

## Fire Brigades Amendment (Community Fire Units) Bill 2005

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

### Overview of Bill

The object of this Bill is to amend the *Fire Brigades Act 1989* (the **Principal Act**) to provide a legislative framework for the community fire unit program. The Bill provides for the following:

- (a) the establishment of community fire units by the Commissioner of NSW Fire Brigades for areas determined by the Commissioner,
- (b) the appointment of members of community fire units,
- (c) the objects and functions of community fire units (the functions include fire prevention work, assisting fire fighters during a bush fire, assisting with recovery operations after a bush fire and fire safety education),
- (d) the provision of training and equipment to community fire units.

### 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.

**Clause 3** is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

### Schedule 1 Amendments

**Schedule 1 [1]** inserts a definition of **community fire unit** in the Principal Act.

**Schedule 1 [2]** contains a consequential amendment.

**Schedule 1 [3]** amends the Principal Act to confirm that damage caused by a member of a community fire unit in the exercise in good faith of certain functions under the Principal Act is to be considered damage by fire for the purposes of any insurance policy against fire damage.

**Schedule 1 [4]** inserts proposed sections 74A–74E into the Principal Act, having the effect described above in paragraphs (a)–(d) of the overview.

At present, section 78 of the Principal Act provides that any matters or things done, by certain persons including members of a fire brigade, do not subject those persons or the Crown to any liability provided the matters or things were done in good faith for the purposes of executing the Principal Act or any other Act. **Schedule 1 [5]** amends this section to clarify that this protection also covers omissions and **Schedule 1 [6]** extends the protection from liability to members of community fire units. This is consistent with similar provisions in the *Rural Fires Act 1997* and the *State Emergency and Rescue Management Act 1989*.

**Schedule 1 [7]** allows regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

**Schedule 1 [8]** provides that community fire units established before the commencement of the proposed Act are taken to have been established under proposed section 74B and members of those units appointed before that commencement are taken to have been appointed under proposed section 74D.