

State Emergency and Rescue Management Amendment Bill 2005

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 *State Emergency and Rescue Management Act 1989* (the **Principal Act**):

- (a) to provide for the appointment of deputies to District Emergency Operations Controllers, and
- (b) to enable a police officer to be appointed as a Local Emergency Operations Controller if the officer is stationed in a district nearby to the district in which the local government area, for which the Controller is appointed, is located, and
- (c) to create an offence of manufacturing or selling the insignia (including uniforms) of an emergency services organisation (other than NSW Police), and
- (d) to create an offence of using or displaying the insignia of an emergency services organisation (other than NSW Police) with the intention to deceive, and
- (e) to create an offence of impersonating an officer of an emergency services organisation (other than NSW Police) with the intention to deceive, and
- (f) to make consequential amendments.

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.

Clause 3 is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

Clause 4 omits a redundant provision from the *Rural Fires Regulation 2002* as a consequence of the amendments in Schedule 1.

Schedule 1 Amendment of State Emergency and Rescue Management Act 1989

Schedule 1 [1], [2], [4] and [6]–[8] amend the Principal Act to update references to NSW Police.

Schedule 1 [3] amends section 24 of the Principal Act to allow a District Emergency Operations Controller to appoint a person to be his or her deputy to act during the absence, or vacancy in the office, of the District Emergency Operations Controller.

Schedule 1 [5] amends section 30 of the Principal Act (which currently provides that a person appointed as a Local Emergency Operations Controller must be a police officer stationed within the district in which the local government area for which the Controller is appointed is located) to allow for the appointment of an officer stationed in a nearby district.

Schedule 1 [9] inserts proposed section 63B into the Principal Act which creates new offences.

Firstly, the proposed section makes it an offence (maximum penalty: \$5,500) for a person to manufacture or sell the insignia (which includes a uniform) of an emergency services organisation (other than NSW Police).

Secondly, the proposed section makes it an offence (maximum penalty: \$5,500) for a person to use or display the insignia of an emergency services organisation (other than NSW Police), or to impersonate an emergency services organisation officer, with the intention to deceive.

A person is not guilty of an offence under the proposed section if the person's conduct is authorised, if the person establishes that the conduct is for a public

entertainment or if the person establishes that the person has a reasonable excuse.