

NORTHERN TERRITORY OF AUSTRALIA

FIRE AND EMERGENCY AMENDMENT ACT 2010

Act No. 49 of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 49 of 2010

An Act to amend the *Fire and Emergency Act*

[Assented to 13 December 2010]
[Second reading 27 October 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Fire and Emergency Amendment Act 2010*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Fire and Emergency Act*.

4 Section 3 amended

Section 3(1)

insert (in alphabetical order)

approved form means a form approved under section 8A.

5 Section 5 amended

Section 5(2)

omit, insert

- (2) For the *Public Sector Employment and Management Act*:
- (a) the Fire and Rescue Service is an Agency; and
 - (b) the Commissioner of Police is the Chief Executive Officer of the Fire and Rescue Service.

6 Section 8A inserted

After section 8

insert

8A Approved forms

The Director may approve forms for this Act.

7 Section 10 replaced

Section 10

repeal, insert

10 Delegation

- (1) The Minister or Director may, in writing, delegate to a person any of his or her powers and functions under the Act.
- (2) The Chief Executive Officer may exercise the powers and perform the functions of the Director without delegation.

8 Section 19 amended

- (1) Section 19(1)(a), at the end

insert

and

- (2) Section 19(2)(a), at the end

insert

or

(3) Section 19(4), after "may be"

insert

made for any one or more of the following

(4) Section 19(4)(c)

omit, insert

(c) for all fires or other emergencies in a specified area;

9 Section 25 amended

Section 25(2)(b)

omit

occupier or owner (where there is no occupier)

insert

owner or occupier

10 Section 30 amended

(1) Section 30(3)(a)

omit

occupiers

insert

owner or occupier

(2) Section 30(3)(b)

omit

an occupier who has been notified under paragraph (a)

insert

the owner or occupier

(3) Section 30(7)

omit

In this section, *occupier of adjoining land* means the occupier of

insert

In this section:

adjoining land means

11 Section 43 replaced

Section 43

repeal, insert

43 Fees and charges

- (1) If a member, with or without equipment, attends a fire or other emergency as required under this Act, the fees or charges prescribed by regulation are:
 - (a) payable in accordance with this section; and
 - (b) recoverable from the persons liable as a debt due to the Territory.
- (2) Subject to subsections (4) to (6), the persons liable for the fees or charges are:
 - (a) for a fire or other emergency affecting land or buildings – the owners and occupiers of the land or buildings affected, or of any land, building or part of a building forming part of the land or buildings affected; or
 - (b) otherwise – the owner or owners of, and any other person or persons having an interest in, the property, or any part of the property, which was affected by the fire or emergency or to which the emergency related.
- (3) If 2 or more persons are liable for the fees or charges, the liability is joint and several.
- (4) The owners of land or a building on the land are liable for the fees or charges if:
 - (a) a member, with or without equipment, attends the land or building in response to an alarm installed for the protection of the land or building; and

-
- (b) there is in fact no fire or other emergency.
- (5) However, if the Director has entered into an agreement with the occupier of the land or building to monitor the alarm, the fees or charges are payable by the occupier.
- (6) The person who makes a call to the Fire and Rescue Service for attendance at a fire or other emergency at a place is liable for the fees or charges if:
- (a) a member, with or without equipment, attends at the place in response to the call; and
- (b) there is in fact no fire or other emergency at the place.
- (7) A regulation may prescribe other fees or charges payable under this Act, including fees and charges for performing a function under another Act.
- (8) Fees or charges payable in relation to land or a building on land is a statutory charge, as defined in section 4 of the *Land Title Act*, on the land.

12 Section 46 repealed

Section 46

repeal

13 Section 52 amended

Section 52, penalty provision

omit, insert

Maximum penalty: 100 penalty units or imprisonment for 2 years.

14 Section 53 replaced

Section 53

repeal, insert

53 Continuing offence

- (1) This section applies if a court has found a person guilty of an offence against this Act.

-
- (2) The court may, in addition to any penalty imposed for the offence, impose a penalty not exceeding 5 penalty units for each day during which the offence continues after the day the offence is committed.

15 Section 54 amended

- (1) Section 54(1)

omit, insert

- (1) The Administrator may make regulations under this Act.

- (2) Section 54(2)

omit

all the words from "Without" to "provide for:"

insert

The regulations may provide for the following:

- (3) Section 54(2)(j)

omit, insert

(j) apply, adopt or incorporate (with or without changes) the whole or part of a document as in force or existing at a particular time or from time to time;

(k) an offence against a regulation to be a regulatory offence.

- (4) Section 54(2)(i)

omit (last reference)

or

- (5) Section 54(3)

omit

16 Sections 55 and 56 repealed

Sections 55 and 56

repeal

17 Act further amended

The Schedule has effect.

Schedule Act further amended

section 17

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, at the end		matters
section 3(1), definition Chief Executive Officer	and includes the person holding office under section 56(5)	
section 3(1), definition emergency response area	, or deemed under section 56,	
section 3(1), definitions emergency , paragraph (a)(ii), flammable or combustible material , paragraph (a)(i), and member , paragraph (a), at the end		or
section 3(1), definition fire and emergency response group	or 56	
section 3(1), definition police officer	whole definition	
section 3(1), definition vehicle , paragraph (a), at the end		and
section 3(2)(a), at the end		or
section 4(1)	notice in the <i>Gazette</i>	<i>Gazette</i> notice

sections 7(2), 11(2), 12(1), 13(2) and (3), 14(2), 16(2), 18, 19(2), 20(1) and (6), 21(1) and (2), 22(3) to (5), 23(2), 28, 30(1), (3), (5) and (6), 31(3), 32, 34(2) and (3), 36(1), (3) and (5), 37, 38(1) and (2), 39, 40 and 51(1)	shall <i>(all references)</i>	must
sections 8(2)(a) to (f) and 12(1)(a), at the end		and
section 15	shall not be	is not
section 16(1)	shall	may
section 17(2)(a) to (c), at the end		and
section 19(1)(c)	shall exercise the powers and perform the	has the powers and
section 20(2)	may:	may exercise any of the following powers:
section 20(2)(o)	; or	;
section 20(5)	shall not be	is not
section 21(1)	by:	by any of the following:
section 21(1)(b)	; or	;
section 22(6)	shall be	is
section 23(2)(a), at the end		or
section 23(3)	offence:	offence, exercise any of the following powers:
section 23(3)(b)	; and	;
section 24(1) and (2)	may:	may exercise any of the following powers:

section 24(1)(a) and (2)(d)	; and	;
section 27(1)(b)	thereto,	to the place;
section 27(1)	shall, subject to subsection (2), be	is, subject to subsection (2),
section 27A(1)(b)	time,	time;
section 29(a), at the end		or
section 30(5)	prescribed	approved
section 30(6)(a)	or fail to comply with	
section 31(2)	may:	may provide as follows:
section 31(2)(a)	and/or	
section 34, heading	, &c.	etc.
section 34(1)	direction:	direction, exercise any of the following powers:
section 34(1)(b)	; and	;
section 35(1)(k)	emergency,	emergency;
sections 35(1)(a)(ii), (b) to (e), (f)(ii), (g) and (h) and 40(a), at the end		or
section 40(c)	from,	from;
Part 7, heading, at the end		matters
section 41(1)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 41(3)	member (<i>all references</i>)	person
section 42	shall be	is
section 47	shall not power of	cannot power or
section 49	shall be	is

section 50(1)	(1) In	In
section 50(a) to (c), at the end		or
section 50(e)	member,	member;
section 52	or fails to comply with	
