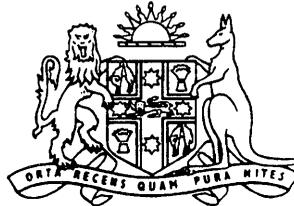


[Act 1997 No 27]



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]).