

FIRE AND RESCUE AUTHORITY AMENDMENT BILL 1997

EXPLANATORY NOTES

Short Title

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

Policy Objectives and Rationale for the Bill

This Bill makes a number of minor amendments to the *Fire and Rescue Authority Act 1990*.

The amendments will allow a fire authority officer to be appointed to the Board of the Queensland Fire and Rescue Authority (the Authority).

The provision establishing the Queensland Fire and Rescue Authority general fund has been omitted and replaced. Monies which previously were paid into the general fund must now be paid into a fund established by the Treasurer pursuant to section 11 of the *Financial Administration and Audit Act 1977*.

Provisions relating to the collection of levies by component local governments have been redrafted to ensure that levies are paid to the Authority promptly. Local governments will also be given more flexibility in the manner in which they retain the administration fee payable for the work associated with determining annual contributions payable for prescribed properties and collecting and remitting fire levies.

The Bill also contains other minor and transitional amendments.

Alternative Ways of Achieving the Policy Objectives

Amending legislation is required to achieve the policy objectives of the

Bill. The processes and procedures being changed are found in legislation and amending legislation is therefore necessary.

Estimated Cost of Government Implementation

It is estimated there is no cost associated with this Bill.

Consistency with Fundamental Legislative Principles

The Bill conforms with the fundamental legislative principles in every respect.

Consultation

The Local Government Association of Queensland was consulted regarding the provisions which relate to the collection of levies for prescribed properties.

Purpose and Intended Operation of Each Clause

Clause 1 provides that the Bill, once enacted, may be cited as the *Fire and Rescue Authority Amendment Act 1997*.

Clause 2 provides for the commencement of the *Fire and Rescue Authority Amendment Act 1997*.

Clause 3 provides that the Bill will amend the *Fire and Rescue Authority Act 1990*.

Clause 4 amends section 8I which deals with the membership of the Board of the Authority. The new section 8I(4) now expressly provides that a fire authority officer may be appointed as a member of the Board. The amendment also renumbers the section.

Clause 5 amends section 8J of the Act. The purpose of the amendment is to ensure that a serving fire authority officer may be appointed to the Board of the Authority. Employment by the Authority of a Board member will continue to result in the automatic vacation of that member's office except where at the time of the appointment the person was already a fire authority officer. The amendment also renumbers the section.

Clause 6 amends section 19C to insert a power of sub-delegation. The

Authority currently has the power to delegate its powers to the Commissioner or an appropriately qualified fire authority officer. The amendment will allow the Authority to include a power of subdelegation when it delegates a power to the Chief Commissioner. A subsequent subdelegation must be to an appropriately qualified fire authority officer. The amendment also renumbers section 19C.

Clause 7 omits sections 20 and 21. Section 20 is replaced with a new section which clarifies the operation and nature of the fund operated by the Authority. The new section 20 allows the Treasurer to establish a fund under section 11 of the *Financial Administration and Audit Act 1977* and stipulates what must be paid into it.

Section 21 has been omitted as it is unnecessary given the Treasurer's powers under the *Financial Administration and Audit Act 1977* to establish necessary funds.

Clauses 8 to 11 amend provisions dealing with the collection of the fire levy and the retention of a collection fee by component local governments.

Clause 8 replaces section 117 with a new section which is intended to clarify and simplify the process by which component local governments may retain a fee for the work associated with collecting and remitting levy monies.

The new section provides that a component local government may retain an administration fee for performing functions under part 10 of the Act including determining the annual contributions payable for prescribed properties, issuing notices and collecting amounts for prescribed properties. A regulation may prescribe the manner in which the administration fee is to be calculated.

The amendment introduces flexibility into the process by allowing each component local government to decide the manner in which it retains the administration fee for a financial year out of levies collected for that year.

Clause 9 amends sections 118(3) and (5). The amendment will reduce the period within which component local governments must pay levies to the Authority from 30 to 14 days of the end of a financial year or the end of a period prescribed by regulation.

The amendment will also remove the current restriction on the number of declared periods for a financial year.

Clause 10 amends section 119 which currently makes provision for the interest rate payable where a component local government fails to pay the Authority fire levies within the stipulated period. The amendment provides that interest will be payable at the percentage prescribed under a regulation under the *Local Government Act 1993*, section 614(3)(a).

Clause 11 amends section 123. The amendment will alter the manner in which the interest rate payable by the owner of a prescribed property is determined should the Authority seek to recover unpaid levies directly from the property owner. The Authority will be able to recover interest at the percentage decided by the component local government in which the relevant property is located, as the rate applicable for overdue rates under section 614(1) of the *Local Government Act 1993*.

Clause 12 inserts section 155 into Part 12 - Savings and Transitional Provisions. Section 155 contains definitions relevant to transitional provisions inserted by the *Fire Service Amendment Act 1996*. Section 155 will commence operation on 24 February 1997, the date on which the *Fire Service Amendment Act 1996* commenced operation.

Clause 13 inserts a new section 170 into the Act. Section 170 provides that the State Fire Services Trust Fund is closed and any money standing to its credit must be transferred by the Treasurer to a fund established under section 11 of the *Financial Administration and Audit Act 1977*.

The *Schedule* contains minor amendments to the *Fire and Rescue Authority Act 1990*.