

ACT Fire & Rescue

Policy – AP 07

Request for non-payment of false alarm fee



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REQUEST FOR NON-PAYMENT OF FALSE ALARM FEE

1. PURPOSE

1.1. This policy is intended to provide a process for Automatic Fire Alarm Network Providers (AFANPs) applying for a determination by the Chief Officer of ACT Fire & Rescue (ACTF&R) in relation to non-payment of a false alarm fee.

2. LEGISLATION AND REFERENCES

- 2.1. Emergencies Act 2004, s201 (Determination of Fees)
- 2.2. Disallowable Instrument – Emergencies (Fees) Determination

3. APPLICATION

3.1. This policy applies to AFANPs and their clients who operate within the ACT.

4. POLICY

- 4.1. The Disallowable Instrument listed at point 2.2 authorises the Chief Officer ACTF&R to determine a fee is not payable.
- 4.2. A fee is not payable for a false alarm where, in the sole opinion of the Chief Officer ACTF&R, the alarm:
 - (i) Could not have been prevented by reasonable maintenance of the alarm system, as defined in the Emergencies Act 2004,
 - (ii) Was activated by circumstances beyond reasonable control of the “owner”, as defined in the Emergencies Act 2004.

4.3. An AFANP may lodge an application with ACTF&R seeking the Chief Officer's consideration and decision under the above provisions of the Instrument. Such applications:

- (i) Must be in writing
- (ii) Be signed and dated by a person employed by the AFANP with the appropriate authority to lodge the application
- (iii) State the signatory's name, position title and contact details
- (iv) Clearly state the details of the false alarm including:
 - a. The date of the alarm,
 - b. the location of the alarm,
 - c. the invoice number for the fee(s) applied by ACT Fire & Rescue,
 - d. and the amount of the fee(s) applied by ACT Fire & Rescue (GST inclusive)
 - e. Twelve (12) months of maintenance records in accordance AS 1851
- (v) Clearly state the provisions of the Instrument under which the Chief Officer's consideration and decision is sought
- (vi) Provide details of the circumstances of the alarm being triggered and set out a statement of reasons why the AFANP believes the circumstances warrant the Chief Officer's consideration for the fee not to be applied.
- (vii) Must be lodged within 180 days from the invoice date from ACT Government Shared Services to the AFANP.
- (viii) If the Chief Officer's determination is in favour of the applicant, a refund will be provided to the AFANP.

4.4. The Chief Officer will consider applications on a case by case basis.

4.5. The Chief Officer will advise the AFANP of their decision in writing within thirty (30) days of the receipt of the application from the AFANP.

4.6. The Chief Officer may request additional information to assist in reaching a decision, however it is incumbent on the AFANP to include all relevant details in their application.

4.7. Applications and requests for further information may be emailed to:

ACTFR.AFAManager@act.gov.au or posted to

ACT Fire & Rescue

ATTENTION: AFA Manager

GPO Box 158

Canberra

ACT 2601

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