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BUSH FIRES (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Bush Fires Act, 1949, so as—

- (a) to enable a local or county council which has appointed a person as fire control officer for a bush fire district within the council's area to appoint a person, approved by the Minister, as deputy fire control officer for that district (Schedule 1 (3) (a));
- (b) to empower a deputy fire control officer appointed for a district to act as the fire control officer for that district at the direction of the fire control officer or during the absence, illness, inability to act or vacancy in the office of the fire control officer and to provide that, except when acting as fire control officer, the deputy fire control officer is subject to the control and direction of the fire control officer (Schedule 1 (3) (c));
- (c) to provide that, when acting as a fire control officer, a deputy fire control officer has the powers, authorities, duties and functions of a fire control officer under that Act, and when acting at the direction of a fire control officer has such of those powers, authorities, duties and functions as are necessary or convenient for the carrying out of the direction (Schedule 1 (3) (c)); and
- (d) to make other provisions of a consequential or ancillary nature.

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BUSH FIRES (AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Bush Fires Act, 1949, with respect to the appointment and powers of deputy fire control officers.

[MR ANDERSON—23 *November*, 1983.]

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:—

5 Short title.

1. This Act may be cited as the "Bush Fires (Amendment) Act, 1983".

Amendment of Act No. 31, 1949.

2. The Bush Fires Act, 1949, is amended in the manner set forth in Schedule 1.

10

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE BUSH FIRES ACT, 1949.

- (1) Section 6, definition of "Deputy fire control officer"—

After the definition of "Deputy emergency fire controller", insert:—

15

"Deputy fire control officer" means a deputy fire control officer appointed under this Act.

- (2) Section 17 (9)—

After "fire control officers,", insert " deputy fire control officers,".

- (3) (a) Section 26 (1)—

20

After "that district", insert "and may (if there is a fire control officer so appointed) appoint a person, approved in that behalf by the Minister, as deputy fire control officer for that district".

Bush Fires (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BUSH FIRES ACT, 1949—*continued.*

(b) Section 26 (2)—

After “officer”, insert “and a deputy fire control officer”.

5 (c) Section 26 (3)–(5)—

After section 26 (2), insert:—

10 (3) A deputy fire control officer appointed for a bush fire district shall, except where acting as the fire control officer pursuant to subsection (4), be subject to the control and direction of the fire control officer appointed for that district.

(4) A deputy fire control officer appointed for a bush fire district shall act as fire control officer for that district—

- 15 (a) at the direction of the fire control officer;
(b) in the event of the absence, illness or other inability to act of the fire control officer; or
(c) during a vacancy in the office of the fire control officer.

(5) A deputy fire control officer—

- 20 (a) when acting as a fire control officer pursuant to subsection (4), shall have and may exercise and perform all the powers, authorities, duties and functions conferred or imposed on the fire control officer by or under this Act; and
25 (b) when acting pursuant to any direction of a fire control officer (other than a direction referred to in subsection (4)), shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed on the fire control officer by or under this Act and as may be necessary or convenient
30 to be exercised and performed for the purpose of carrying out the direction.

Bush Fires (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BUSH FIRES ACT, 1949—*continued.*

(4) Section 37 (1) (f) (i)—

After “officers”, insert “, deputy fire control officers”.

5 (5) Sections 41F (3), 42 (1)—

After “fire control officers,” wherever occurring, insert “deputy fire control officers,”.

(6) Section 48—

After “fire control officer,”, insert “a deputy fire control officer,”.

10 (7) Section 52 (b)—

After “fire control officer”, insert “or deputy fire control officer”.

(8) Section 55—

After “fire control officer” wherever occurring, insert “or deputy fire control officer”.

15 (9) Section 57 (2) (m)—

After “fire control officers,”, insert “deputy fire control officers”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

BUSH FIRES (AMENDMENT) ACT, 1983, No. 149

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 149, 1983.

An Act to amend the Bush Fires Act, 1949, with respect to the appointment and powers of deputy fire control officers. [Assented to, 23rd December, 1983.]

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.

1. This Act may be cited as the "Bush Fires (Amendment) Act, 1983".

Amendment of Act No. 31, 1949.

2. The Bush Fires Act, 1949, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE BUSH FIRES ACT, 1949.

- (1) Section 6, definition of "Deputy fire control officer"—

After the definition of "Deputy emergency fire controller", insert:—

"Deputy fire control officer" means a deputy fire control officer appointed under this Act.

- (2) Section 17 (9)—

After "fire control officers," insert " deputy fire control officers,".

- (3) (a) Section 26 (1)—

After "that district", insert "and may (if there is a fire control officer so appointed) appoint a person, approved in that behalf by the Minister, as deputy fire control officer for that district".

Bush Fires (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE BUSH FIRES ACT, 1949—*continued.*

(b) Section 26 (2)—

After “officer”, insert “and a deputy fire control officer”.

(c) Section 26 (3)–(5)—

After section 26 (2), insert:—

(3) A deputy fire control officer appointed for a bush fire district shall, except where acting as the fire control officer pursuant to subsection (4), be subject to the control and direction of the fire control officer appointed for that district.

(4) A deputy fire control officer appointed for a bush fire district shall act as fire control officer for that district—

- (a) at the direction of the fire control officer;
- (b) in the event of the absence, illness or other inability to act of the fire control officer; or
- (c) during a vacancy in the office of the fire control officer.

(5) A deputy fire control officer—

- (a) when acting as a fire control officer pursuant to subsection (4), shall have and may exercise and perform all the powers, authorities, duties and functions conferred or imposed on the fire control officer by or under this Act; and
- (b) when acting pursuant to any direction of a fire control officer (other than a direction referred to in subsection (4)), shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed on the fire control officer by or under this Act and as may be necessary or convenient to be exercised and performed for the purpose of carrying out the direction.

Bush Fires (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE BUSH FIRES ACT, 1949—*continued.*

(4) Section 37 (1) (f) (i)—

After “officers”, insert “, deputy fire control officers”.

(5) Sections 41F (3), 42 (1)—

After “fire control officers,” wherever occurring, insert “deputy fire control officers,”.

(6) Section 48—

After “fire control officer,”, insert “a deputy fire control officer,”.

(7) Section 52 (b)—

After “fire control officer”, insert “or deputy fire control officer”.

(8) Section 55—

After “fire control officer” wherever occurring, insert “or deputy fire control officer”.

(9) Section 57 (2) (m)—

After “fire control officers,”, insert “deputy fire control officers”.

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

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 23rd December, 1983.*