

Queensland



**FIRE SERVICE
LEGISLATION
AMENDMENT BILL 1994**

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1994

A BILL

FOR

An Act to amend the *Fire Service Act 1990* and other Acts

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Fire Service Legislation Amendment Act 1994*.

4

5

Commencement

6

Clause **2.** Parts 2 and 3 of this Act are taken to have commenced on 26 March 1994.

7

8

PART 2—AMENDMENT OF FIRE SERVICE ACT 1990

9

Act amended in Pt 2

10

Clause **3.** This Part amends the *Fire Service Act 1990*.

11

Insertion of new Division heading

12

Clause **4.** Before section 105—

13

insert—

14

‘Division 1—Interpretation’.

15

Amendment of s 105 (Interpretation of Part)

16

Clause **5.** Section 105, heading—

17

omit, insert—

18

‘Definitions’.

19

Fire Service Legislation Amendment

| | | |
|--------|---|--------|
| | Insertion of new Division heading | 1 |
| Clause | 6. After section 105— | 2 |
| | <i>insert—</i> | 3 |
| | <i>‘Division 2—Funding for urban fire brigades’.</i> | 4 |
| | Insertion of new Division | 5 |
| Clause | 7. After section 128— | 6 |
| | <i>insert—</i> | 7 |
| | <i>‘Division 3—Funding for rural fire brigades</i> | 8 |
| | ‘Local government may make and levy certain rates or charges and contribute amounts raised to rural fire brigades | 9 |
| | 128A. A local government may make and levy the following rates or charges and contribute amounts raised to rural fire brigades operating in its local government area— | 10 |
| | (a) a special rate or charge under section 567 of the <i>Local Government Act 1993</i> ; | 11 |
| | (b) a separate rate or charge under section 568 of the <i>Local Government Act 1993</i> .’. | 12 |
| | | 13 |
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| | | 17 |
| | PART 3—AMENDMENT OF LOCAL GOVERNMENT ACT 1993 | 18 |
| | | 19 |
| | Act amended in Pt 3 | 20 |
| Clause | 8. This Part amends the <i>Local Government Act 1993</i> . | 21 |
| | Amendment of s 567 (Special rates and charges) | 22 |
| Clause | 9. Section 567— | 23 |

*Fire Service Legislation Amendment**insert—*

‘(7) To remove any doubt, it is declared that a local government may make and levy a special rate or charge under subsection (1) for a service, facility or activity whether or not the service, facility or activity is supplied by the local government itself.’.

Amendment of s 568 (Separate rates and charges)

Clause **10.** Section 568—

insert—

‘(2) To remove any doubt, it is declared that a local government may make and levy a separate rate or charge for a service, facility or activity whether or not the service, facility or activity is supplied by the local government itself.’.

Amendment of s 569 (Utility charges)

Clause **11.** Section 569—

insert—

‘(6) To remove any doubt, it is declared that a local government may make and levy a utility charge for a service whether or not the service is supplied by the local government itself.’.

**PART 4—AMENDMENT OF ACTS
INTERPRETATION ACT 1954**

Act amended in Pt 4

Clause **12.** This Part amends the *Acts Interpretation Act 1954*.

Amendment of s 14A (Interpretation best achieving Act’s purpose)

Clause **13.** Section 14A(2)—

Fire Service Legislation Amendment

omit, insert—

‘(2) Subsection (1) does not create or extend criminal liability, but applies whether or not the Act’s purpose is expressly stated in the Act.

‘(3) To remove any doubt, it is declared that this section applies to an Act passed after 30 June 1991 despite any presumption or rule of interpretation.

Example—

There is judicial authority for a rule of interpretation that taxing legislation is to be interpreted strictly and in a taxpayer’s favour (for example, see *Partington v AG* (1869) LR 4 HL 100 at 122). Despite such a possible rule, this section requires a provision imposing taxation to be interpreted in the way that best achieves the Act’s purpose, whether or not to do so would be in a taxpayer’s favour.’