

*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 8 October, 1963.*

## New South Wales



ANNO DUODECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No.           , 1963.**

An Act to make provisions with respect to the appointment of emergency fire controllers; for this purpose to amend the Bush Fires Act, 1949–1958; and for purposes connected therewith.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Bush Fires (Amendment) Act, 1963".

Short title  
and  
citation.  
(2)

*Bush Fires (Amendment).*

(2) The Bush Fires Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Bush Fires Act, 1949-1963.

2. The Bush Fires Act, 1949, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
31, 1949.

(a) by inserting in section six next after the definition of "Eastern and Central Divisions" the following new definition :—

Sec. 6.  
(Interpre-  
tation.)

10 "Emergency fire controller" means an emergency fire controller appointed under section seventeen of this Act.

(b) by omitting from subsection four of section sixteen the words "two years" and by inserting in lieu thereof the words "twelve months";

Sec. 16.  
(Lighting of  
fires pro-  
hibited in  
emergent  
circum-  
stances.)

15 (c) by omitting section seventeen and by inserting in lieu thereof the following section :—

Subst. sec.  
17.

20 17. (1) As soon as practicable after the commencement of the Bush Fires (Amendment) Act, 1963, the Minister shall prepare and cause to be published in the Gazette a list (in this section referred to as "the list of emergency fire controllers") of persons who may be appointed as emergency fire controllers under this section in respect of any area or group of areas outside the County of Cumberland, or in respect of the County of Cumberland, the Western Division or Lord Howe Island.

Emergency  
fire  
controllers.

30 The Minister may from time to time by notification published in the Gazette add to or remove from such list the name of any person.

(2) The mayor or president of an area, or person for the time being acting as mayor or president of an area, or the Minister, or a person authorised

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*Bush Fires (Amendment).*

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5 authorised in writing by the Minister for the purposes of this section, may, if he is of opinion that a state of emergency exists and it is necessary or expedient in the interests of public safety to do so, appoint an emergency fire controller in accordance with the provisions of this section.

10 A state of emergency may be deemed to exist where the mayor or president, or person for the time being acting as mayor or president, or the Minister or person authorised in writing by the Minister, as the case may be, is of opinion that any bush fire has assumed such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or  
15 locality it is burning.

(3) A person whose name is included in the list of emergency fire controllers may be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that  
20 comprises, or comprises part of—

- (a) any area outside the County of Cumberland, by the mayor or president, or person for the time being acting as mayor or president, of that area;
- 25 (b) any two or more areas each of which is outside the County of Cumberland, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- 30 (c) the County of Cumberland, the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection two of this section;
- 35 (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, jointly by the Minister, or  
any

*Bush Fires (Amendment).*

any person authorised as aforesaid, and by the mayor or president, or person for the time being acting as mayor or president, of that area ;

- 5 (e) the County of Cumberland, or the Western  
Division, and any two or more areas outside  
the County of Cumberland, jointly by the  
Minister, or any person authorised as afore-  
said, and by the mayors or presidents, or  
10 persons for the time being acting as mayors  
or presidents, of such areas.

(4) A person whose name is included in the  
list of emergency fire controllers shall not be  
appointed as an emergency fire controller to take  
15 charge of bush fire fighting operations in any terri-  
tory that comprises, or comprises part of—

(a) any area outside the County of Cumberland,  
unless his name is included in such list in  
respect of that area or in respect of a group  
20 of areas in which that area is included ;

(b) two or more areas outside the County of  
Cumberland, unless his name is included in  
such list in respect of—

(i) at least one of such areas ; or

25 (ii) a group of areas in which at least  
one of such areas is included ;

(c) the County of Cumberland, the Western  
Division or Lord Howe Island, unless his  
name is included in such list in respect of  
30 the County of Cumberland, the Western  
Division or Lord Howe Island, as the case  
may be ;

(d)

*Bush Fires (Amendment).*

- (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, unless his name is included in such list in respect of—
- 5 (i) the County of Cumberland or the Western Division, as the case may be;
- (ii) that area; or
- 10 (iii) a group of areas in which that area is included;
- (e) the County of Cumberland, or the Western Division, and two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—
- 15 (i) the County of Cumberland or the Western Division, as the case may be;
- (ii) at least one of such areas; or
- 20 (iii) a group of areas in which at least one of such areas is included.
- (5) A person appointed as an emergency fire controller shall hold office as such for a period of seven days after his appointment, but may from time to time be re-appointed and shall hold office as such pursuant to any such re-appointment for a period of seven days thereafter.
- 25
- (6) Where an emergency fire controller is appointed pursuant to this section all councils, captains, deputy captains, group captains and deputy group captains of bush fire brigades, fire control officers, fire patrol officers, officers and employees of the Board of Fire Commissioners of New South Wales and the Forestry Commission of New South Wales, members of the Police Force and other persons, shall comply with any directions
- 30
- 35 given

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*Bush Fires (Amendment).*

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5 given to them by such emergency fire controller  
(which directions he is hereby empowered to give)  
in connection with the suppression or control of  
any fire which is burning in the territory in respect  
of which such emergency fire controller has been  
so appointed.

10 In addition to, and without limiting, the power  
conferred on emergency fire controllers by the  
foregoing provisions of this subsection an emer-  
gency fire controller shall have and may exercise all  
the powers conferred on a bush fire brigade captain  
by section twenty-two of this Act, without being  
subject to the proviso to subsection two of that  
section and without limitation as to the territory  
15 within which he may exercise such powers.

(7) For the purposes of this section, the  
whole of the Cities of Blue Mountains, Greater  
Wollongong, Liverpool and Penrith, the Municipality  
of Camden, the Shire of Hornsby, and such  
20 other areas as may be prescribed, shall be deemed  
to be included in the County of Cumberland and  
the whole of the Shires of Colo, Gosford and  
Wollondilly, and such other areas as may be pre-  
scribed, shall be deemed to be outside the County  
25 of Cumberland.

(8) Any person failing to observe any  
direction given pursuant to this section by an emer-  
gency fire controller shall be liable upon conviction  
to a penalty not exceeding two hundred pounds or  
30 to imprisonment for a period not exceeding twelve  
months or to both such penalty and imprisonment.

(9) The provisions of this section shall have  
effect notwithstanding anything contained in this  
or any other Act to the contrary.

- 35 (d) (i) by omitting from section eighteen the words  
"twelve months" and by inserting in lieu (Penalties.)  
thereof the words "six months";
- (ii) by omitting from the same section the words  
40 "two years" and by inserting in lieu thereof  
the words "twelve months"; (e)

*Bush Fires (Amendment).*

- (e) by inserting in section forty-eight after the words "New South Wales," where secondly occurring the words "an emergency fire controller"; Sec. 48. (Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- 5 (f) (i) by omitting from section forty-nine the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; Sec. 49. (Penalties.)
- (ii) by inserting at the end of the same section the following new subsection : —
- 10 (2) All proceedings for offences against this Act and the regulations shall be disposed of summarily before a court of petty sessions held before a stipendiary magistrate sitting alone.
- 15 (g) (i) by inserting in subsection one of section fifty-five after the words "authority of" the words "an emergency fire controller or"; Sec. 55. (Duty of officers and members of police force to support authority of captains, etc., of bush fire brigades and fire control officers.)
- (ii) by inserting in subsection two of the same section after the words "obstructs any" the words "emergency fire controller";
- 20 (h) by inserting in paragraph (m) of subsection two of section fifty-seven after the words "functions of" the words "emergency fire controllers,". Sec. 57. (Regulations.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

[8d.]

The Board of Directors of the American Association of  
University Professors is pleased to announce the formation of the  
Committee on the Status of Women in the Profession.  
The Committee will be headed by Dr. [Name] and will  
include representatives from all of the constituent  
associations.

The Committee will be responsible for  
conducting a study of the status of women in the  
profession and for recommending ways to improve  
their position. The Committee will report to the  
Board of Directors in the near future.

The Board of Directors is confident that the  
Committee will be able to identify the problems  
facing women in the profession and to develop  
effective solutions. We look forward to the  
Committee's report.

The Board of Directors is also pleased to  
announce the formation of the Committee on  
Minority Faculty. This Committee will be  
headed by Dr. [Name] and will include  
representatives from all of the constituent  
associations.

The Committee will be responsible for  
conducting a study of the status of minority  
faculty and for recommending ways to improve  
their position. The Committee will report to the  
Board of Directors in the near future.

The Board of Directors is confident that the  
Committee will be able to identify the problems  
facing minority faculty and to develop effective  
solutions. We look forward to the Committee's  
report.

The Board of Directors is also pleased to  
announce the formation of the Committee on  
Faculty Development. This Committee will be  
headed by Dr. [Name] and will include  
representatives from all of the constituent  
associations.

The Committee will be responsible for  
conducting a study of the status of faculty  
development and for recommending ways to  
improve it. The Committee will report to the  
Board of Directors in the near future.

The Board of Directors is confident that the  
Committee will be able to identify the problems  
facing faculty development and to develop  
effective solutions. We look forward to the  
Committee's report.

No. , 1963.

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## A BILL

To make provisions with respect to the appointment of emergency fire controllers; for this purpose to amend the Bush Fires Act, 1949-1958; and for purposes connected therewith.

[MR. KELLY;—24 *September*, 1963.]

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Bush Fires (Amendment) Act, 1963".

(2)

Short title  
and  
citation.

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*Bush Fires (Amendment).*

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(2) The Bush Fires Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Bush Fires Act, 1949-1963.

2. The Bush Fires Act, 1949, as amended by subsequent Acts, is amended— Amendment of Act No. 31, 1949.

(a) by inserting in section six next after the definition of "Eastern and Central Divisions" the following new definition :— Sec. 6. (Interpretation.)

10 "Emergency fire controller" means an emergency fire controller appointed under section seventeen of this Act.

(b) by omitting from subsection four of section sixteen the words "two years" and by inserting in lieu thereof the words "twelve months"; Sec. 16. (Lighting of fires prohibited in emergent circumstances.)

15 (c) by omitting section seventeen and by inserting in lieu thereof the following section :— Subst. sec. 17.

17. (1) As soon as practicable after the commencement of the Bush Fires (Amendment) Act, 1963, the Minister shall prepare and cause to be published in the Gazette a list (in this section referred to as "the list of emergency fire controllers") of persons who may be appointed as emergency fire controllers under this section in respect of any area or group of areas outside the County of Cumberland, or in respect of the County of Cumberland, the Western Division or Lord Howe Island. Emergency fire controllers.

20 The Minister may from time to time by notification published in the Gazette add to or remove from such list the name of any person. 25

(2) The mayor or president of an area, or person for the time being acting as mayor or president of an area, or the Minister, or a person authorised

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*Bush Fires (Amendment).*

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5 authorised in writing by the Minister for the purposes of this section, may, if he is of opinion that a state of emergency exists and it is necessary or expedient in the interests of public safety to do so, appoint an emergency fire controller in accordance with the provisions of this section.

10 A state of emergency may be deemed to exist where the mayor or president, or person for the time being acting as mayor or president, or the Minister or person authorised in writing by the Minister, as the case may be, is of opinion that any bush fire has assumed such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or locality it is burning.

15 (3) A person whose name is included in the list of emergency fire controllers may be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

- 20
- (a) any area outside the County of Cumberland, by the mayor or president, or person for the time being acting as mayor or president, of that area;
  - 25 (b) any two or more areas each of which is outside the County of Cumberland, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
  - 30 (c) the County of Cumberland, the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection two of this section;
  - 35 (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, jointly by the Minister, or any

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*Bush Fires (Amendment).*

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any person authorised as aforesaid, and by the mayor or president, or person for the time being acting as mayor or president, of that area ;

- 5 (e) the County of Cumberland, or the Western Division, and any two or more areas outside the County of Cumberland, jointly by the Minister, or any person authorised as aforesaid, and by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas.
- 10

(4) A person whose name is included in the list of emergency fire controllers shall not be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

15

(a) any area outside the County of Cumberland, unless his name is included in such list in respect of that area or in respect of a group of areas in which that area is included ;

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(b) two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—

- (i) at least one of such areas ; or
- 25 (ii) a group of areas in which at least one of such areas is included ;

(c) the County of Cumberland, the Western Division or Lord Howe Island, unless his name is included in such list in respect of the County of Cumberland, the Western Division or Lord Howe Island, as the case may be ;

30

(d)

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*Bush Fires (Amendment).*

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- (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, unless his name is included in such list in respect of—
- 5 (i) the County of Cumberland or the Western Division, as the case may be;
- (ii) that area; or
- 10 (iii) a group of areas in which that area is included;
- (e) the County of Cumberland, or the Western Division, and two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—
- 15 (i) the County of Cumberland or the Western Division, as the case may be;
- (ii) at least one of such areas; or
- 20 (iii) a group of areas in which at least one of such areas is included.
- (5) A person appointed as an emergency fire controller shall hold office as such for a period of seven days after his appointment, but may from time to time be re-appointed and shall hold office as such pursuant to any such re-appointment for a period of seven days thereafter.
- 25
- (6) Where an emergency fire controller is appointed pursuant to this section all councils, captains, deputy captains, group captains and deputy group captains of bush fire brigades, fire control officers, fire patrol officers, officers and employees of the Board of Fire Commissioners of New South Wales and the Forestry Commission of New South Wales, members of the Police Force and other persons, shall comply with any directions
- 30
- 35 **given**

*Bush Fires (Amendment).*

5 given to them by such emergency fire controller (which directions he is hereby empowered to give) in connection with the suppression or control of any fire which is burning in the territory in respect of which such emergency fire controller has been so appointed.

10 In addition to, and without limiting, the power conferred on emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller shall have and may exercise all the powers conferred on a bush fire brigade captain by section twenty-two of this Act, without being subject to the proviso to subsection two of that section and without limitation as to the territory within which he may exercise such powers.

15 (7) For the purposes of this section, the City of Blue Mountains and the whole of the City of Greater Wollongong shall be deemed to be included in the County of Cumberland and the whole of the Shire of Wollondilly shall be deemed to be outside the County of Cumberland.

20 (8) Any person failing to observe any direction given pursuant to this section by an emergency fire controller shall be liable upon conviction to a penalty not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

25 (9) The provisions of this section shall have effect notwithstanding anything contained in this or any other Act to the contrary.

- 30 (d) (i) by omitting from section eighteen the words **Sec. 18.** "twelve months" and by inserting in lieu (**Penalties.**) thereof the words "six months";
- (ii) by omitting from the same section the words "two years" and by inserting in lieu thereof the words "twelve months";

(e)

*Bush Fires (Amendment).*

- (e) by inserting in section forty-eight after the words "New South Wales," where secondly occurring the words "an emergency fire controller"; **Sec. 48.**  
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- 5 (f) (i) by omitting from section forty-nine the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; **Sec. 49.**  
(Penalties.)
- (ii) by inserting at the end of the same section the following new subsection : —
- 10 (2) All proceedings for offences against this Act and the regulations shall be disposed of summarily before a court of petty sessions held before a stipendiary magistrate sitting alone.
- 15 (g) (i) by inserting in subsection one of section fifty-five after the words "authority of" the words "an emergency fire controller or"; **Sec. 55.**  
(Duty of officers and members of police force to support authority of captains, etc., of bush fire brigades and fire control officers.)
- 20 (ii) by inserting in subsection two of the same section after the words "obstructs any" the words "emergency fire controller";
- (h) by inserting in paragraph (m) of subsection two of section fifty-seven after the words "functions of" the words "emergency fire controllers."; **Sec. 57.**  
(Regulations.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

[8d.]

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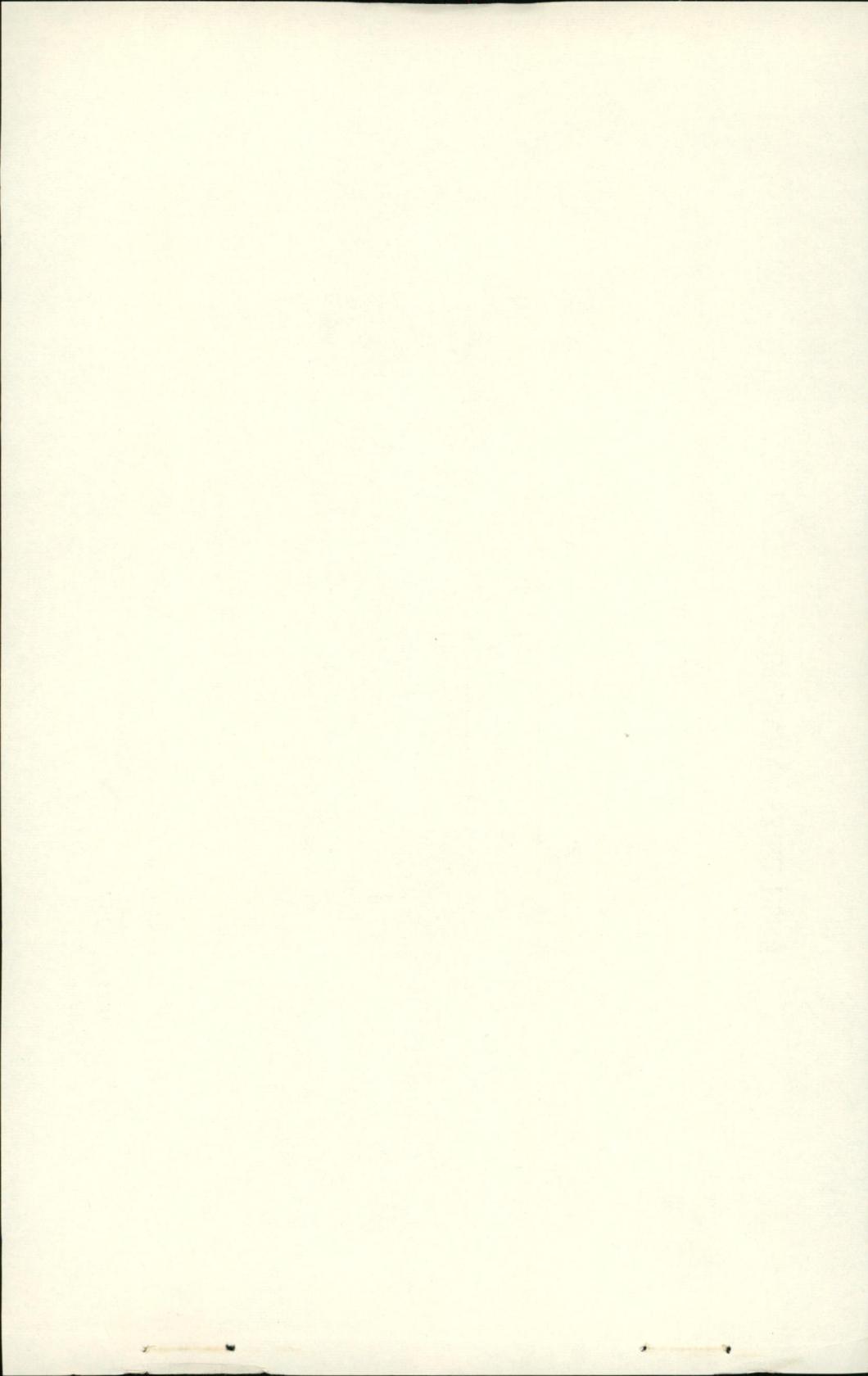
# BUSH FIRES (AMENDMENT) BILL, 1963.

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## EXPLANATORY NOTE.

THE object of this Bill is to repeal section seventeen of the Bush Fires Act, 1949-1958, and to provide for—

- (a) the appointment of emergency fire controllers to take charge of bush fire fighting operations in any territory in a bush fire emergency ;
- (b) such appointments to be made—
  - (i) by mayors or presidents of areas in respect of bush fire fighting operations in areas outside the County of Cumberland (other than the Cities of Blue Mountains and Greater Wollongong but including the Shire of Wollondilly) ;
  - (ii) by the Minister or an authorised person in respect of bush fire fighting operations in areas wholly within the County of Cumberland, in the Cities of Blue Mountains and Greater Wollongong, or in localities in the Western Division or Lord Howe Island ; and
  - (iii) jointly by mayors or presidents and the Minister or an authorised person in certain cases ;
- (c) to vary the penalties imposed under the Act and the regulations thereunder ;  
and
- (d) to make other provisions ancillary to the foregoing.



PROOF

No. , 1963.

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## A BILL

To make provisions with respect to the appointment of emergency fire controllers; for this purpose to amend the Bush Fires Act, 1949-1958; and for purposes connected therewith.

[MR. KELLY;—24 *September*, 1963.]

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Bush Fires (Amendment) Act, 1963".

Short title  
and  
citation.  
(2)

*Bush Fires (Amendment).*

(2) The Bush Fires Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Bush Fires Act, 1949-1963.

2. The Bush Fires Act, 1949, as amended by subsequent  
5 Acts, is amended— Amendment  
of Act No.  
31, 1949.

(a) by inserting in section six next after the definition Sec. 6.  
(Interpre-  
tation.)  
of "Eastern and Central Divisions" the following  
new definition :—

10 "Emergency fire controller" means an emergency  
fire controller appointed under section  
seventeen of this Act.

(b) by omitting from subsection four of section sixteen Sec. 16.  
(Lighting of  
fires pro-  
hibited in  
emergent  
circum-  
stances.)  
the words "two years" and by inserting in lieu  
thereof the words "twelve months";

15 (c) by omitting section seventeen and by inserting in  
lieu thereof the following section :— Subst. sec.  
17.

20 17. (1) As soon as practicable after the com- Emergency  
fire  
controllers.  
mencement of the Bush Fires (Amendment) Act,  
1963, the Minister shall prepare and cause to  
be published in the Gazette a list (in this section  
referred to as "the list of emergency fire con-  
trollers") of persons who may be appointed as  
emergency fire controllers under this section in  
25 respect of any area or group of areas outside the  
County of Cumberland, or in respect of the County  
of Cumberland, the Western Division or Lord  
Howe Island.

30 The Minister may from time to time by notifica-  
tion published in the Gazette add to or remove from  
such list the name of any person.

(2) The mayor or president of an area, or  
person for the time being acting as mayor or presi-  
dent of an area, or the Minister, or a person  
authorised

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*Bush Fires (Amendment).*

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5 authorised in writing by the Minister for the purposes of this section, may, if he is of opinion that a state of emergency exists and it is necessary or expedient in the interests of public safety to do so, appoint an emergency fire controller in accordance with the provisions of this section.

10 A state of emergency may be deemed to exist where the mayor or president, or person for the time being acting as mayor or president, or the Minister or person authorised in writing by the Minister, as the case may be, is of opinion that any bush fire has assumed such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or locality it is burning.

15 (3) A person whose name is included in the list of emergency fire controllers may be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

- 20 (a) any area outside the County of Cumberland, by the mayor or president, or person for the time being acting as mayor or president, of that area;
- 25 (b) any two or more areas each of which is outside the County of Cumberland, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- 30 (c) the County of Cumberland, the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection two of this section;
- 35 (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, jointly by the Minister, or any

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*Bush Fires (Amendment).*

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any person authorised as aforesaid, and by the mayor or president, or person for the time being acting as mayor or president, of that area ;

- 5 (e) the County of Cumberland, or the Western Division, and any two or more areas outside the County of Cumberland, jointly by the Minister, or any person authorised as aforesaid, and by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas.
- 10

(4) A person whose name is included in the list of emergency fire controllers shall not be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

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(a) any area outside the County of Cumberland, unless his name is included in such list in respect of that area or in respect of a group of areas in which that area is included ;

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(b) two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—

- (i) at least one of such areas ; or
- 25 (ii) a group of areas in which at least one of such areas is included ;

(c) the County of Cumberland, the Western Division or Lord Howe Island, unless his name is included in such list in respect of the County of Cumberland, the Western Division or Lord Howe Island, as the case may be ;

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(d)

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*Bush Fires (Amendment).*

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(d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, unless his name is included in such list in respect of—

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(i) the County of Cumberland or the Western Division, as the case may be;

(ii) that area; or

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(iii) a group of areas in which that area is included;

(e) the County of Cumberland, or the Western Division, and two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—

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(i) the County of Cumberland or the Western Division, as the case may be;

(ii) at least one of such areas; or

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(iii) a group of areas in which at least one of such areas is included.

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(5) A person appointed as an emergency fire controller shall hold office as such for a period of seven days after his appointment, but may from time to time be re-appointed and shall hold office as such pursuant to any such re-appointment for a period of seven days thereafter.

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(6) Where an emergency fire controller is appointed pursuant to this section all councils, captains, deputy captains, group captains and deputy group captains of bush fire brigades, fire control officers, fire patrol officers, officers and employees of the Board of Fire Commissioners of New South Wales and the Forestry Commission of New South Wales, members of the Police Force and other persons, shall comply with any directions

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given

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*Bush Fires (Amendment).*

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5 given to them by such emergency fire controller  
(which directions he is hereby empowered to give)  
in connection with the suppression or control of  
any fire which is burning in the territory in respect  
of which such emergency fire controller has been  
so appointed.

10 In addition to, and without limiting, the power  
conferred on emergency fire controllers by the  
foregoing provisions of this subsection an emer-  
gency fire controller shall have and may exercise all  
the powers conferred on a bush fire brigade captain  
by section twenty-two of this Act, without being  
subject to the proviso to subsection two of that  
section and without limitation as to the territory  
15 within which he may exercise such powers.

20 (7) For the purposes of this section, the  
City of Blue Mountains and the whole of the City  
of Greater Wollongong shall be deemed to be  
included in the County of Cumberland and the  
whole of the Shire of Wollondilly shall be deemed  
to be outside the County of Cumberland.

25 (8) Any person failing to observe any  
direction given pursuant to this section by an emer-  
gency fire controller shall be liable upon conviction  
to a penalty not exceeding two hundred pounds or  
to imprisonment for a period not exceeding twelve  
months or to both such penalty and imprisonment.

30 (9) The provisions of this section shall have  
effect notwithstanding anything contained in this  
or any other Act to the contrary.

(d) (i) by omitting from section eighteen the words Sec. 18.  
"twelve months" and by inserting in lieu (Penalties.)  
thereof the words "six months";

35 (ii) by omitting from the same section the words  
"two years" and by inserting in lieu thereof  
the words "twelve months";

(e)

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*Bush Fires (Amendment).*

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- (e) by inserting in section forty-eight after the words "New South Wales," where secondly occurring the words "an emergency fire controller"; Sec. 48. (Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- 5 (f) (i) by omitting from section forty-nine the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; Sec. 49. (Penalties.)
- (ii) by inserting at the end of the same section the following new subsection :—
- 10 (2) All proceedings for offences against this Act and the regulations shall be disposed of summarily before a court of petty sessions held before a stipendiary magistrate sitting alone.
- (g) (i) by inserting in subsection one of section fifty-five after the words "authority of" the words "an emergency fire controller or"; Sec. 55. (Duty of officers and members of police force to support authority of captains, etc., of bush fire brigades and fire control officers.)
- 15 (ii) by inserting in subsection two of the same section after the words "obstructs any" the words "emergency fire controller";
- 20 (h) by inserting in paragraph (m) of subsection two of section fifty-seven after the words "functions of" the words "emergency fire controllers,". Sec. 57. (Regulations.)

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

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New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

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Act No. 39, 1963.

An Act to make provisions with respect to the appointment of emergency fire controllers; for this purpose to amend the Bush Fires Act, 1949-1958; and for purposes connected therewith. [Assented to, 17th October, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 1. (1) This Act may be cited as the "Bush Fires (Amendment) Act, 1963".
- (2) Short title and citation.

*Bush Fires (Amendment).*

(2) The Bush Fires Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Bush Fires Act, 1949-1963.

Amendment of Act No. 31, 1949.

2. The Bush Fires Act, 1949, as amended by subsequent Acts, is amended—

Sec. 6. (Interpretation.)

(a) by inserting in section six next after the definition of "Eastern and Central Divisions" the following new definition :—

"Emergency fire controller" means an emergency fire controller appointed under section seventeen of this Act.

Sec. 16. (Lighting of fires prohibited in emergent circumstances.)

(b) by omitting from subsection four of section sixteen the words "two years" and by inserting in lieu thereof the words "twelve months";

Subst. sec. 17.

(c) by omitting section seventeen and by inserting in lieu thereof the following section :—

Emergency fire controllers.

17. (1) As soon as practicable after the commencement of the Bush Fires (Amendment) Act, 1963, the Minister shall prepare and cause to be published in the Gazette a list (in this section referred to as "the list of emergency fire controllers") of persons who may be appointed as emergency fire controllers under this section in respect of any area or group of areas outside the County of Cumberland, or in respect of the County of Cumberland, the Western Division or Lord Howe Island.

The Minister may from time to time by notification published in the Gazette add to or remove from such list the name of any person.

(2) The mayor or president of an area, or person for the time being acting as mayor or president of an area, or the Minister, or a person authorised

*Bush Fires (Amendment).*

authorised in writing by the Minister for the purposes of this section, may, if he is of opinion that a state of emergency exists and it is necessary or expedient in the interests of public safety to do so, appoint an emergency fire controller in accordance with the provisions of this section.

A state of emergency may be deemed to exist where the mayor or president, or person for the time being acting as mayor or president, or the Minister or person authorised in writing by the Minister, as the case may be, is of opinion that any bush fire has assumed such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or locality it is burning.

(3) A person whose name is included in the list of emergency fire controllers may be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

- (a) any area outside the County of Cumberland, by the mayor or president, or person for the time being acting as mayor or president, of that area;
- (b) any two or more areas each of which is outside the County of Cumberland, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- (c) the County of Cumberland, the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection two of this section;
- (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, jointly by the Minister, or any

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*Bush Fires (Amendment).*

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any person authorised as aforesaid, and by the mayor or president, or person for the time being acting as mayor or president, of that area ;

- (e) the County of Cumberland, or the Western Division, and any two or more areas outside the County of Cumberland, jointly by the Minister, or any person authorised as aforesaid, and by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas.

(4) A person whose name is included in the list of emergency fire controllers shall not be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

- (a) any area outside the County of Cumberland, unless his name is included in such list in respect of that area or in respect of a group of areas in which that area is included ;
- (b) two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—
- (i) at least one of such areas ; or
  - (ii) a group of areas in which at least one of such areas is included ;
- (c) the County of Cumberland, the Western Division or Lord Howe Island, unless his name is included in such list in respect of the County of Cumberland, the Western Division or Lord Howe Island, as the case may be ;

(d)

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*Bush Fires (Amendment).*

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- (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, unless his name is included in such list in respect of—
    - (i) the County of Cumberland or the Western Division, as the case may be;
    - (ii) that area; or
    - (iii) a group of areas in which that area is included;
  - (e) the County of Cumberland, or the Western Division, and two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—
    - (i) the County of Cumberland or the Western Division, as the case may be;
    - (ii) at least one of such areas; or
    - (iii) a group of areas in which at least one of such areas is included.
- (5) A person appointed as an emergency fire controller shall hold office as such for a period of seven days after his appointment, but may from time to time be re-appointed and shall hold office as such pursuant to any such re-appointment for a period of seven days thereafter.
- (6) Where an emergency fire controller is appointed pursuant to this section all councils, captains, deputy captains, group captains and deputy group captains of bush fire brigades, fire control officers, fire patrol officers, officers and employees of the Board of Fire Commissioners of New South Wales and the Forestry Commission of New South Wales, members of the Police Force and other persons, shall comply with any directions  
given

*Bush Fires (Amendment).*

given to them by such emergency fire controller (which directions he is hereby empowered to give) in connection with the suppression or control of any fire which is burning in the territory in respect of which such emergency fire controller has been so appointed.

In addition to, and without limiting, the power conferred on emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller shall have and may exercise all the powers conferred on a bush fire brigade captain by section twenty-two of this Act, without being subject to the proviso to subsection two of that section and without limitation as to the territory within which he may exercise such powers.

(7) For the purposes of this section, the whole of the Cities of Blue Mountains, Greater Wollongong, Liverpool and Penrith, the Municipality of Camden, the Shire of Hornsby, and such other areas as may be prescribed, shall be deemed to be included in the County of Cumberland and the whole of the Shires of Colo, Gosford and Wollondilly, and such other areas as may be prescribed, shall be deemed to be outside the County of Cumberland.

(8) Any person failing to observe any direction given pursuant to this section by an emergency fire controller shall be liable upon conviction to a penalty not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

(9) The provisions of this section shall have effect notwithstanding anything contained in this or any other Act to the contrary.

Sec. 18.  
(Penalties.)

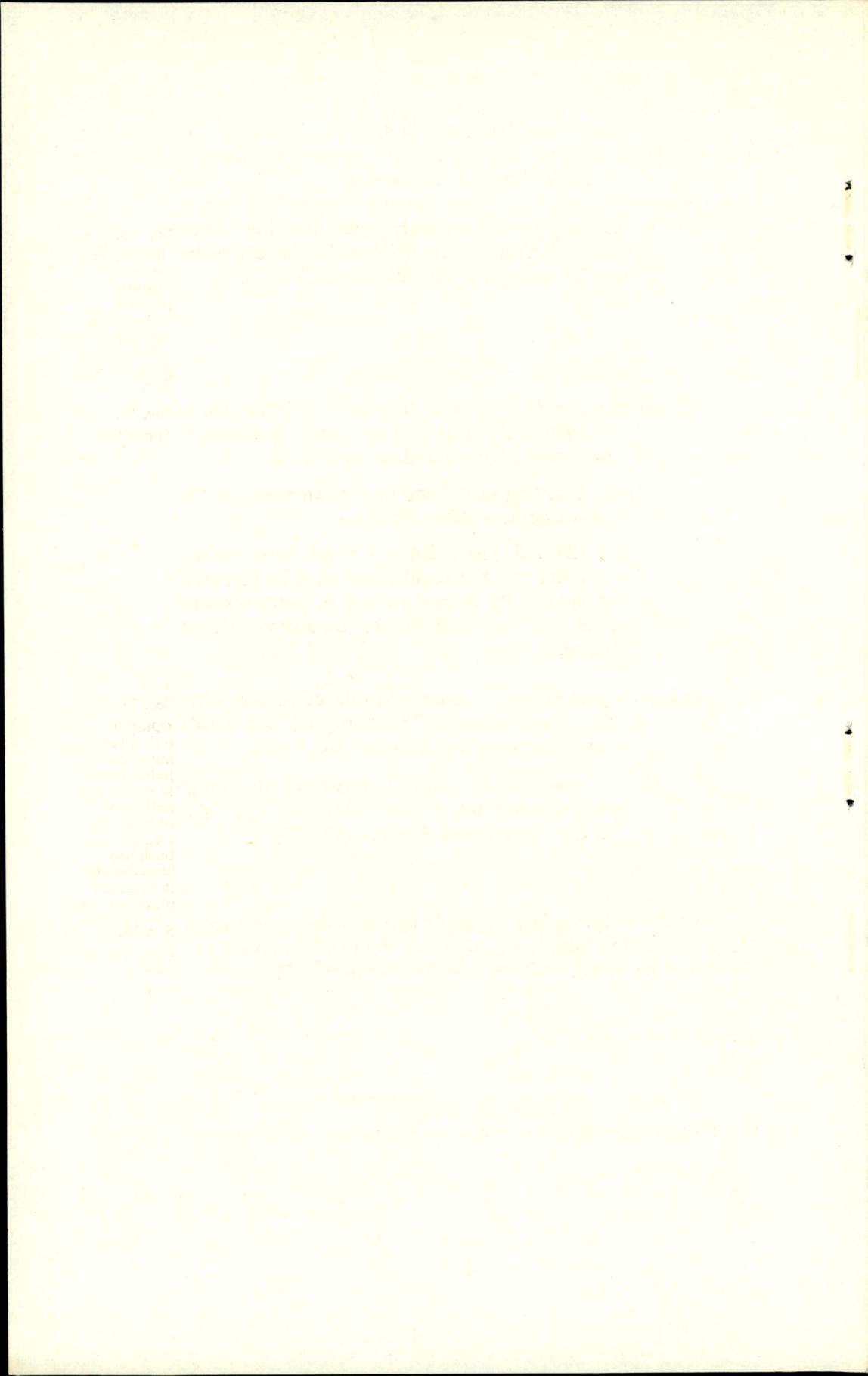
- (d) (i) by omitting from section eighteen the words "twelve months" and by inserting in lieu thereof the words "six months";
- (ii) by omitting from the same section the words "two years" and by inserting in lieu thereof the words "twelve months";
- (e)

*Bush Fires (Amendment).*

- (e) by inserting in section forty-eight after the words "New South Wales," where secondly occurring the words "an emergency fire controller"; Sec. 48.  
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- (f) (i) by omitting from section forty-nine the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; Sec. 49.  
(Penalties.)
- (ii) by inserting at the end of the same section the following new subsection :—
- (2) All proceedings for offences against this Act and the regulations shall be disposed of summarily before a court of petty sessions held before a stipendiary magistrate sitting alone.
- (g) (i) by inserting in subsection one of section fifty-five after the words "authority of" the words "an emergency fire controller or"; Sec. 55.  
(Duty of officers and members of police force to support authority of captains, etc., of bush fire brigades and fire control officers.)
- (ii) by inserting in subsection two of the same section after the words "obstructs any" the words "emergency fire controller";
- (h) by inserting in paragraph (m) of subsection two of section fifty-seven after the words "functions of" the words "emergency fire controllers,". Sec. 57.  
(Regulations.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 15 October, 1963.*

## New South Wales



ANNO DUODECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 39, 1963.

An Act to make provisions with respect to the appointment of emergency fire controllers; for this purpose to amend the Bush Fires Act, 1949-1958; and for purposes connected therewith. [Assented to, 17th October, 1963.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Bush Fires (Amendment) Act, 1963".
- (2) Short title and citation.

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*

*Bush Fires (Amendment).*

(2) The Bush Fires Act, 1949, as amended by subsequent Acts and by this Act, may be cited as the Bush Fires Act, 1949-1963.

Amendment  
of Act No.  
31, 1949.

2. The Bush Fires Act, 1949, as amended by subsequent Acts, is amended—

Sec. 6.  
(Interpre-  
tation.)

(a) by inserting in section six next after the definition of "Eastern and Central Divisions" the following new definition :—

"Emergency fire controller" means an emergency fire controller appointed under section seventeen of this Act.

Sec. 16.  
(Lighting of  
fires pro-  
hibited in  
emergent  
circum-  
stances.)

(b) by omitting from subsection four of section sixteen the words "two years" and by inserting in lieu thereof the words "twelve months";

Subst. sec.  
17.

(c) by omitting section seventeen and by inserting in lieu thereof the following section :—

Emergency  
fire  
controllers.

17. (1) As soon as practicable after the commencement of the Bush Fires (Amendment) Act, 1963, the Minister shall prepare and cause to be published in the Gazette a list (in this section referred to as "the list of emergency fire controllers") of persons who may be appointed as emergency fire controllers under this section in respect of any area or group of areas outside the County of Cumberland, or in respect of the County of Cumberland, the Western Division or Lord Howe Island.

The Minister may from time to time by notification published in the Gazette add to or remove from such list the name of any person.

(2) The mayor or president of an area, or person for the time being acting as mayor or president of an area, or the Minister, or a person authorised

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*Bush Fires (Amendment).*

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authorised in writing by the Minister for the purposes of this section, may, if he is of opinion that a state of emergency exists and it is necessary or expedient in the interests of public safety to do so, appoint an emergency fire controller in accordance with the provisions of this section.

A state of emergency may be deemed to exist where the mayor or president, or person for the time being acting as mayor or president, or the Minister or person authorised in writing by the Minister, as the case may be, is of opinion that any bush fire has assumed such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or locality it is burning.

(3) A person whose name is included in the list of emergency fire controllers may be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

- (a) any area outside the County of Cumberland, by the mayor or president, or person for the time being acting as mayor or president, of that area;
- (b) any two or more areas each of which is outside the County of Cumberland, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- (c) the County of Cumberland, the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection two of this section;
- (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, jointly by the Minister, or  
any

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*Bush Fires (Amendment).*

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any person authorised as aforesaid, and by the mayor or president, or person for the time being acting as mayor or president, of that area;

- (e) the County of Cumberland, or the Western Division, and any two or more areas outside the County of Cumberland, jointly by the Minister, or any person authorised as aforesaid, and by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas.

(4) A person whose name is included in the list of emergency fire controllers shall not be appointed as an emergency fire controller to take charge of bush fire fighting operations in any territory that comprises, or comprises part of—

- (a) any area outside the County of Cumberland, unless his name is included in such list in respect of that area or in respect of a group of areas in which that area is included;

- (b) two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—

- (i) at least one of such areas; or

- (ii) a group of areas in which at least one of such areas is included;

- (c) the County of Cumberland, the Western Division or Lord Howe Island, unless his name is included in such list in respect of the County of Cumberland, the Western Division or Lord Howe Island, as the case may be;

- (d)

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*Bush Fires (Amendment).*

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- (d) the County of Cumberland, or the Western Division, and any area outside the County of Cumberland, unless his name is included in such list in respect of—
  - (i) the County of Cumberland or the Western Division, as the case may be;
  - (ii) that area; or
  - (iii) a group of areas in which that area is included;
- (e) the County of Cumberland, or the Western Division, and two or more areas outside the County of Cumberland, unless his name is included in such list in respect of—
  - (i) the County of Cumberland or the Western Division, as the case may be;
  - (ii) at least one of such areas; or
  - (iii) a group of areas in which at least one of such areas is included.

(5) A person appointed as an emergency fire controller shall hold office as such for a period of seven days after his appointment, but may from time to time be re-appointed and shall hold office as such pursuant to any such re-appointment for a period of seven days thereafter.

(6) Where an emergency fire controller is appointed pursuant to this section all councils, captains, deputy captains, group captains and deputy group captains of bush fire brigades, fire control officers, fire patrol officers, officers and employees of the Board of Fire Commissioners of New South Wales and the Forestry Commission of New South Wales, members of the Police Force and other persons, shall comply with any directions  
given

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*Bush Fires (Amendment).*


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given to them by such emergency fire controller (which directions he is hereby empowered to give) in connection with the suppression or control of any fire which is burning in the territory in respect of which such emergency fire controller has been so appointed.

In addition to, and without limiting, the power conferred on emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller shall have and may exercise all the powers conferred on a bush fire brigade captain by section twenty-two of this Act, without being subject to the proviso to subsection two of that section and without limitation as to the territory within which he may exercise such powers.

(7) For the purposes of this section, the whole of the Cities of Blue Mountains, Greater Wollongong, Liverpool and Penrith, the Municipality of Camden, the Shire of Hornsby, and such other areas as may be prescribed, shall be deemed to be included in the County of Cumberland and the whole of the Shires of Colo, Gosford and Wollondilly, and such other areas as may be prescribed, shall be deemed to be outside the County of Cumberland.

(8) Any person failing to observe any direction given pursuant to this section by an emergency fire controller shall be liable upon conviction to a penalty not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

(9) The provisions of this section shall have effect notwithstanding anything contained in this or any other Act to the contrary.

Sec. 18.  
(Penalties.)

- (d) (i) by omitting from section eighteen the words "twelve months" and by inserting in lieu thereof the words "six months";
- (ii) by omitting from the same section the words "two years" and by inserting in lieu thereof the words "twelve months"; (e)

*Bush Fires (Amendment).*

- (e) by inserting in section forty-eight after the words "New South Wales," where secondly occurring the words "an emergency fire controller"; Sec. 48. (Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- (f) (i) by omitting from section forty-nine the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; Sec. 49. (Penalties.)
- (ii) by inserting at the end of the same section the following new subsection :—
- (2) All proceedings for offences against this Act and the regulations shall be disposed of summarily before a court of petty sessions held before a stipendiary magistrate sitting alone.
- (g) (i) by inserting in subsection one of section fifty-five after the words "authority of" the words "an emergency fire controller or"; Sec. 55. (Duty of officers and members of police force to support authority of captains, etc., of bush fire brigades and fire control officers.)
- (ii) by inserting in subsection two of the same section after the words "obstructs any" the words "emergency fire controller";
- (h) by inserting in paragraph (m) of subsection two of section fifty-seven after the words "functions of" the words "emergency fire controllers,". Sec. 57. (Regulations.)

*In the name and on behalf of Her Majesty I assent to this Act.*

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 17th October, 1963.*

In the name and on behalf of the Ministry of Health to

E. W. WOODWARD,

Director

Department of Health

London, E.C. 4, England