

Second print



New South Wales

Fire Services Joint Standing Committee Bill 1998

Contents

	Page
Part 1 Preliminary	
1 Name of Act	2
2 Commencement	2
3 Definitions	2
Part 2 Fire Services Joint Standing Committee	
4 Establishment of Committee	3
5 Functions of Committee	3
6 Chairperson and Deputy Chairperson	4

Fire Services Joint Standing Committee Bill 1998

Contents

	Page
Part 3 Miscellaneous	
7 Regulations	5
8 Review of Act	5
 Schedule 1 Provisions relating to members and procedure of Committee	 6

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.

*Clerk of the Legislative Assembly.
Legislative Assembly*



New South Wales

Fire Services Joint Standing Committee Bill 1998

Act No , 1998

An Act to establish a Fire Services Joint Standing Committee and to confer functions on the Committee; and for other purposes.

Clause 1 Fire Services Joint Standing Committee Bill 1998

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Fire Services Joint Standing Committee Act 1998*.

2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

3 Definitions

In this Act:

Committee means the Fire Services Joint Standing Committee established by this Act. 10

exercise a function includes perform a duty.

function includes a power, authority or duty.

Part 2 Fire Services Joint Standing Committee

4 Establishment of Committee

- (1) There is established by this Act a Fire Services Joint Standing Committee.
- (2) The Committee is to consist of 6 members as follows: 5
 - (a) the Commissioner of New South Wales Fire Brigades,
 - (b) the Commissioner of the NSW Rural Fire Service,
 - (c) a member of staff of New South Wales Fire Brigades nominated from time to time by the Commissioner of New South Wales Fire Brigades, 10
 - (d) a member of the NSW Rural Fire Service nominated from time to time by the Commissioner of the NSW Rural Fire Service,
 - (e) a person appointed by the Minister on the recommendation of the NSW Fire Brigade Employees' Union, 15
 - (f) a person appointed by the Minister on the recommendation of the NSW Rural Fire Service Association.
- (3) Schedule 1 has effect with respect to the members and procedure of the Committee.

5 Functions of Committee 20

- (1) The Committee has the following functions:
 - (a) to develop and submit to the Minister strategic plans for the delivery of comprehensive, balanced and co-ordinated urban and rural fire services at the interface of fire district boundaries and rural fire district boundaries, 25
 - (b) to review periodically the boundaries of fire districts and rural fire districts and, if it considers it appropriate, to make recommendations to the Minister concerning those boundaries,
 - (c) to develop and submit to the Minister implementation strategies to minimise duplication and maximise compatibility between the services of New South Wales Fire Brigades and the services of the NSW Rural Fire Service, with particular reference to the following areas: 30

- (i) infrastructure planning,
 - (ii) training activities,
 - (iii) community education programs,
 - (iv) equipment design,
 - (d) to report to the Minister on any matter referred to the Committee by the Minister and, if it considers it appropriate, to make recommendations to the Minister concerning that matter, 5
 - (e) such other functions as are conferred or imposed on the Committee by or under this or any other Act. 10
- (2) In this section:

fire district has the meaning given to it by the *Fire Brigades Act 1989*.

rural fire district has the meaning given to it by the *Rural Fires Act 1997*. 15

6 Chairperson and Deputy Chairperson

- (1) There is to be a Chairperson and a Deputy Chairperson of the Committee.
- (2) The positions of Chairperson and Deputy Chairperson are to be rotated between the Commissioner of New South Wales Fire Brigades and the Commissioner of the NSW Rural Fire Service as follows: 20
 - (a) the Commissioner of New South Wales Fire Brigades is to be the first Chairperson of the Committee, and the Commissioner of the NSW Rural Fire Service is to be the first Deputy Chairperson of the Committee, 25
 - (b) at each subsequent meeting of the Committee, the positions of Chairperson and Deputy Chairperson of the Committee are to be rotated between the Commissioner of New South Wales Fire Brigades and the Commissioner of the NSW Rural Fire Service. 30

Part 3 Miscellaneous

7 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. 5

8 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. 10
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years. 15

Schedule 1 Provisions relating to members and procedure of Committee

(Section 4 (3))

1 Definitions

In this Schedule:

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appointed member means a member of the Committee appointed by the Minister.

Chairperson means the Chairperson of the Committee.

Deputy Chairperson means the Deputy Chairperson of the Committee.

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member means a member of the Committee.

2 Terms of office of members

Subject to this Schedule, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

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3 Remuneration

An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

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4 Deputies

(1) A member (other than an appointed member) may, from time to time, appoint a person to be the member's deputy, and may revoke any such appointment.

(2) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

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(3) The deputy of a member appointed on the recommendation of a particular body, group or person is to be appointed on the recommendation of that body, group or person.

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(4) In the absence of a member, the member's deputy may, if available, act in the place of the member.

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- (5) While acting in the place of a member, a person:
 - (a) has all the functions of the member and is taken to be a member, and
 - (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person. 5
 - (6) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.
 - (7) This clause does not operate to confer on a deputy of a member who is the Chairperson or the Deputy Chairperson the member's functions as Chairperson or Deputy Chairperson. 10

5 Vacancy in office of appointed member

- (1) The office of an appointed member becomes vacant if the member:
 - (a) dies, or 15
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the *Public Sector Management Act 1988*, or 20
 - (e) is absent from 3 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or by post, except on leave granted by the Chairperson or unless the member is excused by the Chairperson for having been absent from those meetings, or 25
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or 30
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable. 35

- (2) The Minister may at any time remove an appointed member from office.

6 Filling of vacancy in office of appointed member

If the office of any appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy. 5

7 Chairperson and Deputy Chairperson

- (1) In the absence of the Chairperson, the Deputy Chairperson may, if available, act in the place of the Chairperson.
- (2) While acting in the place of the Chairperson, the Deputy Chairperson has all the functions of the Chairperson and is taken to be the Chairperson. 10

8 Effect of certain other Acts

- (1) Part 2 of the *Public Sector Management Act 1988* does not apply to or in respect of the appointment of a member.
- (2) If by or under any Act provision is made: 15
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
- (b) prohibiting the person from engaging in employment outside the duties of that office, 20
- the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.
- (3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown. 25

9 General procedure

The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Committee. 30

10 Quorum

The quorum for a meeting of the Committee is 4 members.

11 Presiding member

- (1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson) is to preside at a meeting of the Committee. 5
- (2) In the absence of both the Chairperson and Deputy Chairperson, another member of the Committee elected by the members present at a meeting of the Committee is to preside at the meeting of the Committee. 10

12 Voting

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.

13 Subcommittees 15

- (1) The Committee may establish subcommittees to assist the Committee in the exercise of its functions.
- (2) The procedure for calling meetings of a subcommittee and for the conduct of those meetings is to be determined by the Committee or, subject to any determination by the Committee, by the subcommittee. 20
- (3) The Committee may delegate to a subcommittee any of the functions of the Committee, other than this power of delegation.

14 Transaction of business outside meetings or by telephone

- (1) The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee. 25

Fire Services Joint Standing Committee Bill 1998

Schedule 1 Provisions relating to members and procedure of Committee

- (2) The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members. 5
- (3) For the purposes of:
- (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (2),
- the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Committee. 10
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Committee.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned. 15

15 First meeting

The Minister may call the first meeting of the Committee in such manner as the Minister thinks fit.