

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 3 of 1982

**An Act to amend the Fire Brigades Act 1964–1979 and the
Fire Safety Act 1974–1979, each in certain particulars**

[ASSENTED TO 20TH APRIL, 1982]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Fire Brigades and Fire Safety Acts Amendment Act 1982*.

2. Arrangement. This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1–2);

PART II—AMENDMENT OF FIRE BRIGADES ACT (ss. 3–9);

PART III—AMENDMENT OF FIRE SAFETY ACT (ss. 10–13).

PART II—AMENDMENT OF FIRE BRIGADES ACT

3. Citation. (1) In this Part the *Fire Brigades Act 1964–1979* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Fire Brigades Act 1964–1982*.

4. Amendment of s. 3. Interpretation. Section 3 of the Principal Act is amended by omitting the definition “Fire Insurance” and substituting the following definition:—

““Fire Insurance”—Insurance cover against loss or damage by fire or by fire sprinkler leakage provided, expressly or impliedly, by any policy other than one—

(a) that relates solely to the comprehensive insurance of a motor vehicle or a vessel; or

(b) that relates solely to underground mining equipment, whether or not the cover is coupled with cover against any other risk and whether premiums in respect of the cover are paid to an insurance company or any other person: the expression does not include insurance cover commonly called mortgage insurance or insurance cover commonly called consequential loss insurance;”.

5. Amendment of s. 17. How contracts may be entered into. Section 17 of the Principal Act is amended by, in subsection (5)—

(a) omitting the expression “\$2,000” where it firstly occurs and substituting the expression “\$5 000”;

(b) omitting the words “exceeding \$500 but not exceeding \$2,000” and substituting the words “exceeding \$1 250 but not exceeding \$5 000”.

6. Amendment of s. 36. Apportionment of contribution amongst contributory companies. Section 36 of the Principal Act is amended by adding at the end of the section the following subsection:—

“(8) **Refund of overpayment of contribution.** Where, upon application made to it by a contributory company, the Council is satisfied that the contributory company has paid in respect of any year an amount of

contribution in excess of the amount payable by that company in accordance with subsection (1) by reason of an error made without fraudulent intent in a return furnished by that company under subsection (3), the Council shall be entitled to recover from each of the other contributory companies that paid contribution in respect of that year the amount of additional contribution that would have been payable by it had the return been correct and thereupon shall refund to the applicant the excess amount paid by it in respect of that year.”.

7. Amendment of s. 37. Powers of inspection of contributory companies' records. Section 37 of the Principal Act is amended by—

(a) omitting from the note appearing in and at the commencement of the section the words “**contributory companies’**”;

(b) omitting subsections (1) and (2) and substituting the following subsections:—

“(1) A person authorized by the Minister for the purposes of this subsection may, during the hours during which the premises in question are open for business—

- (a) enter and re-enter upon any premises in which a contributory company or an insurance broker or its or his agent or attorney carries on business for the purpose of exercising a power specified in this subsection; and
- (b) inspect, examine and make copies of or extracts from the books, accounts and records relating to the business of the company or broker, for the purpose of obtaining or verifying information required by the Minister in connexion with the administration of this Act.

(2) The Manager and secretary of a contributory company, an insurance broker and any agent, attorney or employee of any contributory company or insurance broker who has custody of or control over the books, accounts or records relating to the business of the company or broker shall—

- (a) produce to a person authorized as specified in subsection (1) any book, account or record required by that person;
- (b) render to a person authorized as specified in subsection (1) all reasonable assistance to carry out his duties for the purposes of this Act; and
- (c) furnish to a person authorized as specified in subsection (1) all information within his knowledge that is required by that person for the purposes of this Act.”.

8. Amendment of s. 59. Power to make regulations. Section 59 of the Principal Act is amended by, in subsection (1), adding at the end of paragraph (k) the words “and providing for and regulating the charges that may be made and levied by a Board in respect of the connexion of premises to Fire Brigade alarm panels”.

9. Amendment of Schedule I Part III. Rules Governing the members and the proceedings and business of Boards. Schedule I to the Principal Act is amended by, in Part III—

(a) omitting from rule 28 (1A) the words “ of the district in ” and substituting the word “ by ”;

(b) inserting in rule 28 (1A) after subparagraph (b) the following proviso:—

“ Provided that the Board may remit the whole or part of such prescribed charges payable by any person under this subrule.”.

PART III—AMENDMENT OF FIRE SAFETY ACT

10. Citation. (1) In this Part the *Fire Safety Act 1974–1979* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Fire Safety Act 1974–1982*.

11. Amendment of s. 4. Crown to be bound. Section 4 of the Principal Act is amended by—

(a) omitting the note appearing in and at the commencement of the section and subsection (1) and substituting the following note and subsection:—

“ **Application of Act to Crown and in particular cases.** (1) The provisions of sections 6 and 9 and of Part III, other than section 17 (2), and of regulations made with respect to matters prescribed by those provisions bind the Crown.

(2) For the purpose of the application of section 6—

(a) to the Crown; and

(b) to a Local Authority, in any case where it has not made an application for the approval referred to in section 6 (1),

it shall be deemed that the Crown or Local Authority has made an application to the appropriate Local Authority for the approval referred to in section 6 (1) when the preparation of the relevant plans of construction has been completed.”;

(b) renumbering the existing subsection (2) as subsection (3).

12. Amendment of s. 5. Meaning of terms. Section 5 of the Principal Act is amended by, in subsection (1), inserting after the definition “ Minister ” the following definition:—

“ “ occupier ” means, in relation to any premises or part of premises, the person who as owner, lessee or tenant is entitled to exercise control over the premises or part and does not include a mere inmate or lodger therein;”.

13. Amendment of s. 24. Notice re alteration of premises or re keeping explosives. Section 24 of the Principal Act is amended by, in subsection (4), omitting from paragraph (b) the words “the fire authority may cancel the certificate of approval issued by a fire safety officer” and substituting the words “any fire safety officer may cancel the certificate of approval in force”.