



New South Wales

Emergency Services Legislation Amendment (Finance) Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Fire Brigades Act 1989*, the *Rural Fires Act 1997* and the *State Emergency Service Act 1989* in relation to the scheme for funding the New South Wales Fire Brigades, the New South Wales Rural Fire Service and the State Emergency Service from contributions by insurance companies, local councils and the State government.

Consequential amendments are also made to the *National Parks and Wildlife Act 1974* and the *Valuation of Land Act 1916* to update references to the *Fire Brigades Act 1989*.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of emergency services legislation

Under the *Fire Brigades Act 1989*, the *Rural Fires Act 1997* and the *State Emergency Service Act 1989*, local councils and insurance companies, as well as the State government, are required to contribute to the costs of running the New South Wales Fire Brigades, the New South Wales Rural Fire Service and the State Emergency Service. Local councils, insurance companies and the State government are required to pay an amount based on a proportion of the annual estimated expenditure of each service. **Schedule 1.1, 1.3 and 1.4** replace the provisions relating to the contribution schemes in each of the Principal Acts so as to simplify and clarify the provisions and ensure consistency across the 3 Acts.

The principal changes are as follows:

- (a) to amend the method by which estimates of annual expenditure are adjusted so as to include surpluses or deficits in the recurrent expenditure account only and not the capital account,
- (b) to clarify the process by which contributions are determined and collected. Assessment notices will be issued by the Minister each year to each local council and insurance company that is required to make contributions for the financial year, and will state the amount payable and any amounts that are already paid, are to be paid or to be credited to the local council or insurance company. Instalment notices will be issued by the Commissioner each quarter to each local council and insurance company, and will specify the amount payable for that quarter and the date by which it must be paid,
- (c) to make it an offence (maximum penalty: \$5,500) for a council or an insurance company to pay a contribution instalment after the due date (instead of a 10% late fee being charged, as is currently the case),
- (d) to provide that the New South Wales Fire Brigades Fund and the New South Wales State Emergency Service Fund (which are established in the Special Deposits Account in the Treasury) are to each consist of a recurrent expenditure account (into which contributions are to be paid and which is to be used for meeting expenditure costs) and a capital account (into which money appropriated by Parliament and arising from the sale of the Department's assets is to be paid and which is to be used as permitted under proposed provisions or another Act and in accordance with the Treasurer's agreement).

Schedule 1.2 and 1.5 update references to the *Fire Brigades Act 1989* in the *National Parks and Wildlife Act 1974* and the *Valuation of Land Act 1916* respectively.