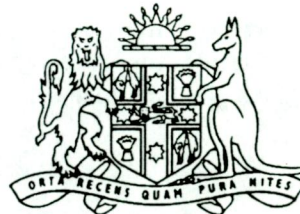


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New South Wales

Fire Services Legislation Amendment Bill 1998

Explanatory note

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

This Bill is cognate with the *Fire Services Joint Standing Committee Bill 1998*.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Fire Brigades Act 1989* to require the Commissioner of New South Wales Fire Brigades to have regard to principles of ecologically sustainable development in carrying out any function that affects the environment, and
 - (b) to amend the *Rural Fires Act 1997*:
 - (i) to require a Bush Fire Management Committee to be established for the area of a local authority that is constituted as a fire district under that Act if there is a reasonable risk of bush fires in that area, and
-

- (ii) to extend the period within which a Bush Fire Management Committee is required to prepare and submit draft bush fire management plans to the Bush Fire Co-ordinating Committee, and
- (iii) for the purpose of effecting statute law revision.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendment to the *Fire Brigades Act 1989* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Rural Fires Act 1997* set out in Schedule 2.

Schedule 1 Amendment of Fire Brigades Act 1989

Schedule 1 inserts new section 10A in the *Fire Brigades Act 1989*, which requires the Commissioner of New South Wales Fire Brigades to have regard to principles of ecologically sustainable development described in the *Protection of the Environment Administration Act 1991* in carrying out any function that affects the environment.

Schedule 2 Amendment of Rural Fires Act 1997

Bush Fire Management Committees

At present, section 50 of the *Rural Fires Act 1997* allows the Bush Fire Co-ordinating Committee to constitute a Bush Fire Management Committee for the area of a local authority that is constituted solely as a fire district. **Schedule 2 [1]** amends section 50 to *require* a Bush Fire Management Committee to be established for the area of a local authority that is constituted as a fire district if there is a reasonable risk of bush fires in that area. **Schedule 2 [2]** is a consequential amendment.

Schedule 2 [3] extends the period within which the first bush fire management plans must be submitted by a Bush Fire Management Committee from 3 months to 12 months after the Committee is constituted.

Minor amendments

At present, sections 67 and 68 of the *Rural Fires Act 1997* impose certain functions on the fire control officer for a local authority in connection with bush fire hazard reduction work. Not all local authorities appoint fire control officers. **Schedule 2 [4]–[8]** amend sections 67 and 68 to confer on local authorities the functions that are presently imposed on fire control officers. The amendments permit local authorities to delegate those functions to a fire control officer or an officer or member of a fire brigade.

Schedule 2 [12] and **[13]** make minor amendments for the purpose of clarifying the definitions of *bush fire hazard reduction work* and *local authority* in the *Rural Fires Act 1997*.

Savings and transitional provisions

Schedule 2 [11] inserts savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 2 [9] and **[10]** allow the regulations to make provisions of a savings and transitional nature consequent on the enactment of the proposed Act.

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New South Wales

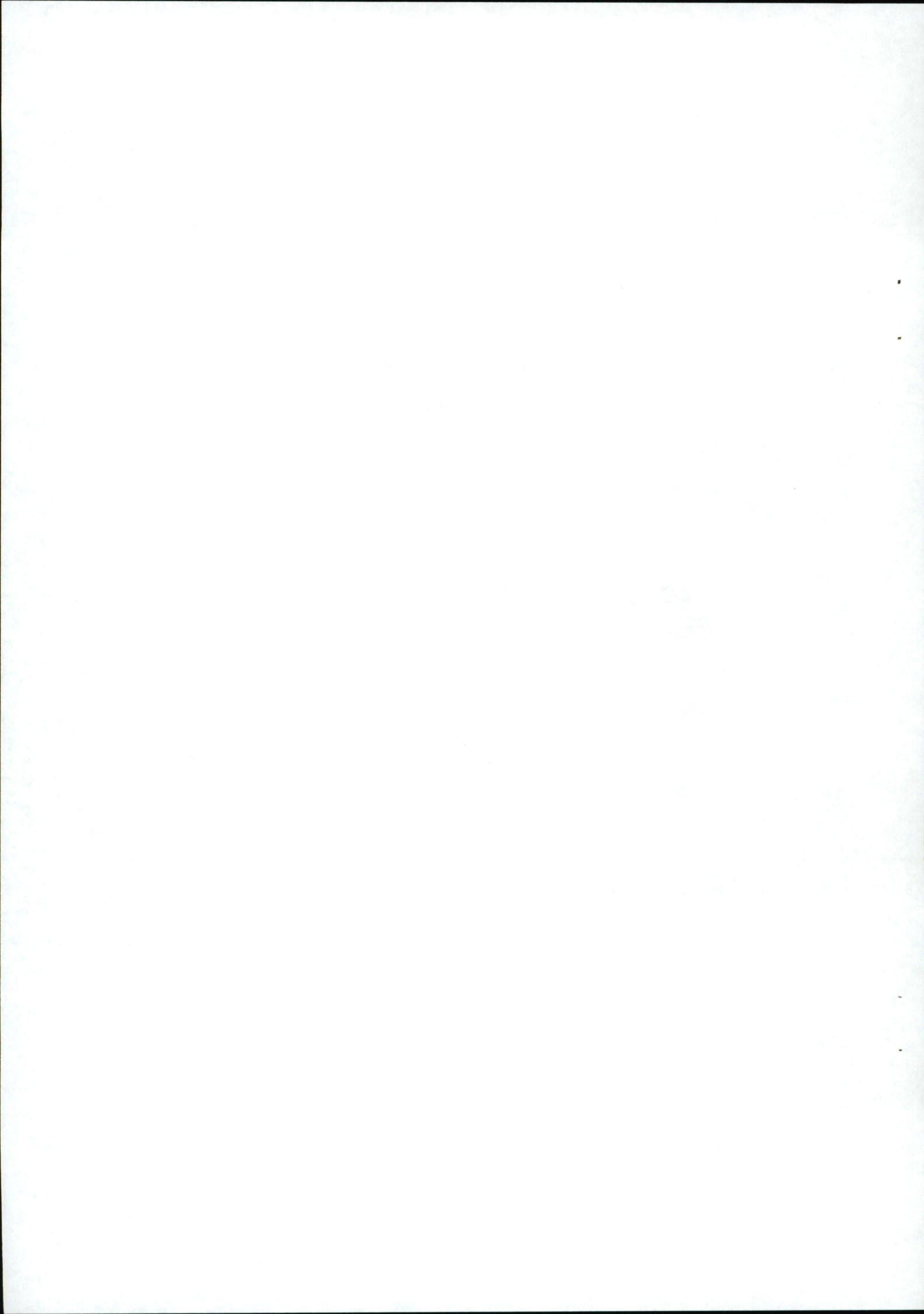
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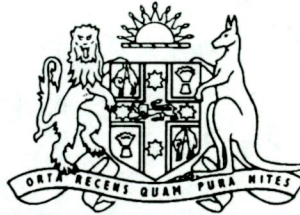
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New South Wales

Fire Services Legislation Amendment Bill 1998

No. , 1998

A Bill for

An Act to amend the *Fire Brigades Act 1989* and the *Rural Fires Act 1997* to make further provision with respect to protection of the environment and Bush Fire Management Committees; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fire Services Legislation Amendment Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Fire Brigades Act 1989 No 192

The *Fire Brigades Act 1989* is amended as set out in Schedule 1.

4 Amendment of Rural Fires Act 1997 No 65

The *Rural Fires Act 1997* is amended as set out in Schedule 2. 10

Schedule 1 Amendment of Fire Brigades Act 1989

(Section 3)

Section 10A

Insert after section 10:

10A Protection of environment

5

The Commissioner is to have regard to the principles of ecologically sustainable development described in section 6 (2) of the *Protection of the Environment Administration Act 1991* in carrying out any function that affects the environment.

10

Schedule 2 Amendment of Rural Fires Act 1997

(Section 4)

[1] Section 50 Bush Fire Management Committees

Insert after section 50 (1):

- (1A) The Bush Fire Co-ordinating Committee must constitute a Bush Fire Management Committee for the area of a local authority for which a fire district is constituted if there is a reasonable risk of bush fires in that area. 5

[2] Section 50 (2) and (3)

Omit the subsections. Insert instead: 10

- (2) The Bush Fire Co-ordinating Committee may constitute a Bush Fire Management Committee for a part of the State other than a rural fire district or a fire district.
- (3) Committees may be constituted for separate rural fire districts or groups of rural fire districts and for separate fire districts or groups of fire districts. 15

[3] Section 52 Bush Fire Management Committees to prepare plans

Omit "3 months" from section 52 (2).
Insert instead "12 months".

[4] Section 67 Objection to notices

20

Omit "the fire control officer for" from section 67 (1).

[5] Section 67 (2) and (3)

Omit "the fire control officer" wherever occurring.
Insert instead "the local authority".

[6] Section 67 (4)

Omit the subsection. Insert instead:

- (4) If the local authority confirms or varies the notice, the local authority must give the person who lodged the objection notice of its decision and must specify a time after the notice is given within which the person must comply with the notice as confirmed or varied. 5

[7] Section 67 (5) and (6)

Insert after section 67 (4):

- (5) A local authority may delegate any of its functions under this section (other than this power of delegation) as follows: 10
- (a) in relation to land that is situated in a rural fire district—to the fire control officer for the district,
- (b) in relation to land that is situated in a fire district—to an officer or member of a fire brigade. 15
- (6) Any act, matter or thing done by such a delegate of the local authority for the purposes of this section is taken to have been done by the local authority.

[8] Section 68 Appeal against notices 20

Omit “the fire control officer” from section 68 (1) (a).
Insert instead “the local authority”.

[9] Schedule 3 Savings and transitional provisions

Omit “this Act” from clause 1 (1). Insert instead:

the following Acts: 25

this Act

Fire Services Legislation Amendment Act 1998

[10] Schedule 3, clause 1 (2)

Omit "to this Act". Insert instead "to the Act concerned".

[11] Schedule 3, Part 3

Insert after Part 2 of Schedule 3:

Part 3 Provisions consequent on enactment of Fire Services Legislation Amendment Act 1998 5

12 Preparation of bush fire management plans

The amendment made to section 52 by the *Fire Services Legislation Amendment Act 1998* extends to any Bush Fire Management Committee constituted before the commencement of that amendment. 10

13 Bush fire prevention—actions by fire control officers

Any act, matter or thing done by or with respect to a fire control officer of a local authority for the purposes of section 67 before the commencement of the amendments made to that section by the *Fire Services Legislation Amendment Act 1998* is taken, to the extent that it has effect after those amendments commence, to have been done by or with respect to the local authority. 15

[12] Dictionary, definition of "bush fire hazard reduction work" 20

Omit the definition. Insert instead:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire, 25

but does not include construction of a track, trail or road. 30

[13] Dictionary, definition of "local authority"

Omit paragraph (b) of the definition. Insert instead:

- (b) in relation to land within the Western Division (other than land referred to in paragraph (a))—the Western Lands Commissioner, or

5