

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2023
STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Emergency Services Legislation Amendment Bill 2023 proposes miscellaneous changes to emergency services legislation to streamline and simplify emergency and rescue management arrangements. The changes are needed for the following reasons:

- the proposed amendment to the *Fire and Rescue NSW Act 1989* will clarify that the Commissioner, in the exercise of the Commissioner's functions, is subject to the control and direction of the Minister. This change is consistent with other Acts including the *State Emergency and Rescue Management Act 1989*, the *Rural Fires Act 1997* and *State Emergency Service Act 1989*.
- the *NSW Reconstruction Authority Act 2022* is being amended to clarify that the NSW Reconstruction Authority may direct a local council to take certain actions as prescribed by the regulations. The amendment clarifies that the NSWRA can direct local councils, like other relevant entities, to take action in the exercise of functions prescribed by the *NSW Reconstruction Authority Regulation 2023*. This power exists to remove red tape when urgent and immediate action is necessary to assist communities prepare for, prevent, respond to, and recover from disasters.
- the *Rural Fires Act 1997* is being amended to:
 - make the NSW Rural Fire Service Commissioner the 'local authority' for the Western Division for the purposes of the Act if no one else is appointed by the Minister and to permit the Commissioner to delegate that position and its functions. Local authorities have key functions relating to rural fire brigade administration and bush fire prevention. Currently the role is a Ministerial appointment which the Commissioner cannot delegate. This change will ensure that the Commissioner can delegate the role and functions to an appropriate officer or officers within the Rural Fire Service.
 - provide that the NSW Rural Fire Service only requires Transport for NSW's permission to close roads or public places in relation to land or property affecting rail services. The *Transport Administration Amendment (Transport Entities) Act 2017* amended the list of rail authorities in the *Rural Fires Act 1997* to include Transport for NSW – because Transport for NSW also manages rail assets. However, as Transport for NSW is also a roads authority this widened the impact of section 27 to roads not associated with the operation of rail services– which appears to have been unintended and has created operational problems for the Rural Fire Service. The Bill resolves this issue by allowing the Rural Fire Service to close roads without seeking permission first. However, RFS will need to advise Transport for NSW as soon as practicable after a road is closed.
 - require the publication of Bush Fire Management Plans online. Bush Fire Management Plans have become increasingly detailed and are best viewed via the digital environment. The plans are available online via the NSW Rural Fire Service's website.
 - require applicants to confirm that necessary environmental and planning approvals have been obtained before a fire permit may be issued. Fire Permits help ensure that fire is used safely and that associated risks are mitigated. The permit system ensures the NSW RFS and relevant agencies know when and where landholders intend to burn, to ensure adequate and appropriate measures are in place, and so that fires remain under control.
- The *State Emergency and Rescue Management Act 1989* to:
 - refine the definition of 'Functional Areas' to enable additional Functional Areas to be defined in the State Emergency Management Plan. This change provides a clear means of defining new functional areas when needed and assists the emergency management framework to develop and grow over time.
 - allow the Minister to appoint representatives from relevant organisations on Local Emergency Management Committees. The proposed amendment will enable the Minister to make a determination to ensure that relevant organisations are represented on local committees when

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these issues cannot be resolved at the local level. This is consistent with the Minister's authority for Regional Emergency Management Committees.

- provide clarity regarding the formation and accreditation of multi-agency rescue units. The changes are intended to assist in expanding options for rescue service delivery, particularly in hard to service regional and remote areas where recruitment and retention of emergency services workers and volunteers is more difficult.
- permit the Minister to issue volunteer Employment Protection Orders for a period of up to 14 days. This change provides an additional means of ensuring that Employment Protection Orders can be made in a timely manner.
- repeal an unused provision regarding the provision of financial assistance to volunteer rescue agencies. This provision is no longer used. Volunteer rescue agencies receive funding contributions via funding agreements with appropriate agencies.

Objectives: What is the policy's objective couched in terms of the public interest?

The Government is committed to ensuring that the state's emergency management and rescue framework operates effectively. The amendments proposed in the Bill are minor but will assist in improving the state's emergency management and rescue arrangements so that services related to emergencies and disasters can be provided more quickly and efficiently.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Bill's amendments address specific issues with legislation, so cannot be addressed via alternative mechanisms.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The Bill does not impose any appreciable cost or burden on the public or any group of the public. As such, no alternative policies and mechanisms have been considered or analysed.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

If enacted, the Bill will commence on assent. The Minister for Emergency Services is responsible for administering each Act being amended.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

A number of government agencies were consulted in the development of the proposal and Bill: NSW Rural Fire Service, NSW State Emergency Service, Department of Planning and Environment, Office of Local Government, NSW Reconstruction Authority, Transport for NSW, and Fire and Rescue NSW.