



New South Wales

Emergency Services Legislation Amendment Bill 2023

Explanatory note

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

Overview of Bill

The object of this Bill is to make miscellaneous amendments to emergency services legislation.

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 Fire and Rescue NSW Act 1989 No 192

Schedule 1 provides that the Commissioner of Fire and Rescue NSW, in exercising the Commissioner's functions, is subject to the control and direction of the Minister for Emergency Services.

Schedule 2 Amendment of NSW Reconstruction Authority Act 2022 No 80

Schedule 2 clarifies that a direction given to a relevant entity, as defined in the *NSW Reconstruction Authority Act 2022*, Schedule 4, to take certain action in the exercise of the entity's functions as prescribed by the regulations may also be given to a local council and other planning authorities.

Schedule 3 Amendment of NSW Reconstruction Authority Regulation 2023

Schedule 3 makes changes consequent on the amendment to the NSW Reconstruction Authority Act 2022 in Schedule 2.

Schedule 4 Amendment of Rural Fires Act 1997 No 65

Schedule 4[1] provides that, where a person has not been appointed by the Minister for Emergency Services, the Commissioner of the NSW Rural Fire Service is the local authority for the *Rural Fires Act 1997* for land within the Western Division that is not within a local government area. **Schedule 4[2] and [3]** make consequential amendments. **Schedule 4[4]** permits the Commissioner of the NSW Rural Fire Service to delegate certain functions of being the local authority to a member of the NSW Rural Fire Service when acting as the local authority under section 7A, as amended.

Schedule 4[5] provides that the NSW Rural Fire Service only requires permission from Transport for NSW to close roads or public spaces in relation to land or property if rail services would be affected. Proposed section 27(3) requires a member of the NSW Rural Fire Service to advise Transport for NSW about a closure under section 24 in relation to land or property vested in, or under the control of, Transport for NSW effected without the permission of Transport for NSW as soon as practicable after the closure.

Schedule 4[6] requires bush fire management plans or draft bush fire management plans to be published on the NSW Rural Fire Service website or another NSW Government website decided by the Commissioner of the NSW Rural Fire Service to facilitate public inspection.

Schedule 4[7] specifies that applicants for fire permits are responsible for confirming that all necessary environmental approvals have been obtained before an appropriate authority may issue a fire permit.

Schedule 5 Amendment of State Emergency and Rescue Management Act 1989 No 165

Schedule 5[1] and [2] expand the definition of *functional area* to include another category of services described as a functional area in the State Emergency Management Plan.

Schedule 5[3] allows the Minister for Emergency Services to appoint a representative of each organisation that the Minister determines should be represented on a Local Emergency Management Committee.

Schedule 5[5]–[9] ensure the Act does not include language that limits the establishment, operation and accreditation of multi-agency rescue units. **Schedule 5[4]** makes minor style changes.

Schedule 5[10] repeals a redundant provision relating to the provision of financial assistance to volunteer rescue agencies.

Schedule 5[12] allows the Minister for Emergency Services to issue a volunteer employment protection order. **Schedule 5[13]** provides for the period an order remains in force and for the revocation of an order made by the Minister. **Schedule 5[11]** makes a consequential amendment.