

Queensland



**FIRE AND RESCUE
AUTHORITY AMENDMENT
ACT 1997**

Act No. 52 of 1997

Queensland



**FIRE AND RESCUE AUTHORITY
AMENDMENT ACT 1997**

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MINOR AND CONSEQUENTIAL AMENDMENTS

Queensland



**Fire and Rescue Authority Amendment Act
1997**

Act No. 52 of 1997

An Act to amend the *Fire and Rescue Authority Act 1990*

[Assented to 16 October 1997]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Fire and Rescue Authority Amendment Act 1997*.

Commencement

2.(1) Subject to subsections (2) and (3), this Act commences on a day to be fixed by proclamation.

(2) Section 12 is taken to have commenced on 24 February 1997.

(3) Section 8 is taken to have commenced on 1 July 1997.

Act amended

3. This Act amends the *Fire and Rescue Authority Act 1990*.

Amendment of s 8I (Membership of board)

4.(1) Section 8I(4)—
renumber as section 8I(5).

(2) Section 8I—
insert—

‘**(4)** A fire authority officer may be appointed as an appointed member.’.

Amendment of s 8J (Term of office of appointed members)

5.(1) Section 8J(2)(d) and (e)—
omit, insert—

‘(d) becomes a contractor of the authority; or

(e) is removed from office by the Governor in Council under subsection (4) or (5).’.

(2) Section 8J(3) and (4)—

renumber as section 8J(4) and (5).

(3) Section 8J—

insert—

‘(3) Also, the office of an appointed member (other than an appointed member who was a fire authority officer at the time of being appointed) becomes vacant if the member becomes employed by the authority.’.

Amendment of s 19C (Delegation)

6.(1) Section 19C(2)—

renumber as section 19C(3).

(2) Section 19C—

insert—

‘(2) A delegation of a power by the authority to the chief commissioner may permit the subdelegation of the power by the chief commissioner, under section 19, to an appropriately qualified fire authority officer.’.

Replacement of ss 20 and 21

7. Sections 20 and 21—

omit, insert—

‘Fund

‘20.(1) This section applies to a fund established by the Treasurer under the *Financial Administration and Audit Act 1977*, section 11² for the purposes of the authority.

¹ Section 19 (Delegation by chief commissioner)

² The *Financial Administration and Audit Act 1977*, section 11 (Powers of Treasurer re trust and special funds) provides, in part, that the Treasurer ‘... may establish additional funds that will form part of the trust and special funds and specify the purpose for which each such additional fund is established ...’. Under section 10(1) of that Act, the public accounts consist of the consolidated fund and the trust and special funds.

‘(2) The following must be paid into the fund—

- (a) amounts received for prescribed property as contributions under part 10;³
- (b) amounts received from other sources;
- (c) interest from investment of the fund.

‘(3) Subsection (2) does not limit the *Financial Administration and Audit Act 1977*, section 10(6).⁴’.

Replacement of s 117 (Collection fee)

8. Section 117—

omit, insert—

‘Retention of administration fee by component local governments

‘**117.(1)** For each financial year, a component local government is entitled to an amount (an “**administration fee**”) for performing functions under this part, including determining the annual contributions payable for prescribed properties, giving fire levy notices and collecting contributions for prescribed properties.

‘(2) The administration fee for a financial year may be kept from annual contributions for prescribed properties paid or payable for the financial year.

‘(3) Each component local government may decide the way in which it keeps the administration fee.

‘(4) A regulation may prescribe the way in which the administration fee is to be calculated.’.

³ Part 10 (Funding)

⁴ The *Financial Administration and Audit Act 1977*, section 10 (The public accounts) deals with various matters about the public accounts. Section 10(6) states—

‘(6) There shall be paid into each fund of the trust and special funds—

- (a) all moneys that are required by this Act or any other Act or law to be paid into that fund;
- (b) all moneys received for the purposes for which that fund is established.’.

Amendment of s 118 (Payments by component local governments to authority)

9.(1) Section 118(3), ‘30 days’—

omit, insert—

‘14 days’.

(2) Section 118(5), definition, “**declared period**”—

omit, insert—

‘ “**declared period**” means a period in a financial year declared under a regulation as a declared period.’.

Amendment of s 119 (Failure by component local government to make payment)

10. Section 119(1), from ‘at a rate’—

omit, insert—

‘at the percentage prescribed under a regulation under the *Local Government Act 1993*, section 614(3)(a).⁵’.

Amendment of s 123 (Recovery of arrears)

11.(1) Section 123(1), ‘at the prescribed rate’—

omit.

(2) Section 123(2)—

omit, insert—

‘**(2)** For subsection (1), the rate of the interest is the percentage decided by the component local government, under the *Local Government Act 1993*,

⁵ The *Local Government Act 1993*, section 614 (Overdue rates may bear interest) sets out various matters about overdue rates under that Act. Specifically, section 614(3) provides that for overdue rates ‘the rate of interest must not be more than ... the percentage prescribed by regulation ... ’.

section 614(1), in relation to an overdue rate for the period for which the amount remains unpaid.⁶.

Insertion of new s 155

12. Part 12—

insert—

‘Definitions

‘155. In this part—

“amendment Act” means the *Fire Service Amendment Act 1996*.

“commencement” means the commencement of section 8 of the amendment Act.

“commissioner” means the corporation sole under this Act as in force immediately before the commencement.

“fireservice” means the Queensland Fire Service in existence immediately before the commencement.

“transferred officer” means a person taken to be employed as a fire authority officer under section 160.⁷.

Insertion of new s 170

13. After section 169—

insert—

‘Previous fund

‘170.(1) The State Fire Services Trust Fund is closed.

‘(2) The amount standing at credit in the State Fire Services Trust Fund immediately before the commencement of this section must be transferred

⁶ The *Local Government Act 1993*, section 614(1) (Overdue rates may bear interest) provides that an ‘overdue rate bears interest at the percentage decided by the local government ...’.

⁷ Section 160 (Fire authority officers)

by the Treasurer to a fund established by the Treasurer under the *Financial Administration and Audit Act 1977*, section 11, for the purposes of the authority.⁸.

⁸ The *Financial Administration and Audit Act 1977*, section 11 (Powers of Treasurer re trust and special funds) provides, in part, that the Treasurer ‘.. may establish additional funds that will form part of the trust and special funds and specify the purpose for each such additional fund’.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

section 3

1. Section 6—

insert—

‘**“appointed member”**’ see section 8I(2).

‘**“authorised fire officer”**’ see section 6A’.

2. Section 8B(a), ‘with perpetual succession’—

omit.

3. Section 24(1), ‘funds of the authority’—

omit, insert—

‘fund mentioned in section 20(1).’.

4. Section 144(13)(a), ‘commissioner’—

omit, insert—

‘authority’.