

NORTHERN TERRITORY OF AUSTRALIA
FIRE SERVICE AMENDMENT ACT 1988

No. 14 of 1988

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NORTHERN TERRITORY OF AUSTRALIA

No. 14 of 1988

AN ACT

to amend the *Fire Service Act*

[Assented to 15 June 1988]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Fire Service Amendment Act 1988*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Fire Service Act* is in this Act referred to as the Principal Act.

4. REPEAL AND SUBSTITUTION

Section 72 of the Principal Act is repealed and the following substituted:

"72. DIRECTOR MAY DESPATCH MEMBERS TO FIRE OR EMERGENCY

"The Director, or a person authorized by the Director to exercise the power conferred by this section, may direct one or more members of the Fire Service to proceed to any location at which there is or is thought to be a fire or emergency, with such fire-fighting equipment as the Director or other person giving the direction thinks fit, for the purpose of extinguishing or dealing with the fire or emergency if any."

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5. POWERS OF SENIOR MEMBER AT FIRE OR EMERGENCY

Section 73 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) The senior member who is directed to a location under section 72 shall proceed there promptly and, in the event of there being a fire or emergency, shall -

- (a) try by such practicable means as he thinks fit to control and extinguish the fire or deal with the emergency, and to protect and save life and property; and
- (b) for those purposes, control and direct such other members as have also been directed to the location, and any person who voluntarily places his services at his disposal."

6. REPEAL AND SUBSTITUTION

Section 95 of the Principal Act is repealed and the following substituted:

"95. FEES FOR ATTENDING FIRES AND EMERGENCIES

"(1) Subject to subsection (4), where a member, with or without fire-fighting equipment, has attended a fire or emergency pursuant to a direction under section 72, such of the fees prescribed for the purposes of this section as are relevant in the circumstances shall be -

- (a) payable in accordance with subsection (2); and
- (b) recoverable from the person or persons liable (liability being joint and several where there are 2 or more such persons) as a debt due and payable to the Territory.

"(2) The persons liable for the fee or fees referred to in subsection (1) are -

- (a) in the case of a fire or emergency which affected land or buildings, with or without other property - the owner or owners and occupier or 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; and
- (b) in any other case - 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.

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"(3) Subject to subsection (4), where -

(a) a member, with or without fire-fighting equipment, has attended land or premises pursuant to a direction given under section 72 in response to an alarm installed for the protection of the land or premises; and

(b) there was in fact no fire or emergency,

such of the fees prescribed for the purposes of this section as are relevant in the circumstances shall be payable by the occupier of the land or premises or, if there is no occupier, by their owner, and shall be recoverable as a debt due and payable to the Territory.

"(4) The Director has power, for and on behalf of the Territory, to waive fees that would otherwise be payable by virtue of subsection (1) or (3) in such cases, classes of cases or circumstances as he considers reasonable."

7. REGULATIONS

Section 101(2)(p) of the Principal Act is amended -

(a) by omitting "fees to be charged and the recovery of fees" and substituting "fees payable under section 95, and fees recoverable"; and

(b) by omitting "attendance at a fire or".