

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 March, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to make further provisions with respect to the prevention, control and suppression of bush fires; to provide for the establishment of a Bush Fire Council of New South Wales and the appointment of a Chief Co-ordinator of Bush Fire Fighting, and to define their respective powers, authorities, duties and functions; to abolish the Bush Fire Committee; for these and other purposes to amend the Bush Fires Act, 1949, and the Workers' Compensation Act, 1926; and for purposes connected therewith.

BE

Bush Fires (Amendment).

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, 1970".

Short title
and com-
mencement.

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

2. (1) The Bush Fires Act, 1949, is amended—

Amendment
of Act No.
31, 1949.

(a) by inserting next after subsection six of section ten the following new subsection :—

Sec. 10.
(Require-
ments to be
complied
with by
persons
lighting
certain
classes of
fires.)

(7) Where any permit is granted under this section for the lighting, maintenance or use of any fire and the land on which such fire is to be lit, maintained or used is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection notice of such permit shall, within the prescribed time and in the prescribed manner, be given by the authority or person referred to in subsection two of this section by whom the permit was granted to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

(b)

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- (b) (i) by inserting in subsection one of section eleven after the word "Act" where secondly occurring the words "and to the officer of the National Parks and Wildlife Service to whom notice of such permit has been given in accordance with subsection seven of that section";

Sec. 11.

(Revocation, suspension or variation of permits.)

- (ii) by inserting next after subsection two of the same section the following new subsection : —

(3) Where—

- (a) a permit granted under section ten of this Act authorises the lighting, maintenance or use of a fire; and
- (b) the effect of a direction under section sixteen of this Act is to prohibit the lighting, maintenance or use of that fire,

the permit shall cease to have any further force or effect as from the date on which that direction first takes effect.

- (c) by inserting next after subsection five of section thirteen the following new subsection : —

Sec. 13.

(Power given to councils to require fire breaks.)

- (6) Where a council by notice in writing requires the occupier or owner of any land to burn fire breaks or inflammable matter or other material and the land on which such fire breaks or inflammable matter or other material are or is to be burnt is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such requirement shall, within the prescribed time and in the prescribed manner,

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manner, be given by such council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

- 5 (d) by inserting next after subsection two of section fourteen the following new subsection : —

Sec. 14.
(Councils may authorise persons to enter land and make fire breaks or clear inflammable material.)

10 (3) Where any servants, agents or workmen of a council or any officers or members of any fire brigade or bush fire brigade are authorised under subsection one of this section to enter any land and light any fire and the land on which such fire is to be lit is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the
15 Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such authorisation shall, within the prescribed time and in the prescribed manner, be given by the council to an
20 officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

- 25 (e) by inserting in subsection five of section fifteen after the word "trustees" the words "nor within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948,";

Sec. 15.
(Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.)

- 30 (f) (i) by inserting at the end of subsection two of section twenty-two the following new proviso : —

Sec. 22.
(Powers of bush fire brigade captains, group captains and deputy captains.)

35 Provided further that such powers shall not be exercised on or in connection with any land or property within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature

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5 nature reserve under the Fauna Protection Act, 1948, unless permission has been granted by the Director of National Parks and Wildlife or some person authorised by him in that behalf.

(ii) by inserting next after subsection (3B) of the same section the following new subsection :—

10 (3C) Any member of a bush fire brigade or any other person acting under the authority of a captain, deputy captain, group captain or deputy group captain of a bush fire brigade or any person acting under the authority of the
15 Co-ordinating Committee or a Fire Prevention Association may, with the permission of the Director of National Parks and Wildlife or some person authorised in that behalf by that Director, enter upon any land comprised in a national park, state park or historic site within
20 the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, and do all or any of the following things, namely, plough,
25 burn, clear or otherwise establish fire breaks on the land or remove, burn or destroy any inflammable matter or other material upon the land.

(g) by omitting section twenty-six and by inserting in Subst. sec. 26. lieu thereof the following section :—

30 26. (1) The council of an area which, or part of which, constitutes a bush fire district shall
Fire control officer.
appoint a person, approved in that behalf by the Minister, as fire control officer for that district.

35 (2) The provisions of section twenty-three of this Act apply, mutatis mutandis, to a fire control officer appointed under subsection one of this section.

(h)

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- (h) by inserting next after paragraph (d) of section twenty-seven the following new paragraph :—
 (e) shall perform such other duties as are imposed upon him by the council by whom he has been appointed. Sec. 27.
(Powers of fire control officers, etc.)
- 5
- (i) by omitting from section thirty-one the word “trustees” and by inserting in lieu thereof the word “occupier”; Sec. 31.
(Councils, etc., to furnish information to Minister for Local Government.)
- 10
- (j) (i) by omitting from subsection one of section thirty-seven the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”; Sec. 37.
(Application of moneys to credit of Fund.)
- 15
- (ii) by omitting from subsections three and four of the same section the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupier”;
- (k) by omitting from section forty-one the word “trustees” and by inserting in lieu thereof the word “occupier”; Sec. 41.
(Councils and other bodies to furnish information to Committee.)
- 20
- (l) by omitting from subsection two of section forty-four the words “ten dollars” and by inserting in lieu thereof the words “one hundred dollars”; Sec. 44.
(Powers of fire patrol officers.)
- 25
- (m) by omitting from subsection two of section forty-six the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”; Sec. 46.
(Inspectors.)
- (n) by omitting from section fifty the words “twenty dollars” and by inserting in lieu thereof the words “one hundred dollars”; Sec. 50.
(Destruction, etc., of notices.)

(o)

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- (o) by inserting next after subsection (1B) of section fifty-one the following new subsection :—

Sec. 51.
(Powers of officers of Forestry Commission, etc., where a bush fire is burning on any land within five miles of a State forest, etc.)

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(1c) Where a bush fire is burning on any land and the bush fire or any part thereof is within five miles of a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, any officer of the National Parks and Wildlife Service or any person or persons authorised in that behalf by that Service may enter upon such land or upon any land situated between such land and such park, site or reserve, with such vehicles and fire fighting apparatus as may be reasonably necessary for the purpose of extinguishing or assisting to extinguish such fire, and may do all such acts, matters and things as are reasonably necessary to extinguish such fire or to prevent the spread thereof.

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- (p) by inserting in paragraph (b) of section fifty-two after the words "New South Wales" the words "or officer of the National Parks and Wildlife Service";

Sec. 52.
(Responsibility of occupiers to extinguish fires or notify them to fire fighting authorities.)

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- (q) by inserting next after section fifty-six the following new section :—

New sec. 56A.

56A. The production of—

Evidence.

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(a) a copy of the Gazette containing any proclamation, notification or order purporting to be made or published under this Act;

(b) a copy purporting to be a true copy of any resolution made by a council or instrument made by a delegate of a council and purporting to be certified as such under the hand of the mayor or president or town or shire clerk,

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shall

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5 shall be prima facie evidence of the due making, existence, confirmation, approval and giving of such proclamation, notification, order, resolution or instrument and of all preliminary steps necessary to give full force and effect thereto, and of the contents thereof.

(r) (i) by omitting paragraph (j) of subsection two of Sec. 57.
section fifty-seven; (Regulations.)

10 (ii) by omitting from paragraph (r) of the same subsection the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupiers".

(2) A person who, immediately before the day on which the amendment made by paragraph (g) of subsection 15 one of this section commences, held office as fire control officer for a bush fire district shall be deemed to have been appointed on that day to that office by the council of the area which or part of which constitutes that district.

3. The Bush Fires Act, 1949, is further amended by Further amendment of Act No. 31, 1949. Subst. sec. 17.
20 omitting section seventeen and by inserting in lieu thereof the following section :—

17. (1) The provisions of this section shall not apply to or in relation to areas or parts of areas mentioned in Schedule Three to this Act. Emergency fire controllers and deputy emergency fire controllers.

25 (2) As soon as practicable after the commencement of section three of the Bush Fires (Amendment) Act, 1970, 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 and deputy emergency fire controllers") of persons who may be 30 appointed as emergency fire controllers and deputy

emergency

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emergency fire controllers under this section in respect of any area or group of areas or in respect of the Western Division or Lord Howe Island.

5 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.

10 (3) 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 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 or (if there is already an emergency fire controller so appointed) a deputy emergency fire controller in accordance with the provisions of this section.

20 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 or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

30 (4) A person whose name is included in the list of emergency fire controllers and deputy 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, by the mayor or president, or person for the time being acting as mayor or president, of that area;

(b)

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- (b) any two or more areas, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- 5 (c) the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection three of this section;
- 10 (d) the Western Division, and any area, jointly by the Minister, or 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;
- 15 (e) the Western Division, and any two or more areas, 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,
- 20 and a person whose name is included in that list may be appointed in like manner as a deputy emergency fire controller for any such territory.

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

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- (a) any area, 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;
- 30 (b) two or more areas, 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)

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- (c) the Western Division or Lord Howe Island, unless his name is included in such list in respect of the Western Division or Lord Howe Island, as the case may be;
- 5 (d) the Western Division, and any area, unless his name is included in such list in respect of—
 - (i) the Western Division;
 - (ii) that area; or
 - 10 (iii) a group of areas in which that area is included;
- (e) the Western Division, and two or more areas, unless his name is included in such list in respect of—
 - (i) the Western Division;
 - 15 (ii) at least one of such areas; or
 - (iii) a group of areas in which at least one of such areas is included.
- 20 (6) A person appointed as an emergency fire controller or deputy 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 (7) A deputy emergency fire controller appointed in respect of any territory shall, except where he is acting as the emergency fire controller pursuant to subsection eight of this section, be subject to the control and direction of the emergency fire controller appointed in respect of such territory.
- 30 (8) A deputy emergency fire controller appointed in respect of any territory shall act as emergency fire controller at the direction of the emergency fire controller or in the event of his absence, illness or other inability to act.

(9)

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(9) Where an emergency fire controller or a deputy 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 to them by such emergency fire controller or deputy emergency fire controller (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any fire in the territory in respect of which such emergency fire controller or deputy emergency fire controller has been so appointed.

In addition to, and without limiting, the power conferred on emergency fire controllers and deputy emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller and a deputy 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 any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

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

(11) The provisions of section twenty-three of this Act apply, mutatis mutandis, to an emergency fire controller and a deputy emergency fire controller appointed under this section.

(12)

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

4. (1) The Bush Fires Act, 1949, is further amended— Further amendment of Act No. 31, 1949.

5 (a) by omitting from section twenty-eight the words Sec. 28.
“for Local Government” wherever occurring; (Division of State into fire regions.)

(b) by omitting from section twenty-nine the words Sec. 29.
“for Local Government” wherever occurring; (Eastern and Central Divisions Bush Fire Fighting Fund.)

10 (c) (i) by omitting subsection one of section thirty Sec. 30.
and by inserting in lieu thereof the following (Estimate to be prepared by Minister.)
subsection :—

(1) Before the end of each financial year the Minister shall prepare and, subject to the concurrence of the Treasurer, adopt—

15 (a) an estimate of the probable expenditure from the Fund during the then ensuing financial year;

(b) an estimate of the parts of such expenditure applicable to each fire region.
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(ii) by omitting from subsection two of the same section the words “for Local Government” wherever occurring;

25 (iii) by omitting from subsection three of the same section the words “for Local Government”;

(d)

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- (d) by omitting from section thirty-one the words "for Sec. 31.
Local Government" wherever occurring; (Councils,
etc., to
furnish
information
to
Minister.)
- (e) by omitting from section thirty-three the words "for Sec. 33.
Local Government" wherever occurring; (Determina-
tion of
contributions
of councils.)
- 5 (f) by omitting from section thirty-four the words "for Sec. 34.
Local Government" wherever occurring; (Determina-
tion of
contributions
of insurance
companies.)
- (g) by omitting from section 34A the words "for Local Sec. 34A.
Government" wherever occurring; (Audit of
accounts
of insurance
companies.)
- 10 (h) by omitting from subsection one of section thirty- Sec. 35.
five the words "for Local Government" wherever (Deficits,
occurring; etc.)
- (i) by omitting from section thirty-six the words "for Sec. 36.
Local Government" wherever occurring; (Contribu-
tions due
and payable
within sixty
days of
assessment.)
- 15 (j) by omitting from section 36A the words "for Local Sec. 36A.
Government" wherever occurring; (Appeals by
insurance
companies
against
assessment
of contribu-
tions.)
- (k) by omitting from section thirty-seven the words "for Sec. 37.
Local Government" wherever occurring; (Application
of moneys to
credit of
Fund.)

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- (l) by omitting from section thirty-eight the words "for Local Government" wherever occurring; Sec. 38.
(Financial statements.)
- (m) (i) by omitting from paragraph (a) of subsection one of section forty the words "or the Minister for Local Government"; Sec. 40.
(Functions of Bush Fire Council.)
- (ii) by omitting from paragraph (c) of the same subsection the words "and the Minister for Local Government";
- (n) by omitting from paragraph (a) of subsection two of section forty-six the words "and the Minister for Local Government"; Sec. 46.
(Inspectors.)
- (o) by omitting from section forty-eight the words "the Minister for Local Government,". Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- (2) Any fire region in existence immediately before the commencement of this section shall, subject to section twenty-eight of the Bush Fires Act, 1949, as amended by subsection one of this section, continue in existence after that commencement.
- (3) The Workers' Compensation Act, 1926, is amended by omitting from section 17G the words "Minister for Local Government" and by inserting in lieu thereof the words "Chief Secretary". Amendment of Act No. 15, 1926.
Sec. 17G.
(Assessment and payment of contributions.)

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5. The Bush Fires Act, 1949, is further amended—

Further
amendment
of Act No.
31, 1949,
Subst. sec.
39, new secs.
39A–39C.

- (a) by omitting section thirty-nine and by inserting in lieu thereof the following sections :—

Constitution
of Bush Fire
Council.

5 39. (1) There shall be constituted a Bush Fire Council of New South Wales consisting of not more than twenty-five persons, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

10 (2) The members of the Bush Fire Council shall be appointed by the Governor, and of those members—

15 (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment, or by a subsequent instrument, be appointed as the Chairman of the Bush Fire Council;

20 (b) one, who shall be nominated by the Minister on the recommendation of the Minister for Conservation, shall be the Commissioner appointed under the provisions of the Forestry Act, 1916, or some other person;

25 (c) one, who shall be nominated by the Minister on the recommendation of the Minister for Lands, shall be the Director of National Parks and Wildlife, or some other person;

30 (d) one shall be a person nominated by the Minister on the recommendation of the Board of Fire Commissioners of New South Wales;

(e) one shall be a person nominated by the Minister on the recommendation of the Shires Association of New South Wales;

(f)

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- (f) one shall be a person nominated by the Minister on the recommendation of the Fire and Accident Underwriters' Association of New South Wales;
- 5 (g) one shall be an officer of the Chief Secretary's Department, nominated by the Minister;
- 10 (h) one shall be a person nominated by the Minister on the recommendation of the Director of Civil Defence;
- (i) one shall be a person nominated by the Minister on the recommendation of the Commissioner of Police;
- 15 (j) one shall be a person nominated by the Minister on the recommendation of the Association of Local Government Clerks of New South Wales;
- 20 (k) the remainder shall be persons nominated by the Minister, of whom not less than five shall be persons who are members of bush fire brigades.
- 25 (3) A member of the Bush Fire Council shall hold office for such term not exceeding five years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.
- Any such re-appointment shall be for such term not exceeding five years as may be specified in the instrument of his re-appointment.
- 30 (4) On the occurrence of a vacancy in the office of a member of the Bush Fire Council otherwise than by the expiration of the term for which
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which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection two of this section for his predecessor in office.

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(5) (a) Where at any time the Chairman or any other member of the Bush Fire Council is absent with the leave of the Council granted for a period, the Governor may appoint a person to be acting Chairman or acting member of the Council, being a person qualified and nominated as provided by subsection two of this section for the person who is so absent.

10

(b) An appointment under paragraph (a) of this subsection shall be for such period as may be specified in the instrument of appointment.

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(c) An acting Chairman or an acting member, as the case may be, shall have and may exercise and discharge all the powers, authorities, duties and functions of the Chairman or other member who is absent as referred to in paragraph (a) of this subsection.

20

(6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member of the Bush Fire Council and that member shall not, in his capacity as such, be subject to the provisions of that Act.

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(7) The office of a member of the Bush Fire Council shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office or place of profit under the Crown.

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(8) The Chairman and each other member of the Bush Fire Council shall be entitled to receive such travelling or other expenses as the Minister may determine and such other fees as may be determined by the Governor.

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(9)

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(9) A member of the Bush Fire Council shall be deemed to have vacated his office—

- (a) if he dies;
- 5 (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes bankrupt, compounds with his creditors, or makes an assignment of any salary, remuneration or allowance payable to him, or of his estate, for their benefit;
- 10 (d) if he is absent without leave of the Council from three consecutive meetings of the Council;
- (e) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 15 (f) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence, which, if committed in New South Wales, would be a felony or a misdemeanour which is punishable as aforesaid;
- 20 (g) if he is removed from office by the Governor.
- 25

(10) The Governor may, for any cause which seems to him sufficient, remove a member of the Bush Fire Council from office.

30 39A. (1) For the purposes of sections twenty-eight and thirty of this Act, there shall be constituted a Finance Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (e), (f) and (g) of subsection two of section thirty-nine of this Act.

(2)

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(2) The Chairman of the Bush Fire Council shall be the Chairman of the Finance Committee.

5 (3) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Finance Committee.

10 39B. (1) There shall be constituted a Co-ordinating Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (b), (c), (d) and (e) of subsection two of section thirty-nine of this Act. Co-ordinating Committee.

15 (2) The Chairman of the Bush Fire Council shall be the Chairman of the Co-ordinating Committee.

20 (3) The Co-ordinating Committee is hereby constituted a body corporate under the name of "Co-ordinating Committee of the Bush Fire Council of New South Wales".

(4) The common seal of the Co-ordinating Committee shall be kept by such person as the Co-ordinating Committee may determine.

25 (5) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Co-ordinating Committee.

30 39C. (1) Meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee shall be held from time to time as determined Procedural and other matters relating to Bush Fire Council and Committees.

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determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

5 (2) (a) The Chairman shall preside at all meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee at which he is present.

10 (b) In the absence of the Chairman the members present may elect one of their number to preside as chairman.

(c) The Chairman or member presiding as chairman shall have a deliberative vote, and in the event of an equality of votes, shall have a second or casting vote.

15 (3) Ten members shall constitute a quorum of the Bush Fire Council, three members shall constitute a quorum of the Finance Committee and three members shall constitute a quorum of the Co-ordinating Committee.

20 (4) A decision of a majority of the members present at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, at which a quorum is present, shall be the decision of the Bush Fire Council, the Finance
25 Committee or the Co-ordinating Committee, as the case may be.

30 (5) The procedure for the calling of meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(b)

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- (b) (i) by omitting from section forty the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 40.
(Functions of Bush Fire Council.)
- 5 (ii) by omitting from paragraph (c) of subsection one of the same section the word "April" and by inserting in lieu thereof the word "June";
- 10 (iii) by omitting from the same paragraph the words "of the estimated damage from bush fires in New South Wales during the preceding twelve months" and by inserting in lieu thereof the words ", for presentation to Parliament, of the estimated damage from bush fires in New South Wales during the period of twelve months ending on the thirty-first day of March in that year";
- 15 (iv) by omitting from the same paragraph the words "year next ensuing" and by inserting in lieu thereof the words "period of twelve months commencing on the first day of July in that year";
- 20 (c) (i) by inserting in section forty-one after the word "Minister" the words "or by the Co-ordinating Committee"; Sec. 41.
(Councils and other bodies to furnish information to Bush Fire Council.)
- 25 (ii) by omitting from the same section the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council";
- 30 (d) by inserting next after section forty-one the following new sections :— New secs. 41A-41J.
- 41A. (1) In this section—
- "plan of operations" means a plan prepared by the Co-ordinating Committee under this section; Functions of Co-ordinating Committee as to co-ordination of bush fire fighting activities.
- "prescribed

Bush Fires (Amendment).

5 “prescribed organisation” means a council, the Board of Fire Commissioners of New South Wales, the Forestry Commission of New South Wales, the National Parks and Wildlife Service or any body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires.

10 (2) The Co-ordinating Committee may, for the purpose of co-ordinating the activities of such two or more of the prescribed organisations as it thinks fit (in so far as those activities relate to the prevention, control or suppression of bush fires), prepare a plan setting out the procedures
15 which the Co-ordinating Committee considers ought to be followed if a bush fire breaks out in any area or locality and assumes or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities
20 in that area or locality or if the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

25 (3) The Co-ordinating Committee may from time to time vary or revoke any plan of operations.

 (4) A plan of operations may be communicated in such manner as the Co-ordinating Committee thinks fit to any prescribed organisation to which it relates.

30 (5) A plan of operations communicated to a prescribed organisation to which it relates shall be adopted by that organisation and as far as practicable, be carried into effect by that organisation in the circumstances indicated by the plan.

Bush Fires (Amendment).

41B. (1) The Co-ordinating Committee may—
Other
functions
of Co-
ordinating
Committee.

- 5 (a) with the approval of the Minister for Lands, take such steps as it thinks fit for the reduction of fire hazards on Crown lands not held under lease or license nor vested in nor under the control of trustees;
- (b) enter into arrangements with councils and public authorities for the reduction of fire hazards on land under their control;
- 10 (c) acquire such fire fighting apparatus as it may deem necessary to enable the Chief Co-ordinator to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- 15 (d) with the approval of the Minister, purchase, exchange, take on lease, hold, dispose of or otherwise deal with any real property;
- 20 (e) erect and maintain such buildings as it may deem necessary for the storage of fire fighting apparatus;
- (f) investigate the adequacy and efficiency of bush fire brigades in any area;
- 25 (g) appoint regional officers to assist the Chief Co-ordinator in the exercise or discharge of any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- 30 (h) form Fire Prevention Associations, or approve Fire Prevention Associations formed, for the purpose of constructing and maintaining fire trails and carrying out

measures

Bush Fires (Amendment).

measures for the detection, prevention, control and suppression of bush fires on unoccupied Crown lands;

- 5 (i) determine the territories in respect of which Fire Prevention Associations may operate.

(2) The Co-ordinating Committee shall—

- 10 (a) review annually the incidence of fire hazards on such private lands as it determines and facilitate as far as practicable the removal or reduction of those hazards by the owners or occupiers of those lands;
- (b) encourage and assist as far as practicable councils in the exercise of their powers under section thirteen of this Act;
- 15 (c) ensure as far as practicable that members of bush fire brigades and persons in, or under the control of, other fire fighting authorities are provided with the necessary training and techniques for the prevention, control and suppression of bush fires;
- 20 (d) ensure as far as practicable that equipment in such sufficient quantity, and of such approved standards of operation and efficiency, as the Co-ordinating Committee determines, is available to and properly maintained by fire fighting authorities;
- 25 (e) ensure as far as practicable that adequate information is furnished to the Chief Co-ordinator to enable him properly to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- 30

(f)

Bush Fires (Amendment).

- (f) before the thirtieth day of June in each year furnish a report to the Minister, for presentation to Parliament, as to its activities during the period of twelve months ending on the thirty-first day of March in that year.

(3) The Co-ordinating Committee—

- (a) shall furnish reports and recommendations upon any matter, referred to it by the Minister, relating to the prevention, control and suppression of bush fires;
- (b) may furnish to the Minister, councils and other persons, such reports and recommendations relating to the prevention, control and suppression of bush fires as it thinks fit.

41C. For the purpose of enabling the Co-ordinating Committee to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon it by or under this Act, any council, bush fire brigade, occupier of any supervised park, fire control officer, public authority or body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires shall, at such times and in such manner as the Co-ordinating Committee may require, furnish to it such information as it may require.

41D. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint a Chief Co-ordinator of Bush Fire Fighting and such other officers and employees as may be necessary for the purposes of this Act.

41E.

Bush Fires (Amendment).

41E. In the case of the illness or absence of the Chief Co-ordinator, the Minister, on the recommendation of the Co-ordinating Committee, may appoint a person to act as Chief Co-ordinator during the period of his illness or absence, and the person so appointed, while he so acts during that period, shall have and may exercise and discharge all the immunities, powers, authorities, duties and functions conferred and imposed upon the Chief Co-ordinator by or under this Act.

Acting
Chief Co-
ordinator.

41F. (1) The Chief Co-ordinator shall either personally or through regional officers, officers of the Board of Fire Commissioners of New South Wales, officers of the Forestry Commission of New South Wales or other persons—

Functions of
Chief Co-
ordinator.

(a) take charge of fire fighting operations, and fire prevention measures, where he is of the opinion that any bush fire has assumed or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions;

(b) take such measures to control or suppress any bush fire as he deems necessary, where he is of the opinion that—

(i) the fire is not being effectively controlled or suppressed by the fire fighting authority or authorities in whose area or locality it is burning;
or

(ii)

Bush Fires (Amendment).

(ii) the fire is burning in a place which is not the responsibility of any fire fighting authority,

and that it is necessary or expedient that the fire should be controlled or suppressed.

(2) The Chief Co-ordinator shall—

(a) make such recommendations to the Minister as he deems necessary to assist the Minister in the exercise of the Minister's powers under section sixteen of this Act;

(b) perform such other duties and functions as the Co-ordinating Committee determines.

(3) Where the Chief Co-ordinator, either personally or through some person referred to in subsection one of this section, takes charge of any fire fighting operations or fire prevention measures under paragraph (a) of that subsection or takes any measures under paragraph (b) of that subsection, 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, members of the Police Force and other persons, shall comply with any directions given to them by the Chief Co-ordinator or that firstmentioned person (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any bush fire in the area or locality in which the Chief Co-ordinator has so taken charge or is taking those measures.

In addition to, and without limiting, the power conferred on the Chief Co-ordinator or any other person by the foregoing provisions of this subsection, the Chief Co-ordinator and that person shall have and may exercise all the powers conferred on

Bush Fires (Amendment).

5 on a bush fire brigade captain by section twenty-two of this Act, without being subject to any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

10 (4) Any person failing to observe any direction given pursuant to this section by the Chief Co-ordinator or any other person shall be liable upon conviction to a penalty not exceeding four hundred dollars or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

15 (5) The Chief Co-ordinator, in the exercise or discharge of any power, authority, duty or function conferred or imposed upon him by or under subsection one or three of this section shall, subject to any relevant plan of operations under section 41A of this Act, not be subject to the control and direction of the Co-ordinating Committee.

20 (6) Except as provided by subsection five of this section, the Chief Co-ordinator shall be subject to the control and direction of the Co-ordinating Committee.

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

41G. For the purposes of this Act, the Co-ordinating Committee or the Chief Co-ordinator may—

30 (a) with the approval of the Department concerned, and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department;

(b)

Use of services of officers, etc., of Government Departments, etc.

Bush Fires (Amendment).

5 (b) with the approval of the statutory corporation concerned or of the council concerned, and on such terms as may be arranged, make use of the services of any of the officers, employees or servants of any statutory corporation or any council.

10 41H. (1) The Co-ordinating Committee may, **Delegation.** by resolution, delegate to the Chief Co-ordinator any power, authority, duty or function (other than this power of delegation) conferred or imposed upon it by or under this Act.

15 (2) The Chief Co-ordinator may by writing under his hand, delegate to any regional officer or to any officer, employee or servant of the Co-ordinating Committee or of any Government Department, statutory corporation or council in respect of which an arrangement has been made under section 41G of this Act for the use of the services of the officer, employee or servant, any power, authority, duty or function (other than this power of delegation) conferred or imposed upon him by or under this Act.

25 (3) The exercise of any delegation under this section shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

30 (4) Any act or thing done or suffered by the Chief Co-ordinator or, as the case may be, by an officer, employee or servant when acting in the exercise of any such delegation, and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(5)

Bush Fires (Amendment).

(5) Any delegation under subsection two of this section shall remain in force notwithstanding that the person who made the delegation has ceased to hold office as Chief Co-ordinator.

5 (6) The Co-ordinating Committee or the
Chief Co-ordinator, as the case may be, may revoke
either wholly or in part any delegation under this
section of powers, authorities, duties or functions,
whether made by it or him or by a predecessor
10 in that office but no act or thing done or suffered
by an officer, employee or servant within the terms
of any such delegation during the period in which
such delegation was in force shall be invalidated
by reason of the revocation.

15 (7) Subject to any stipulation to the contrary
contained in the instrument, any instrument of
delegation under this section shall, so far as concerns
any act or thing done or suffered thereunder in
good faith, operate and continue in force until
20 notice of the revocation thereof has been received
by the delegate.

(8) Every act or thing within the scope of
the delegation done or suffered in good faith by the
delegate after revocation of the delegation and
25 before notice thereof has been received by him
shall be as effectual in all respects as if the revocation
had not been made.

(9) A statutory declaration by the delegate
stating that he has not received notice of the
revocation of the delegation at the time when any
30 such act or thing was done or suffered or at any
time after, shall be taken to be conclusive proof
of non-revocation at the time when the act or
thing was so done or suffered in favour of all persons
dealing

Bush Fires (Amendment).

dealing with the delegate in good faith and for valuable consideration without notice of the revocation.

5 41I. (1) The powers, authorities, duties and functions conferred and imposed upon the Co-ordinating Committee and the Chief Co-ordinator by or under this Act shall not be exercised or discharged except in the areas or parts of areas mentioned in Schedule Three to this Act.

Limitation upon exercise of powers, etc., of Co-ordinating Committee and Chief Co-ordinator.

10 (2) The Governor may, by proclamation in the Gazette, amend Schedule Three to this Act by adding thereto or deleting therefrom any area or part of any area, and the Schedule as so amended from time to time shall be Schedule Three to this Act.

20 41J. (1) Any moneys payable in connection with the exercise of the duties imposed upon the Co-ordinating Committee by paragraphs (a) and (b) of subsection one of section 41B of this Act and the construction and maintenance of fire trails and other fire prevention works and hazard reduction works carried out by Fire Prevention Associations shall be paid out of moneys provided by Parliament.

Finance.

25 (2) Except as provided by subsection one of this section, any moneys payable in connection with the exercise or discharge of the powers, authorities, duties and functions conferred or imposed upon the Co-ordinating Committee or the Chief Co-ordinator by or under this Act shall be paid out of the Fund.

Bush Fires (Amendment).

6. The Bush Fires Act, 1949, is further amended—

Further
amendment
of Act No.
31, 1949.

- (a) (i) by inserting next after the definition of "Bush fire" in section six the following new definition :—

Sec. 6.

(Interpreta-
tion.)

5 "Bush Fire Council" means the Bush Fire
Council of New South Wales consti-
tuted under this Act.

- (ii) by inserting next after the definition of "Bush
fire district" in the same section the following
10 new definition :—

"Chief Co-ordinator" means the Chief Co-
ordinator of Bush Fire Fighting
appointed under this Act.

- (iii) by omitting the definition of "Committee" in
15 the same section ;

- (iv) by inserting next before the definition of
"Council" in the same section the following
new definition :—

20 "Co-ordinating Committee" means the Co-
ordinating Committee of the Bush Fire
Council constituted under this Act.

- (v) by inserting next after the definition of
"Council" in the same section the following
new definition :—

25 "Deputy emergency fire controller" means
a deputy emergency fire controller
appointed under section seventeen of
this Act.

- (vi) by inserting next after the definition of "Emer-
gency fire controller" in the same section the
30 following new definition :—

"Finance Committee" means the Finance
Committee of the Bush Fire Council
constituted under this Act.

Bush Fires (Amendment).

- (vii) by inserting next after the definition of "Fire patrol officer" in the same section the following new definition :—

5 "Fire Prevention Association" means a Fire Prevention Association formed or approved by the Co-ordinating Committee under this Act.

- 10 (viii) by inserting in the definition of "Public authority" in the same section after the words "New South Wales" the words "or any Fire Prevention Association";

- (ix) by inserting next after the same definition the following new definition :—

15 "Regional officer" means a regional officer appointed under section 41B of this Act.

- (b) (i) by inserting next after subsection one of section ten the following new subsection :—

20 (1A) The Minister may, on the recommendation of the Co-ordinating Committee, by order published in the Gazette, declare an area, or part of an area, mentioned in Schedule Three to this Act, to be a special district for the purposes of subsection two of this section.

Sec. 10.
(Requirements to be complied with by persons lighting certain classes of fires.)

- (ii) by omitting paragraph (a) of subparagraph (ii) of paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraphs :—

30 (a) where the land is situated within an area, but not within an area, or part of an area declared to be a special district for the purposes of this subsection

—the

Bush Fires (Amendment).

—the council of the area in which it is situated or a person authorised in that behalf by the council;

5 (a1) where the land is situated within an area, or part of an area, declared to be a special district for the purposes of this subsection—a person authorised in that behalf by the Co-ordinating Committee;

10 (c) (i) by inserting in paragraph (c) of section nineteen after the words “part thereof,” the words “not being an area, or part thereof, mentioned in Schedule Three to this Act and”; Sec. 19. (Formation of bush fire brigades.)

15 (ii) by inserting next after paragraph (e) of the same section the following new paragraph :—

20 (f) by the Co-ordinating Committee where it is of the opinion that the formation of a bush fire brigade in any area, or part thereof, mentioned in Schedule Three to this Act, not being within a fire district so constituted, is necessary and the council of such area has failed or refused to comply with a request by the Co-ordinating Committee to form or organise a bush fire brigade.

(d) by inserting in section twenty after the word “councils” the words “, or the Co-ordinating Committee”; Sec. 20. (Area of operations and appointment of personnel of bush fire brigades.)

(e)

Bush Fires (Amendment).

- 5 (e) (i) by inserting in subsection (3A) of section twenty-two after the word "council" where
secondly occurring the words ", and any
person authorised by the Co-ordinating Com-
mittee or a Fire Prevention Association in
that behalf, may enter upon Crown land
situated within an area, or part thereof,
mentioned in Schedule Three to this Act or
within the territory of the Association, as the
10 case may be";
- (ii) by omitting from the same subsection the
following words :—
- 15 "(a) within a fire district constituted under
the Fire Brigades Act, 1909, as
amended by subsequent Acts";
- (iii) by inserting in the same subsection after the
word "council" where thirdly occurring the
words ", the Co-ordinating Committee or the
association, as the case may be,";
- 20 (iv) by inserting in the same subsection after the
word "council" where fourthly occurring the
words "the Co-ordinating Committee or a Fire
Prevention Association";
- 25 (v) by inserting in subsection (3B) of the same
section after the word "brigade" where
secondly occurring the words "or any person
acting under the authority of the Co-ordinating
Committee or a Fire Prevention Association";
- 30 (f) by omitting from section twenty-five the word
"Committee" and by inserting in lieu thereof the
words "Bush Fire Council";
- (g) by omitting from subsection three of section twenty-
eight the words "sub-committee of the Committee"
and by inserting in lieu thereof the words "Finance
35 Committee";

Sec. 22.
(Powers of
bush fire
brigade
captains,
group
captains and
deputy cap-
tains.)

Sec. 25.
(Proclama-
tion of
bush fire
districts.)

Sec. 28.
(Division
of State
into fire
regions.)

(h)

Bush Fires (Amendment).

- (h) by omitting from subsection three of section thirty the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee";
- 5 (i) by omitting from subsection five of section thirty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council";
- (j) (i) by inserting in paragraph (a) of subsection one of section thirty-seven after the word "Act" the words ", the Co-ordinating Committee, the Chief Co-ordinator";
- 10 (ii) by inserting in paragraph (b) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- 15 (iii) by inserting in paragraph (c) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- 20 (iv) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (f) subject to the provisions of section 41J of this Act, the payment of salaries, allowances, travelling and other expenses of—
- 25 (i) fire control officers or inspectors appointed under this Act;
- (ii) the Chief Co-ordinator;
- 30 (iii) regional officers;
- (iv)

Sec. 30.
(Estimate to be prepared by Minister for Local Government.)

Sec. 32.
(Contributions by the Treasurer, councils and insurance companies.)

Sec. 37.
(Application of moneys to credit of Fund.)

Bush Fires (Amendment).

- 5 (iv) officers and employees of the Chief Secretary's Department in respect of that portion of their time spent in assisting the Chief Co-ordinator and performing any functions for or on behalf of the Co-ordinating Committee;
- 10 (v) officers, employees and servants of any Government Department, statutory corporation or council, with which an arrangement has been made under

15 section 41G of this Act, in respect of that portion of their time spent in assisting the Chief Co-ordinator and performing any functions for or on

20 behalf of the Co-ordinating Committee;
- (v) by inserting in paragraph (g) of the same subsection after the word "brigades" the words "the Co-ordinating Committee, the Chief Co-ordinator";
- 25 (vi) by inserting next after paragraph (h) of the same subsection the following new paragraphs :—

 - 30 (i) the costs of publicity and educational and training programmes directly related to the functions of the Co-ordinating Committee;
 - 35 (j) the payment of fees to members of the Co-ordinating Committee for attendance at meetings of that Committee and travelling and other expenses incurred by such members in carrying out the business of that Committee.

(k)

Bush Fires (Amendment).

- (k) by omitting from subsection one of section forty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, the Chief Co-ordinator"; Sec. 42.
(Appointment of fire patrol officers and honorary fire patrol officers.)
- 5 (l) by omitting from subsection two of section forty-six the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 46.
(Inspectors.)
- 10 (m) by omitting from section forty-eight the words "Committee, a council, an officer or employee of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales, an emergency fire controller" and by inserting in lieu thereof the words "Bush Fire Council, a council, a member of a Fire Prevention Association, the Chief Co-ordinator, an officer or employee of or a person acting under the authority of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales or the National Parks and Wildlife Service or a Fire Prevention Association or the Co-ordinating Committee, an emergency fire controller, a deputy emergency fire controller"; Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- 15
- 20
- 25 (n) by omitting from section fifty the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council or the Co-ordinating Committee or the Chief Co-ordinator"; Sec. 50.
(Destruction, etc., of notices.)
- 30 (o) (i) by omitting from subsection one of section fifty-five the words "an emergency fire controller" and by inserting in lieu thereof the words "the Chief Co-ordinator or an emergency fire controller or a deputy emergency fire controller"; 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)

Bush Fires (Amendment).

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

5 (2) Any person who assaults, resists, obstructs, uses abusive language to or incites or encourages any other person to assault, resist, obstruct or use abusive language to the Chief Co-ordinator, any fire patrol officer, emergency fire controller, deputy emergency
10 fire controller, captain or deputy captain of a bush fire brigade, group captain or deputy group captain of bush fire brigades, or fire control officer or any person acting under the directions of any such person, shall be liable
15 to a penalty not exceeding one hundred dollars.

- (p) (i) by omitting from paragraph (l) of subsection two of section fifty-seven the word "Com-
mittee" and by inserting in lieu thereof the words "Bush Fire Council, Co-ordinating
20 Committee and Finance Committee";

- (ii) by omitting from paragraph (m) of the same subsection the words "emergency fire controllers" and by inserting in lieu thereof the words "regional officers, emergency fire
25 controllers, deputy emergency fire controllers";

- (iii) by inserting next after paragraph (x) of the same subsection the following new paragraphs :—

30 (y) the conditions under which fires may be lit, maintained or used for or in connection with the destruction of trade or industrial wastes or for any like purpose;

35 (z) the defining of the powers, authorities, duties and functions of Fire Prevention Associations;

(aa) the prescribing of constitutions and rules for Fire Prevention Associations.

Bush Fires (Amendment).

7. The Bush Fires Act, 1949, is further amended by inserting next after Schedule Two the following new Schedule :—

Further amendment of Act No. 31, 1949.

New Schedule Three.

SCHEDULE THREE

5 *Cities of:*

Armidale	Lithgow
Bathurst	Liverpool
Blue Mountains	Maitland
Campbelltown	Newcastle
10 Greater Cessnock	Parramatta
Goulburn	Penrith
Grafton	Sydney
Lismore	Greater Wollongong

Municipalities of:

15 Ashfield	Lane Cove
Auburn	Leichhardt
Ballina	Manly
Bankstown	Marrickville
Bega	Mosman
20 Blacktown	Mullumbimby
Bombala	Muswellbrook
Botany	North Sydney
Bowral	Port Macquarie
Burwood	Queanbeyan
25 Camden	Randwick
Canterbury	Rockdale
Casino	Ryde
Concord	Shellharbour
Cooma	Singleton
30 Drummoyne	South Sydney
Fairfield	Strathfield
Glen Innes	Taree
Holroyd	Tenterfield
Hunter's Hill	Waverley
35 Hurstville	Willoughby
Kempsey	Windsor
Kiama	Wingham
Kogarah	Woollahra
Ku-ring-gai	

*Bush Fires (Amendment).*SCHEDULE THREE—*continued.**Shires of:*

	Abercrombie	Mumbulla
	Baulkham Hills	Nambucca
5	Bellingen	Nymboida
	Bibbenluke	Oberon
	Blaxland	Patrick Plains
	Byron	Port Stephens
	Coff's Harbour	Rylstone
10	Colo	Scone
	Copmanhurst	Severn
	Crookwell	Shoalhaven
	Denman	Snowy River
	Dumaresq	Stroud
15	Dungog	Sutherland
	Eurobodalla	Tallaganda
	Gloucester	Tenterfield
	Gosford	Terania
	Gundurimba	Tintenbar
20	Guyra	Tomki
	Hastings	Turon
	Hornsby	Tweed
	Imlay	Ulmarra
	Kyogle	Walcha
25	Lake Macquarie	Warringah
	Maclean	Wingecarribee
	Macleay	Wollondilly
	Manning	Woodburn
	Mittagong	Wyong
30	Monaro	Yarrowlumla
	Mulwaree	

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[35c]

No. , 1970.

A BILL

To make further provisions with respect to the prevention, control and suppression of bush fires; to provide for the establishment of a Bush Fire Council of New South Wales and the appointment of a Chief Co-ordinator of Bush Fire Fighting, and to define their respective powers, authorities, duties and functions; to abolish the Bush Fire Committee; for these and other purposes to amend the Bush Fires Act, 1949, and the Workers' Compensation Act, 1926; and for purposes connected therewith.

[Mr WILLIS—18 *March*, 1970.]

BE

Bush Fires (Amendment).

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, 1970".

Short title
and com-
mencement.

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

2. (1) The Bush Fires Act, 1949, is amended—

Amendment
of Act No.
31, 1949.

(a) by inserting next after subsection six of section ten the following new subsection :—

Sec. 10.
(Require-
ments to be
complied
with by
persons
lighting
certain
classes of
fires.)

(7) Where any permit is granted under this section for the lighting, maintenance or use of any fire and the land on which such fire is to be lit, maintained or used is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection notice of such permit shall, within the prescribed time and in the prescribed manner, be given by the authority or person referred to in subsection two of this section by whom the permit was granted to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

(b)

Bush Fires (Amendment).

- (b) (i) by inserting in subsection one of section eleven after the word "Act" where secondly occurring the words "and to the officer of the National Parks and Wildlife Service to whom notice of such permit has been given in accordance with subsection seven of that section"; Sec. 11.
(Revocation, suspension or variation of permits.)
- (ii) by inserting next after subsection two of the same section the following new subsection : —
- (3) Where—
- (a) a permit granted under section ten of this Act authorises the lighting, maintenance or use of a fire; and
- (b) the effect of a direction under section sixteen of this Act is to prohibit the lighting, maintenance or use of that fire,
- the permit shall cease to have any further force or effect as from the date on which that direction first takes effect.
- (c) by inserting next after subsection five of section thirteen the following new subsection : — Sec. 13.
(Power given to councils to require fire breaks.)
- (6) Where a council by notice in writing requires the occupier or owner of any land to burn fire breaks or inflammable matter or other material and the land on which such fire breaks or inflammable matter or other material are or is to be burnt is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such requirement shall, within the prescribed time and in the prescribed manner,

Bush Fires (Amendment).

manner, be given by such council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

- 5 (d) by inserting next after subsection two of section fourteen the following new subsection : — Sec. 14.
(Councils may authorise persons to enter land and make fire breaks or clear inflammable material.)
- 10 (3) Where any servants, agents or workmen of a council or any officers or members of any fire brigade or bush fire brigade are authorised under subsection one of this section to enter any land and light any fire and the land on which such fire is to be lit is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the
- 15 Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such authorisation shall, within the prescribed time and in the prescribed manner, be given by the council to an
- 20 officer of the National Parks and Wildlife Service stationed at such park, site or reserve.
- (e) by inserting in subsection five of section fifteen after the word "trustees" the words "nor within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948,"; Sec. 15.
(Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.)
- 25
- (f) (i) by inserting at the end of subsection two of section twenty-two the following new proviso : — Sec. 22.
(Powers of bush fire brigade captains, group captains and deputy captains.)
- 30
- Provided further that such powers shall not be exercised on or in connection with any land or property within a national park, state park or historic site within the meaning of the
- 35 National Parks and Wildlife Act, 1967, or any nature

Bush Fires (Amendment).

nature reserve under the Fauna Protection Act, 1948, unless permission has been granted by the Director of National Parks and Wildlife or some person authorised by him in that behalf.

5

- (ii) by inserting next after subsection (3B) of the same section the following new subsection :—

(3C) Any member of a bush fire brigade or any other person acting under the authority of a captain, deputy captain, group captain or deputy group captain of a bush fire brigade may, with the permission of the Director of National Parks and Wildlife or some person authorised in that behalf by that Director, enter upon any land comprised in a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, and do all or any of the following things, namely, plough, burn, clear or otherwise establish fire breaks on the land or remove, burn or destroy any inflammable matter or other material upon the land.

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- (g) by omitting section twenty-six and by inserting in Subst. sec. 26. lieu thereof the following section :—

26. (1) The council of an area which, or part of which, constitutes a bush fire district shall appoint a person, approved in that behalf by the Minister, as fire control officer for that district.

30

(2) The provisions of section twenty-three of this Act apply, mutatis mutandis, to a fire control officer appointed under subsection one of this section.

35

(h)

Bush Fires (Amendment).

- (h) by inserting next after paragraph (d) of section twenty-seven the following new paragraph :—
- (e) shall perform such other duties as are imposed upon him by the council by whom he has been appointed.
- (i) by omitting from section thirty-one the word “trustees” and by inserting in lieu thereof the word “occupier”;
- (j) (i) by omitting from subsection one of section thirty-seven the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”;
- (ii) by omitting from subsections three and four of the same section the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupier”;
- (k) by omitting from section forty-one the word “trustees” and by inserting in lieu thereof the word “occupier”;
- (l) by omitting from subsection two of section forty-four the words “ten dollars” and by inserting in lieu thereof the words “one hundred dollars”;
- (m) by omitting from subsection two of section forty-six the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”;
- (n) by omitting from section fifty the words “twenty dollars” and by inserting in lieu thereof the words “one hundred dollars”;

Sec. 27.
(Powers of fire control officers, etc.)

Sec. 31.
(Councils, etc., to furnish information to Minister for Local Government.)

Sec. 37.
(Application of moneys to credit of Fund.)

Sec. 41.
(Councils and other bodies to furnish information to Committee.)

Sec. 44.
(Powers of fire patrol officers.)

Sec. 46.
(Inspectors.)

Sec. 50.
(Destruction, etc., of notices.)

(o)

Bush Fires (Amendment).

- (o) by inserting next after subsection (1B) of section fifty-one the following new subsection :—
- (1C) Where a bush fire is burning on any land and the bush fire or any part thereof is within five miles of a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, any officer of the National Parks and Wildlife Service or any person or persons authorised in that behalf by that Service may enter upon such land or upon any land situated between such land and such park, site or reserve, with such vehicles and fire fighting apparatus as may be reasonably necessary for the purpose of extinguishing or assisting to extinguish such fire, and may do all such acts, matters and things as are reasonably necessary to extinguish such fire or to prevent the spread thereof.
- (p) by inserting in paragraph (b) of section fifty-two after the words "New South Wales" the words "or officer of the National Parks and Wildlife Service";
- (q) by inserting next after section fifty-six the following new section :—
- 56A. The production of—
- (a) a copy of the Gazette containing any proclamation, notification or order purporting to be made or published under this Act;
- (b) a copy purporting to be a true copy of any resolution made by a council or instrument made by a delegate of a council and purporting to be certified as such under the hand of the mayor or president or town or shire clerk,
- shall
- Sec. 51.
(Powers of officers of Forestry Commission, etc., where a bush fire is burning on any land within five miles of a State forest, etc.)
- Sec. 52.
(Responsibility of occupiers to extinguish fires or notify them to fire fighting authorities.)
- New sec. 56A.
Evidence.

Bush Fires (Amendment).

shall be prima facie evidence of the due making, existence, confirmation, approval and giving of such proclamation, notification, order, resolution or instrument and of all preliminary steps necessary to give full force and effect thereto, and of the contents thereof.

(r) (i) by omitting paragraph (j) of subsection two of section fifty-seven; Sec. 57. (Regulations.)

(ii) by omitting from paragraph (r) of the same subsection the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupiers".

(2) A person who, immediately before the day on which the amendment made by paragraph (g) of subsection one of this section commences, held office as fire control officer for a bush fire district shall be deemed to have been appointed on that day to that office by the council of the area which or part of which constitutes that district.

3. The Bush Fires Act, 1949, is further amended by omitting section seventeen and by inserting in lieu thereof the following section :— Further amendment of Act No. 31, 1949. Subst. sec. 17.

17. (1) The provisions of this section shall not apply to or in relation to areas or parts of areas mentioned in Schedule Three to this Act. Emergency fire controllers and deputy emergency fire controllers.

(2) As soon as practicable after the commencement of section three of the Bush Fires (Amendment) Act, 1970, 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 and deputy emergency fire controllers") of persons who may be appointed as emergency fire controllers and deputy

emergency

Bush Fires (Amendment).

emergency fire controllers under this section in respect of any area or group of areas or in respect of the Western Division or Lord Howe Island.

5 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.

10 (3) 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 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 or (if there is already an emergency fire controller so appointed) a deputy emergency fire controller in accordance with the provisions of this section.

20 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 or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

30 (4) A person whose name is included in the list of emergency fire controllers and deputy 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, by the mayor or president, or person for the time being acting as mayor or president, of that area;

 (b)

Bush Fires (Amendment).

- (b) any two or more areas, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- 5 (c) the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection three of this section;
- 10 (d) the Western Division, and any area, jointly by the Minister, or 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;
- 15 (e) the Western Division, and any two or more areas, 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,
- 20 and a person whose name is included in that list may be appointed in like manner as a deputy emergency fire controller for any such territory.

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

- (a) any area, 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;
- 30 (b) two or more areas, 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)

Bush Fires (Amendment).

- (c) the Western Division or Lord Howe Island, unless his name is included in such list in respect of the Western Division or Lord Howe Island, as the case may be;
- 5 (d) the Western Division, and any area, unless his name is included in such list in respect of—
 - (i) the Western Division;
 - (ii) that area; or
 - 10 (iii) a group of areas in which that area is included;
- (e) the Western Division, and two or more areas, unless his name is included in such list in respect of—
 - (i) the Western Division;
 - 15 (ii) at least one of such areas; or
 - (iii) a group of areas in which at least one of such areas is included.
- 20 (6) A person appointed as an emergency fire controller or deputy 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 (7) A deputy emergency fire controller appointed in respect of any territory shall, except where he is acting as the emergency fire controller pursuant to subsection eight of this section, be subject to the control and direction of the emergency fire controller appointed in respect of such territory.
- 30 (8) A deputy emergency fire controller appointed in respect of any territory shall act as emergency fire controller at the direction of the emergency fire controller or in the event of his absence, illness or other inability to act.

(9)

Bush Fires (Amendment).

(9) Where an emergency fire controller or a deputy 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 to them by such emergency fire controller or deputy emergency fire controller (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any fire in the territory in respect of which such emergency fire controller or deputy emergency fire controller has been so appointed.

In addition to, and without limiting, the power conferred on emergency fire controllers and deputy emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller and a deputy 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 any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

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

(11) The provisions of section twenty-three of this Act apply, mutatis mutandis, to an emergency fire controller and a deputy emergency fire controller appointed under this section.

Bush Fires (Amendment).

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

4. (1) The Bush Fires Act, 1949, is further amended— Further amendment of Act No. 31, 1949.

5 (a) by omitting from section twenty-eight the words Sec. 28.
“for Local Government” wherever occurring; (Division of State into fire regions.)

(b) by omitting from section twenty-nine the words Sec. 29.
“for Local Government” wherever occurring; (Eastern and Central Divisions Bush Fire Fighting Fund.)

10 (c) (i) by omitting subsection one of section thirty Sec. 30.
and by inserting in lieu thereof the following (Estimate to be prepared by Minister.)
subsection :—

(1) Before the end of each financial year the Minister shall prepare and, subject to the concurrence of the Treasurer, adopt—

15 (a) an estimate of the probable expenditure from the Fund during the then ensuing financial year;

20 (b) an estimate of the parts of such expenditure applicable to each fire region.

(ii) by omitting from subsection two of the same section the words “for Local Government” wherever occurring;

25 (iii) by omitting from subsection three of the same section the words “for Local Government”;

(d)

Bush Fires (Amendment).

- (d) by omitting from section thirty-one the words "for Local Government" wherever occurring; Sec. 31.
(Councils, etc., to furnish information to Minister.)
- (e) by omitting from section thirty-three the words "for Local Government" wherever occurring; Sec. 33.
(Determination of contributions of councils.)
- 5 (f) by omitting from section thirty-four the words "for Local Government" wherever occurring; Sec. 34.
(Determination of contributions of insurance companies.)
- (g) by omitting from section 34A the words "for Local Government" wherever occurring; Sec. 34A.
(Audit of accounts of insurance companies.)
- 10 (h) by omitting from subsection one of section thirty-five the words "for Local Government" wherever occurring; Sec. 35.
(Deficits, etc.)
- (i) by omitting from section thirty-six the words "for Local Government" wherever occurring; Sec. 36.
(Contributions due and payable within sixty days of assessment.)
- 15 (j) by omitting from section 36A the words "for Local Government" wherever occurring; Sec. 36A.
(Appeals by insurance companies against assessment of contributions.)
- (k) by omitting from section thirty-seven the words "for Local Government" wherever occurring; Sec. 37.
(Application of moneys to credit of Fund.)

Bush Fires (Amendment).

- (l) by omitting from section thirty-eight the words "for
Local Government" wherever occurring; Sec. 38.
(Financial
statements.)
- 5 (m) (i) by omitting from paragraph (a) of subsection Sec. 40.
(Functions
of Bush Fire
Council.)
one of section forty the words "or the Minister
for Local Government";
- (ii) by omitting from paragraph (c) of the same
subsection the words "and the Minister for
Local Government";
- 10 (n) by omitting from paragraph (a) of subsection two Sec. 46.
(Inspectors.)
of section forty-six the words "and the Minister for
Local Government";
- (o) by omitting from section forty-eight the words "the Sec. 48.
(Proceedings
not to lie
against
persons
acting bona
fide under
and for the
purposes of
Act.)
Minister for Local Government,".

(2) Any fire region in existence immediately before
15 the commencement of this section shall, subject to section
twenty-eight of the Bush Fires Act, 1949, as amended by
subsection one of this section, continue in existence after that
commencement.

(3) The Workers' Compensation Act, 1926, is Amendment
of Act No.
15, 1926.
Sec. 17G.
(Assessment
and payment
of con-
tributions.)
20 amended by omitting from section 17G the words "Minister
for Local Government" and by inserting in lieu thereof the
words "Chief Secretary".

Bush Fires (Amendment).

5. The Bush Fires Act, 1949, is further amended—

- (a) by omitting section thirty-nine and by inserting in lieu thereof the following sections :—

Further amendment of Act No. 31, 1949, Subst. sec. 39, new secs. 39A-39C.

5 39. (1) There shall be constituted a Bush Fire Council of New South Wales consisting of not more than twenty-five persons, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

Constitution of Bush Fire Council.

10 (2) The members of the Bush Fire Council shall be appointed by the Governor, and of those members—

15 (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment, or by a subsequent instrument, be appointed as the Chairman of the Bush Fire Council;

20 (b) one, who shall be nominated by the Minister on the recommendation of the Minister for Conservation, shall be the Commissioner appointed under the provisions of the Forestry Act, 1916, or some other person;

25 (c) one, who shall be nominated by the Minister on the recommendation of the Minister for Lands, shall be the Director of National Parks and Wildlife, or some other person;

30 (d) one shall be a person nominated by the Minister on the recommendation of the Board of Fire Commissioners of New South Wales;

(e) one shall be a person nominated by the Minister on the recommendation of the Shires Association of New South Wales;

(f)

Bush Fires (Amendment).

- (f) one shall be a person nominated by the Minister on the recommendation of the Fire and Accident Underwriters' Association of New South Wales;
- 5 (g) one shall be an officer of the Chief Secretary's Department, nominated by the Minister;
- (h) one shall be a person nominated by the Minister on the recommendation of the Director of Civil Defence;
- 10 (i) one shall be a person nominated by the Minister on the recommendation of the Commissioner of Police;
- (j) one shall be a person nominated by the Minister on the recommendation of the Association of Local Government Clerks of New South Wales;
- 15 (k) the remainder shall be persons nominated by the Minister, of whom not less than five shall be persons who are members of bush fire brigades.
- 20

(3) A member of the Bush Fire Council shall hold office for such term not exceeding five years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.

25

Any such re-appointment shall be for such term not exceeding five years as may be specified in the instrument of his re-appointment.

(4) On the occurrence of a vacancy in the office of a member of the Bush Fire Council otherwise than by the expiration of the term for which

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Bush Fires (Amendment).

which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection two of this section for his predecessor in office.

5

(5) (a) Where at any time the Chairman or any other member of the Bush Fire Council is absent with the leave of the Council granted for a period, the Governor may appoint a person to be acting Chairman or acting member of the council, being a person qualified and nominated as provided by subsection two of this section for the person who is so absent.

10

(b) An appointment under paragraph (a) of this subsection shall be for such period as may be specified in the instrument of appointment.

15

(c) An acting chairman or an acting member, as the case may be, shall have and may exercise and discharge all the powers, authorities, duties and functions of the Chairman or other member who is absent as referred to in paragraph (a) of this subsection.

20

(6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member of the Bush Fire Council and that member shall not, in his capacity as such, be subject to the provisions of that Act.

25

(7) The office of a member of the Bush Fire Council shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office or place of profit under the Crown.

30

(8) The Chairman and each other member of the Bush Fire Council shall be entitled to receive such travelling or other expenses as the Minister may determine and such other fees as may be determined by the Governor.

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(9)

Bush Fires (Amendment).

(9) A member of the Bush Fire Council shall be deemed to have vacated his office—

- (a) if he dies;
- 5 (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes bankrupt, compounds with his creditors, or makes an assignment of any salary, remuneration or allowance payable to him, or of his estate, for their benefit;
- 10 (d) if he is absent without leave of the Council from three consecutive meetings of the Council;
- (e) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 15 (f) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence, which, if committed in New South Wales, would be a felony or a misdemeanour which is punishable as aforesaid;
- 20 (g) if he is removed from office by the Governor.
- 25

(10) The Governor may, for any cause which seems to him sufficient, remove a member of the Bush Fire Council from office.

30 39A. (1) For the purposes of sections twenty-eight and thirty of this Act, there shall be consti- Finance
tuted a Finance Committee of the Bush Fire Committee.
Council consisting of the Chairman of the Council and the members referred to in paragraphs (e),
35 (f) and (g) of subsection two of section thirty-nine of this Act.

(2)

Bush Fires (Amendment).

(2) The Chairman of the Bush Fire Council shall be the Chairman of the Finance Committee.

5 (3) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Finance Committee.

10 39B. (1) There shall be constituted a Co-ordinating Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (b), (c), (d) and (e) of subsection two of section thirty-nine of this Act.

15 (2) The Chairman of the Bush Fire Council shall be the Chairman of the Co-ordinating Committee.

20 (3) The Co-ordinating Committee is hereby constituted a body corporate under the name of "Co-ordinating Committee of the Bush Fire Council of New South Wales".

(4) The common seal of the Co-ordinating Committee shall be kept by such person as the Co-ordinating Committee may determine.

25 (5) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Co-ordinating Committee.

30 39C. (1) Meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee shall be held from time to time as determined

Procedural and other matters relating to Bush Fire Council and Committees.

Bush Fires (Amendment).

determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

5 (2) (a) The Chairman shall preside at all meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee at which he is present.

10 (b) In the absence of the Chairman the members present may elect one of their number to preside as chairman.

(c) The Chairman or member presiding as chairman shall have a deliberative vote, and in the event of an equality of votes, shall have a second or casting vote.

15 (3) Ten members shall constitute a quorum of the Bush Fire Council, three members shall constitute a quorum of the Finance Committee and three members shall constitute a quorum of the Co-ordinating Committee.

20 (4) A decision of a majority of the members present at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, at which a quorum is present, shall be the
25 decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

30 (5) The procedure for the calling of meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(b)

Bush Fires (Amendment).

- (b) (i) by omitting from section forty the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 40. (Functions of Bush Fire Council.)
- 5 (ii) by omitting from paragraph (c) of subsection one of the same section the word "April" and by inserting in lieu thereof the word "June";
- 10 (iii) by omitting from the same paragraph the words "of the estimated damage from bush fires in New South Wales during the preceding twelve months" and by inserting in lieu thereof the words ", for presentation to Parliament, of the estimated damage from bush fires in New South Wales during the period of twelve months ending on the thirty-first day of March in that year";
- 15 (iv) by omitting from the same paragraph the words "year next ensuing" and by inserting in lieu thereof the words "period of twelve months commencing on the first day of July in that year";
- 20 (c) (i) by inserting in section forty-one after the word "Minister" the words "or by the Co-ordinating Committee"; Sec. 41. (Councils and other bodies to furnish information to Bush Fire Council.)
- 25 (ii) by omitting from the same section the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council";
- 30 (d) by inserting next after section forty-one the following new sections :— New secs. 41A-41J.
- 41A. (1) In this section—
- "plan of operations" means a plan prepared by the Co-ordinating Committee under this section;
- "prescribed" Functions of Co-ordinating Committee as to co-ordination of bush fire fighting activities.

Bush Fires (Amendment).

5 “prescribed organisation” means a council, the Board of Fire Commissioners of New South Wales, the Forestry Commission of New South Wales, the National Parks and Wildlife Service or any body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires.

10 (2) The Co-ordinating Committee may, for the purpose of co-ordinating the activities of such two or more of the prescribed organisations as it thinks fit (in so far as those activities relate to the prevention, control or suppression of bush fires), prepare a plan setting out the procedures
15 which the Co-ordinating Committee considers ought to be followed if a bush fire breaks out in any area or locality and assumes or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities
20 in that area or locality or if the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

25 (3) The Co-ordinating Committee may from time to time vary or revoke any plan of operations.

 (4) A plan of operations may be communicated in such manner as the Co-ordinating Committee thinks fit to any prescribed organisation to which it relates.

30 (5) A plan of operations communicated to a prescribed organisation to which it relates shall be adopted by that organisation and as far as practicable, be carried into effect by that organisation in the circumstances indicated by the plan.

Bush Fires (Amendment).

- 41B. (1) The Co-ordinating Committee may— Other functions of Co-ordinating Committee.
- (a) with the approval of the Minister for Lands, take such steps as it thinks fit for the reduction of fire hazards on Crown lands not held under lease or license nor vested in nor under the control of trustees;
 - (b) enter into arrangements with councils and public authorities for the reduction of fire hazards on land under their control;
 - (c) acquire such fire fighting apparatus as it may deem necessary to enable the Chief Co-ordinator to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
 - (d) with the approval of the Minister, purchase, exchange, take on lease, hold, dispose of or otherwise deal with any real property;
 - (e) erect and maintain such buildings as it may deem necessary for the storage of fire fighting apparatus;
 - (f) investigate the adequacy and efficiency of bush fire brigades in any area;
 - (g) appoint regional officers to assist the Chief Co-ordinator in the exercise or discharge of any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
 - (h) form Fire Prevention Associations, or approve Fire Prevention Associations formed, for the purpose of constructing and maintaining fire trails and carrying out measures

Bush Fires (Amendment).

measures for the detection, prevention, control and suppression of bush fires on unoccupied Crown lands;

- 5 (i) determine the territories in respect of which Fire Prevention Associations may operate.

(2) The Co-ordinating Committee shall—

- 10 (a) review annually the incidence of fire hazards on such private lands as it determines and facilitate as far as practicable the removal or reduction of those hazards by the owners or occupiers of those lands;

- (b) encourage and assist as far as practicable councils in the exercise of their powers under section thirteen of this Act;

- 15 (c) ensure as far as practicable that members of bush fire brigades and persons in, or under the control of, other fire fighting authorities are provided with the necessary training and techniques for the prevention,
20 control and suppression of bush fires;

- (d) ensure as far as practicable that equipment in such sufficient quantity, and of such approved standards of operation and efficiency, as the Co-ordinating Committee determines, is available to and properly
25 maintained by fire fighting authorities;

- (e) ensure as far as practicable that adequate information is furnished to the Chief Co-ordinator to enable him properly to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed
30 upon him by or under this Act;

(f)

Bush Fires (Amendment).

- 5 (f) before the thirtieth day of June in each year furnish a report to the Minister, for presentation to Parliament, as to its activities during the period of twelve months ending on the thirty-first day of March in that year.

(3) The Co-ordinating Committee—

- 10 (a) shall furnish reports and recommendations upon any matter, referred to it by the Minister, relating to the prevention, control and suppression of bush fires ;
- 15 (b) may furnish to the Minister, councils and other persons, such reports and recommendations relating to the prevention, control and suppression of bush fires as it thinks fit.

20 41c. For the purpose of enabling the Co-ordinating Committee to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon it by or under this Act, any council, bush fire brigade, occupier of any supervised park, fire control officer, public authority or body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires shall, at such times and in such manner as the Co-ordinating Committee may require, furnish to it such information as it may require.

30 41d. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint a Chief Co-ordinator of Bush Fire Fighting and such other officers and employees as may be necessary for the purposes of this Act.

41e.

Bush Fires (Amendment).

41E. In the case of the illness or absence of the Chief Co-ordinator, the Minister, on the recommendation of the Co-ordinating Committee, may appoint a person to act as Chief Co-ordinator during the period of his illness or absence, and the person so appointed, while he so acts during that period, shall have and may exercise and discharge all the immunities, powers, authorities, duties and functions conferred and imposed upon the Chief Co-ordinator by or under this Act.

Acting
Chief Co-
ordinator.

41F. (1) The Chief Co-ordinator shall either personally or through regional officers, officers of the Board of Fire Commissioners of New South Wales, officers of the Forestry Commission of New South Wales or other persons—

Functions of
Chief Co-
ordinator.

(a) take charge of fire fighting operations, and fire prevention measures, where he is of the opinion that any bush fire has assumed or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions;

(b) take such measures to control or suppress any bush fire as he deems necessary, where he is of the opinion that—

(i) the fire is not being effectively controlled or suppressed by the fire fighting authority or authorities in whose area or locality it is burning;
or

(ii)

Bush Fires (Amendment).

- (ii) the fire is burning in a place which is not the responsibility of any fire fighting authority,

and that it is necessary or expedient that the fire should be controlled or suppressed.

(2) The Chief Co-ordinator shall—

- (a) make such recommendations to the Minister as he deems necessary to assist the Minister in the exercise of the Minister's powers under section sixteen of this Act;

- (b) perform such other duties and functions as the Co-ordinating Committee determines.

(3) Where the Chief Co-ordinator, either personally or through some person referred to in subsection one of this section, takes charge of any fire fighting operations or fire prevention measures under paragraph (a) of that subsection or takes any measures under paragraph (b) of that subsection, 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, members of the Police Force and other persons, shall comply with any directions given to them by the Chief Co-ordinator or that firstmentioned person (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any bush fire in the area or locality in which the Chief Co-ordinator has so taken charge or is taking those measures.

In addition to, and without limiting, the power conferred on the Chief Co-ordinator or any other person by the foregoing provisions of this subsection, the Chief Co-ordinator and that person shall have and may exercise all the powers conferred on

Bush Fires (Amendment).

5 on a bush fire brigade captain by section twenty-two of this Act, without being subject to any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

10 (4) Any person failing to observe any direction given pursuant to this section by the Chief Co-ordinator or any other person shall be liable upon conviction to a penalty not exceeding four hundred dollars or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

15 (5) The Chief Co-ordinator, in the exercise or discharge of any power, authority, duty or function conferred or imposed upon him by or under subsection one or three of this section shall, subject to any relevant plan of operations under section 41A of this Act, not be subject to the control and direction of the Co-ordinating Committee.

20 (6) Except as provided by subsection five of this section, the Chief Co-ordinator shall be subject to the control and direction of the Co-ordinating Committee.

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

30 41G. For the purposes of this Act, the Co-ordinating Committee or the Chief Co-ordinator may—
 (a) with the approval of the Department concerned, and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department;

Use of services of officers, etc., of Government Departments, etc.

(b)

Bush Fires (Amendment).

5 (b) with the approval of the statutory corporation concerned or of the council concerned, and on such terms as may be arranged, make use of the services of any of the officers, employees or servants of any statutory corporation or any council.

10 41H. (1) The Co-ordinating Committee may, **Delegation.** by resolution, delegate to the Chief Co-ordinator any power, authority, duty or function (other than this power of delegation) conferred or imposed upon it by or under this Act.

15 (2) The Chief Co-ordinator may by writing under his hand, delegate to any regional officer or to any officer, employee or servant of the Co-ordinating Committee or of any Government Department, statutory corporation or council in respect of which an arrangement has been made under section 41G of this Act for the use of the services of the officer, employee or servant, any
20 power, authority, duty or function (other than this power of delegation) conferred or imposed upon him by or under this Act.

25 (3) The exercise of any delegation under this section shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

30 (4) Any act or thing done or suffered by the Chief Co-ordinator or, as the case may be, by an officer, employee or servant when acting in the exercise of any such delegation, and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(5)

Bush Fires (Amendment).

(5) Any delegation under subsection two of this section shall remain in force notwithstanding that the person who made the delegation has ceased to hold office as Chief Co-ordinator.

5 (6) The Co-ordinating Committee or the
Chief Co-ordinator, as the case may be, may revoke
either wholly or in part any delegation under this
section of powers, authorities, duties or functions,
whether made by it or him or by a predecessor
10 in that office but no act or thing done or suffered
by an officer, employee or servant within the terms
of any such delegation during the period in which
such delegation was in force shall be invalidated
by reason of the revocation.

15 (7) Subject to any stipulation to the con-
trary contained in the instrument, any instrument of
delegation under this section shall, so far as con-
cerns any act or thing done or suffered thereunder in
good faith, operate and continue in force until
20 notice of the revocation thereof has been received
by the delegate.

 (8) Every act or thing within the scope of
the delegation done or suffered in good faith by the
delegate after revocation of the delegation and
25 before notice thereof has been received by him
shall be as effectual in all respects as if the revoca-
tion had not been made.

 (9) A statutory declaration by the dele-
gate stating that he has not received notice of the
revocation of the delegation at the time when any
such act or thing was done or suffered or at any
time after, shall be taken to be conclusive proof
30 of non-revocation at the time when the act or
thing was so done or suffered in favour of all persons
dealing

Bush Fires (Amendment).

dealing with the delegate in good faith and for valuable consideration without notice of the revocation.

5 41I. (1) The powers, authorities, duties and functions conferred and imposed upon the Co-ordinating Committee and the Chief Co-ordinator by or under this Act shall not be exercised or discharged except in the areas or parts of areas mentioned in Schedule Three to this Act.

Limitation upon exercise of powers, etc., of Co-ordinating Committee and Chief Co-ordinator.

10 (2) The Governor may, by proclamation in the Gazette, amend Schedule Three to this Act by adding thereto or deleting therefrom any area or part of any area, and the Schedule as so amended from time to time shall be Schedule Three to this Act.

20 41J. (1) Any moneys payable in connection with the exercise of the duties imposed upon the Co-ordinating Committee by paragraphs (a) and (b) of subsection one of section 41B of this Act and the construction and maintenance of fire trails and other fire prevention works and hazard reduction works carried out by Fire Prevention Associations shall be paid out of moneys provided by Parliament.

25 (2) Except as provided by subsection one of this section, any moneys payable in connection with the exercise or discharge of the powers, authorities, duties and functions conferred or imposed upon the Co-ordinating Committee or the Chief Co-ordinator by or under this Act shall be paid out of the Fund.

Bush Fires (Amendment).

6. The Bush Fires Act, 1949, is further amended—

Further
amendment
of Act No.
31, 1949.

- (a) (i) by inserting next after the definition of "Bush fire" in section six the following new definition :—

Sec. 6.
(Interpreta-
tion.)

5 "Bush Fire Council" means the Bush Fire Council of New South Wales constituted under this Act.

- (ii) by inserting next after the definition of "Bush fire district" in the same section the following new definition :—

10 "Chief Co-ordinator" means the Chief Co-ordinator of Bush Fire Fighting appointed under this Act.

- (iii) by omitting the definition of "Committee" in the same section ;

- (iv) by inserting next before the definition of "Council" in the same section the following new definition :—

20 "Co-ordinating Committee" means the Co-ordinating Committee of the Bush Fire Council constituted under this Act.

- (v) by inserting next after the definition of "Council" in the same section the following new definition :—

25 "Deputy emergency fire controller" means a deputy emergency fire controller appointed under section seventeen of this Act.

- (vi) by inserting next after the definition of "Emergency fire controller" in the same section the following new definition :—

30 "Finance Committee" means the Finance Committee of the Bush Fire Council constituted under this Act.

Bush Fires (Amendment).

- (vii) by inserting next after the definition of "Fire patrol officer" in the same section the following new definition : —

5 "Fire Prevention Association" means a Fire Prevention Association formed or approved by the Co-ordinating Committee under this Act.

- 10 (viii) by inserting in the definition of "Public authority" in the same section after the words "New South Wales" the words "or any Fire Prevention Association";

- (ix) by inserting next after the same definition the following new definition : —

15 "Regional officer" means a regional officer appointed under section 41B of this Act.

- (b) (i) by inserting next after subsection one of section ten the following new subsection : —

20 (1A) The Minister may, on the recommendation of the Co-ordinating Committee, by order published in the Gazette, declare an area, or part of an area, mentioned in Schedule Three to this Act, to be a special district for the purposes of subsection two of this section.

Sec. 10.
(Requirements to be complied with by persons lighting certain classes of fires.)

- (ii) by omitting paragraph (a) of subparagraph (ii) of paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraphs : —

30 (a) where the land is situated within an area, but not within an area, or part of an area declared to be a special district for the purposes of this subsection

—the

Bush Fires (Amendment).

—the council of the area in which it is situated or a person authorised in that behalf by the council;

5 (a1) where the land is situated within an area, or part of an area, declared to be a special district for the purposes of this subsection—a person authorised in that behalf by the Co-ordinating Committee;

10 (c) (i) by inserting in paragraph (c) of section nine- Sec. 19.
teen after the words “part thereof,” the words (Forma-
“not being an area, or part thereof, mentioned tion of
in Schedule Three to this Act and”; bush fire
brigades.)

15 (ii) by inserting next after paragraph (e) of the same section the following new paragraph :—

20 (f) by the Co-ordinating Committee where it is of the opinion that the formation of a bush fire brigade in any area, or part thereof, mentioned in Schedule Three to this Act, not being within a fire district so constituted, is necessary and the council of such area has failed or refused to comply with a request by the Co-ordinating Committee to form
25 or organise a bush fire brigade.

(d) by inserting in section twenty after the word Sec. 20.
“councils” the words “, or the Co-ordinating (Area of
Committee”; operations
and appoint-
ment of
personnel of
bush fire
brigades.)

(e)

Bush Fires (Amendment).

- (e) (i) by inserting in subsection (3A) of section twenty-two after the word "council" where secondly occurring the words "and any person authorised by the Co-ordinating Committee or a Fire Prevention Association in that behalf, may enter upon Crown land situated within an area, or part thereof, mentioned in Schedule Three to this Act or within the territory of the Association, as the case may be";
- (ii) by omitting from the same subsection the following words :—
- “(a) within a fire district constituted under the Fire Brigades Act, 1909, as amended by subsequent Acts;”;
- (iii) by inserting in the same subsection after the word "council" where thirdly occurring the words "the Co-ordinating Committee or the association, as the case may be,";
- (iv) by inserting in the same subsection after the word "council" where fourthly occurring the words "the Co-ordinating Committee or a Fire Prevention Association";
- (v) by inserting in subsection (3B) of the same section after the word "brigade" where secondly occurring the words "or any person acting under the authority of the Co-ordinating Committee or a Fire Prevention Association";
- (f) by omitting from section twenty-five the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council";
- (g) by omitting from subsection three of section twenty-eight the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee";

Sec. 22.
(Powers of bush fire brigade captains, group captains and deputy captains.)

Sec. 25.
(Proclamation of bush fire districts.)

Sec. 28.
(Division of State into fire regions.)

(h)

Bush Fires (Amendment).

- (h) by omitting from subsection three of section thirty the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee";
- 5 (i) by omitting from subsection five of section thirty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council";
- (j) (i) by inserting in paragraph (a) of subsection one of section thirty-seven after the word "Act" the words ", the Co-ordinating Committee, the Chief Co-ordinator";
- 10 (ii) by inserting in paragraph (b) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- 15 (iii) by inserting in paragraph (c) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- 20 (iv) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (f) subject to the provisions of section 41J of this Act, the payment of salaries, allowances, travelling and other expenses of—
- 25 (i) fire control officers or inspectors appointed under this Act;
- (ii) the Chief Co-ordinator;
- 30 (iii) regional officers;
- (iv)

Sec. 30.
(Estimate to be prepared by Minister for Local Government.)

Sec. 32.
(Contributions by the Treasurer, councils and insurance companies.)

Sec. 37.
(Application of moneys to credit of Fund.)

Bush Fires (Amendment).

- 5 (iv) officers and employees of the
Chief Secretary's Department
in respect of that portion of
their time spent in assisting the
Chief Co-ordinator and per-
forming any functions for or on
behalf of the Co-ordinating
Committee;
- 10 (v) officers, employees and servants
of any Government Depart-
ment, statutory corporation or
council, with which an arrange-
ment has been made under
15 section 41G of this Act, in
respect of that portion of their
time spent in assisting the Chief
Co-ordinator and performing
any functions for or on
20 behalf of the Co-ordinating
Committee;
- (v) by inserting in paragraph (g) of the same
subsection after the word "brigades" the
words ", the Co-ordinating Committee, the
Chief Co-ordinator";
- 25 (vi) by inserting next after paragraph (h) of
the same subsection the following new
paragraphs :—
- 30 (i) the costs of publicity and educational
and training programmes directly
related to the functions of the Co-
ordinating Committee;
- 35 (j) the payment of fees to members of the
Co-ordinating Committee for atten-
dance at meetings of that Committee
and travelling and other expenses
incurred by such members in carrying
out the business of that Committee.
- (k)

Bush Fires (Amendment).

- (k) by omitting from subsection one of section forty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, the Chief Co-ordinator"; Sec. 42.
(Appointment of fire patrol officers and honorary fire patrol officers.)
- 5 (l) by omitting from subsection two of section forty-six the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 46.
(Inspectors.)
- 10 (m) by omitting from section forty-eight the words "Committee, a council, an officer or employee of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales, an emergency fire controller" and by inserting in lieu thereof the words "Bush Fire Council, a council, a member of a Fire Prevention Association, the Chief Co-ordinator, an officer or employee of or a person acting under the authority of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales or the National Parks and Wildlife Service or a Fire Prevention Association or the Co-ordinating Committee, an emergency fire controller, a deputy emergency fire controller"; Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- 15
- 20
- 25 (n) by omitting from section fifty the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council or the Co-ordinating Committee or the Chief Co-ordinator"; Sec. 50.
(Destruction, etc., of notices.)
- 30 (o) (i) by omitting from subsection one of section fifty-five the words "an emergency fire controller" and by inserting in lieu thereof the words "the Chief Co-ordinator or an emergency fire controller or a deputy emergency fire controller"; 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)

Bush Fires (Amendment).

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

5 (2) Any person who assaults, resists, obstructs, uses abusive language to or incites or encourages any other person to assault, resist, obstruct or use abusive language to the Chief Co-ordinator, any fire patrol officer, emergency fire controller, deputy emergency
10 fire controller, captain or deputy captain of a bush fire brigade, group captain or deputy group captain of bush fire brigades, or fire control officer or any person acting under the directions of any such person, shall be liable
15 to a penalty not exceeding one hundred dollars.

- (p) (i) by omitting from paragraph (l) of subsection two of section fifty-seven the word "Com-
mittee" and by inserting in lieu thereof the words "Bush Fire Council, Co-ordinating
20 Committee and Finance Committee";

(ii) by omitting from paragraph (m) of the same subsection the words "emergency fire controllers" and by inserting in lieu thereof the words "regional officers, emergency fire
25 controllers, deputy emergency fire controllers";

- (iii) by inserting next after paragraph (x) of the same subsection the following new paragraphs :—

30 (y) the conditions under which fires may be lit, maintained or used for or in connection with the destruction of trade or industrial wastes or for any like purpose;

35 (z) the defining of the powers, authorities, duties and functions of Fire Prevention Associations;

(aa) the prescribing of constitutions and rules for Fire Prevention Associations.

Bush Fires (Amendment).

7. The Bush Fires Act, 1949, is further amended by inserting next after Schedule Two the following new Schedule :—

Further amendment of Act No. 31, 1949.

New Schedule Three.

SCHEDULE THREE

5 *Cities of:*

Armidale	Lithgow
Bathurst	Liverpool
Blue Mountains	Maitland
Campbelltown	Newcastle
10 Greater Cessnock	Parramatta
Goulburn	Penrith
Grafton	Sydney
Lismore	Greater Wollongong

Municipalities of:

15 Ashfield	Lane Cove
Auburn	Leichhardt
Ballina	Manly
Bankstown	Marrickville
Bega	Mosman
20 Blacktown	Mullumbimby
Bombala	Muswellbrook
Botany	North Sydney
Bowral	Port Macquarie
Burwood	Queanbeyan
25 Camden	Randwick
Canterbury	Rockdale
Casino	Ryde
Concord	Shellharbour
Cooma	Singleton
30 Drummoyne	South Sydney
Fairfield	Strathfield
Glen Innes	Taree
Holroyd	Tenterfield
Hunter's Hill	Waverley
35 Hurstville	Willoughby
Kempsey	Windsor
Kiama	Wingham
Kogarah	Woollahra
Ku-ring-gai	

Bush Fires (Amendment).

SCHEDULE THREE—*continued.**Shires of:*

	Abercrombie	Mumbulla
	Baulkham Hills	Nambucca
5	Bellingen	Nymboida
	Bibbenluke	Oberon
	Blaxland	Patrick Plains
	Byron	Port Stephens
	Coff's Harbour	Rylstone
10	Colo	Scone
	Copmanhurst	Severn
	Crookwell	Shoalhaven
	Denman	Snowy River
	Dumaresq	Stroud
15	Dungog	Sutherland
	Eurobodalla	Tallaganda
	Gloucester	Tenterfield
	Gosford	Terania
	Gundurimba	Tintenbar
20	Guyra	Tomki
	Hastings	Turon
	Hornsby	Tweed
	Imlay	Ulmarra
	Kyogle	Walcha
25	Lake Macquarie	Warringah
	Macleay	Wingecarribee
	Macleay	Wollondilly
	Manning	Woodburn
	Mittagong	Wyang
30	Monaro	Yarrowlunla
	Mulwaree	

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[35c]

BUSH FIRES (AMENDMENT) BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to require the giving of certain notices and other information to officers of the National Parks and Wildlife Service, relating to fires authorised to be lit within prescribed distances of national parks, state parks, historic sites or nature reserves;
- (b) to provide for the automatic revocation of permits to light fires when the Minister issues a direction prohibiting the lighting of fires under section sixteen of the Bush Fires Act, 1949 (hereinafter referred to as the "Principal Act");
- (c) to provide that persons authorised under the Principal Act to enter land to prevent or control bush fires shall, where the land comprises a national park, state park, historic site or nature reserve, do so only with the concurrence of the Director of National Parks and Wildlife;
- (d) to provide for the appointment of fire control officers by councils;
- (e) to increase to \$100 the penalty to which a person is liable if he does not comply with any lawful requirement imposed on him by a fire patrol officer or if he destroys or defaces any notice displayed under the Principal Act;
- (f) to facilitate proof of certain documents made or published under the Principal Act;
- (g) to provide that emergency fire controllers may be appointed only in respect of areas not mentioned in Schedule Three, which is to be inserted in the Principal Act by this Bill;
- (h) to authorise the appointment of a deputy emergency fire controller where an emergency fire controller has been appointed;
- (i) to provide an additional circumstance in which an emergency fire controller may be appointed, namely, when the prevailing conditions are conducive to the outbreak of a bush fire that is likely to assume such proportions as to be incapable of control by the local authorities;
- (j) to transfer to the Minister administering the Principal Act certain powers and functions relating to financial matters presently exercised by the Minister for Local Government and to amend section 17G of the Workers' Compensation Act, 1926, in a similar manner;
- (k) to constitute a Bush Fire Council of New South Wales consisting of not more than twenty-five persons appointed by the Governor;
- (l) to abolish the Bush Fire Committee and to transfer its powers, authorities, duties and functions to the Bush Fire Council;
- (m) to constitute a Finance Committee and a Co-ordinating Committee of the Bush Fire Council;

- (n) to define the powers, authorities, duties and functions of the Co-ordinating Committee and, in particular, to authorise that Committee—
 - (i) to prepare plans of operations to be followed if a bush fire breaks out and assumes or is likely to assume such proportions as to be incapable of control by the local authorities or if the prevailing conditions are conducive to the outbreak of a bush fire likely to assume those proportions;
 - (ii) to appoint regional officers to assist the Chief Co-ordinator referred to in paragraph (o) hereof;
 - (iii) to form Fire Prevention Associations for the purpose of carrying out measures to prevent and control bush fires on unoccupied Crown lands;
 - (iv) to acquire such real and personal property as may be necessary to assist in the prevention or control of bush fires;
 - (v) to form bush fire brigades in certain circumstances; and
 - (vi) to carry out other measures to prevent or control bush fires;
- (o) to provide for the appointment of a Chief Co-ordinator of Bush Fire Fighting who shall either personally or through other officers take control of fire fighting operations and fire prevention measures when any bush fire has assumed or is likely to assume such proportions as to be incapable of control by the local authorities or when the prevailing conditions are conducive to the outbreak of a bush fire likely to assume those proportions or when a bush fire is not being effectively controlled;
- (p) to confer and impose other powers, authorities, duties and functions on the Chief Co-ordinator;
- (q) to limit the exercise of the powers, authorities, duties and functions of the Co-ordinating Committee and the Chief Co-ordinator to areas mentioned in Schedule Three, which is to be inserted in the Principal Act by this Bill;
- (r) to enable the Minister to declare an area to be a special district and to provide that a person authorised by the Co-ordinating Committee shall be the authority to issue permits to light fires in that district;
- (s) to authorise regulations to be made prescribing the conditions under which fires may be lit or used for the destruction of trade or industrial wastes; and
- (t) to make other provisions of a minor, consequential or ancillary character.

PROOF

No. , 1970.

A BILL

To make further provisions with respect to the prevention, control and suppression of bush fires; to provide for the establishment of a Bush Fire Council of New South Wales and the appointment of a Chief Co-ordinator of Bush Fire Fighting, and to define their respective powers, authorities, duties and functions; to abolish the Bush Fire Committee; for these and other purposes to amend the Bush Fires Act, 1949, and the Workers' Compensation Act, 1926; and for purposes connected therewith.

[MR WILLIS—18 March, 1970.]

BE

Bush Fires (Amendment).

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
5 follows :—

1. (1) This Act may be cited as the "Bush Fires
(Amendment) Act, 1970".

Short title
and com-
mencement.

(2) The several provisions of this Act shall commence
upon such day or days as may be appointed by the Governor
10 in respect thereof and notified by proclamation published in
the Gazette.

2. (1) The Bush Fires Act, 1949, is amended—

Amendment
of Act No.
31, 1949.

(a) by inserting next after subsection six of section ten
the following new subsection :—

Sec. 10.
(Require-
ments to be
complied
with by
persons
lighting
certain
classes of
fires.)

15 (7) Where any permit is granted under this
section for the lighting, maintenance or use of any
fire and the land on which such fire is to be lit,
maintained or used is within such distance as may
be prescribed of such national park, state park or
20 historic site within the meaning of the National
Parks and Wildlife Act, 1967, or any nature
reserve under the Fauna Protection Act, 1948, as
is specified or described in the regulations made for
the purposes of this subsection notice of such permit
25 shall, within the prescribed time and in the pre-
scribed manner, be given by the authority or
person referred to in subsection two of this section
by whom the permit was granted to an officer of
the National Parks and Wildlife Service stationed
30 at such park, site or reserve.

(b)

Bush Fires (Amendment).

(b) (i) by inserting in subsection one of section eleven Sec. 11.
after the word "Act" where secondly occur- (Revocation,
ring the words "and to the officer of the suspension
National Parks and Wildlife Service to whom or variation
notice of such permit has been given in accord- of permits.)
5 ance with subsection seven of that section";

(ii) by inserting next after subsection two of the
same section the following new subsection : —

(3) Where—

- 10 (a) a permit granted under section ten of
this Act authorises the lighting, main-
tenance or use of a fire; and
- 15 (b) the effect of a direction under section
sixteen of this Act is to prohibit the
lighting, maintenance or use of that
fire,

the permit shall cease to have any further
force or effect as from the date on which that
direction first takes effect.

20 (c) by inserting next after subsection five of section Sec. 13.
thirteen the following new subsection : — (Power
given
to councils
to require
fire breaks.)

25 (6) Where a council by notice in writing
requires the occupier or owner of any land to burn
fire breaks or inflammable matter or other material
and the land on which such fire breaks or inflam-
mable matter or other material are or is to be
burnt is within such distance as may be prescribed
of such national park, state park or historic site
within the meaning of the National Parks and Wild-
life Act, 1967, or any nature reserve under the
30 Fauna Protection Act, 1948, as is specified or
described in the regulations made for the purposes
of this subsection, notice of such requirement shall,
within the prescribed time and in the prescribed
manner,

Bush Fires (Amendment).

manner, be given by such council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

- 5 (d) by inserting next after subsection two of section fourteen the following new subsection :—
- (3) Where any servants, agents or workmen of a council or any officers or members of any fire brigade or bush fire brigade are authorised under subsection one of this section to enter any land and light any fire and the land on which such fire is to be lit is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such authorisation shall, within the prescribed time and in the prescribed manner, be given by the council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.
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- 25 (e) by inserting in subsection five of section fifteen after the word "trustees" the words "nor within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948,";
- (f) (i) by inserting at the end of subsection two of section twenty-two the following new proviso :—
- 30
- 35
- Sec. 14.
(Councils may authorise persons to enter land and make fire breaks or clear inflammable material.)
- Sec. 15.
(Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.)
- Sec. 22.
(Powers of bush fire brigade captains, group captains and deputy captains.)
- Provided further that such powers shall not be exercised on or in connection with any land or property within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature

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nature reserve under the Fauna Protection Act, 1948, unless permission has been granted by the Director of National Parks and Wildlife or some person authorised by him in that behalf.

5

- (ii) by inserting next after subsection (3B) of the same section the following new subsection :—

(3C) Any member of a bush fire brigade or any other person acting under the authority of a captain, deputy captain, group captain or deputy group captain of a bush fire brigade may, with the permission of the Director of National Parks and Wildlife or some person authorised in that behalf by that Director, enter upon any land comprised in a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, and do all or any of the following things, namely, plough, burn, clear or otherwise establish fire breaks on the land or remove, burn or destroy any inflammable matter or other material upon the land.

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- (g) by omitting section twenty-six and by inserting in lieu thereof the following section :—

Subst. sec.
26.

26. (1) The council of an area which, or part of which, constitutes a bush fire district shall appoint a person, approved in that behalf by the Minister, as fire control officer for that district.

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(2) The provisions of section twenty-three of this Act apply, mutatis mutandis, to a fire control officer appointed under subsection one of this section.

35

(h)

Bush Fires (Amendment).

- (h) by inserting next after paragraph (d) of section twenty-seven the following new paragraph :— (Powers of fire control officers, etc.)
- 5 (e) shall perform such other duties as are imposed upon him by the council by whom he has been appointed.
- (i) by omitting from section thirty-one the word "trustees" and by inserting in lieu thereof the word "occupier"; (Sec. 31. (Councils, etc., to furnish information to Minister for Local Government.)
- 10 (j) (i) by omitting from subsection one of section thirty-seven the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupiers"; (Sec. 37. (Application of moneys to credit of Fund.)
- 15 (ii) by omitting from subsections three and four of the same section the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupier";
- (k) by omitting from section forty-one the word "trustees" and by inserting in lieu thereof the word "occupier"; (Sec. 41. (Councils and other bodies to furnish information to Committee.)
- 20 (l) by omitting from subsection two of section forty-four the words "ten dollars" and by inserting in lieu thereof the words "one hundred dollars"; (Sec. 44. (Powers of fire patrol officers.)
- 25 (m) by omitting from subsection two of section forty-six the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupiers"; (Sec. 46. (Inspectors.)
- (n) by omitting from section fifty the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars"; (Sec. 50. (Destruction, etc., of notices.)
- (o)

Bush Fires (Amendment).

- (o) by inserting next after subsection (1B) of section fifty-one the following new subsection :—

Sec. 51.
(Powers of officers of Forestry Commission, etc., where a bush fire is burning on any land within five miles of a State forest, etc.)

(1c) Where a bush fire is burning on any land and the bush fire or any part thereof is within five miles of a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, any officer of the National Parks and Wildlife Service or any person or persons authorised in that behalf by that Service may enter upon such land or upon any land situated between such land and such park, site or reserve, with such vehicles and fire fighting apparatus as may be reasonably necessary for the purpose of extinguishing or assisting to extinguish such fire, and may do all such acts, matters and things as are reasonably necessary to extinguish such fire or to prevent the spread thereof.

- (p) by inserting in paragraph (b) of section fifty-two after the words "New South Wales" the words "or officer of the National Parks and Wildlife Service";

Sec. 52.
(Responsibility of occupiers to extinguish fires or notify them to fire fighting authorities.)

- (q) by inserting next after section fifty-six the following new section :—

New sec. 56A.

56A. The production of—

Evidence.

(a) a copy of the Gazette containing any proclamation, notification or order purporting to be made or published under this Act;

(b) a copy purporting to be a true copy of any resolution made by a council or instrument made by a delegate of a council and purporting to be certified as such under the hand of the mayor or president or town or shire clerk,

shall

Bush Fires (Amendment).

5 shall be prima facie evidence of the due making, existence, confirmation, approval and giving of such proclamation, notification, order, resolution or instrument and of all preliminary steps necessary to give full force and effect thereto, and of the contents thereof.

- (r) (i) by omitting paragraph (j) of subsection two of section fifty-seven; Sec. 57.
(Regulations.)
- 10 (ii) by omitting from paragraph (r) of the same subsection the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupiers".

(2) A person who, immediately before the day on which the amendment made by paragraph (g) of subsection one of this section commences, held office as fire control officer for a bush fire district shall be deemed to have been appointed on that day to that office by the council of the area which or part of which constitutes that district.

3. The Bush Fires Act, 1949, is further amended by omitting section seventeen and by inserting in lieu thereof the following section :— Further amendment of Act No. 31, 1949.
Subst. sec. 17.

17. (1) The provisions of this section shall not apply to or in relation to areas or parts of areas mentioned in Schedule Three to this Act. Emergency fire controllers and deputy emergency fire controllers.

25 (2) As soon as practicable after the commencement of section three of the Bush Fires (Amendment) Act, 1970, 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 and deputy emergency fire controllers") of persons who may be appointed as emergency fire controllers and deputy

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emergency

Bush Fires (Amendment).

emergency fire controllers under this section in respect of any area or group of areas or in respect of the Western Division or Lord Howe Island.

5 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.

10 (3) 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 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 or (if there is already an emergency fire controller so appointed) a deputy emergency fire controller in accordance with the provisions of this section.

20 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 or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

30 (4) A person whose name is included in the list of emergency fire controllers and deputy 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, by the mayor or president, or person for the time being acting as mayor or president, of that area;

(b)

Bush Fires (Amendment).

- (b) any two or more areas, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- 5 (c) the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection three of this section;
- 10 (d) the Western Division, and any area, jointly by the Minister, or 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;
- 15 (e) the Western Division, and any two or more areas, 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,
- 20 and a person whose name is included in that list may be appointed in like manner as a deputy emergency fire controller for any such territory.

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

- 25 (a) any area, 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;
- 30 (b) two or more areas, 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)

Bush Fires (Amendment).

- (c) the Western Division or Lord Howe Island, unless his name is included in such list in respect of the Western Division or Lord Howe Island, as the case may be;
- 5 (d) the Western Division, and any area, unless his name is included in such list in respect of—
 - (i) the Western Division;
 - (ii) that area; or
 - 10 (iii) a group of areas in which that area is included;
- (e) the Western Division, and two or more areas, unless his name is included in such list in respect of—
 - (i) the Western Division;
 - 15 (ii) at least one of such areas; or
 - (iii) a group of areas in which at least one of such areas is included.
- 20 (6) A person appointed as an emergency fire controller or deputy 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 (7) A deputy emergency fire controller appointed in respect of any territory shall, except where he is acting as the emergency fire controller pursuant to subsection eight of this section, be subject to the control and direction of the emergency fire controller appointed in respect of such territory.
- 30 (8) A deputy emergency fire controller appointed in respect of any territory shall act as emergency fire controller at the direction of the emergency fire controller or in the event of his absence, illness or other inability to act.

(9)

Bush Fires (Amendment).

(9) Where an emergency fire controller or a deputy 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 to them by such emergency fire controller or deputy emergency fire controller (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any fire in the territory in respect of which such emergency fire controller or deputy emergency fire controller has been so appointed.

In addition to, and without limiting, the power conferred on emergency fire controllers and deputy emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller and a deputy 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 any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

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

(11) The provisions of section twenty-three of this Act apply, mutatis mutandis, to an emergency fire controller and a deputy emergency fire controller appointed under this section.

(12)

Bush Fires (Amendment).

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

4. (1) The Bush Fires Act, 1949, is further amended— Further amendment of Act No. 31, 1949.

5 (a) by omitting from section twenty-eight the words Sec. 28.
“for Local Government” wherever occurring; (Division of State into fire regions.)

(b) by omitting from section twenty-nine the words Sec. 29.
“for Local Government” wherever occurring; (Eastern and Central Divisions Bush Fire Fighting Fund.)

10 (c) (i) by omitting subsection one of section thirty Sec. 30.
and by inserting in lieu thereof the following (Estimate to be prepared by Minister.)
subsection :—

(1) Before the end of each financial year the Minister shall prepare and, subject to the concurrence of the Treasurer, adopt—

15 (a) an estimate of the probable expenditure from the Fund during the then ensuing financial year;

(b) an estimate of the parts of such expenditure applicable to each fire region.

20 (ii) by omitting from subsection two of the same section the words “for Local Government” wherever occurring;

25 (iii) by omitting from subsection three of the same section the words “for Local Government”;

(d)

Bush Fires (Amendment).

- (d) by omitting from section thirty-one the words "for Sec. 31.
Local Government" wherever occurring; (Councils,
etc., to
furnish
information
to
Minister.)
- (e) by omitting from section thirty-three the words "for Sec. 33.
Local Government" wherever occurring; (Determina-
tion of
contributions
of councils.)
- 5 (f) by omitting from section thirty-four the words "for Sec. 34.
Local Government" wherever occurring; (Determina-
tion of
contributions
of insurance
companies.)
- (g) by omitting from section 34A the words "for Local Sec. 34A.
Government" wherever occurring; (Audit of
accounts
of insurance
companies.)
- 10 (h) by omitting from subsection one of section thirty- Sec. 35.
five the words "for Local Government" wherever (Deficits,
occurring; etc.)
- (i) by omitting from section thirty-six the words "for Sec. 36.
Local Government" wherever occurring; (Contri-
tions due
and payable
within sixty
days of
assessment.)
- 15 (j) by omitting from section 36A the words "for Local Sec. 36A.
Government" wherever occurring; (Appeals by
insurance
companies
against
assessment
of contribu-
tions.)
- (k) by omitting from section thirty-seven the words "for Sec. 37.
Local Government" wherever occurring; (Application
of moneys to
credit of
Fund.)

Bush Fires (Amendment).

- (l) by omitting from section thirty-eight the words "for Local Government" wherever occurring; Sec. 38.
(Financial statements.)
- 5 (m) (i) by omitting from paragraph (a) of subsection one of section forty the words "or the Minister for Local Government"; Sec. 40.
(Functions of Bush Fire Council.)
- (ii) by omitting from paragraph (c) of the same subsection the words "and the Minister for Local Government";
- 10 (n) by omitting from paragraph (a) of subsection two of section forty-six the words "and the Minister for Local Government"; Sec. 46.
(Inspectors.)
- (o) by omitting from section forty-eight the words "the Minister for Local Government,". Sec. 48.
(Proceedings not to be against persons acting bona fide under and for the purposes of Act.)
- 15 (2) Any fire region in existence immediately before the commencement of this section shall, subject to section twenty-eight of the Bush Fires Act, 1949, as amended by subsection one of this section, continue in existence after that commencement.
- 20 (3) The Workers' Compensation Act, 1926, is amended by omitting from section 17G the words "Minister for Local Government" and by inserting in lieu thereof the words "Chief Secretary". Amendment of Act No. 15, 1926.
Sec. 17G.
(Assessment and payment of contributions.)

Bush Fires (Amendment).

5. The Bush Fires Act, 1949, is further amended—

- (a) by omitting section thirty-nine and by inserting in lieu thereof the following sections :—

Further amendment of Act No. 31, 1949, Subst. sec. 39 new secs. 39A–39C. Constitution of Bush Fire Council.

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39. (1) There shall be constituted a Bush Fire Council of New South Wales consisting of not more than twenty-five persons, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

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(2) The members of the Bush Fire Council shall be appointed by the Governor, and of those members—

15

- (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment, or by a subsequent instrument, be appointed as the Chairman of the Bush Fire Council;

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- (b) one, who shall be nominated by the Minister on the recommendation of the Minister for Conservation, shall be the Commissioner appointed under the provisions of the Forestry Act, 1916, or some other person;

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- (c) one, who shall be nominated by the Minister on the recommendation of the Minister for Lands, shall be the Director of National Parks and Wildlife, or some other person;

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- (d) one shall be a person nominated by the Minister on the recommendation of the Board of Fire Commissioners of New South Wales;

- (e) one shall be a person nominated by the Minister on the recommendation of the Shires Association of New South Wales;
(f)

Bush Fires (Amendment).

- (f) one shall be a person nominated by the Minister on the recommendation of the Fire and Accident Underwriters' Association of New South Wales;
- 5 (g) one shall be an officer of the Chief Secretary's Department, nominated by the Minister;
- (h) one shall be a person nominated by the Minister on the recommendation of the Director of Civil Defence;
- 10 (i) one shall be a person nominated by the Minister on the recommendation of the Commissioner of Police;
- (j) one shall be a person nominated by the Minister on the recommendation of the Association of Local Government Clerks of New South Wales;
- 15 (k) the remainder shall be persons nominated by the Minister, of whom not less than five shall be persons who are members of bush fire brigades.
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(3) A member of the Bush Fire Council shall hold office for such term not exceeding five years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.

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Any such re-appointment shall be for such term not exceeding five years as may be specified in the instrument of his re-appointment.

(4) On the occurrence of a vacancy in the office of a member of the Bush Fire Council otherwise than by the expiration of the term for

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Bush Fires (Amendment).

5 which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection two of this section for his predecessor in office.

10 (5) (a) Where at any time the Chairman or any other member of the Bush Fire Council is absent with the leave of the Council granted for a period, the Governor may appoint a person to be acting Chairman or acting member of the council, being a person qualified and nominated as provided by subsection two of this section for the person who is so absent.

15 (b) An appointment under paragraph (a) of this subsection shall be for such period as may be specified in the instrument of appointment.

20 (c) An acting chairman or an acting member, as the case may be, shall have and may exercise and discharge all the powers, authorities, duties and functions of the Chairman or other member who is absent as referred to in paragraph (a) of this subsection.

25 (6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member of the Bush Fire Council and that member shall not, in his capacity as such, be subject to the provisions of that Act.

30 (7) The office of a member of the Bush Fire Council shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office or place of profit under the Crown.

35 (8) The Chairman and each other member of the Bush Fire Council shall be entitled to receive such travelling or other expenses as the Minister may determine and such other fees as may be determined by the Governor.

(9)

Bush Fires (Amendment).

(9) A member of the Bush Fire Council shall be deemed to have vacated his office—

- (a) if he dies;
- 5 (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes bankrupt, compounds with his creditors, or makes an assignment of any salary, remuneration or allowance payable to him, or of his estate, for their benefit;
- 10 (d) if he is absent without leave of the Council from three consecutive meetings of the Council;
- 15 (e) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 20 (f) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence, which, if committed in New South Wales, would be a felony or a misdemeanour which is punishable as aforesaid;
- 25 (g) if he is removed from office by the Governor.

(10) The Governor may, for any cause which seems to him sufficient, remove a member of the Bush Fire Council from office.

- 30 39A. (1) For the purposes of sections twenty-eight and thirty of this Act, there shall be consti-^{Finance} ^{Committee.}
tuted a Finance Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (e),
35 (f) and (g) of subsection two of section thirty-nine of this Act.

Bush Fires (Amendment).

(2) The Chairman of the Bush Fire Council shall be the Chairman of the Finance Committee.

5 (3) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Finance Committee.

10 39B. (1) There shall be constituted a Co-ordinating Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (b), (c), (d) and (e) of subsection two of section thirty-nine of this Act. Co-ordinating Committee.

15 (2) The Chairman of the Bush Fire Council shall be the Chairman of the Co-ordinating Committee.

20 (3) The Co-ordinating Committee is hereby constituted a body corporate under the name of "Co-ordinating Committee of the Bush Fire Council of New South Wales".

(4) The common seal of the Co-ordinating Committee shall be kept by such person as the Co-ordinating Committee may determine.

25 (5) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Co-ordinating Committee.

30 39C. (1) Meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee shall be held from time to time as determined Procedural and other matters relating to Bush Fire Council and Committees.

Bush Fires (Amendment).

mined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

5 (2) (a) The Chairman shall preside at all meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee at which he is present.

10 (b) In the absence of the Chairman the members present may elect one of their number to preside as chairman.

(c) The Chairman or member presiding as chairman shall have a deliberative vote, and in the event of an equality of votes, shall have a second or casting vote.

15 (3) Ten members shall constitute a quorum of the Bush Fire Council, three members shall constitute a quorum of the Finance Committee and three members shall constitute a quorum of the Co-ordinating Committee.

20 (4) A decision of a majority of the members present at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, at which a quorum is present, shall be the decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

25

30 (5) The procedure for the calling of meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(b)

Bush Fires (Amendment).

- (b) (i) by omitting from section forty the words "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 40.
(Functions of Bush Fire Council.)
- 5 (ii) by omitting from paragraph (c) of subsection one of the same section the word "April" and by inserting in lieu thereof the word "June";
- 10 (iii) by omitting from the same paragraph the words "of the estimated damage from bush fires in New South Wales during the preceding twelve months" and by inserting in lieu thereof the words ", for presentation to Parliament, of the estimated damage from bush fires in New South Wales during the period of twelve months ending on the thirty-first day of March in that year";
- 15 (iv) by omitting from the same paragraph the words "year next ensuing" and by inserting in lieu thereof the words "period of twelve months commencing on the first day of July in that year";
- 20 (c) (i) by inserting in section forty-one after the word "Minister" the words "or by the Co-ordinating Committee"; Sec. 41.
(Councils and other bodies to furnish information to Bush Fire Council.)
- 25 (ii) by omitting from the same section the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council";
- 30 (d) by inserting next after section forty-one the following new sections :— New secs. 41A—41J.
- 41A. (1) In this section—
- "plan of operations" means a plan prepared by the Co-ordinating Committee under this section;
- "prescribed" Functions of Co-ordinating Committee as to co-ordination of bush fire fighting activities.

Bush Fires (Amendment).

5 “prescribed organisation” means a council, the Board of Fire Commissioners of New South Wales, the Forestry Commission of New South Wales, the National Parks and Wildlife Service or any body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires.

10 (2) The Co-ordinating Committee may, for the purpose of co-ordinating the activities of such two or more of the prescribed organisations as it thinks fit (in so far as those activities relate to the prevention, control or suppression of bush fires), prepare a plan setting out the procedures
15 which the Co-ordinating Committee considers ought to be followed if a bush fire breaks out in any area or locality and assumes or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities
20 in that area or locality or if the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

25 (3) The Co-ordinating Committee may from time to time vary or revoke any plan of operations.

(4) A plan of operations may be communicated in such manner as the Co-ordinating Committee thinks fit to any prescribed organisation to which it relates.

30 (5) A plan of operations communicated to a prescribed organisation to which it relates shall be adopted by that organisation and as far as practicable be carried into effect by that organisation in the circumstances indicated by the plan.

Bush Fires (Amendment).

- 41B. (1) The Co-ordinating Committee may—
Other functions of Co-ordinating Committee.
- 5 (a) with the approval of the Minister for Lands, take such steps as it thinks fit for the reduction of fire hazards on Crown lands not held under lease or license nor vested in nor under the control of trustees;
 - (b) enter into arrangements with councils and public authorities for the reduction of fire hazards on land under their control;
 - 10 (c) acquire such fire fighting apparatus as it may deem necessary to enable the Chief Co-ordinator to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
 - 15 (d) with the approval of the Minister, purchase, exchange, take on lease, hold, dispose of or otherwise deal with any real property;
 - (e) erect and maintain such buildings as it may deem necessary for the storage of fire fighting apparatus;
 - 20 (f) investigate the adequacy and efficiency of bush fire brigades in any area;
 - 25 (g) appoint regional officers to assist the Chief Co-ordinator in the exercise or discharge of any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
 - 30 (h) form Fire Prevention Associations, or approve Fire Prevention Associations formed, for the purpose of constructing and maintaining fire trails and carrying out measures

Bush Fires (Amendment).

measures for the detection, prevention, control and suppression of bush fires on unoccupied Crown lands;

- 5 (i) determine the territories in respect of which Fire Prevention Associations may operate.

(2) The Co-ordinating Committee shall—

- 10 (a) review annually the incidence of fire hazards on such private lands as it determines and facilitate as far as practicable the removal or reduction of those hazards by the owners or occupiers of those lands;

- (b) encourage and assist as far as practicable councils in the exercise of their powers under section thirteen of this Act;

- 15 (c) ensure as far as practicable that members of bush fire brigades and persons in, or under the control of, other fire fighting authorities are provided with the necessary training and techniques for the prevention, control and suppression of bush fires;
- 20

- (d) ensure as far as practicable that equipment in such sufficient quantity, and of such approved standards of operation and efficiency, as the Co-ordinating Committee determines, is available to and properly maintained by fire fighting authorities;
- 25

- (e) ensure as far as practicable that adequate information is furnished to the Chief Co-ordinator to enable him properly to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- 30

(f)

Bush Fires (Amendment).

5 (f) before the thirtieth day of June in each year furnish a report to the Minister, for presentation to Parliament, as to its activities during the period of twelve months ending on the thirty-first day of March in that year.

(3) The Co-ordinating Committee—

10 (a) shall furnish reports and recommendations upon any matter, referred to it by the Minister, relating to the prevention, control and suppression of bush fires;

15 (b) may furnish to the Minister, councils and other persons, such reports and recommendations relating to the prevention, control and suppression of bush fires as it thinks fit.

20 41C. For the purpose of enabling the Co-ordinating Committee to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon it by or under this Act, any council, bush fire brigade, occupier of any supervised park, fire control officer, public authority or body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires shall, at such times and in such manner as the Co-ordinating Committee may require, furnish to it such information as it may require.

30 41D. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint a Chief Co-ordinator of Bush Fire Fighting and such other officers and employees as may be necessary for the purposes of this Act.

41E.

Bush Fires (Amendment).

41E. In the case of the illness or absence of the Chief Co-ordinator, the Minister, on the recommendation of the Co-ordinating Committee, may appoint a person to act as Chief Co-ordinator during the period of his illness or absence, and the person so appointed, while he so acts during that period, shall have and may exercise and discharge all the immunities, powers, authorities, duties and functions conferred and imposed upon the Chief Co-ordinator by or under this Act.

Acting Chief
Co-ordinator

41F. (1) The Chief Co-ordinator shall either personally or through regional officers, officers of the Board of Fire Commissioners of New South Wales, officers of the Forestry Commission of New South Wales or other persons—

Functions of
Chief Co-
ordinator.

(a) take charge of fire fighting operations, and fire prevention measures, where he is of the opinion that any bush fire has assumed or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions;

(b) take such measures to control or suppress any bush fire as he deems necessary, where he is of the opinion that—

(i) the fire is not being effectively controlled or suppressed by the fire fighting authority or authorities in whose area or locality it is burning;
or

(ii)

Bush Fires (Amendment).

(ii) the fire is burning in a place which is not the responsibility of any fire fighting authority,

5 and that it is necessary or expedient that the fire should be controlled or suppressed.

(2) The Chief Co-ordinator shall—

(a) make such recommendations to the Minister as he deems necessary to assist the Minister in the exercise of the Minister's powers under section sixteen of this Act;

10 (b) perform such other duties and functions as the Co-ordinating Committee determines.

(3) Where the Chief Co-ordinator, either personally or through some person referred to in subsection one of this section, takes charge of any fire fighting operations or fire prevention measures under paragraph (a) of that subsection or takes any measures under paragraph (b) of that subsection, 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, members of the Police Force and other persons, shall comply with any directions given to them by the Chief Co-ordinator or that firstmentioned person (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any bush fire in the area or locality in which the Chief Co-ordinator has so taken charge or is taking those measures.

35 In addition to, and without limiting, the power conferred on the Chief Co-ordinator or any other person by the foregoing provisions of this subsection, the Chief Co-ordinator and that person shall have and may exercise all the powers conferred on

Bush Fires (Amendment).

5 on a bush fire brigade captain by section twenty-two of this Act, without being subject to any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

10 (4) Any person failing to observe any direction given pursuant to this section by the Chief Co-ordinator or any other person shall be liable upon conviction to a penalty not exceeding four hundred dollars or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

15 (5) The Chief Co-ordinator, in the exercise or discharge of any power, authority, duty or function conferred or imposed upon him by or under subsection one or three of this section shall, subject to any relevant plan of operations under section 41A of this Act, not be subject to the control and direction of the Co-ordinating Committee.

20 (6) Except as provided by subsection five of this section, the Chief Co-ordinator shall be subject to the control and direction of the Co-ordinating Committee.

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

30 41G. For the purposes of this Act, the Co-ordinating Committee or the Chief Co-ordinator may—
 (a) with the approval of the Department concerned, and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department;

Use of services of officers, etc., of Government Departments, etc.

(b)

Bush Fires (Amendment).

5 (b) with the approval of the statutory corporation concerned or of the council concerned, and on such terms as may be arranged, make use of the services of any of the officers, employees or servants of any statutory corporation or any council.

10 41H. (1) The Co-ordinating Committee may, **Delegation.** by resolution, delegate to the Chief Co-ordinator any power, authority, duty or function (other than this power of delegation) conferred or imposed upon it by or under this Act.

15 (2) The Chief Co-ordinator may by writing under his hand, delegate to any regional officer or to any officer, employee or servant of the Co-ordinating Committee or of any Government Department, statutory corporation or council in respect of which an arrangement has been made under section 41G of this Act for the use of the services of the officer, employee or servant, any
20 power, authority, duty or function (other than this power of delegation) conferred or imposed upon him by or under this Act.

25 (3) The exercise of any delegation under this section shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

30 (4) Any act or thing done or suffered by the Chief Co-ordinator or, as the case may be, by an officer, employee or servant when acting in the exercise of any such delegation and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(5)

Bush Fires (Amendment).

(5) Any delegation under subsection two of this section shall remain in force notwithstanding that the person who made the delegation has ceased to hold office as Chief Co-ordinator.

5 (6) The Co-ordinating Committee or the
Chief Co-ordinator, as the case may be, may revoke
either wholly or in part any delegation under this
section of powers, authorities, duties or functions,
10 whether made by it or him or by a predecessor
in that office but no act or thing done or suffered
by an officer, employee or servant within the terms
of any such delegation during the period in which
such delegation was in force shall be invalidated
by reason of the revocation.

15 (7) Subject to any stipulation to the con-
trary contained in the instrument, any instrument of
delegation under this section shall, so far as con-
cerns any act or thing done or suffered thereunder
in good faith, operate and continue in force until
20 notice of the revocation thereof has been received
by the delegate.

 (8) Every act or thing within the scope of
the delegation done or suffered in good faith by the
delegate after revocation of the delegation and
25 before notice thereof has been received by him
shall be as effectual in all respects as if the **revoca-**
tion had not been made.

 (9) A statutory declaration by the dele-
gate stating that he has not received notice of the
revocation of the delegation at the time when any
30 such act or thing was done or suffered or at any
time after, shall be taken to be conclusive proof
of non-revocation at the time when the act or
thing was so done or suffered in favour of all persons
dealing

Bush Fires (Amendment).

dealing with the delegate in good faith and for valuable consideration without notice of the revocation.

5 41I. (1) The powers, authorities, duties and functions conferred and imposed upon the Co-ordinating Committee and the Chief Co-ordinator by or under this Act shall not be exercised or discharged except in the areas or parts of areas mentioned in Schedule Three to this Act.

Limitation upon exercise of powers, etc., of Co-ordinating Committee and Chief Co-ordinator.

10 (2) The Governor may, by proclamation in the Gazette, amend Schedule Three to this Act by adding thereto or deleting therefrom any area or part of any area, and the Schedule as so amended from time to time shall be Schedule Three to this Act.

15

20 41J. (1) Any moneys payable in connection with the exercise of the duties imposed upon the Co-ordinating Committee by paragraphs (a) and (b) of subsection one of section 41B of this Act and the construction and maintenance of fire trails and other fire prevention works and hazard reduction works carried out by Fire Prevention Associations shall be paid out of moneys provided by Parliament.

Finance.

25 (2) Except as provided by subsection one of this section, any moneys payable in connection with the exercise or discharge of the powers, authorities, duties and functions conferred or imposed upon the Co-ordinating Committee or the Chief Co-ordinator by or under this Act shall be paid out of the Fund.

30

Bush Fires (Amendment).

6. The Bush Fires Act, 1949, is further amended—

Further
amendment
of Act No.
31, 1949.

- (a) (i) by inserting next after the definition of "Bush fire" in section six the following new definition :—

Sec. 6.
(Interpreta-
tion.)

5

"Bush Fire Council" means the Bush Fire Council of New South Wales constituted under this Act.

10

- (ii) by inserting next after the definition of "Bush fire district" in the same section the following new definition :—

"Chief Co-ordinator" means the Chief Co-ordinator of Bush Fire Fighting appointed under this Act.

15

- (iii) by omitting the definition of "Committee" in the same section ;

- (iv) by inserting next before the definition of "Council" in the same section the following new definition :—

20

"Co-ordinating Committee" means the Co-ordinating Committee of the Bush Fire Council constituted under this Act.

25

- (v) by inserting next after the definition of "Council" in the same section the following new definition :—

"Deputy emergency fire controller" means a deputy emergency fire controller appointed under section seventeen of this Act.

30

- (vi) by inserting next after the definition of "Emergency fire controller" in the same section the following new definition :—

"Finance Committee" means the Finance Committee of the Bush Fire Council constituted under this Act.

Bush Fires (Amendment).

- (vii) by inserting next after the definition of "Fire patrol officer" in the same section the following new definition : —

5 "Fire Prevention Association" means a Fire Prevention Association formed or approved by the Co-ordinating Committee under this Act.

- 10 (viii) by inserting in the definition of "Public authority" in the same section after the words "New South Wales" the words "or any Fire Prevention Association";

- (ix) by inserting next after the same definition the following new definition : —

15 "Regional officer" means a regional officer appointed under section 41B of this Act.

- (b) (i) by inserting next after subsection one of section ten the following new subsection : —

20 (1A) The Minister may, on the recommendation of the Co-ordinating Committee, by order published in the Gazette, declare an area, or part of an area, mentioned in Schedule Three to this Act, to be a special district for the purposes of subsection two of this section.

25

Sec. 10.
(Requirements to be complied with by persons lighting certain classes of fires.)

- (ii) by omitting paragraph (a) of subparagraph (ii) of paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraphs : —

30 (a) where the land is situated within an area, but not within an area, or part of an area declared to be a special district for the purposes of this subsection

—the

Bush Fires (Amendment).

- the council of the area in which it is situated or a person authorised in that behalf by the council;
- 5 (a1) where the land is situated within an area, or part of an area, declared to be a special district for the purposes of this subsection—a person authorised in that behalf by the Co-ordinating Committee;
- 10 (c) (i) by inserting in paragraph (c) of section nineteen after the words “part thereof,” the words “not being an area, or part thereof, mentioned in Schedule Three to this Act and”; Sec. 19. (Formation of bush fire brigades.)
- 15 (ii) by inserting next after paragraph (e) of the same section the following new paragraph :—
- 20 (f) by the Co-ordinating Committee where it is of the opinion that the formation of a bush fire brigade in any area, or part thereof, mentioned in Schedule Three to this Act, not being within a fire district so constituted, is necessary and the council of such area has failed or refused to comply with a request by the Co-ordinating Committee to form or organise a bush fire brigade.
- 25 (d) by inserting in section twenty after the word “councils” the words “, or the Co-ordinating Committee”; Sec. 20. (Area of operations and appointment of personnel of bush fire brigades.)
- (A) (e)

Bush Fires (Amendment).

- (e) (i) by inserting in subsection (3A) of section twenty-two after the word "council" where secondly occurring the words ", and any person authorised by the Co-ordinating Committee or a Fire Prevention Association in that behalf, may enter upon Crown land situated within an area, or part thereof, mentioned in Schedule Three to this Act or within the territory of the Association, as the case may be"; Sec. 22. (Powers of bush fire brigade captains, group captains and deputy captains.)
- (ii) by omitting from the same subsection the following words :—
- (a) within a fire district constituted under the Fire Brigades Act, 1909, as amended by subsequent Acts;
- (iii) by inserting in the same subsection after the word "council" where thirdly occurring the words ", the Co-ordinating Committee or the association, as the case may be,";
- (iv) by inserting in the same subsection after the word "council" where fourthly occurring the words "the Co-ordinating Committee or a Fire Prevention Association";
- (v) by inserting in subsection (3B) of the same section after the word "brigade" where secondly occurring the words "or any person acting under the authority of the Co-ordinating Committee or a Fire Prevention Association";
- (f) by omitting from section twenty-five the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 25. (Proclamation of bush fire districts.)
- (g) by omitting from subsection three of section twenty-eight the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee"; Sec. 28. (Division of State into fire regions.)

(h)

Bush Fires (Amendment).

- (h) by omitting from subsection three of section thirty the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee";
- 5 (i) by omitting from subsection five of section thirty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council";
- (j) (i) by inserting in paragraph (a) of subsection one of section thirty-seven after the word "Act" the words ", the Co-ordinating Committee, the Chief Co-ordinator";
- 10 (ii) by inserting in paragraph (b) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- 15 (iii) by inserting in paragraph (c) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- 20 (iv) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (f) subject to the provisions of section 41J of this Act, the payment of salaries, allowances, travelling and other expenses of—
- 25 (i) fire control officers or inspectors appointed under this Act;
- (ii) the Chief Co-ordinator;
- 30 (iii) regional officers;
- (iv)

Sec. 30.
(Estimate to be prepared by Minister for Local Government.)

Sec. 32.
(Contributions by the Treasurer, councils and insurance companies.)

Sec. 37.
(Application of moneys to credit of Fund.)

Bush Fires (Amendment).

- 5 (iv) officers and employees of the
Chief Secretary's Department
in respect of that portion of
their time spent in assisting the
Chief Co-ordinator and per-
forming any functions for or on
behalf of the Co-ordinating
Committee;
- 10 (v) officers, employees and servants
of any Government Depart-
ment, statutory corporation or
council, with which an arrange-
ment has been made under
15 section 41G of this Act, in
respect of that portion of their
time spent in assisting the Chief
Co-ordinator and performing
any functions for or on
20 behalf of the Co-ordinating
Committee;
- (v) by inserting in paragraph (g) of the same
subsection after the word "brigades" the
words "the Co-ordinating Committee, the
Chief Co-ordinator";
- 25 (vi) by inserting next after paragraph (h) of
the same subsection the following new
paragraphs :—
- 30 (i) the costs of publicity and educational
and training programmes directly
related to the functions of the Co-
ordinating Committee;
- 35 (j) the payment of fees to members of the
Co-ordinating Committee for atten-
dance at meetings of that Committee
and travelling and other expenses
incurred by such members in carrying
out the business of that Committee.
- (k)

Bush Fires (Amendment).

- (k) by omitting from subsection one of section forty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, the Chief Co-ordinator"; Sec. 42.
(Appointment of fire patrol officers and honorary fire patrol officers.)
- 5 (l) by omitting from subsection two of section forty-six the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 46.
(Inspectors.)
- 10 (m) by omitting from section forty-eight the words "Committee, a council, an officer or employee of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales, an emergency fire controller" and by inserting in lieu thereof the words "Bush Fire Council, a council, a member of a Fire Prevention Association, the Chief Co-ordinator, an officer or employee of or a person acting under the authority of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales or the National Parks and Wildlife Service or a Fire Prevention Association or the Co-ordinating Committee, an emergency fire controller, a deputy emergency fire controller"; Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- 15
- 20
- 25 (n) by omitting from section fifty the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council or the Co-ordinating Committee or the Chief Co-ordinator"; Sec. 50.
(Destruction, etc., of notices.)
- 30 (o) (i) by omitting from subsection one of section fifty-five the words "an emergency fire controller" and by inserting in lieu thereof the words "the Chief Co-ordinator or an emergency fire controller or a deputy emergency fire controller"; 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)

Bush Fires (Amendment).

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Any person who assaults, resists, obstructs, uses abusive language to or incites or encourages any other person to assault, resist, obstruct or use abusive language to the Chief Co-ordinator, any fire patrol officer, emergency fire controller, deputy emergency fire controller, captain or deputy captain of a bush fire brigade, group captain or deputy group captain of bush fire brigades, or fire control officer or any person acting under the directions of any such person, shall be liable to a penalty not exceeding one hundred dollars.

- (p) (i) by omitting from paragraph (l) of subsection two of section fifty-seven the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, Co-ordinating Committee and Finance Committee";

- (ii) by omitting from paragraph (m) of the same subsection the words "emergency fire controllers" and by inserting in lieu thereof the words "regional officers, emergency fire controllers, deputy emergency fire controllers";

- (iii) by inserting next after paragraph (x) of the same subsection the following new paragraphs :—

(y) the conditions under which fires may be lit, maintained or used for or in connection with the destruction of trade or industrial wastes or for any like purpose;

(z) the defining of the powers, authorities, duties and functions of Fire Prevention Associations;

(aa)

Bush Fires (Amendment).

(aa) the prescribing of constitutions and rules for Fire Prevention Associations.

7. The Bush Fires Act, 1949, is further amended by inserting next after Schedule Two the following new
 5 Schedule :—

Further amendment
 of Act No.
 31, 1949.

New
 Schedule
 Three.

SCHEDULE THREE

Cities of:

	Armidale	Lithgow
	Bathurst	Liverpool
10	Blue Mountains	Maitland
	Campbelltown	Newcastle
	Greater Cessnock	Parramatta
	Goulburn	Penrith
	Grafton	Sydney
15	Lismore	Greater Wollongong

Municipalities of:

	Ashfield	Lane Cove
	Auburn	Leichhardt
	Ballina	Manly
20	Bankstown	Marrickville
	Bega	Mosman
	Blacktown	Mullumbimby
	Bombala	Muswellbrook
	Botany	North Sydney
25	Bowral	Port Macquarie
	Burwood	Queanbeyan
	Camden	Randwick
	Canterbury	Rockdale
	Casino	Ryde
30	Concord	Shellharbour
	Cooma	Singleton
	Drummoyne	South Sydney
	Fairfield	Strathfield
	Glen Innes	Taree
35	Holroyd	Tenterfield
	Hunter's Hill	Waverley
	Hurstville	Willoughby
	Kempsey	Windsor
	Kiama	Wingham
40	Kogarah	Woollahra
	Ku-ring-gai	

Bush Fires (Amendment).

SCHEDULE THREE—*continued.**Shires of:*

	Abercrombie	Mumbulla
	Baulkham Hills	Nambucca
5	Bellingen	Nymboida
	Bibbenluke	Oberon
	Blaxland	Patrick Plains
	Byron	Port Stephens
	Coff's Harbour	Rylstone
10	Colo	Scone
	Copmanhurst	Severn
	Crookwell	Shoalhaven
	Denman	Snowy River
	Dumaresq	Stroud
15	Dungog	Sutherland
	Eurobodalla	Tallaganda
	Gloucester	Tenterfield
	Gosford	Terania
	Gundurimba	Tintenbar
20	Guyra	Tomki
	Hastings	Turon
	Hornsby	Tweed
	Imlay	Ulmarra
	Kyogle	Walcha
25	Lake Macquarie	Warringah
	Maclean	Wingecaribee
	Macleay	Wollondilly
	Manning	Woodburn
	Mittagong	Wyong
30	Monaro	Yarrowlumla
	Mulwaree	

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 25, 1970.

An Act to make further provisions with respect to the prevention, control and suppression of bush fires; to provide for the establishment of a Bush Fire Council of New South Wales and the appointment of a Chief Co-ordinator of Bush Fire Fighting, and to define their respective powers, authorities, duties and functions; to abolish the Bush Fire Committee; for these and other purposes to amend the Bush Fires Act, 1949, and the Workers' Compensation Act, 1926; and for purposes connected therewith. [Assented to, 8th April, 1970.]

BE

Bush Fires (Amendment).

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 :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Bush Fires (Amendment) Act, 1970".

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

Amendment
of Act No.
31, 1949.

2. (1) The Bush Fires Act, 1949, is amended—

Sec. 10.
(Require-
ments to be
complied
with by
persons
lighting
certain
classes of
fires.)

(a) by inserting next after subsection six of section ten the following new subsection :—

(7) Where any permit is granted under this section for the lighting, maintenance or use of any fire and the land on which such fire is to be lit, maintained or used is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection notice of such permit shall, within the prescribed time and in the prescribed manner, be given by the authority or person referred to in subsection two of this section by whom the permit was granted to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

(b)

Bush Fires (Amendment).

- (b) (i) by inserting in subsection one of section eleven after the word "Act" where secondly occurring the words "and to the officer of the National Parks and Wildlife Service to whom notice of such permit has been given in accordance with subsection seven of that section"; Sec. 11.
(Revocation,
suspension
or variation
of permits.)

- (ii) by inserting next after subsection two of the same section the following new subsection :—

(3) Where—

- (a) a permit granted under section ten of this Act authorises the lighting, maintenance or use of a fire; and
- (b) the effect of a direction under section sixteen of this Act is to prohibit the lighting, maintenance or use of that fire,

the permit shall cease to have any further force or effect as from the date on which that direction first takes effect.

- (c) by inserting next after subsection five of section thirteen the following new subsection :— Sec. 13.
(Power
given
to councils
to require
fire breaks.)

(6) Where a council by notice in writing requires the occupier or owner of any land to burn fire breaks or inflammable matter or other material and the land on which such fire breaks or inflammable matter or other material are or is to be burnt is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such requirement shall, within the prescribed time and in the prescribed manner,

Bush Fires (Amendment).

manner, be given by such council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

Sec. 14.
(Councils may authorise persons to enter land and make fire breaks or clear inflammable material.)

- (d) by inserting next after subsection two of section fourteen the following new subsection :—

(3) Where any servants, agents or workmen of a council or any officers or members of any fire brigade or bush fire brigade are authorised under subsection one of this section to enter any land and light any fire and the land on which such fire is to be lit is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such authorisation shall, within the prescribed time and in the prescribed manner, be given by the council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

Sec. 15.
(Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.)

- (e) by inserting in subsection five of section fifteen after the word "trustees" the words "nor within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948,";

Sec. 22.
(Powers of bush fire brigade captains, group captains and deputy captains.)

- (f) (i) by inserting at the end of subsection two of section twenty-two the following new proviso :—

Provided further that such powers shall not be exercised on or in connection with any land or property within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature

Bush Fires (Amendment).

nature reserve under the Fauna Protection Act, 1948, unless permission has been granted by the Director of National Parks and Wildlife or some person authorised by him in that behalf.

- (ii) by inserting next after subsection (3B) of the same section the following new subsection :—

(3C) Any member of a bush fire brigade or any other person acting under the authority of a captain, deputy captain, group captain or deputy group captain of a bush fire brigade or any person acting under the authority of the Co-ordinating Committee or a Fire Prevention Association may, with the permission of the Director of National Parks and Wildlife or some person authorised in that behalf by that Director, enter upon any land comprised in a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, and do all or any of the following things, namely, plough, burn, clear or otherwise establish fire breaks on the land or remove, burn or destroy any inflammable matter or other material upon the land.

- (g) by omitting section twenty-six and by inserting in Subst. sec. 26. lieu thereof the following section :—

26. (1) The council of an area which, or part Fire control officer. of which, constitutes a bush fire district shall appoint a person, approved in that behalf by the Minister, as fire control officer for that district.

(2) The provisions of section twenty-three of this Act apply, mutatis mutandis, to a fire control officer appointed under subsection one of this section.

(h)

Bush Fires (Amendment).

Sec. 27.

(Powers of
fire control
officers,
etc.)

(h) by inserting next after paragraph (d) of section twenty-seven the following new paragraph :—

(e) shall perform such other duties as are imposed upon him by the council by whom he has been appointed.

Sec. 31.

(Councils,
etc., to
furnish
information
to Minister
for Local
Govern-
ment.)

(i) by omitting from section thirty-one the word “trustees” and by inserting in lieu thereof the word “occupier”;

Sec. 37.

(Applica-
tion of
moneys to
credit of
Fund.)

(j) (i) by omitting from subsection one of section thirty-seven the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”;

(ii) by omitting from subsections three and four of the same section the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupier”;

Sec. 41.

(Councils
and other
bodies to
furnish
information
to
Committee.)

(k) by omitting from section forty-one the word “trustees” and by inserting in lieu thereof the word “occupier”;

Sec. 44.

(Powers of
fire patrol
officers.)

(l) by omitting from subsection two of section forty-four the words “ten dollars” and by inserting in lieu thereof the words “one hundred dollars”;

Sec. 46.

(Inspec-
tors.)

(m) by omitting from subsection two of section forty-six the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”;

Sec. 50.

(Destruc-
tion, etc.,
of notices.)

(n) by omitting from section fifty the words “twenty dollars” and by inserting in lieu thereof the words “one hundred dollars”;

(o)

Bush Fires (Amendment).

- (o) by inserting next after subsection (1B) of section fifty-one the following new subsection :—
- (1C) Where a bush fire is burning on any land and the bush fire or any part thereof is within five miles of a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, any officer of the National Parks and Wildlife Service or any person or persons authorised in that behalf by that Service may enter upon such land or upon any land situated between such land and such park, site or reserve, with such vehicles and fire fighting apparatus as may be reasonably necessary for the purpose of extinguishing or assisting to extinguish such fire, and may do all such acts, matters and things as are reasonably necessary to extinguish such fire or to prevent the spread thereof.
- (p) by inserting in paragraph (b) of section fifty-two after the words "New South Wales" the words "or officer of the National Parks and Wildlife Service";
- (q) by inserting next after section fifty-six the following new section :—
- 56A. The production of—
- (a) a copy of the Gazette containing any proclamation, notification or order purporting to be made or published under this Act;
- (b) a copy purporting to be a true copy of any resolution made by a council or instrument made by a delegate of a council and purporting to be certified as such under the hand of the mayor or president or town or shire clerk,

Sec. 51.

(Powers of officers of Forestry Commission, etc., where a bush fire is burning on any land within five miles of a State forest, etc.)

Sec. 52.

(Responsibility of occupiers to extinguish fires or notify them to fire fighting authorities.)

New sec. 56A.

Evidence.

shall

Bush Fires (Amendment).

shall be prima facie evidence of the due making, existence, confirmation, approval and giving of such proclamation, notification, order, resolution or instrument and of all preliminary steps necessary to give full force and effect thereto, and of the contents thereof.

Sec. 57.
(Regulations.)

- (r) (i) by omitting paragraph (j) of subsection two of section fifty-seven;
- (ii) by omitting from paragraph (r) of the same subsection the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupiers".

(2) A person who, immediately before the day on which the amendment made by paragraph (g) of subsection one of this section commences, held office as fire control officer for a bush fire district shall be deemed to have been appointed on that day to that office by the council of the area which or part of which constitutes that district.

Further amendment
of Act No.
31, 1949.

Subst.
sec. 17.

Emergency
fire
controllers
and deputy
emergency
fire
controllers.

3. The Bush Fires Act, 1949, is further amended by omitting section seventeen and by inserting in lieu thereof the following section :—

17. (1) The provisions of this section shall not apply to or in relation to areas or parts of areas mentioned in Schedule Three to this Act.

(2) As soon as practicable after the commencement of section three of the Bush Fires (Amendment) Act, 1970, 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 and deputy emergency fire controllers") of persons who may be appointed as emergency fire controllers and deputy

emergency

Bush Fires (Amendment).

emergency fire controllers under this section in respect of any area or group of areas or in respect of 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.

(3) 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 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 or (if there is already an emergency fire controller so appointed) a deputy 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 or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

(4) A person whose name is included in the list of emergency fire controllers and deputy 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, by the mayor or president, or person for the time being acting as mayor or president, of that area;

(b)

Bush Fires (Amendment).

- (b) any two or more areas, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- (c) the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection three of this section;
- (d) the Western Division, and any area, jointly by the Minister, or 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 Western Division, and any two or more areas, 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,

and a person whose name is included in that list may be appointed in like manner as a deputy emergency fire controller for any such territory.

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

- (a) any area, 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, 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)

Bush Fires (Amendment).

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

(6) A person appointed as an emergency fire controller or deputy 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.

(7) A deputy emergency fire controller appointed in respect of any territory shall, except where he is acting as the emergency fire controller pursuant to subsection eight of this section, be subject to the control and direction of the emergency fire controller appointed in respect of such territory.

(8) A deputy emergency fire controller appointed in respect of any territory shall act as emergency fire controller at the direction of the emergency fire controller or in the event of his absence, illness or other inability to act.

(9)

Bush Fires (Amendment).

(9) Where an emergency fire controller or a deputy 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 to them by such emergency fire controller or deputy emergency fire controller (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any fire in the territory in respect of which such emergency fire controller or deputy emergency fire controller has been so appointed.

In addition to, and without limiting, the power conferred on emergency fire controllers and deputy emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller and a deputy 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 any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

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

(11) The provisions of section twenty-three of this Act apply, mutatis mutandis, to an emergency fire controller and a deputy emergency fire controller appointed under this section.

Bush Fires (Amendment).

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

4. (1) The Bush Fires Act, 1949, is further amended—
- Further amendment of Act No. 31, 1949.
- (a) by omitting from section twenty-eight the words “for Local Government” wherever occurring; Sec. 28.
(Division of State into fire regions.)
- (b) by omitting from section twenty-nine the words “for Local Government” wherever occurring; Sec. 29.
(Eastern and Central Divisions Bush Fire Fighting Fund.)
- (c) (i) by omitting subsection one of section thirty and by inserting in lieu thereof the following subsection :— Sec. 30.
(Estimate to be prepared by Minister.)
- (1) Before the end of each financial year the Minister shall prepare and, subject to the concurrence of the Treasurer, adopt—
- (a) an estimate of the probable expenditure from the Fund during the then ensuing financial year;
- (b) an estimate of the parts of such expenditure applicable to each fire region.
- (ii) by omitting from subsection two of the same section the words “for Local Government” wherever occurring;
- (iii) by omitting from subsection three of the same section the words “for Local Government”;
- (d)

Bush Fires (Amendment).

- Sec. 31.
(Councils,
etc., to
furnish
information
to
Minister.)
- (d) by omitting from section thirty-one the words "for Local Government" wherever occurring;
- Sec. 33.
(Determina-
tion of
contributions
of councils.)
- (e) by omitting from section thirty-three the words "for Local Government" wherever occurring;
- Sec. 34.
(Determina-
tion of
contributions
of insurance
companies.)
- (f) by omitting from section thirty-four the words "for Local Government" wherever occurring;
- Sec. 34A.
(Audit of
accounts
of insurance
companies.)
- (g) by omitting from section 34A the words "for Local Government" wherever occurring;
- Sec. 35.
(Deficits,
etc.)
- (h) by omitting from subsection one of section thirty-five the words "for Local Government" wherever occurring;
- Sec. 36.
(Contribu-
tions due
and payable
within sixty
days of
assessment.)
- (i) by omitting from section thirty-six the words "for Local Government" wherever occurring;
- Sec. 36A.
(Appeals by
insurance
companies
against
assessment
of contribu-
tions.)
- (j) by omitting from section 36A the words "for Local Government" wherever occurring;
- Sec. 37.
(Application
of moneys to
credit of
Fund.)
- (k) by omitting from section thirty-seven the words "for Local Government" wherever occurring;

Bush Fires (Amendment).

- (l) by omitting from section thirty-eight the words "for Local Government" wherever occurring; Sec. 38.
(Financial statements.)
- (m) (i) by omitting from paragraph (a) of subsection one of section forty the words "or the Minister for Local Government"; Sec. 40.
(Functions of Bush Fire Council.)
- (ii) by omitting from paragraph (c) of the same subsection the words "and the Minister for Local Government";
- (n) by omitting from paragraph (a) of subsection two of section forty-six the words "and the Minister for Local Government"; Sec. 46.
(Inspectors.)
- (o) by omitting from section forty-eight the words "the Minister for Local Government,". Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)

(2) Any fire region in existence immediately before the commencement of this section shall, subject to section twenty-eight of the Bush Fires Act, 1949, as amended by subsection one of this section, continue in existence after that commencement.

(3) The Workers' Compensation Act, 1926, is amended by omitting from section 17G the words "Minister for Local Government" and by inserting in lieu thereof the words "Chief Secretary". Amendment of Act No. 15, 1926.
Sec. 17G.
(Assessment and payment of contributions.)

Bush Fires (Amendment).

Further
amendment
of Act No.
31, 1949,
Subst. sec.
39, new secs.
39A-39C.

Constitution
of Bush Fire
Council.

5. The Bush Fires Act, 1949, is further amended—

- (a) by omitting section thirty-nine and by inserting in lieu thereof the following sections :—

39. (1) There shall be constituted a Bush Fire Council of New South Wales consisting of not more than twenty-five persons, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(2) The members of the Bush Fire Council shall be appointed by the Governor, and of those members—

- (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment, or by a subsequent instrument, be appointed as the Chairman of the Bush Fire Council;
- (b) one, who shall be nominated by the Minister on the recommendation of the Minister for Conservation, shall be the Commissioner appointed under the provisions of the Forestry Act, 1916, or some other person;
- (c) one, who shall be nominated by the Minister on the recommendation of the Minister for Lands, shall be the Director of National Parks and Wildlife, or some other person;
- (d) one shall be a person nominated by the Minister on the recommendation of the Board of Fire Commissioners of New South Wales;
- (e) one shall be a person nominated by the Minister on the recommendation of the Shires Association of New South Wales;
- (f)

Bush Fires (Amendment).

- (f) one shall be a person nominated by the Minister on the recommendation of the Fire and Accident Underwriters' Association of New South Wales;
- (g) one shall be an officer of the Chief Secretary's Department, nominated by the Minister;
- (h) one shall be a person nominated by the Minister on the recommendation of the Director of Civil Defence;
- (i) one shall be a person nominated by the Minister on the recommendation of the Commissioner of Police;
- (j) one shall be a person nominated by the Minister on the recommendation of the Association of Local Government Clerks of New South Wales;
- (k) the remainder shall be persons nominated by the Minister, of whom not less than five shall be persons who are members of bush fire brigades.

(3) A member of the Bush Fire Council shall hold office for such term not exceeding five years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.

Any such re-appointment shall be for such term not exceeding five years as may be specified in the instrument of his re-appointment.

(4) On the occurrence of a vacancy in the office of a member of the Bush Fire Council otherwise than by the expiration of the term for which

Bush Fires (Amendment).

which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection two of this section for his predecessor in office.

(5) (a) Where at any time the Chairman or any other member of the Bush Fire Council is absent with the leave of the Council granted for a period, the Governor may appoint a person to be acting Chairman or acting member of the Council, being a person qualified and nominated as provided by subsection two of this section for the person who is so absent.

(b) An appointment under paragraph (a) of this subsection shall be for such period as may be specified in the instrument of appointment.

(c) An acting Chairman or an acting member, as the case may be, shall have and may exercise and discharge all the powers, authorities, duties and functions of the Chairman or other member who is absent as referred to in paragraph (a) of this subsection.

(6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member of the Bush Fire Council and that member shall not, in his capacity as such, be subject to the provisions of that Act.

(7) The office of a member of the Bush Fire Council shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office or place of profit under the Crown.

(8) The Chairman and each other member of the Bush Fire Council shall be entitled to receive such travelling or other expenses as the Minister may determine and such other fees as may be determined by the Governor.

(9)

Bush Fires (Amendment).

(9) A member of the Bush Fire Council shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes bankrupt, compounds with his creditors, or makes an assignment of any salary, remuneration or allowance payable to him, or of his estate, for their benefit;
- (d) if he is absent without leave of the Council from three consecutive meetings of the Council;
- (e) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence, which, if committed in New South Wales, would be a felony or a misdemeanour which is punishable as aforesaid;
- (g) if he is removed from office by the Governor.

(10) The Governor may, for any cause which seems to him sufficient, remove a member of the Bush Fire Council from office.

39A. (1) For the purposes of sections twenty-eight and thirty of this Act, there shall be constituted a Finance Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (e), (f) and (g) of subsection two of section thirty-nine of this Act.

Bush Fires (Amendment).

(2) The Chairman of the Bush Fire Council shall be the Chairman of the Finance Committee.

(3) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Finance Committee.

Co-ordinating Committee.

39B. (1) There shall be constituted a Co-ordinating Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (b), (c), (d) and (e) of subsection two of section thirty-nine of this Act.

(2) The Chairman of the Bush Fire Council shall be the Chairman of the Co-ordinating Committee.

(3) The Co-ordinating Committee is hereby constituted a body corporate under the name of "Co-ordinating Committee of the Bush Fire Council of New South Wales".

(4) The common seal of the Co-ordinating Committee shall be kept by such person as the Co-ordinating Committee may determine.

(5) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Co-ordinating Committee.

Procedural and other matters relating to Bush Fire Council and Committees.

39C. (1) Meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee shall be held from time to time as

determined

Bush Fires (Amendment).

determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(2) (a) The Chairman shall preside at all meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee at which he is present.

(b) In the absence of the Chairman the members present may elect one of their number to preside as chairman.

(c) The Chairman or member presiding as chairman shall have a deliberative vote, and in the event of an equality of votes, shall have a second or casting vote.

(3) Ten members shall constitute a quorum of the Bush Fire Council, three members shall constitute a quorum of the Finance Committee and three members shall constitute a quorum of the Co-ordinating Committee.

(4) A decision of a majority of the members present at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, at which a quorum is present, shall be the decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(5) The procedure for the calling of meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(b)

Bush Fires (Amendment).

Sec. 40.
(Functions
of Bush Fire
Council.)

- (b) (i) by omitting from section forty the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council";
- (ii) by omitting from paragraph (c) of subsection one of the same section the word "April" and by inserting in lieu thereof the word "June";
- (iii) by omitting from the same paragraph the words "of the estimated damage from bush fires in New South Wales during the preceding twelve months" and by inserting in lieu thereof the words ", for presentation to Parliament, of the estimated damage from bush fires in New South Wales during the period of twelve months ending on the thirty-first day of March in that year";
- (iv) by omitting from the same paragraph the words "year next ensuing" and by inserting in lieu thereof the words "period of twelve months commencing on the first day of July in that year";

Sec. 41.
(Councils
and other
bodies to
furnish
information
to Bush Fire
Council.)

- (c) (i) by inserting in section forty-one after the word "Minister" the words "or by the Co-ordinating Committee";
- (ii) by omitting from the same section the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council";

New secs.
41A-41J.

- (d) by inserting next after section forty-one the following new sections :—

Functions
of Co-
ordinating
Com-
mittee as to
co-ordina-
tion of
bush fire
fighting
activities.

41A. (1) In this section—

"plan of operations" means a plan prepared by the Co-ordinating Committee under this section;

"prescribed

Bush Fires (Amendment).

“prescribed organisation” means a council, the Board of Fire Commissioners of New South Wales, the Forestry Commission of New South Wales, the National Parks and Wildlife Service or any body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires.

(2) The Co-ordinating Committee may, for the purpose of co-ordinating the activities of such two or more of the prescribed organisations as it thinks fit (in so far as those activities relate to the prevention, control or suppression of bush fires), prepare a plan setting out the procedures which the Co-ordinating Committee considers ought to be followed if a bush fire breaks out in any area or locality and assumes or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in that area or locality or if the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

(3) The Co-ordinating Committee may from time to time vary or revoke any plan of operations.

(4) A plan of operations may be communicated in such manner as the Co-ordinating Committee thinks fit to any prescribed organisation to which it relates.

(5) A plan of operations communicated to a prescribed organisation to which it relates shall be adopted by that organisation and as far as practicable, be carried into effect by that organisation in the circumstances indicated by the plan.

Bush Fires (Amendment).

Other
functions
of Co-
ordinating
Committee.

41B. (1) The Co-ordinating Committee may—

- (a) with the approval of the Minister for Lands, take such steps as it thinks fit for the reduction of fire hazards on Crown lands not held under lease or license nor vested in nor under the control of trustees;
- (b) enter into arrangements with councils and public authorities for the reduction of fire hazards on land under their control;
- (c) acquire such fire fighting apparatus as it may deem necessary to enable the Chief Co-ordinator to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- (d) with the approval of the Minister, purchase, exchange, take on lease, hold, dispose of or otherwise deal with any real property;
- (e) erect and maintain such buildings as it may deem necessary for the storage of fire fighting apparatus;
- (f) investigate the adequacy and efficiency of bush fire brigades in any area;
- (g) appoint regional officers to assist the Chief Co-ordinator in the exercise or discharge of any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- (h) form Fire Prevention Associations, or approve Fire Prevention Associations formed, for the purpose of constructing and maintaining fire trails and carrying out

measures

Bush Fires (Amendment).

measures for the detection, prevention, control and suppression of bush fires on unoccupied Crown lands;

- (i) determine the territories in respect of which Fire Prevention Associations may operate.

(2) The Co-ordinating Committee shall—

- (a) review annually the incidence of fire hazards on such private lands as it determines and facilitate as far as practicable the removal or reduction of those hazards by the owners or occupiers of those lands;
- (b) encourage and assist as far as practicable councils in the exercise of their powers under section thirteen of this Act;
- (c) ensure as far as practicable that members of bush fire brigades and persons in, or under the control of, other fire fighting authorities are provided with the necessary training and techniques for the prevention, control and suppression of bush fires;
- (d) ensure as far as practicable that equipment in such sufficient quantity, and of such approved standards of operation and efficiency, as the Co-ordinating Committee determines, is available to and properly maintained by fire fighting authorities;
- (e) ensure as far as practicable that adequate information is furnished to the Chief Co-ordinator to enable him properly to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;

(f)

Bush Fires (Amendment).

- (f) before the thirtieth day of June in each year furnish a report to the Minister, for presentation to Parliament, as to its activities during the period of twelve months ending on the thirty-first day of March in that year.

(3) The Co-ordinating Committee—

- (a) shall furnish reports and recommendations upon any matter, referred to it by the Minister, relating to the prevention, control and suppression of bush fires ;
- (b) may furnish to the Minister, councils and other persons, such reports and recommendations relating to the prevention, control and suppression of bush fires as it thinks fit.

Councils and other bodies to furnish information to Co-ordinating Committee.

41C. For the purpose of enabling the Co-ordinating Committee to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon it by or under this Act, any council, bush fire brigade, occupier of any supervised park, fire control officer, public authority or body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires shall, at such times and in such manner as the Co-ordinating Committee may require, furnish to it such information as it may require.

Appointment of Chief Co-ordinator and other officers.

41D. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint a Chief Co-ordinator of Bush Fire Fighting and such other officers and employees as may be necessary for the purposes of this Act.

41E.

Bush Fires (Amendment).

41E. In the case of the illness or absence of the Chief Co-ordinator, the Minister, on the recommendation of the Co-ordinating Committee, may appoint a person to act as Chief Co-ordinator during the period of his illness or absence, and the person so appointed, while he so acts during that period, shall have and may exercise and discharge all the immunities, powers, authorities, duties and functions conferred and imposed upon the Chief Co-ordinator by or under this Act. Acting
Chief Co-ordinator.

41F. (1) The Chief Co-ordinator shall either personally or through regional officers, officers of the Board of Fire Commissioners of New South Wales, officers of the Forestry Commission of New South Wales or other persons— Functions of
Chief Co-ordinator.

- (a) take charge of fire fighting operations, and fire prevention measures, where he is of the opinion that any bush fire has assumed or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions;
- (b) take such measures to control or suppress any bush fire as he deems necessary, where he is of the opinion that—
 - (i) the fire is not being effectively controlled or suppressed by the fire fighting authority or authorities in whose area or locality it is burning;
 - or

(ii)

Bush Fires (Amendment).

- (ii) the fire is burning in a place which is not the responsibility of any fire fighting authority,

and that it is necessary or expedient that the fire should be controlled or suppressed.

(2) The Chief Co-ordinator shall—

- (a) make such recommendations to the Minister as he deems necessary to assist the Minister in the exercise of the Minister's powers under section sixteen of this Act;
- (b) perform such other duties and functions as the Co-ordinating Committee determines.

(3) Where the Chief Co-ordinator, either personally or through some person referred to in subsection one of this section, takes charge of any fire fighting operations or fire prevention measures under paragraph (a) of that subsection or takes any measures under paragraph (b) of that subsection, 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, members of the Police Force and other persons, shall comply with any directions given to them by the Chief Co-ordinator or that firstmentioned person (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any bush fire in the area or locality in which the Chief Co-ordinator has so taken charge or is taking those measures.

In addition to, and without limiting, the power conferred on the Chief Co-ordinator or any other person by the foregoing provisions of this subsection, the Chief Co-ordinator and that person shall have and may exercise all the powers conferred
on

Bush Fires (Amendment).

on a bush fire brigade captain by section twenty-two of this Act, without being subject to any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

(4) Any person failing to observe any direction given pursuant to this section by the Chief Co-ordinator or any other person shall be liable upon conviction to a penalty not exceeding four hundred dollars or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

(5) The Chief Co-ordinator, in the exercise or discharge of any power, authority, duty or function conferred or imposed upon him by or under subsection one or three of this section shall, subject to any relevant plan of operations under section 41A of this Act, not be subject to the control and direction of the Co-ordinating Committee.

(6) Except as provided by subsection five of this section, the Chief Co-ordinator shall be subject to the control and direction of the Co-ordinating Committee.

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

41G. For the purposes of this Act, the Co-ordinating Committee or the Chief Co-ordinator may—

Use of
services of
officers,
etc., of
Government
Depart-
ments, etc.

- (a) with the approval of the Department concerned, and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department;

(b)

Bush Fires (Amendment).

- (b) with the approval of the statutory corporation concerned or of the council concerned, and on such terms as may be arranged, make use of the services of any of the officers, employees or servants of any statutory corporation or any council.

Delegation.

41H. (1) The Co-ordinating Committee may, by resolution, delegate to the Chief Co-ordinator any power, authority, duty or function (other than this power of delegation) conferred or imposed upon it by or under this Act.

(2) The Chief Co-ordinator may by writing under his hand, delegate to any regional officer or to any officer, employee or servant of the Co-ordinating Committee or of any Government Department, statutory corporation or council in respect of which an arrangement has been made under section 41G of this Act for the use of the services of the officer, employee or servant, any power, authority, duty or function (other than this power of delegation) conferred or imposed upon him by or under this Act.

(3) The exercise of any delegation under this section shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

(4) Any act or thing done or suffered by the Chief Co-ordinator or, as the case may be, by an officer, employee or servant when acting in the exercise of any such delegation, and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(5)

Bush Fires (Amendment).

(5) Any delegation under subsection two of this section shall remain in force notwithstanding that the person who made the delegation has ceased to hold office as Chief Co-ordinator.

(6) The Co-ordinating Committee or the Chief Co-ordinator, as the case may be, may revoke either wholly or in part any delegation under this section of powers, authorities, duties or functions, whether made by it or him or by a predecessor in that office but no act or thing done or suffered by an officer, employee or servant within the terms of any such delegation during the period in which such delegation was in force shall be invalidated by reason of the revocation.

(7) Subject to any stipulation to the contrary contained in the instrument, any instrument of delegation under this section shall, so far as concerns any act or thing done or suffered thereunder in good faith, operate and continue in force until notice of the revocation thereof has been received by the delegate.

(8) Every act or thing within the scope of the delegation done or suffered in good faith by the delegate after revocation of the delegation and before notice thereof has been received by him shall be as effectual in all respects as if the revocation had not been made.

(9) A statutory declaration by the delegate stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered or at any time after, shall be taken to be conclusive proof of non-revocation at the time when the act or thing was so done or suffered in favour of all persons

dealing

Bush Fires (Amendment).

dealing with the delegate in good faith and for valuable consideration without notice of the revocation.

Limitation upon exercise of powers, etc., of Co-ordinating Committee and Chief Co-ordinator.

41I. (1) The powers, authorities, duties and functions conferred and imposed upon the Co-ordinating Committee and the Chief Co-ordinator by or under this Act shall not be exercised or discharged except in the areas or parts of areas mentioned in Schedule Three to this Act.

(2) The Governor may, by proclamation in the Gazette, amend Schedule Three to this Act by adding thereto or deleting therefrom any area or part of any area, and the Schedule as so amended from time to time shall be Schedule Three to this Act.

Finance.

41J. (1) Any moneys payable in connection with the exercise of the duties imposed upon the Co-ordinating Committee by paragraphs (a) and (b) of subsection one of section 41B of this Act and the construction and maintenance of fire trails and other fire prevention works and hazard reduction works carried out by Fire Prevention Associations shall be paid out of moneys provided by Parliament.

(2) Except as provided by subsection one of this section, any moneys payable in connection with the exercise or discharge of the powers, authorities, duties and functions conferred or imposed upon the Co-ordinating Committee or the Chief Co-ordinator by or under this Act shall be paid out of the Fund.

Bush Fires (Amendment).

6. The Bush Fires Act, 1949, is further amended—

Further
amendment
of Act No.
31, 1949.

- (a) (i) by inserting next after the definition of “Bush fire” in section six the following new definition :—

Sec. 6.
(Interpreta-
tion.)

“Bush Fire Council” means the Bush Fire Council of New South Wales constituted under this Act.

- (ii) by inserting next after the definition of “Bush fire district” in the same section the following new definition :—

“Chief Co-ordinator” means the Chief Co-ordinator of Bush Fire Fighting appointed under this Act.

- (iii) by omitting the definition of “Committee” in the same section ;

- (iv) by inserting next before the definition of “Council” in the same section the following new definition :—

“Co-ordinating Committee” means the Co-ordinating Committee of the Bush Fire Council constituted under this Act.

- (v) by inserting next after the definition of “Council” in the same section the following new definition :—

“Deputy emergency fire controller” means a deputy emergency fire controller appointed under section seventeen of this Act.

- (vi) by inserting next after the definition of “Emergency fire controller” in the same section the following new definition :—

“Finance Committee” means the Finance Committee of the Bush Fire Council constituted under this Act.

Bush Fires (Amendment).

- (vii) by inserting next after the definition of "Fire patrol officer" in the same section the following new definition : —

"Fire Prevention Association" means a Fire Prevention Association formed or approved by the Co-ordinating Committee under this Act.

- (viii) by inserting in the definition of "Public authority" in the same section after the words "New South Wales" the words "or any Fire Prevention Association";

- (ix) by inserting next after the same definition the following new definition : —

"Regional officer" means a regional officer appointed under section 41B of this Act.

Sec. 10.
(Requirements to be complied with by persons lighting certain classes of fires.)

- (b) (i) by inserting next after subsection one of section ten the following new subsection : —

(1A) The Minister may, on the recommendation of the Co-ordinating Committee, by order published in the Gazette, declare an area, or part of an area, mentioned in Schedule Three to this Act, to be a special district for the purposes of subsection two of this section.

- (ii) by omitting paragraph (a) of subparagraph (ii) of paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraphs : —

- (a) where the land is situated within an area, but not within an area, or part of an area declared to be a special district for the purposes of this subsection

—the

Bush Fires (Amendment).

—the council of the area in which it is situated or a person authorised in that behalf by the council;

(a1) where the land is situated within an area, or part of an area, declared to be a special district for the purposes of this subsection—a person authorised in that behalf by the Co-ordinating Committee;

(c) (i) by inserting in paragraph (c) of section nineteen after the words “part thereof,” the words “not being an area, or part thereof, mentioned in Schedule Three to this Act and”; Sec. 19.
(Formation of bush fire brigades.)

(ii) by inserting next after paragraph (e) of the same section the following new paragraph : —

(f) by the Co-ordinating Committee where it is of the opinion that the formation of a bush fire brigade in any area, or part thereof, mentioned in Schedule Three to this Act, not being within a fire district so constituted, is necessary and the council of such area has failed or refused to comply with a request by the Co-ordinating Committee to form or organise a bush fire brigade.

(d) by inserting in section twenty after the word “councils” the words “, or the Co-ordinating Committee”; Sec. 20.
(Area of operations and appointment of personnel of bush fire brigades.)

(e)

Bush Fires (Amendment).

Sec. 22.
(Powers of
bush fire
brigade
captains,
group
captains and
deputy cap-
tains.)

- (e) (i) by inserting in subsection (3A) of section twenty-two after the word "council" where secondly occurring the words ", and any person authorised by the Co-ordinating Committee or a Fire Prevention Association in that behalf, may enter upon Crown land situated within an area, or part thereof, mentioned in Schedule Three to this Act or within the territory of the Association, as the case may be";
- (ii) by omitting from the same subsection the following words :—
 - “(a) within a fire district constituted under the Fire Brigades Act, 1909, as amended by subsequent Acts;”;
- (iii) by inserting in the same subsection after the word "council" where thirdly occurring the words "the Co-ordinating Committee or the association, as the case may be,";
- (iv) by inserting in the same subsection after the word "council" where fourthly occurring the words "the Co-ordinating Committee or a Fire Prevention Association";
- (v) by inserting in subsection (3B) of the same section after the word "brigade" where secondly occurring the words "or any person acting under the authority of the Co-ordinating Committee or a Fire Prevention Association";

Sec. 25.
(Proclama-
tion of
bush fire
districts.)

- (f) by omitting from section twenty-five the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council";

Sec. 28.
(Division
of State
into fire
regions.)

- (g) by omitting from subsection three of section twenty-eight the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee";

(h)

Bush Fires (Amendment).

- (h) by omitting from subsection three of section thirty the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee"; Sec. 30.
(Estimate to be prepared by Minister for Local Government.)
- (i) by omitting from subsection five of section thirty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 32.
(Contributions by the Treasurer, councils and insurance companies.)
- (j) (i) by inserting in paragraph (a) of subsection one of section thirty-seven after the word "Act" the words ", the Co-ordinating Committee, the Chief Co-ordinator"; Sec. 37.
(Application of moneys to credit of Fund.)
- (ii) by inserting in paragraph (b) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- (iii) by inserting in paragraph (c) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- (iv) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—
 - (f) subject to the provisions of section 41J of this Act, the payment of salaries, allowances, travelling and other expenses of—
 - (i) fire control officers or inspectors appointed under this Act;
 - (ii) the Chief Co-ordinator;
 - (iii) regional officers;
 - (iv)

Bush Fires (Amendment).

- (iv) officers and employees of the Chief Secretary's Department in respect of that portion of their time spent in assisting the Chief Co-ordinator and performing any functions for or on behalf of the Co-ordinating Committee;
- (v) officers, employees and servants of any Government Department, statutory corporation or council, with which an arrangement has been made under section 41G of this Act, in respect of that portion of their time spent in assisting the Chief Co-ordinator and performing any functions for or on behalf of the Co-ordinating Committee;
- (v) by inserting in paragraph (g) of the same subsection after the word "brigades" the words "the Co-ordinating Committee, the Chief Co-ordinator";
- (vi) by inserting next after paragraph (h) of the same subsection the following new paragraphs :—
 - (i) the costs of publicity and educational and training programmes directly related to the functions of the Co-ordinating Committee;
 - (j) the payment of fees to members of the Co-ordinating Committee for attendance at meetings of that Committee and travelling and other expenses incurred by such members in carrying out the business of that Committee.

(k)

Bush Fires (Amendment).

- (k) by omitting from subsection one of section forty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, the Chief Co-ordinator"; Sec. 42.
(Appointment of fire patrol officers and honorary fire patrol officers.)
- (l) by omitting from subsection two of section forty-six the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 46.
(Inspectors.)
- (m) by omitting from section forty-eight the words "Committee, a council, an officer or employee of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales, an emergency fire controller" and by inserting in lieu thereof the words "Bush Fire Council, a council, a member of a Fire Prevention Association, the Chief Co-ordinator, an officer or employee of or a person acting under the authority of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales or the National Parks and Wildlife Service or a Fire Prevention Association or the Co-ordinating Committee, an emergency fire controller, a deputy emergency fire controller"; Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- (n) by omitting from section fifty the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council or the Co-ordinating Committee or the Chief Co-ordinator"; Sec. 50.
(Destruction, etc., of notices.)
- (o) (i) by omitting from subsection one of section fifty-five the words "an emergency fire controller" and by inserting in lieu thereof the words "the Chief Co-ordinator or an emergency fire controller or a deputy emergency fire controller"; 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)

Bush Fires (Amendment).

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Any person who assaults, resists, obstructs, uses abusive language to or incites or encourages any other person to assault, resist, obstruct or use abusive language to the Chief Co-ordinator, any fire patrol officer, emergency fire controller, deputy emergency fire controller, captain or deputy captain of a bush fire brigade, group captain or deputy group captain of bush fire brigades, or fire control officer or any person acting under the directions of any such person, shall be liable to a penalty not exceeding one hundred dollars.

Sec. 57.
(Regulations.)

- (p) (i) by omitting from paragraph (1) of subsection two of section fifty-seven the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, Co-ordinating Committee and Finance Committee";
- (ii) by omitting from paragraph (m) of the same subsection the words "emergency fire controllers" and by inserting in lieu thereof the words "regional officers, emergency fire controllers, deputy emergency fire controllers";
- (iii) by inserting next after paragraph (x) of the same subsection the following new paragraphs :—
- (y) the conditions under which fires may be lit, maintained or used for or in connection with the destruction of trade or industrial wastes or for any like purpose;
 - (z) the defining of the powers, authorities, duties and functions of Fire Prevention Associations;
 - (aa) the prescribing of constitutions and rules for Fire Prevention Associations.

Bush Fires (Amendment).

7. The Bush Fires Act, 1949, is further amended by inserting next after Schedule Two the following new Schedule :—

Further amendment
of Act No.
31, 1949.
New
Schedule
Three.

SCHEDULE THREE

Cities of:

Armidale	Lithgow
Bathurst	Liverpool
Blue Mountains	Maitland
Campbelltown	Newcastle
Greater Cessnock	Parramatta
Goulburn	Penrith
Grafton	Sydney
Lismore	Greater Wollongong

Municipalities of:

Ashfield	Lane Cove
Auburn	Leichhardt
Ballina	Manly
Bankstown	Marrickville
Bega	Mosman
Blacktown	Mullumbimby
Bombala	Muswellbrook
Botany	North Sydney
Bowral	Port Macquarie
Burwood	Queanbeyan
Camden	Randwick
Canterbury	Rockdale
Casino	Ryde
Concord	Shellharbour
Cooma	Singleton
Drummoyne	South Sydney
Fairfield	Strathfield
Glen Innes	Taree
Holroyd	Tenterfield
Hunter's Hill	Waverley
Hurstville	Willoughby
Kempsey	Windsor
Kiama	Wingham
Kogarah	Woollahra
Ku-ring-gai	

Bush Fires (Amendment).

 SCHEDULE THREE—*continued.*

Shires of:

Abercrombie	Mumbulla
Baulkham Hills	Nambucca
Bellingen	Nymboida
Bibbenluke	Oberon
Blaxland	Patrick Plains
Byron	Port Stephens
Coff's Harbour	Rylstone
Colo	Scone
Copmanhurst	Severn
Crookwell	Shoalhaven
Denman	Snowy River
Dumaresq	Stroud
Dungog	Sutherland
Eurobodalla	Tallaganda
Gloucester	Tenterfield
Gosford	Terania
Gundurimba	Tintenbar
Guyra	Tomki
Hastings	Turon
Hornsby	Tweed
Imlay	Ulmarra
Kyogle	Walcha
Lake Macquarie	Warringah
Maclean	Wingecarribee
Macleay	Wollondilly
Manning	Woodburn
Mittagong	Wyong
Monaro	Yarrowlumla
Mulwaree	

 BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 March, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 25, 1970.

An Act to make further provisions with respect to the prevention, control and suppression of bush fires; to provide for the establishment of a Bush Fire Council of New South Wales and the appointment of a Chief Co-ordinator of Bush Fire Fighting, and to define their respective powers, authorities, duties and functions; to abolish the Bush Fire Committee; for these and other purposes to amend the Bush Fires Act, 1949, and the Workers' Compensation Act, 1926; and for purposes connected therewith. [Assented to, 8th April, 1970.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Bush Fires (Amendment).

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 :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Bush Fires (Amendment) Act, 1970".

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

Amendment
of Act No.
31, 1949.

2. (1) The Bush Fires Act, 1949, is amended—

Sec. 10.
(Require-
ments to be
complied
with by
persons
lighting
certain
classes of
fires.)

(a) by inserting next after subsection six of section ten the following new subsection :—

(7) Where any permit is granted under this section for the lighting, maintenance or use of any fire and the land on which such fire is to be lit, maintained or used is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection notice of such permit shall, within the prescribed time and in the prescribed manner, be given by the authority or person referred to in subsection two of this section by whom the permit was granted to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

(b)

Bush Fires (Amendment).

(b) (i) by inserting in subsection one of section eleven Sec. 11.
after the word "Act" where secondly occur- (Revocation,
ring the words "and to the officer of the suspension
National Parks and Wildlife Service to whom or variation
notice of such permit has been given in accord- of permits.)
ance with subsection seven of that section";

(ii) by inserting next after subsection two of the
same section the following new subsection :—

(3) Where—

(a) a permit granted under section ten of
this Act authorises the lighting, main-
tenance or use of a fire; and

(b) the effect of a direction under section
sixteen of this Act is to prohibit the
lighting, maintenance or use of that
fire,

the permit shall cease to have any further
force or effect as from the date on which that
direction first takes effect.

(c) by inserting next after subsection five of section Sec. 13.
thirteen the following new subsection :—

(6) Where a council by notice in writing (Power
requires the occupier or owner of any land to burn given
fire breaks or inflammable matter or other material to councils
and the land on which such fire breaks or inflam- to require
mable matter or other material are or is to be fire breaks.)
burnt is within such distance as may be prescribed
of such national park, state park or historic site
within the meaning of the National Parks and Wild-
life Act, 1967, or any nature reserve under the
Fauna Protection Act, 1948, as is specified or
described in the regulations made for the purposes
of this subsection, notice of such requirement shall,
within the prescribed time and in the prescribed
manner,

Bush Fires (Amendment).

manner, be given by such council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

Sec. 14.
(Councils may authorise persons to enter land and make fire breaks or clear inflammable material.)

- (d) by inserting next after subsection two of section fourteen the following new subsection :—

(3) Where any servants, agents or workmen of a council or any officers or members of any fire brigade or bush fire brigade are authorised under subsection one of this section to enter any land and light any fire and the land on which such fire is to be lit is within such distance as may be prescribed of such national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, as is specified or described in the regulations made for the purposes of this subsection, notice of such authorisation shall, within the prescribed time and in the prescribed manner, be given by the council to an officer of the National Parks and Wildlife Service stationed at such park, site or reserve.

Sec. 15.
(Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.)

- (e) by inserting in subsection five of section fifteen after the word "trustees" the words "nor within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948,";

Sec. 22.
(Powers of bush fire brigade captains, group captains and deputy captains.)

- (f) (i) by inserting at the end of subsection two of section twenty-two the following new proviso :—

Provided further that such powers shall not be exercised on or in connection with any land or property within a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature

Bush Fires (Amendment).

nature reserve under the Fauna Protection Act, 1948, unless permission has been granted by the Director of National Parks and Wildlife or some person authorised by him in that behalf.

- (ii) by inserting next after subsection (3B) of the same section the following new subsection :—

(3C) Any member of a bush fire brigade or any other person acting under the authority of a captain, deputy captain, group captain or deputy group captain of a bush fire brigade or any person acting under the authority of the Co-ordinating Committee or a Fire Prevention Association may, with the permission of the Director of National Parks and Wildlife or some person authorised in that behalf by that Director, enter upon any land comprised in a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, and do all or any of the following things, namely, plough, burn, clear or otherwise establish fire breaks on the land or remove, burn or destroy any inflammable matter or other material upon the land.

- (g) by omitting section twenty-six and by inserting in lieu thereof the following section :—

26. (1) The council of an area which, or part of which, constitutes a bush fire district shall appoint a person, approved in that behalf by the Minister, as fire control officer for that district.

(2) The provisions of section twenty-three of this Act apply, mutatis mutandis, to a fire control officer appointed under subsection one of this section.

(h)

Bush Fires (Amendment).

- Sec. 27.
(Powers of
fire control
officers,
etc.)
- (h) by inserting next after paragraph (d) of section twenty-seven the following new paragraph :—
- (e) shall perform such other duties as are imposed upon him by the council by whom he has been appointed.
- Sec. 31.
(Councils,
etc., to
furnish
information
to Minister
for Local
Govern-
ment.)
- (i) by omitting from section thirty-one the word “trustees” and by inserting in lieu thereof the word “occupier”;
- Sec. 37.
(Applica-
tion of
moneys to
credit of
Fund.)
- (j) (i) by omitting from subsection one of section thirty-seven the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”;
- (ii) by omitting from subsections three and four of the same section the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupier”;
- Sec. 41.
(Councils
and other
bodies to
furnish
information
to
Committee.)
- (k) by omitting from section forty-one the word “trustees” and by inserting in lieu thereof the word “occupier”;
- Sec. 44.
(Powers of
fire patrol
officers.)
- (l) by omitting from subsection two of section forty-four the words “ten dollars” and by inserting in lieu thereof the words “one hundred dollars”;
- Sec. 46.
(Inspec-
tors.)
- (m) by omitting from subsection two of section forty-six the word “trustees” wherever occurring and by inserting in lieu thereof the word “occupiers”;
- Sec. 50.
(Destruc-
tion, etc.,
of notices.)
- (n) by omitting from section fifty the words “twenty dollars” and by inserting in lieu thereof the words “one hundred dollars”;

(o)

Bush Fires (Amendment).

- (o) by inserting next after subsection (1B) of section fifty-one the following new subsection :—

Sec. 51.
(Powers of officers of Forestry Commission, etc., where a bush fire is burning on any land within five miles of a State forest, etc.)

(1c) Where a bush fire is burning on any land and the bush fire or any part thereof is within five miles of a national park, state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948, any officer of the National Parks and Wildlife Service or any person or persons authorised in that behalf by that Service may enter upon such land or upon any land situated between such land and such park, site or reserve, with such vehicles and fire fighting apparatus as may be reasonably necessary for the purpose of extinguishing or assisting to extinguish such fire, and may do all such acts, matters and things as are reasonably necessary to extinguish such fire or to prevent the spread thereof.

- (p) by inserting in paragraph (b) of section fifty-two after the words "New South Wales" the words "or officer of the National Parks and Wildlife Service";

Sec. 52.
(Responsibility of occupiers to extinguish fires or notify them to fire fighting authorities.)

- (q) by inserting next after section fifty-six the following new section :—

New sec. 56A.

56A. The production of—

Evidence.

- (a) a copy of the Gazette containing any proclamation, notification or order purporting to be made or published under this Act;
- (b) a copy purporting to be a true copy of any resolution made by a council or instrument made by a delegate of a council and purporting to be certified as such under the hand of the mayor or president or town or shire clerk,

shall

Bush Fires (Amendment).

shall be prima facie evidence of the due making, existence, confirmation, approval and giving of such proclamation, notification, order, resolution or instrument and of all preliminary steps necessary to give full force and effect thereto, and of the contents thereof.

Sec. 57.
(Regulations.)

- (r) (i) by omitting paragraph (j) of subsection two of section fifty-seven;
- (ii) by omitting from paragraph (r) of the same subsection the word "trustees" wherever occurring and by inserting in lieu thereof the word "occupiers".

(2) A person who, immediately before the day on which the amendment made by paragraph (g) of subsection one of this section commences, held office as fire control officer for a bush fire district shall be deemed to have been appointed on that day to that office by the council of the area which or part of which constitutes that district.

Further
amendment
of Act No.
31, 1949.
Subst.
sec. 17.

3. The Bush Fires Act, 1949, is further amended by omitting section seventeen and by inserting in lieu thereof the following section :—

Emergency
fire
controllers
and deputy
emergency
fire
controllers.

17. (1) The provisions of this section shall not apply to or in relation to areas or parts of areas mentioned in Schedule Three to this Act.

(2) As soon as practicable after the commencement of section three of the Bush Fires (Amendment) Act, 1970, 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 and deputy emergency fire controllers") of persons who may be appointed as emergency fire controllers and deputy

emergency

Bush Fires (Amendment).

emergency fire controllers under this section in respect of any area or group of areas or in respect of 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.

(3) 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 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 or (if there is already an emergency fire controller so appointed) a deputy 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 or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

(4) A person whose name is included in the list of emergency fire controllers and deputy 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, by the mayor or president, or person for the time being acting as mayor or president, of that area;

(b)

Bush Fires (Amendment).

- (b) any two or more areas, jointly by the mayors or presidents, or persons for the time being acting as mayors or presidents, of such areas;
- (c) the Western Division or Lord Howe Island, by the Minister, or by any person authorised in writing by the Minister under subsection three of this section;
- (d) the Western Division, and any area, jointly by the Minister, or 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 Western Division, and any two or more areas, 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,

and a person whose name is included in that list may be appointed in like manner as a deputy emergency fire controller for any such territory.

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

- (a) any area, 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, 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)

Bush Fires (Amendment).

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

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

(i) the Western Division;

(ii) that area; or

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

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

(i) the Western Division;

(ii) at least one of such areas; or

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

(6) A person appointed as an emergency fire controller or deputy 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.

(7) A deputy emergency fire controller appointed in respect of any territory shall, except where he is acting as the emergency fire controller pursuant to subsection eight of this section, be subject to the control and direction of the emergency fire controller appointed in respect of such territory.

(8) A deputy emergency fire controller appointed in respect of any territory shall act as emergency fire controller at the direction of the emergency fire controller or in the event of his absence, illness or other inability to act.

(9)

Bush Fires (Amendment).

(9) Where an emergency fire controller or a deputy 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 to them by such emergency fire controller or deputy emergency fire controller (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any fire in the territory in respect of which such emergency fire controller or deputy emergency fire controller has been so appointed.

In addition to, and without limiting, the power conferred on emergency fire controllers and deputy emergency fire controllers by the foregoing provisions of this subsection an emergency fire controller and a deputy 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 any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

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

(11) The provisions of section twenty-three of this Act apply, mutatis mutandis, to an emergency fire controller and a deputy emergency fire controller appointed under this section.

(12)

Bush Fires (Amendment).

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

4. (1) The Bush Fires Act, 1949, is further amended— Further amendment of Act No. 31, 1949.

(a) by omitting from section twenty-eight the words Sec. 28.
“for Local Government” wherever occurring; (Division of State into fire regions.)

(b) by omitting from section twenty-nine the words Sec. 29.
“for Local Government” wherever occurring; (Eastern and Central Divisions Bush Fire Fighting Fund.)

(c) (i) by omitting subsection one of section thirty Sec. 30.
and by inserting in lieu thereof the following (Estimate to be prepared by Minister.)
subsection :—

(1) Before the end of each financial year the Minister shall prepare and, subject to the concurrence of the Treasurer, adopt—

(a) an estimate of the probable expenditure from the Fund during the then ensuing financial year;

(b) an estimate of the parts of such expenditure applicable to each fire region.

(ii) by omitting from subsection two of the same section the words “for Local Government” wherever occurring;

(iii) by omitting from subsection three of the same section the words “for Local Government”;

(d)

Bush Fires (Amendment).

- Sec. 31.
(Councils,
etc., to
furnish
information
to
Minister.)
- (d) by omitting from section thirty-one the words "for Local Government" wherever occurring;
- Sec. 33.
(Determina-
tion of
contributions
of councils.)
- (e) by omitting from section thirty-three the words "for Local Government" wherever occurring;
- Sec. 34.
(Determina-
tion of
contributions
of insurance
companies.)
- (f) by omitting from section thirty-four the words "for Local Government" wherever occurring;
- Sec. 34A.
(Audit of
accounts
of insurance
companies.)
- (g) by omitting from section 34A the words "for Local Government" wherever occurring;
- Sec. 35.
(Deficits,
etc.)
- (h) by omitting from subsection one of section thirty-five the words "for Local Government" wherever occurring;
- Sec. 36.
(Contribu-
tions due
and payable
within sixty
days of
assessment.)
- (i) by omitting from section thirty-six the words "for Local Government" wherever occurring;
- Sec. 36A.
(Appeals by
insurance
companies
against
assessment
of contribu-
tions.)
- (j) by omitting from section 36A the words "for Local Government" wherever occurring;
- Sec. 37.
(Application
of moneys to
credit of
Fund.)
- (k) by omitting from section thirty-seven the words "for Local Government" wherever occurring;

Bush Fires (Amendment).

- (l) by omitting from section thirty-eight the words "for Local Government" wherever occurring; Sec. 38.
(Financial statements.)
 - (m) (i) by omitting from paragraph (a) of subsection one of section forty the words "or the Minister for Local Government"; Sec. 40.
(Functions of Bush Fire Council.)
 - (ii) by omitting from paragraph (c) of the same subsection the words "and the Minister for Local Government";
 - (n) by omitting from paragraph (a) of subsection two of section forty-six the words "and the Minister for Local Government"; Sec. 46.
(Inspectors.)
 - (o) by omitting from section forty-eight the words "the Minister for Local Government,". Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- (2) Any fire region in existence immediately before the commencement of this section shall, subject to section twenty-eight of the Bush Fires Act, 1949, as amended by subsection one of this section, continue in existence after that commencement.
- (3) The Workers' Compensation Act, 1926, is amended by omitting from section 17G the words "Minister for Local Government" and by inserting in lieu thereof the words "Chief Secretary". Amendment of Act No. 15, 1926.
Sec. 17G.
(Assessment and payment of contributions.)

Bush Fires (Amendment).

Further
amendment
of Act No.
31, 1949,
Subst. sec.
39, new secs.
39A-39C.

Constitution
of Bush Fire
Council.

5. The Bush Fires Act, 1949, is further amended—

- (a) by omitting section thirty-nine and by inserting in lieu thereof the following sections :—

39. (1) There shall be constituted a Bush Fire Council of New South Wales consisting of not more than twenty-five persons, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(2) The members of the Bush Fire Council shall be appointed by the Governor, and of those members—

- (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment, or by a subsequent instrument, be appointed as the Chairman of the Bush Fire Council;
- (b) one, who shall be nominated by the Minister on the recommendation of the Minister for Conservation, shall be the Commissioner appointed under the provisions of the Forestry Act, 1916, or some other person;
- (c) one, who shall be nominated by the Minister on the recommendation of the Minister for Lands, shall be the Director of National Parks and Wildlife, or some other person;
- (d) one shall be a person nominated by the Minister on the recommendation of the Board of Fire Commissioners of New South Wales;
- (e) one shall be a person nominated by the Minister on the recommendation of the Shires Association of New South Wales;
- (f)

Bush Fires (Amendment).

- (f) one shall be a person nominated by the Minister on the recommendation of the Fire and Accident Underwriters' Association of New South Wales;
- (g) one shall be an officer of the Chief Secretary's Department, nominated by the Minister;
- (h) one shall be a person nominated by the Minister on the recommendation of the Director of Civil Defence;
- (i) one shall be a person nominated by the Minister on the recommendation of the Commissioner of Police;
- (j) one shall be a person nominated by the Minister on the recommendation of the Association of Local Government Clerks of New South Wales;
- (k) the remainder shall be persons nominated by the Minister, of whom not less than five shall be persons who are members of bush fire brigades.

(3) A member of the Bush Fire Council shall hold office for such term not exceeding five years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.

Any such re-appointment shall be for such term not exceeding five years as may be specified in the instrument of his re-appointment.

(4) On the occurrence of a vacancy in the office of a member of the Bush Fire Council otherwise than by the expiration of the term for which

Bush Fires (Amendment).

which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection two of this section for his predecessor in office.

(5) (a) Where at any time the Chairman or any other member of the Bush Fire Council is absent with the leave of the Council granted for a period, the Governor may appoint a person to be acting Chairman or acting member of the Council, being a person qualified and nominated as provided by subsection two of this section for the person who is so absent.

(b) An appointment under paragraph (a) of this subsection shall be for such period as may be specified in the instrument of appointment.

(c) An acting Chairman or an acting member, as the case may be, shall have and may exercise and discharge all the powers, authorities, duties and functions of the Chairman or other member who is absent as referred to in paragraph (a) of this subsection.

(6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member of the Bush Fire Council and that member shall not, in his capacity as such, be subject to the provisions of that Act.

(7) The office of a member of the Bush Fire Council shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office or place of profit under the Crown.

(8) The Chairman and each other member of the Bush Fire Council shall be entitled to receive such travelling or other expenses as the Minister may determine and such other fees as may be determined by the Governor.

(9)

Bush Fires (Amendment).

(9) A member of the Bush Fire Council shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes bankrupt, compounds with his creditors, or makes an assignment of any salary, remuneration or allowance payable to him, or of his estate, for their benefit;
- (d) if he is absent without leave of the Council from three consecutive meetings of the Council;
- (e) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence, which, if committed in New South Wales, would be a felony or a misdemeanour which is punishable as aforesaid;
- (g) if he is removed from office by the Governor.

(10) The Governor may, for any cause which seems to him sufficient, remove a member of the Bush Fire Council from office.

39A. (1) For the purposes of sections twenty-eight and thirty of this Act, there shall be constituted a Finance Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (e), (f) and (g) of subsection two of section thirty-nine of this Act.

(2)

Bush Fires (Amendment).

(2) The Chairman of the Bush Fire Council shall be the Chairman of the Finance Committee.

(3) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Finance Committee.

Co-
ordinating
Committee.

39B. (1) There shall be constituted a Co-ordinating Committee of the Bush Fire Council consisting of the Chairman of the Council and the members referred to in paragraphs (b), (c), (d) and (e) of subsection two of section thirty-nine of this Act.

(2) The Chairman of the Bush Fire Council shall be the Chairman of the Co-ordinating Committee.

(3) The Co-ordinating Committee is hereby constituted a body corporate under the name of "Co-ordinating Committee of the Bush Fire Council of New South Wales".

(4) The common seal of the Co-ordinating Committee shall be kept by such person as the Co-ordinating Committee may determine.

(5) The provisions of subsections six, seven and eight of section thirty-nine of this Act apply mutatis mutandis to and in respect of members of the Co-ordinating Committee.

Procedural
and other
matters
relating to
Bush Fire
Council and
Committees.

39C. (1) Meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee shall be held from time to time as

determined

Bush Fires (Amendment).

determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(2) (a) The Chairman shall preside at all meetings of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee at which he is present.

(b) In the absence of the Chairman the members present may elect one of their number to preside as chairman.

(c) The Chairman or member presiding as chairman shall have a deliberative vote, and in the event of an equality of votes, shall have a second or casting vote.

(3) Ten members shall constitute a quorum of the Bush Fire Council, three members shall constitute a quorum of the Finance Committee and three members shall constitute a quorum of the Co-ordinating Committee.

(4) A decision of a majority of the members present at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, at which a quorum is present, shall be the decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(5) The procedure for the calling of meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Bush Fire Council, the Finance Committee or the Co-ordinating Committee, as the case may be.

(b)

Bush Fires (Amendment).

Sec. 40.
(Functions
of Bush Fire
Council.)

- (b) (i) by omitting from section forty the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council";
- (ii) by omitting from paragraph (c) of subsection one of the same section the word "April" and by inserting in lieu thereof the word "June";
- (iii) by omitting from the same paragraph the words "of the estimated damage from bush fires in New South Wales during the preceding twelve months" and by inserting in lieu thereof the words ", for presentation to Parliament, of the estimated damage from bush fires in New South Wales during the period of twelve months ending on the thirty-first day of March in that year";
- (iv) by omitting from the same paragraph the words "year next ensuing" and by inserting in lieu thereof the words "period of twelve months commencing on the first day of July in that year";

Sec. 41.
(Councils
and other
bodies to
furnish
information
to Bush Fire
Council.)

- (c) (i) by inserting in section forty-one after the word "Minister" the words "or by the Co-ordinating Committee";
- (ii) by omitting from the same section the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council";

New secs.
41A-41J.

- (d) by inserting next after section forty-one the following new sections :—

Functions
of Co-
ordinating
Com-
mittee as to
co-ordina-
tion of
bush fire
fighting
activities.

41A. (1) In this section—

"plan of operations" means a plan prepared by the Co-ordinating Committee under this section ;

"prescribed

Bush Fires (Amendment).

"prescribed organisation" means a council, the Board of Fire Commissioners of New South Wales, the Forestry Commission of New South Wales, the National Parks and Wildlife Service or any body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires.

(2) The Co-ordinating Committee may, for the purpose of co-ordinating the activities of such two or more of the prescribed organisations as it thinks fit (in so far as those activities relate to the prevention, control or suppression of bush fires), prepare a plan setting out the procedures which the Co-ordinating Committee considers ought to be followed if a bush fire breaks out in any area or locality and assumes or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in that area or locality or if the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions.

(3) The Co-ordinating Committee may from time to time vary or revoke any plan of operations.

(4) A plan of operations may be communicated in such manner as the Co-ordinating Committee thinks fit to any prescribed organisation to which it relates.

(5) A plan of operations communicated to a prescribed organisation to which it relates shall be adopted by that organisation and as far as practicable, be carried into effect by that organisation in the circumstances indicated by the plan.

Bush Fires (Amendment).

Other
functions
of Co-
ordinating
Committee.

41B. (1) The Co-ordinating Committee may—

- (a) with the approval of the Minister for Lands, take such steps as it thinks fit for the reduction of fire hazards on Crown lands not held under lease or license nor vested in nor under the control of trustees;
- (b) enter into arrangements with councils and public authorities for the reduction of fire hazards on land under their control;
- (c) acquire such fire fighting apparatus as it may deem necessary to enable the Chief Co-ordinator to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- (d) with the approval of the Minister, purchase, exchange, take on lease, hold, dispose of or otherwise deal with any real property;
- (e) erect and maintain such buildings as it may deem necessary for the storage of fire fighting apparatus;
- (f) investigate the adequacy and efficiency of bush fire brigades in any area;
- (g) appoint regional officers to assist the Chief Co-ordinator in the exercise or discharge of any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;
- (h) form Fire Prevention Associations, or approve Fire Prevention Associations formed, for the purpose of constructing and maintaining fire trails and carrying out

measures

Bush Fires (Amendment).

measures for the detection, prevention, control and suppression of bush fires on unoccupied Crown lands;

- (i) determine the territories in respect of which Fire Prevention Associations may operate.

(2) The Co-ordinating Committee shall—

- (a) review annually the incidence of fire hazards on such private lands as it determines and facilitate as far as practicable the removal or reduction of those hazards by the owners or occupiers of those lands;
- (b) encourage and assist as far as practicable councils in the exercise of their powers under section thirteen of this Act;
- (c) ensure as far as practicable that members of bush fire brigades and persons in, or under the control of, other fire fighting authorities are provided with the necessary training and techniques for the prevention, control and suppression of bush fires;
- (d) ensure as far as practicable that equipment in such sufficient quantity, and of such approved standards of operation and efficiency, as the Co-ordinating Committee determines, is available to and properly maintained by fire fighting authorities;
- (e) ensure as far as practicable that adequate information is furnished to the Chief Co-ordinator to enable him properly to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon him by or under this Act;

(f)

Bush Fires (Amendment).

- (f) before the thirtieth day of June in each year furnish a report to the Minister, for presentation to Parliament, as to its activities during the period of twelve months ending on the thirty-first day of March in that year.

(3) The Co-ordinating Committee—

- (a) shall furnish reports and recommendations upon any matter, referred to it by the Minister, relating to the prevention, control and suppression of bush fires ;
- (b) may furnish to the Minister, councils and other persons, such reports and recommendations relating to the prevention, control and suppression of bush fires as it thinks fit.

Councils
and other
bodies to
furnish
information
to Co-
ordinating
Committee.

41C. For the purpose of enabling the Co-ordinating Committee to exercise or discharge any of the powers, authorities, duties or functions conferred or imposed upon it by or under this Act, any council, bush fire brigade, occupier of any supervised park, fire control officer, public authority or body of persons, corporate or unincorporate, associated with the prevention, control or suppression of bush fires shall, at such times and in such manner as the Co-ordinating Committee may require, furnish to it such information as it may require.

Appointment
of Chief
Co-ordinator
and other
officers.

41D. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint a Chief Co-ordinator of Bush Fire Fighting and such other officers and employees as may be necessary for the purposes of this Act.

41E.

Bush Fires (Amendment).

41E. In the case of the illness or absence of the Chief Co-ordinator, the Minister, on the recommendation of the Co-ordinating Committee, may appoint a person to act as Chief Co-ordinator during the period of his illness or absence, and the person so appointed, while he so acts during that period, shall have and may exercise and discharge all the immunities, powers, authorities, duties and functions conferred and imposed upon the Chief Co-ordinator by or under this Act.

Acting
Chief Co-
ordinator.

41F. (1) The Chief Co-ordinator shall either personally or through regional officers, officers of the Board of Fire Commissioners of New South Wales, officers of the Forestry Commission of New South Wales or other persons—

Functions of
Chief Co-
ordinator.

(a) take charge of fire fighting operations, and fire prevention measures, where he is of the opinion that any bush fire has assumed or is likely to assume 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 or that the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions;

(b) take such measures to control or suppress any bush fire as he deems necessary, where he is of the opinion that—

(i) the fire is not being effectively controlled or suppressed by the fire fighting authority or authorities in whose area or locality it is burning;
or

(ii)

Bush Fires (Amendment).

- (ii) the fire is burning in a place which is not the responsibility of any fire fighting authority,

and that it is necessary or expedient that the fire should be controlled or suppressed.

(2) The Chief Co-ordinator shall—

- (a) make such recommendations to the Minister as he deems necessary to assist the Minister in the exercise of the Minister's powers under section sixteen of this Act;
- (b) perform such other duties and functions as the Co-ordinating Committee determines.

(3) Where the Chief Co-ordinator, either personally or through some person referred to in subsection one of this section, takes charge of any fire fighting operations or fire prevention measures under paragraph (a) of that subsection or takes any measures under paragraph (b) of that subsection, 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, members of the Police Force and other persons, shall comply with any directions given to them by the Chief Co-ordinator or that firstmentioned person (which directions they are hereby respectively empowered to give) in connection with the prevention, control or suppression of any bush fire in the area or locality in which the Chief Co-ordinator has so taken charge or is taking those measures.

In addition to, and without limiting, the power conferred on the Chief Co-ordinator or any other person by the foregoing provisions of this subsection, the Chief Co-ordinator and that person shall have and may exercise all the powers conferred

on

Bush Fires (Amendment).

on a bush fire brigade captain by section twenty-two of this Act, without being subject to any proviso to subsection two of that section and without limitation as to the territory within which they may exercise such powers.

(4) Any person failing to observe any direction given pursuant to this section by the Chief Co-ordinator or any other person shall be liable upon conviction to a penalty not exceeding four hundred dollars or to imprisonment for a period not exceeding twelve months or to both such penalty and imprisonment.

(5) The Chief Co-ordinator, in the exercise or discharge of any power, authority, duty or function conferred or imposed upon him by or under subsection one or three of this section shall, subject to any relevant plan of operations under section 41A of this Act, not be subject to the control and direction of the Co-ordinating Committee.

(6) Except as provided by subsection five of this section, the Chief Co-ordinator shall be subject to the control and direction of the Co-ordinating Committee.

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

41G. For the purposes of this Act, the Co-ordinating Committee or the Chief Co-ordinator may—

- (a) with the approval of the Department concerned, and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department;

(b)

Use of services of officers, etc., of Government Departments, etc.

Bush Fires (Amendment).

- (b) with the approval of the statutory corporation concerned or of the council concerned, and on such terms as may be arranged, make use of the services of any of the officers, employees or servants of any statutory corporation or any council.

Delegation.

41H. (1) The Co-ordinating Committee may, by resolution, delegate to the Chief Co-ordinator any power, authority, duty or function (other than this power of delegation) conferred or imposed upon it by or under this Act.

(2) The Chief Co-ordinator may by writing under his hand, delegate to any regional officer or to any officer, employee or servant of the Co-ordinating Committee or of any Government Department, statutory corporation or council in respect of which an arrangement has been made under section 41G of this Act for the use of the services of the officer, employee or servant, any power, authority, duty or function (other than this power of delegation) conferred or imposed upon him by or under this Act.

(3) The exercise of any delegation under this section shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

(4) Any act or thing done or suffered by the Chief Co-ordinator or, as the case may be, by an officer, employee or servant when acting in the exercise of any such delegation, and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(5)

Bush Fires (Amendment).

(5) Any delegation under subsection two of this section shall remain in force notwithstanding that the person who made the delegation has ceased to hold office as Chief Co-ordinator.

(6) The Co-ordinating Committee or the Chief Co-ordinator, as the case may be, may revoke either wholly or in part any delegation under this section of powers, authorities, duties or functions, whether made by it or him or by a predecessor in that office but no act or thing done or suffered by an officer, employee or servant within the terms of any such delegation during the period in which such delegation was in force shall be invalidated by reason of the revocation.

(7) Subject to any stipulation to the contrary contained in the instrument, any instrument of delegation under this section shall, so far as concerns any act or thing done or suffered thereunder in good faith, operate and continue in force until notice of the revocation thereof has been received by the delegate.

(8) Every act or thing within the scope of the delegation done or suffered in good faith by the delegate after revocation of the delegation and before notice thereof has been received by him shall be as effectual in all respects as if the revocation had not been made.

(9) A statutory declaration by the delegate stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered or at any time after, shall be taken to be conclusive proof of non-revocation at the time when the act or thing was so done or suffered in favour of all persons

dealing

Bush Fires (Amendment).

dealing with the delegate in good faith and for valuable consideration without notice of the revocation.

Limitation
upon
exercise
of powers,
etc., of Co-
ordinating
Committee
and Chief
Co-ordinator.

41I. (1) The powers, authorities, duties and functions conferred and imposed upon the Co-ordinating Committee and the Chief Co-ordinator by or under this Act shall not be exercised or discharged except in the areas or parts of areas mentioned in Schedule Three to this Act.

(2) The Governor may, by proclamation in the Gazette, amend Schedule Three to this Act by adding thereto or deleting therefrom any area or part of any area, and the Schedule as so amended from time to time shall be Schedule Three to this Act.

Finance.

41J. (1) Any moneys payable in connection with the exercise of the duties imposed upon the Co-ordinating Committee by paragraphs (a) and (b) of subsection one of section 41B of this Act and the construction and maintenance of fire trails and other fire prevention works and hazard reduction works carried out by Fire Prevention Associations shall be paid out of moneys provided by Parliament.

(2) Except as provided by subsection one of this section, any moneys payable in connection with the exercise or discharge of the powers, authorities, duties and functions conferred or imposed upon the Co-ordinating Committee or the Chief Co-ordinator by or under this Act shall be paid out of the Fund.

Bush Fires (Amendment).

6. The Bush Fires Act, 1949, is further amended—

Further
amendment
of Act No.
31, 1949.

- (a) (i) by inserting next after the definition of "Bush fire" in section six the following new definition :— Sec. 6.
(Interpretation.)

"Bush Fire Council" means the Bush Fire Council of New South Wales constituted under this Act.

- (ii) by inserting next after the definition of "Bush fire district" in the same section the following new definition :—

"Chief Co-ordinator" means the Chief Co-ordinator of Bush Fire Fighting appointed under this Act.

- (iii) by omitting the definition of "Committee" in the same section ;

- (iv) by inserting next before the definition of "Council" in the same section the following new definition :—

"Co-ordinating Committee" means the Co-ordinating Committee of the Bush Fire Council constituted under this Act.

- (v) by inserting next after the definition of "Council" in the same section the following new definition :—

"Deputy emergency fire controller" means a deputy emergency fire controller appointed under section seventeen of this Act.

- (vi) by inserting next after the definition of "Emergency fire controller" in the same section the following new definition :—

"Finance Committee" means the Finance Committee of the Bush Fire Council constituted under this Act.

(vii)

Bush Fires (Amendment).

- (vii) by inserting next after the definition of "Fire patrol officer" in the same section the following new definition : —

"Fire Prevention Association" means a Fire Prevention Association formed or approved by the Co-ordinating Committee under this Act.

- (viii) by inserting in the definition of "Public authority" in the same section after the words "New South Wales" the words "or any Fire Prevention Association";

- (ix) by inserting next after the same definition the following new definition : —

"Regional officer" means a regional officer appointed under section 41B of this Act.

Sec. 10.
(Require-
ments to be
complied
with
by persons
lighting
certain
classes
of fires.)

- (b) (i) by inserting next after subsection one of section ten the following new subsection : —

(1A) The Minister may, on the recommendation of the Co-ordinating Committee, by order published in the Gazette, declare an area, or part of an area, mentioned in Schedule Three to this Act, to be a special district for the purposes of subsection two of this section.

- (ii) by omitting paragraph (a) of subparagraph (ii) of paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraphs : —

(a) where the land is situated within an area, but not within an area, or part of an area declared to be a special district for the purposes of this subsection

—the

Bush Fires (Amendment).

—the council of the area in which it is situated or a person authorised in that behalf by the council;

(a1) where the land is situated within an area, or part of an area, declared to be a special district for the purposes of this subsection—a person authorised in that behalf by the Co-ordinating Committee;

(c) (i) by inserting in paragraph (c) of section nineteen after the words “part thereof,” the words “not being an area, or part thereof, mentioned in Schedule Three to this Act and”; Sec. 19.
(Formation of bush fire brigades.)

(ii) by inserting next after paragraph (e) of the same section the following new paragraph :—

(f) by the Co-ordinating Committee where it is of the opinion that the formation of a bush fire brigade in any area, or part thereof, mentioned in Schedule Three to this Act, not being within a fire district so constituted, is necessary and the council of such area has failed or refused to comply with a request by the Co-ordinating Committee to form or organise a bush fire brigade.

(d) by inserting in section twenty after the word “councils” the words “, or the Co-ordinating Committee”; Sec. 20.
(Area of operations and appointment of personnel of bush fire brigades.)

(e)

Bush Fires (Amendment).

Sec. 22.
(Powers of
bush fire
brigade
captains,
group
captains and
deputy cap-
tains.)

- (e) (i) by inserting in subsection (3A) of section twenty-two after the word "council" where secondly occurring the words ", and any person authorised by the Co-ordinating Committee or a Fire Prevention Association in that behalf, may enter upon Crown land situated within an area, or part thereof, mentioned in Schedule Three to this Act or within the territory of the Association, as the case may be";
- (ii) by omitting from the same subsection the following words :—

“(a) within a fire district constituted under the Fire Brigades Act, 1909, as amended by subsequent Acts;”;
- (iii) by inserting in the same subsection after the word "council" where thirdly occurring the words ", the Co-ordinating Committee or the association, as the case may be,";
- (iv) by inserting in the same subsection after the word "council" where fourthly occurring the words "the Co-ordinating Committee or a Fire Prevention Association";
- (v) by inserting in subsection (3B) of the same section after the word "brigade" where secondly occurring the words "or any person acting under the authority of the Co-ordinating Committee or a Fire Prevention Association";

Sec. 25.
(Proclama-
tion of
bush fire
districts.)

- (f) by omitting from section twenty-five the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council";

Sec. 28.
(Division
of State
into fire
regions.)

- (g) by omitting from subsection three of section twenty-eight the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee";

(h)

Bush Fires (Amendment).

- (h) by omitting from subsection three of section thirty the words "sub-committee of the Committee" and by inserting in lieu thereof the words "Finance Committee"; Sec. 30.
(Estimate to be prepared by Minister for Local Government.)
- (i) by omitting from subsection five of section thirty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 32.
(Contributions by the Treasurer, councils and insurance companies.)
- (j) (i) by inserting in paragraph (a) of subsection one of section thirty-seven after the word "Act" the words ", the Co-ordinating Committee, the Chief Co-ordinator"; Sec. 37.
(Application of moneys to credit of Fund.)
- (ii) by inserting in paragraph (b) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- (iii) by inserting in paragraph (c) of the same subsection after the word "brigades" the words ", Co-ordinating Committee, Chief Co-ordinator";
- (iv) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—
 - (f) subject to the provisions of section 41J of this Act, the payment of salaries, allowances, travelling and other expenses of—
 - (i) fire control officers or inspectors appointed under this Act;
 - (ii) the Chief Co-ordinator;
 - (iii) regional officers;
 - (iv)

Bush Fires (Amendment).

- (iv) officers and employees of the Chief Secretary's Department in respect of that portion of their time spent in assisting the Chief Co-ordinator and performing any functions for or on behalf of the Co-ordinating Committee;
- (v) officers, employees and servants of any Government Department, statutory corporation or council, with which an arrangement has been made under section 41G of this Act, in respect of that portion of their time spent in assisting the Chief Co-ordinator and performing any functions for or on behalf of the Co-ordinating Committee;
- (v) by inserting in paragraph (g) of the same subsection after the word "brigades" the words ", the Co-ordinating Committee, the Chief Co-ordinator";
- (vi) by inserting next after paragraph (h) of the same subsection the following new paragraphs :—
 - (i) the costs of publicity and educational and training programmes directly related to the functions of the Co-ordinating Committee;
 - (j) the payment of fees to members of the Co-ordinating Committee for attendance at meetings of that Committee and travelling and other expenses incurred by such members in carrying out the business of that Committee.
 - (k)

Bush Fires (Amendment).

- (k) by omitting from subsection one of section forty-two the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, the Chief Co-ordinator"; Sec. 42.
(Appointment of fire patrol officers and honorary fire patrol officers.)
- (l) by omitting from subsection two of section forty-six the word "Committee" wherever occurring and by inserting in lieu thereof the words "Bush Fire Council"; Sec. 46.
(Inspectors.)
- (m) by omitting from section forty-eight the words "Committee, a council, an officer or employee of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales, an emergency fire controller" and by inserting in lieu thereof the words "Bush Fire Council, a council, a member of a Fire Prevention Association, the Chief Co-ordinator, an officer or employee of or a person acting under the authority of the Board of Fire Commissioners of New South Wales or the Forestry Commission of New South Wales or the National Parks and Wildlife Service or a Fire Prevention Association or the Co-ordinating Committee, an emergency fire controller, a deputy emergency fire controller"; Sec. 48.
(Proceedings not to lie against persons acting bona fide under and for the purposes of Act.)
- (n) by omitting from section fifty the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council or the Co-ordinating Committee or the Chief Co-ordinator"; Sec. 50.
(Destruction, etc., of notices.)
- (o) (i) by omitting from subsection one of section fifty-five the words "an emergency fire controller" and by inserting in lieu thereof the words "the Chief Co-ordinator or an emergency fire controller or a deputy emergency fire controller"; 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)

Bush Fires (Amendment).

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Any person who assaults, resists, obstructs, uses abusive language to or incites or encourages any other person to assault, resist, obstruct or use abusive language to the Chief Co-ordinator, any fire patrol officer, emergency fire controller, deputy emergency fire controller, captain or deputy captain of a bush fire brigade, group captain or deputy group captain of bush fire brigades, or fire control officer or any person acting under the directions of any such person, shall be liable to a penalty not exceeding one hundred dollars.

Sec. 57.
(Regulations.)

- (p) (i) by omitting from paragraph (l) of subsection two of section fifty-seven the word "Committee" and by inserting in lieu thereof the words "Bush Fire Council, Co-ordinating Committee and Finance Committee";
- (ii) by omitting from paragraph (m) of the same subsection the words "emergency fire controllers" and by inserting in lieu thereof the words "regional officers, emergency fire controllers, deputy emergency fire controllers";
- (iii) by inserting next after paragraph (x) of the same subsection the following new paragraphs :—
- (y) the conditions under which fires may be lit, maintained or used for or in connection with the destruction of trade or industrial wastes or for any like purpose;
- (z) the defining of the powers, authorities, duties and functions of Fire Prevention Associations;
- (aa) the prescribing of constitutions and rules for Fire Prevention Associations.

Bush Fires (Amendment).

7. The Bush Fires Act, 1949, is further amended by inserting next after Schedule Two the following new Schedule :—

Further amendment
of Act No.
31, 1949.

New
Schedule
Three.

SCHEDULE THREE

Cities of:

Armidale	Lithgow
Bathurst	Liverpool
Blue Mountains	Maitland
Campbelltown	Newcastle
Greater Cessnock	Parramatta
Goulburn	Penrith
Grafton	Sydney
Lismore	Greater Wollongong

Municipalities of:

Ashfield	Lane Cove
Auburn	Leichhardt
Ballina	Manly
Bankstown	Marrickville
Bega	Mosman
Blacktown	Mullumbimby
Bombala	Muswellbrook
Botany	North Sydney
Bowral	Port Macquarie
Burwood	Queanbeyan
Camden	Randwick
Canterbury	Rockdale
Casino	Ryde
Concord	Shellharbour
Cooma	Singleton
Drummoyne	South Sydney
Fairfield	Strathfield
Glen Innes	Taree
Holroyd	Tenterfield
Hunter's Hill	Waverley
Hurstville	Willoughby
Kempsey	Windsor
Kiama	Wingham
Kogarah	Woollahra
Ku-ring-gai	

SCHEDULE

*Bush Fires (Amendment).*SCHEDULE THREE—*continued.**Shires of:*

Abercrombie	Mumbulla
Baulkham Hills	Nambucca
Bellingen	Nymboida
Bibbenluke	Oberon
Blaxland	Patrick Plains
Byron	Port Stephens
Coff's Harbour	Rylstone
Colo	Scone
Copmanhurst	Severn
Crookwell	Shoalhaven
Denman	Snowy River
Dumaresq	Stroud
Dungog	Sutherland
Eurobodalla	Tallaganda
Gloucester	Tenterfield
Gosford	Terania
Gundurimba	Tintenbar
Guyra	Tomki
Hastings	Turon
Hornsby	Tweed
Imlay	Ulmarra
Kyogle	Walcha
Lake Macquarie	Warringah
Maclean	Wingecarribee
Macleay	Wollondilly
Manning	Woodburn
Mittagong	Wyong
Monaro	Yarrowlumla
Mulwaree	

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 8th April, 1970.*