10) Sections 23A, 23B—
 After section 23, insert:
Charges for other services
 23A. (1) If the board, on request made by or on behalf of any person (whether or not made in compliance with any law)—
 (a) inspects any premises; or
 (b) inspects, tests, services or repairs any equipment; or

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 SCHEDULE 1—AMENDMENT OF FIRE BRIGADES ACT 1909—
continued

- (c) furnishes any advice or report concerning fire prevention or protection, fire fighting equipment or other matters; or
 - (d) conducts any training course; or
 - (e) responds to any alarm (if it is afterwards discovered that the alarm was false); or
 - (f) performs any other service specified in the regulations,
- the board is entitled to payment by the person of the charge prescribed by the regulations in respect of the service performed.

(2) This section binds the Crown in right of New South Wales and also, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

(3) The board has power, and shall be taken always to have had power, to impose a reasonable charge for any service provided before the commencement of this section, if the service was of a kind for which (if it had been performed after the commencement of this section) a charge could, under this section, be imposed.

Waiver or reduction of charges

23B. The board may, at its discretion, having regard to—

- (a) a person's contribution (whether by payment of local government rates or insurance premiums or otherwise) to the cost of fire brigade operations; and
 - (b) such other matters as the board considers relevant,
- waive any charge payable under this Part or reduce any charge so payable by such proportion as it thinks fit.

(11) Section 24 (Recovery of charges)—

Section 24 (1)—

Omit "Such charges", insert instead "Any charges under this Part".

(12) Section 27B (Special provisions as to ordinary working hours)—

Section 27B (3)—

Omit "men", insert instead "persons".

(13) Section 29 (Powers of chief officer and others at a fire)—

At the end of the section, insert:

(2) Powers, authorities, duties and functions under this section may be exercised or performed by any officer or member of a fire brigade present at a fire who is authorised in that behalf—

- (a) by the chief officer; or

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SCHEDULE 1—AMENDMENT OF FIRE BRIGADES ACT 1909—
continued

- (b) in the absence of the chief officer, by the superior fire brigade officer present at the fire.
- (3) No writing is necessary for any authorisation under this section.
- (14) Section 30 (**General powers of chief officer and other officers**)—
- (a) Section 30 (c)—
Omit “public concourse”, insert instead “public assembly”.
- (b) Section 30 (d)—
Omit “of kerosene or”.
- (15) Section 34 (**Contributions to board’s expenditure**)—
Section 34 (1)—
Omit “land value”, insert instead “aggregated land values (estimated under section 67 of the Valuation of Land Act 1916)”.
- (16) Section 35 (**Contribution by municipalities and shires**)—
Section 35 (1)—
Omit “land value under the Valuation of Land Act 1916”, insert instead “aggregated land values (estimated under section 67 of the Valuation of Land Act 1916)”.
- (17) Section 38 (**Returns by municipalities and shires**)—
Omit “the last assessment of the land value of”, insert instead “such particulars as the board considers necessary to be obtained, for the purposes of this Part, in relation to”.
- (18) Schedule 2—
Omit the Schedule.
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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER
ACTS

(Sec. 4)

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—

From Part 1 of Schedule 2 (Public Offices), omit “Deputy President of the Board of Fire Commissioners of New South Wales.”.

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS—*continued***Valuation of Land Act 1916 No. 2—**

Omit section 67, insert instead:

Valuation for purposes of Fire Brigades Act 1909

67. (1) Each year the Valuer-General shall furnish to the Board of Fire Commissioners an estimate of the aggregated land values that would most likely result if a general valuation were to be made (as at 1 July of the year preceding the year in which the estimate is furnished) of all ratable land within any area constituted as a fire district under section 6 of the Fire Brigades Act 1909.

(2) If an area so constituted includes 2 or more (or any part of 2 or more) municipalities or shires, the estimate shall be separately expressed in respect of so much of the land within the district as is within each municipality or shire.

(3) The aggregated land values estimated under this section shall be the aggregated land values for the purposes of—

- (a) the estimate (for the year next following the year in which the estimate under this section is furnished) to be made by the Board of Fire Commissioners under section 34 of the Fire Brigades Act 1909; and
- (b) any apportionment, under section 35 of that Act, to be made in respect of a contribution to the estimated expenditure of the Board for the year concerned.

*[Minister's second reading speech made in—
Legislative Council on 22 September 1988
Legislative Assembly on 18 October 1988]*
