



New South Wales

# Rural Fires Amendment Bill 2010

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to provide for the designation of neighbourhood safer places, being places identified by the Commissioner of the NSW Rural Fire Service as places where it may be safe to shelter from a bush fire.

## 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 to the proposed Act.

## **Schedule 1      Amendment of Rural Fires Act 1997 No 65**

### **Amendments relating to neighbourhood safer places**

**Schedule 1 [5]** inserts proposed Part 3A (proposed sections 62B–62H). The proposed Part provides for the designation of neighbourhood safer places and for the removal of such designations.

The Commissioner may, by notice in writing to the owner or occupier of land or a building, designate the land or building to be a neighbourhood safer place. In the case of land owned or occupied by a person other than a public authority, such a designation may only be made with the consent of the owner or occupier concerned.

The land or building ceases to be a neighbourhood safer place if the designation is removed by the Commissioner (either because the Commissioner is satisfied that the land or building is no longer required as a shelter in the event of a bush fire or the owner or occupier requests that the designation be removed) or the owner or occupier of the land who consented to the land or building being designated as a neighbourhood safer place ceases to be the owner or occupier of the land or building concerned.

Proposed section 62G provides that the Commissioner may erect a sign on a neighbourhood safer place indicating that it is a neighbourhood safer place. A person must not, without reasonable excuse, damage, remove or interfere with any such sign.

Proposed section 62H provides that the Crown, rather than the owner or occupier, assumes liability for the death of, or injury to, a person arising from the use of the designated neighbourhood safer place as a shelter from a bush fire.

**Schedule 1 [7]** makes a consequential amendment.

**Schedule 1 [4]** provides that the Bush Fire Management Committee must consider any neighbourhood safer places in the area when preparing a bush fire risk management plan.

**Schedule 1 [6]** extends the current exemptions from certain provisions of the *Environmental Planning and Assessment Act 1979* for emergency bush fire hazard reduction work to include hazard reduction work that is required to be carried out on neighbourhood safer places.

### **Miscellaneous amendments**

**Schedule 1 [1]** provides that the functions of the NSW Rural Fire Service include issuing public warnings about bush fires and bush fire threats.

**Schedule 1 [3]** makes provision for an additional member to be included in the Bush Fire Co-ordinating Committee. The additional member is to be a member of staff of the Minerals and Energy Division—Energy Sector of the Department of Industry and Investment. **Schedule 1 [2]** makes a consequential amendment.

First print



New South Wales

# Rural Fires Amendment Bill 2010

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New South Wales

# Rural Fires Amendment Bill 2010

No. , 2010

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## **A Bill for**

An Act to amend the *Rural Fires Act 1997* to provide for the designation of neighbourhood safer places; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Rural Fires Amendment Act 2010</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5

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<b>Schedule 1</b>	<b>Amendment of Rural Fires Act 1997</b>	1
	<b>No 65</b>	2
<b>[1]</b>	<b>Section 9 Functions of Service</b>	3
	Insert after section 9 (1) (a):	4
	(a1) to issue public warnings about bush fires and bush fire threats in the State for the purpose of protecting life and property,	5 6 7
<b>[2]</b>	<b>Section 47 Membership and procedure of Bush Fire Co-ordinating Committee</b>	8 9
	Omit “13” from section 47 (1). Insert instead “14”.	10
<b>[3]</b>	<b>Section 47 (1) (c)</b>	11
	Omit the paragraph. Insert instead:	12
	(c) two members of staff of the Department of Industry and Investment nominated by the Director-General of that Department, at least one of whom is a member of staff of the Minerals and Energy Division—Energy Sector of that Department,	13 14 15 16 17
<b>[4]</b>	<b>Section 54 Content of draft bush fire risk management plan</b>	18
	Insert after section 54 (2):	19
	(3) The Bush Fire Management Committee must, when preparing a draft bush fire risk management plan for a rural fire district or other part of the State, consider the number and location of neighbourhood safer places in the rural fire district or other part of the State.	20 21 22 23 24
<b>[5]</b>	<b>Part 3A</b>	25
	Insert after section 62A:	26
	<b>Part 3A Neighbourhood safer places</b>	27
<b>62B</b>	<b>Definitions</b>	28
	In this Part:	29
	<i>place</i> means land or building.	30
<b>62C</b>	<b>Designation of neighbourhood safer places</b>	31
	(1) The Commissioner may, by notice in writing to the owner or occupier of a place, designate a place as a place that may be	32 33

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	suitable for people to shelter from a bush fire (a <i>neighbourhood safer place</i> ).	1 2
(2)	A place (other than a place owned or occupied by a public authority) must not be designated as a neighbourhood safer place unless:	3 4 5
	(a) the owner of the place has consented, in writing, to the designation, and	6 7
	(b) if the occupier of the place is not the owner, the occupier of the place has consented, in writing, to the designation.	8 9
<b>62D</b>	<b>Commissioner to inspect neighbourhood safer places</b>	10
(1)	The Commissioner must conduct annual inspections of each neighbourhood safer place and determine whether the place remains suitable for designation as a neighbourhood safer place.	11 12 13
(2)	For the purposes of conducting such an inspection, the Commissioner may enter during the daytime any part of the place (other than a dwelling-house) that it is necessary to inspect in order to make that determination.	14 15 16 17
(3)	If the Commissioner finds that a bush fire hazard exists on a neighbourhood safer place (other than a place owned or occupied by a public authority) or land (other than land owned or occupied by a public authority) adjoining a neighbourhood safer place, the Commissioner may:	18 19 20 21 22
	(a) direct a hazard management officer to serve a notice under section 66 on the owner or occupier of the place or adjoining land if no bush fire hazard reduction notice has been served on the owner or occupier of the place or land, or	23 24 25 26 27
	(b) subject to sections 67 and 68, exercise his or her powers under section 70 in respect of the place or land if a bush fire hazard reduction notice has been served on the owner or occupier of the place or land.	28 29 30 31
(4)	If the Commissioner finds that a bush fire hazard exists on a neighbourhood safer place owned or occupied by a public authority or land owned or occupied by a public authority adjoining a neighbourhood safer place, the Commissioner may, by notice in writing served on the public authority, require it to carry out such bush fire hazard reduction work as is specified by the Commissioner.	32 33 34 35 36 37 38
(5)	If the public authority fails to carry out the specified work within a reasonable time after service of the notice, the Commissioner	39 40



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	may carry out bush fire hazard reduction work on the land under section 73.	1 2
<b>62E</b>	<b>Removal of designation as neighbourhood safer places</b>	3
(1)	The Commissioner may, by notice in writing to the owner and occupier of a place, remove the designation of a place as a neighbourhood safer place, but only if:	4 5 6
(a)	the Commissioner is satisfied that the land is no longer required as a neighbourhood safer place, or	7 8
(b)	in the case of a place other than a place owned or occupied by a public authority—the owner or occupier of the place applies, in writing, to the Commissioner to have the designation removed.	9 10 11 12
(2)	If the owner or occupier of a neighbourhood safer place applies to have the designation removed, the Commissioner is to remove the designation no later than 12 months after receiving the application.	13 14 15 16
(3)	A place ceases to be a neighbourhood safer place when:	17
(a)	the designation is removed by the Commissioner, or	18
(b)	the owner or occupier who consented to the place being a neighbourhood safer place ceases to be the owner or occupier of the place.	19 20 21
<b>62F</b>	<b>Register of neighbourhood safer places</b>	22
(1)	The Commissioner is to keep a register of all neighbourhood safer places.	23 24
(2)	A copy of the register is to be published on the NSW Rural Fire Service website.	25 26
<b>62G</b>	<b>Neighbourhood safer places may be signposted</b>	27
(1)	The Commissioner may cause a signpost to be erected on a neighbourhood safer place for the purpose of identifying the place as a neighbourhood safer place.	28 29 30
(2)	A person must not, without reasonable excuse, damage, remove or interfere with a signpost referred to in subsection (1) that is located on a neighbourhood safer place. Maximum penalty: 10 penalty units.	31 32 33 34

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<b>62H</b>	<b>Protection from personal liability for owners of neighbourhood safer places</b>	1
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(1)	The owner or occupier of a neighbourhood safer place is not liable for the death of, or injury to, any person arising from the use of the neighbourhood safer place as a shelter from a bush fire.	3
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(2)	Any liability for the death of, or injury to, a person arising from the use of a neighbourhood safer place as a shelter from a bush fire that would, but for subsection (1), attach to the owner or occupier of land attaches instead to the Crown.	6
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		9
<b>[6]</b>	<b>Section 100C Carrying out of bush fire hazard reduction work</b>	10
	Insert after section 100C (5):	11
(6)	Bush fire hazard reduction work carried out in accordance with a bush fire hazard reduction notice on a neighbourhood safer place or land adjacent to a neighbourhood safer place is deemed to be emergency bush fire hazard reduction work for the purposes of this section.	12
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<b>[7]</b>	<b>Dictionary</b>	17
	Insert in alphabetical order:	18
	<i>neighbourhood safer place</i> means land or a building designated as a neighbourhood safer place under section 62C.	19
		20