



**FIRE SERVICE AMENDMENT (MISCELLANEOUS)
ACT 1994**

No. 18 of 1994

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AN ACT to amend the *Fire Service Act 1979*

[Royal Assent 17 March 1994]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Fire Service Amendment (Miscellaneous) Act 1994*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Fire Service Act 1979** is referred to as the Principal Act.

Section 29 amended (Powers and functions of chief officers)

4—Section 29 of the Principal Act is amended by inserting after subsection (11) the following subsections:—

(12) In relation to an emergency involving the escape of a hazardous substance or a situation that involves imminent danger of such an escape, a brigade captain or chief officer has the same powers and functions as the brigade captain or chief officer has under this section in relation to a fire or potential fire.

(13) For the purposes of this section a hazardous substance is any substance declared to be dangerous goods by an order under the *Dangerous Goods Act 1976*.

Section 53 amended (Fire protected areas)

5—Section 53 of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:—

(2) The Commission, after consultation with the Hydro-Electric Commission and by notice published in the *Gazette*, may declare an area of land vested in or occupied by the Hydro-Electric Commission or required under the *Hydro-Electric Commission Act 1944* for hydro-electric works or purposes to be a fire protected area for the purposes of this Act.

* No. 35 of 1979. For this Act, as amended to 30 April 1981, see the continuing Reprint of Statutes. Subsequently amended by Nos. 73 and 74 of 1981, Nos. 9 and 10 of 1982, Nos. 22, 24, 61 and 88 of 1983, Nos. 29, 34 and 81 of 1984, Nos. 10, 31 and 51 of 1985, No. 60 of 1986, No. 79 of 1987, No. 64 of 1988, Nos. 2, 3, 5 and 44 of 1990, Nos. 42 and 46 of 1991, No. 38 of 1992 and Nos. 2, 6, 24, 59, 96 and 101 of 1993.

(3) An area of land declared under subsection (2) to be a fire protected area continues to be a fire protected area so long as it remains vested in or occupied by the Hydro-Electric Commission or is required for hydro-electric works or purposes.

(4) Any land that immediately before the commencement of the *Fire Service Amendment (Miscellaneous) Act 1994* was deemed to be a fire protected area ceases to be a fire protected area on the commencement of that Act.

Section 128 amended (Offences and penalties)

6—Section 128 (2) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

(a) is the owner or occupier of land and, on becoming aware of the existence of a fire on that land, fails to take reasonable measures to prevent the escape of the fire from that land;

[*Second reading presentation speech made in:—
House of Assembly on 24 February 1994
Legislative Council on 1 March 1994*]

