



New South Wales

Emergency Services Legislation Amendment Bill 2026

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 the following Acts—

- (a) the *Fire and Rescue NSW Act 1989*,
- (b) the *NSW Reconstruction Authority Act 2022*,
- (c) the *Rural Fires Act 1997*,
- (d) the *State Emergency and Rescue Management Act 1989*.

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[1] substitutes the *Fire and Rescue NSW Act 1989*, section 79, to clarify the power of the Minister to acquire land for fire brigade premises.

Schedule 1[2] inserts a proposed savings provision stating that the substitution of section 79 does not affect the validity of an acquisition of land prior to the substitution.

Schedule 2 Amendment of NSW Reconstruction Authority Act 2022 No 80

Schedule 2[1] and [2] amend the description of the NSW Reconstruction Authority's (the *Authority*) functions in the *NSW Reconstruction Authority Act 2022 (the Act)*, section 10, so that—

- (a) funding schemes administered by the Authority includes consideration of the betterment of physical infrastructure, and
- (b) the functions of the Authority include conducting or facilitating training activities or disaster recovery exercises.

Schedule 2[4] inserts proposed section 68(4A), which requires the Minister to consult the Minister administering the *Environmental Planning and Assessment Act 1979* (the *Planning Minister*) before making a Ministerial authorisation under the Act, section 68. **Schedule 2[5]** substitutes the Act, section 68(6) so that failure by the Minister to consult the Planning Minister as required by proposed section 68(4A) does not invalidate or affect a Ministerial authorisation. **Schedule 2[3]** makes a consequential amendment.

Schedule 2[6] inserts proposed section 91A, which requires the Authority to report on the exercise of certain functions under the Act. A report prepared by the Authority under the proposed section must be given to the Minister, and the Minister must table the report in each House of Parliament.

Schedule 2[7], [8] and [11] update references to the Joint Parliamentary Committee (the *Committee*).

Schedule 2[9] omits provisions of the Act relating to the Committee's review functions. **Schedule 2[10]** inserts proposed sections 93A and 93B to provide for a further statutory review of the Act and a review of the Authority's exercise of functions in relation to disasters. For clarity, proposed section 93B provides that a review of the Authority's functions in relation to disasters may consider the Authority's exercise of functions related to disaster prevention, preparedness and adaptation in relation to a disaster.

Schedule 3 Amendment of Rural Fires Act 1997 No 65

Schedule 3[1] removes the capacity for NTSCorp Limited to nominate a person as a member of the Bush Fire Co-ordinating Committee and instead allows a person to be nominated by the Minister on the recommendation of the Minister for Aboriginal Affairs and Treaty.

Schedule 3[2] omits a redundant provision about the NSW Bushfire Inquiry.

Schedule 4 Amendment of State Emergency and Rescue Management Act 1989 No 165

Schedule 4[1] defines *prescribed organisation* as an organisation prescribed by the regulations.

Schedule 4[2] and [3] apply the *State Emergency and Rescue Management Act 1989*, Part 3A, and section 62 to prescribed organisations as well as emergency services organisations. The relevant provisions provide for employment protections for volunteer workers and limit personal liability.



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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Emergency Services Legislation Amendment Bill 2026

No. _____, 2026

A Bill for

An Act to make miscellaneous amendments to the *Fire and Rescue NSW Act 1989*, the *NSW Reconstruction Authority Act 2022*, the *Rural Fires Act 1997* and the *State Emergency and Rescue Management Act 1989*.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Emergency Services Legislation Amendment Act 2026*.

3

2 Commencement

4

This Act commences on the date of assent to this Act.

5

Schedule 1	Amendment of Fire and Rescue NSW Act 1989 No 192	1
		2
[1] Section 79		3
Omit the section.		4
Insert instead—		5
79 Acquisition of land by Minister		6
(1) The Minister may acquire land for fire brigade premises.		7
(2) Land may be acquired by—		8
(a) agreement, or		9
(b) compulsory process in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .		10
(3) For the <i>Public Works and Procurement Act 1912</i> —		12
(a) the acquisition of land under this section is taken to be an authorised work, and		13
(b) the Minister is taken to be the Constructing Authority for the authorised work.		15
(4) The <i>Public Works and Procurement Act 1912</i> , Part 3 does not apply to or in relation to works constructed under this Act.		17
		18
[2] Schedule 4 Savings and transitional provisions		19
Insert at the end of the schedule, with appropriate part numbering—		20
Part	Provision relating to Emergency Services Legislation Amendment Act 2026	21
		22
1 Acquisition of land by Minister		23
(1) The substitution of section 79 by the amending Act does not affect the validity of an acquisition of land prior to the commencement of the amending Act, Schedule 1[1].		24
		25
		26
(2) In this clause—		27
<i>amending Act</i> means the <i>Emergency Services Legislation Amendment Act 2026</i> .		28
<i>land</i> includes an interest in land.		29
		30

Schedule 2	Amendment of NSW Reconstruction Authority Act 2022 No 80	1
		2
[1] Section 10 Functions		3
	Insert “including consideration of betterment of physical infrastructure,” after “reconstruction,” in section 10(1)(m).	4 5
[2] Section 10(1)(q1)		6
	Insert after section 10(1)(q)—	7
	(q1) to conduct or facilitate training activities and disaster recovery exercises,	8 9
[3] Section 68 Ministerial authorisations		10
	Omit “subsection (3)” from section 68(2)(a).	11
	Insert instead “subsections (3) and (4A)”.	12
[4] Section 68(4A)		13
	Insert after section 68(4)—	14
	(4A) The Minister may make a Ministerial authorisation for subsection (3)(b)(ii) in relation to a declared project, reconstruction area or disaster prevention area only after consulting the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> .	15 16 17 18
[5] Section 68(6)		19
	Omit the subsection.	20
	Insert instead—	21
	(6) The authorisation of the undertaking of development by a Ministerial authorisation is not invalidated or affected by the following—	22 23
	(a) the Minister’s failure to consult the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> under subsection (4A),	24 25 26
	(b) the Authority’s failure to publish a Ministerial authorisation under subsection (5).	27 28
[6] Section 91A		29
	Insert after section 91—	30
91A Reporting on Authority’s functions		31
	(1) The Authority must prepare a report within 4 months after the end of each reporting year about the following—	32 33
	(a) the training activities and disaster recovery exercises conducted or facilitated by the Authority during the reporting year,	34 35
	(b) the Authority’s exercise of powers under Parts 5–7 during the reporting year.	36 37
	(2) The Authority must give a copy of the report to the Minister as soon as practicable after the report is prepared.	38 39
	(3) The Minister must ensure the report is tabled in each House of Parliament as soon as practicable after the Minister receives the report.	40 41

(4)	In this section—	1
	<i>reporting year</i> means a period of 12 months starting on 1 July.	2
[7]	Section 93, heading	3
	Omit the heading.	4
	Insert instead—	5
	93 Parliamentary Joint Committee	6
[8]	Section 93(1) and (2)	7
	Omit “Select” wherever occurring.	8
[9]	Section 93(3)–(5)	9
	Omit the subsections.	10
[10]	Sections 93A and 93B	11
	Insert after section 93—	12
	93A Statutory reviews	13
	(1) The Joint Committee must review this Act (a <i>statutory review</i>) to determine whether—	14
	(a) the policy objectives of the Act remain valid, and	15
	(b) the terms of the Act remain appropriate for securing the objectives.	16
	(2) A statutory review must be undertaken as soon as practicable after 30 November 2029.	17
	(3) A report on the outcome of a statutory review must be tabled in each House of Parliament before 30 November 2030.	18
		19
		20
		21
	93B Disaster reviews	22
	(1) The Joint Committee must review the Authority’s exercise of functions under this Act in relation to disasters (a <i>disaster review</i>).	23
	(2) A disaster review may—	24
	(a) relate to one or more disasters, and	25
	(b) consider the Authority’s exercise of functions relating to disaster prevention, preparedness and adaptation for a disaster to which the review relates.	26
	(3) A disaster review must be undertaken as soon as practicable after a disaster to which the review relates.	27
	(4) A report on the outcome of a disaster review must be tabled in each House of Parliament within 12 months after the review commences.	28
		29
		30
		31
		32
		33
[11]	Schedule 4 Dictionary	34
	Insert in alphabetical order—	35
	<i>Joint Committee</i> means the Parliamentary Joint Committee established in relation to the Authority under section 93.	36
		37

Schedule 3	Amendment of Rural Fires Act 1997 No 65	1
[1]	Section 47 Membership and procedure of Bush Fire Co-ordinating Committee	2
	Omit section 47(1)(o).	3
	Insert instead—	4
	(o) a person appointed by the Minister on the recommendation of the Minister for Aboriginal Affairs and Treaty,	5 6
[2]	Section 138 NSW Bushfire Inquiry—Ministerial progress reports	7
	Omit the section.	8

Schedule 4	Amendment of State Emergency and Rescue Management Act 1989 No 165	1
		2
[1] Section 3 Definitions		3
	Insert in alphabetical order in section 3(1)—	4
	<i>prescribed organisation</i> means an organisation prescribed by the regulations.	5
[2] Sections 60A(1), definition of “emergency operations”, 60B, 60G, 60H(1) and (3) and 62(2)		6
	Insert “or prescribed organisation” after “emergency services organisation” wherever occurring.	7
		8
		9
[3] Section 60D Order of Premier, Minister or authorised officer applying Part to emergency operation		10
	Omit “organisations” from section 60D(3)(b).	11
	Insert instead “prescribed organisation”.	12
		13