

FIRST PRINT

BUSH FIRES (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Fire Brigades (Amendment) Bill 1993 is cognate with this Bill.

The object of this Bill is to amend the Bush Fires Act 1949:

- (a) to change the proportion of contributions made by the Treasurer, local government councils and insurance companies towards the yearly estimate of expenditure from the New South Wales Bush Fire Fighting Fund; and
- (b) to reconstitute the Bush Fire Council, to clarify its role as an advisory body and to reduce its membership from 27 to 16 members; and
- (c) as a consequence of the changes affecting the Bush Fire Council, to reconstitute the Bush Fire Finance Committee and the Co-ordinating Committee; and
- (d) to make minor amendments relating to returns by insurance companies; and
- (e) to make other minor consequential amendments (including an amendment to the Public Sector Management Act 1988 to change the title of the position of Director-General of the Department of Bush Fire Services to the Commissioner of Bush Fire Services).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on assent, except those amendments relating to administration matters (such as reconstituting the Bush Fire Council) which will commence on a day to be proclaimed.

Clause 3 gives effect to the amendments to the Bush Fires Act 1949 set out in Schedule 1.

Clause 4 amends the Public Sector Management Act 1988 to change the title of the position of Director-General of the Department of Bush Fire Services to Commissioner of Bush Fire Services.

Schedule 1 contains the following amendments to the Bush Fires Act 1949:

Bush Fires (Amendment) 1993

Contributions towards estimate of expenditure from the Fund

Each year under the Bush Fires Act 1949, the Minister prepares and adopts an estimate of the probable expenditure from the New South Wales Bush Fire Fighting Fund ("the Fund"). The contributions required to be made towards that estimate are presently determined under section 32 of the Act as follows:

- the Treasurer contributes one-quarter
- local government councils contribute one-quarter
- insurance companies contribute one-half.

Schedule 1 (5) (a)–(c) amends section 32 of the Act to change the proportion of contributions towards the estimate of expenditure from the Fund determined each financial year. As a result of these amendments, the apportionment of contributions will be as follows:

- the Treasurer will contribute 14%
- local government councils will contribute 12.3%
- insurance companies will contribute 73.7%.

The new funding ratios are consistent with those used to determine the contributions under the Fire Brigades Act 1989 to fund fire brigade expenditure under that Act.

Returns by insurance companies

Under section 34 of the Act, insurance companies must (in September of each financial year) send a return to the Minister in the approved form showing the total amount of certain premiums received or due for the previous financial year. The returns are used to apportion an insurance company's contribution towards the estimated expenditure from the Fund by reference to premium income. **Schedule 1 (6) (a)** provides that the return is to be sent to the Commissioner of Bush Fire Services instead of to the Minister.

Schedule 1 (3) (b) substitutes the definition of "policy of insurance" in section 6 to exclude policies of reinsurance. This will mean that re-insurers will only be required to send insurance returns (but not reinsurance returns) to the Commissioner. **Schedule 1 (6) (b)** will ensure that an insurance company will not be able to deduct bonuses or return premiums paid by way of reinsurance from the "total amount of premiums" that it is required to show to the Commissioner in its return.

Reconstitution of Bush Fire Council, Finance Committee and Co-ordinating Committee

Schedule 1 (7) substitutes the provisions of the Act relating to the constitution and functions of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee.

Proposed section 39 provides that the new Bush Fire Council is to have 16 members (instead of 27), 4 of whom are ex-officio members (including the Commissioner who will be the Chairperson) and 12 of whom are appointed by the Minister on the recommendation of various bodies or persons. Proposed section 39A provides that the Council is to have an advisory and educative role.

Proposed sections 39B and 40 reconstitute the Finance Committee and the Co-ordinating Committee along similar lines to how they are presently constituted.

Bush Fires (Amendment) 1993

However, these bodies will be separate from the Bush Fire Council and their membership will not be determined by the membership of the Council.

Schedule 1 (3) (a) replaces existing definitions and inserts new definitions as a consequence of the amendments made by Schedule 1 (7).

Schedule 1 (12) inserts a new Schedule containing standard provisions relating to the membership and procedure of the 3 reconstituted bodies. These provisions are similar to the existing provisions under the Act.

Miscellaneous amendments

Schedule 1 (1) omits an obsolete arrangement provision (section 2).

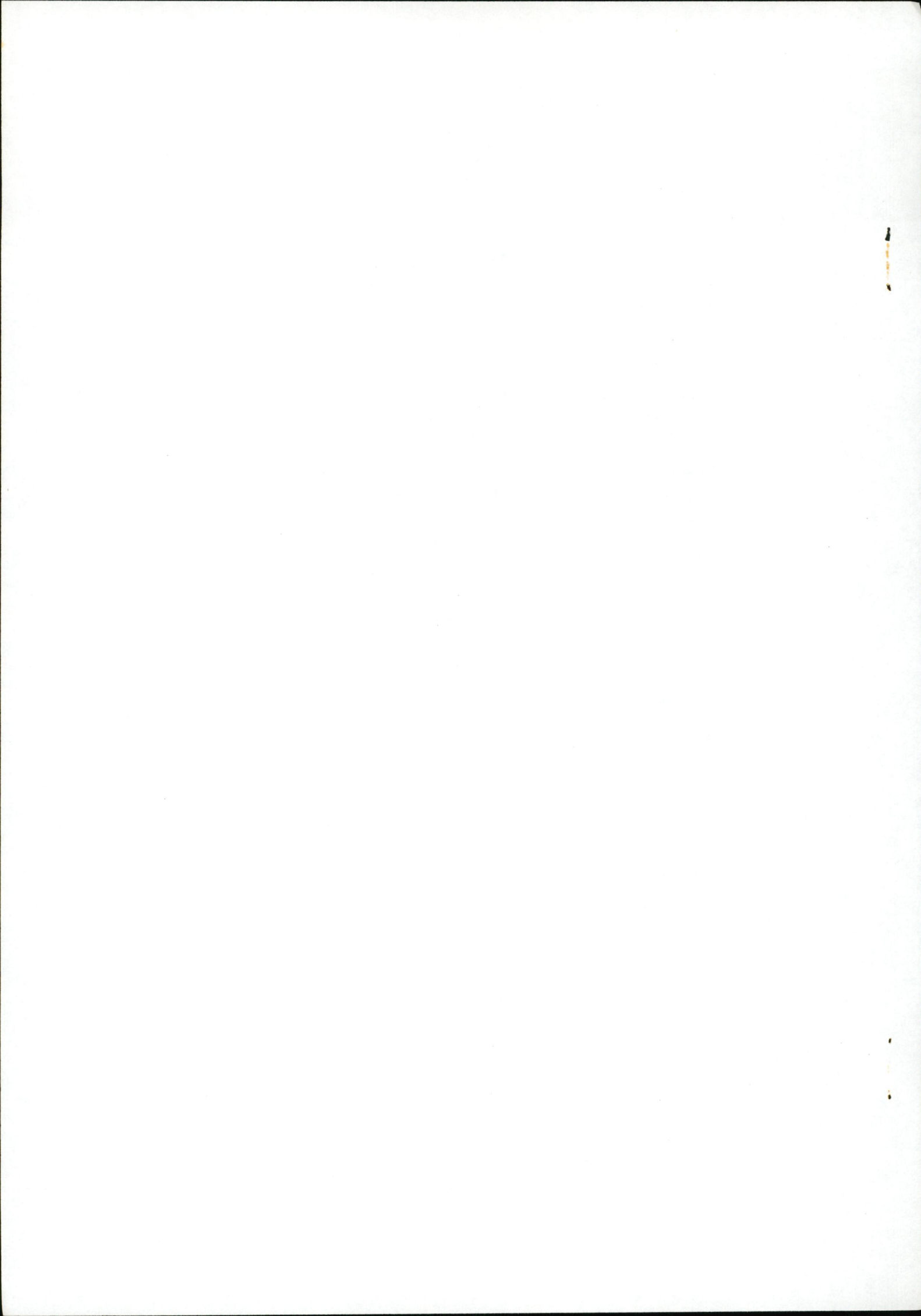
Schedule 1 (4) provides that, as a consequence of the Bush Fire Council having an advisory role, certain functions relating to proclaiming bush fire districts and exempting councils from making contributions to the Fund will be exercised by the Minister instead of the Council.

Schedule 1 (8) and (9) provide that the Commissioner will have certain functions relating to requesting information from councils and receiving reports from inspectors instead of the Minister and the Bush Fire Council.

Schedule 1 (10) extends section 48 (which protects certain persons acting in the execution of, or exercising functions under, the Act from being sued) to apply to the Commissioner and the staff of the Department of Bush Fire Services.

Transitional provisions

Schedule 1 (11) inserts a new Schedule containing savings and transitional provisions consequent on the enactment of the proposed Act. In particular, proposed clause 3 of the new Schedule provides for the adjustment of contributions for the financial year ending 30 June 1994 as a result of the changes to the funding ratios effected by Schedule 1 (5) (a)–(c). Proposed clause 4 provides that the members of the existing Bush Fire Council, Finance Committee and Co-ordinating Committee cease to hold office on the commencement of the amendments which reconstitute those bodies.



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BUSH FIRES (AMENDMENT) BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
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4. Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

SCHEDULE 1—AMENDMENTS

BUSH FIRES (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Bush Fires Act 1949 with respect to the contributions to the New South Wales Bush Fire Fighting Fund, to reconstitute certain bodies under that Act, and for other purposes; and to amend the Public Sector Management Act 1988.

*Bush Fires (Amendment) 1993***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Bush Fires (Amendment) Act 1993.

Commencement

- 5 2. (1) This Act commences on the date of assent, except as provided by subsection (2).
 (2) Section 4, and Schedule 1 (1), (3) (a), (4), (5) (d), (6) (a), (7)–(10) and (12) and section 3 in its application to those items, commence on a day to be appointed by proclamation.

10 **Amendment of Bush Fires Act 1949 No. 31**

3. The Bush Fires Act 1949 is amended as set out in Schedule 1.

Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

- 15 4. Schedule 1 to the Public Sector Management Act 1988 is amended by omitting from the matter relating to the Department of Bush Fire Services the words “Director-General of the Department” and by inserting instead the words “Commissioner of Bush Fire Services”.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- 20 (1) Section 2 (**Division into Parts**):
 Omit the section.
- (2) Section 5 (**Savings and transitional provisions**):
 After section 5 (4), insert:
 (5) Schedule 1A has effect.
- 25 (3) Section 6 (**Definitions**):
 (a) Omit the definitions of “Co-ordinating Committee” and “Finance Committee”, insert in alphabetical order:
 “**Commissioner**” means the Commissioner of Bush Fire Services.

Bush Fires (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- “**Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted by this Act.
- “**Department**” means the Department of Bush Fire Services. 5
- “**Exercise**” of a function includes, where the function is a duty, the performance of the duty.
- “**Finance Committee**” means the Bush Fire Finance Committee constituted by this Act.
- “**Function**” includes a power, authority or duty. 10
- (b) Omit the definition of “Policy of insurance”, insert instead:
- “**Policy of insurance**” includes:
- (a) any certificate or declaration as to the existence of, and any agreement for, any insurance; or
- (b) any instrument in writing by which any contract of insurance is made or agreed to be made or is evidenced, 15
- but does not include a policy of reinsurance.
- (4) Section 25 (**Proclamations of bush fire districts**):
- Omit “Bush Fire Council”, insert instead “Minister”. 20
- (5) Section 32 (**Contributions by Treasurer, councils and insurance companies**):
- (a) From section 32 (1) (a), omit “one-quarter”, insert instead “14%”.
- (b) From section 32 (1) (b), omit “one-quarter”, insert instead “12.3%”. 25
- (c) From section 32 (1) (c), omit “one-half”, insert instead “73.7%”.
- (d) From section 32 (5), omit “Bush Fire Council”, insert instead “Minister”. 30
- (6) Section 34 (**Determination of contributions of insurance companies**):
- (a) From section 34 (2) and (3), omit “Minister” wherever occurring, insert instead “Commissioner”.

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

- (b) From section 34 (6), omit the words “but does not include:” and omit paragraphs (i) and (ii), insert instead:

5 but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.

- (7) Sections 39–40:

Omit the sections, insert instead:

Constitution of Bush Fire Council

10 39. (1) There is constituted by this Act the Bush Fire Council of New South Wales.

(2) The Bush Fire Council is to consist of 16 members, being:

- (a) 4 ex-officio members, as follows:

- 15
- the Commissioner, who is to be the Chairperson of the Bush Fire Council;
 - the Managing Director of State Forests in the Forestry Commission;
 - the Director-General of the National Parks and Wildlife Service;
 - 20 • the Director-General of New South Wales Fire Brigades; and

- (b) 12 persons appointed by the Minister, as follows:

- 25
- 4 persons recommended by members of bush fire brigades in different regions of the State;
 - a person recommended by the Institute of Municipal Management;
 - a person recommended by the Shires Association;
 - a person recommended by the Insurance Council of Australia;
 - 30 • a person recommended by the New South Wales Farmers' Association;
 - a person recommended by fire control officers;
 - a person recommended by the Commissioner of Police;
 - 35 • a person recommended by the Minister for the Environment;

Bush Fires (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- a person recommended by the Director-General of the Department of Conservation and Land Management.

(3) An ex-officio member (other than the Chairperson) may nominate a person who may attend and vote at any meeting of the Bush Fire Council as the nominee of the member. 5

(4) Schedule 4 has effect with respect to the appointed members and procedure of the Bush Fire Council. 10

Functions of Bush Fire Council

39A. (1) The Bush Fire Council has the following functions:

(a) to advise and to report to the Minister and the Commissioner on any matter relating to the administration and management of bush fire services under this Act; 15

(b) to advise the Commissioner on public education programs relating to bush fire matters and on the training of bush fire fighters; 20

(c) such other functions as may be conferred or imposed on it by or under this or any other Act.

(2) Any advice or report given by the Bush Fire Council to the Minister or the Commissioner may be given either at the request of the Minister or Commissioner or without any such request. 25

Finance Committee

39B. (1) There is constituted by this Act the Bush Fire Finance Committee.

(2) The Finance Committee is to consist of 4 members, being: 30

(a) the Commissioner, who is to be the Chairperson of the Finance Committee; and

(b) a person appointed by the Minister on the recommendation of the Treasurer; and 35

Bush Fires (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (c) a person appointed by the Minister on the recommendation of the Insurance Council of Australia; and
- 5 (d) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.
- (3) The Finance Committee has the functions conferred or imposed on it under this Act.
- 10 (4) Schedule 4 has effect with respect to the members and procedure of the Finance Committee.

Co-ordinating Committee

- 15 40. (1) There is constituted by this Act a body corporate with the corporate name of the Bush Fire Co-ordinating Committee.
- (2) The Co-ordinating Committee is a statutory body representing the Crown.
- (3) The Co-ordinating Committee is to consist of 5 members, being:
- 20 (a) the Commissioner, who is to be the Chairperson of the Co-ordinating Committee; and
- (b) a person appointed by the Minister on the recommendation of the Minister administering the Forestry Act 1916; and
- 25 (c) a person appointed by the Minister on the recommendation of the Minister administering the National Parks and Wildlife Act 1974; and
- (d) a person appointed by the Minister on the recommendation of the Director-General of New South Wales Fire Brigades; and
- 30 (e) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.
- (4) Schedule 4 has effect with respect to the members and procedure of the Co-ordinating Committee.
- 35

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

- (8) Sections 41 (**Councils and other bodies to furnish information to Commissioner**), 50 (**Destruction of notices**):
Omit "Bush Fire Council" wherever occurring, insert instead "Commissioner". 5
- (9) Section 46 (**Inspectors**):
- (a) From section 46 (2) (a), omit "Minister", insert instead "Commissioner".
- (b) From section 46 (2) (c) and (d), omit "Bush Fire Council" wherever occurring, insert instead "Commissioner". 10
- (10) Section 48 (**Proceedings not to lie against persons acting in good faith**):
After "the Minister," insert "the Commissioner, a member of the staff of the Department,".
- (11) Schedule 1A: 15
After Schedule 1, insert:

SCHEDULE 1A—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 5 (5))

Part 1—General

20

Savings and transitional regulations

1. (1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of the Bush Fires (Amendment) Act 1993.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date. 25

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; 30
or

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

5 **Part 2—Provisions consequent on enactment of Bush Fires (Amendment) Act 1993**

Definitions

2. In this Part:

10 “**amending Act**” means the Bush Fires (Amendment) Act 1993;

 “**former Co-ordinating Committee**” means the Co-ordinating Committee of the Bush Fire Council as constituted immediately before the commencement of Schedule 1 (7) to the amending Act;

15 “**reconstituted Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted in accordance with this Act.

Adjustment of contributions to the Fund for the financial year ending 30 June 1994

20 3. (1) As soon as practicable after the commencement of Schedule 1 (5) (a)–(c) to the amending Act, the Minister:

 (a) is, as a result of the amendments to section 32 made by those items, to make the necessary adjustments (if any) to the contributions required to be paid to the Fund under Part 6 for the financial year ending 30 June 1994 (“**the current financial year**”); and

25 (b) is to notify contributors of the adjusted contributions for the current financial year.

30 (2) The adjusted contributions so notified become the contributions payable under Part 6 for the remainder of the current financial year.

35 (3) The amendments to section 32 made by Schedule 1 (5) (a)–(c) to the amending Act do not affect the assessment of contributions before the commencement of those amendments.

 (4) This clause has effect despite section 32 (2).

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued***Continuity of Co-ordinating Committee and provisions relating to former members of certain bodies**

4. (1) The reconstituted Co-ordinating Committee is a continuation of, and the same legal entity as, the former Co-ordinating Committee. 5

(2) A person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as a member (other than as Chairman) of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council ceases to hold office as such a member on that commencement. 10

(3) The person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as Chairman of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is taken, on that commencement, to be the Chairperson of the reconstituted Co-ordinating Committee, the Bush Fire Council or the Bush Fire Finance Committee, respectively. 15
20

(4) A person who ceases to hold office as a member of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is not entitled to any remuneration or compensation because of the loss of that office. 25

(5) A delegation made under section 41H by the former Co-ordinating Committee of any of the former Co-ordinating Committee's functions and in force immediately before the commencement of Schedule 1 (7) to the amending Act is taken to be a delegation made under that section by the reconstituted Co-ordinating Committee. 30

Construction of certain references

5. On and from the commencement of section 4 of the amending Act, a reference in any other Act, or in any instrument made under an Act, or in any other document of any kind, to the Director-General of the Department of Bush Fire Services is to be read as a reference to the Commissioner of Bush Fire Services. 35

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

(12) Schedule 4:

After Schedule 3, insert:

5 **SCHEDULE 4—PROVISIONS RELATING TO THE
MEMBERS AND PROCEDURE OF THE BUSH
FIRE COUNCIL, THE FINANCE COMMITTEE
AND THE CO-ORDINATING COMMITTEE**

(Secs. 39 (4), 39B (4), 40 (4))

Definitions

10

1. In this Schedule:

“**appointed member**” means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee who is appointed by the Minister;

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“**Chairperson**” means the Chairperson of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee;

“**member**” means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.

Deputies of members etc.

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2. (1) A member (other than an appointed member) may, from time to time, appoint a person to be the member's deputy, and may revoke any such appointment.

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(2) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

(3) The deputy of a member appointed on the recommendation of a particular body, group or person is to be appointed on the recommendation of that body, group or person.

30

(4) In the absence of a member, the member's deputy may, if available, act in the place of the member and, while so acting, has all the functions of the member and is taken to be a member.

35

(5) This clause does not operate to confer on a deputy of a member who is the Chairperson the member's functions as Chairperson.

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

(6) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

(7) If a body, group or person fails to recommend a person for appointment under section 39 (2) (b), 39B (2) (b)–(d) or 40 (3) (b)–(e) within a reasonable time after being requested to do so by the Minister, the Minister may appoint a person of the Minister's own choice.

5

Terms of office of appointed members

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3. Subject to this Schedule, an appointed member holds office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Remuneration of appointed members

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4. An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

Vacancy in office of appointed member

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5. (1) The office of an appointed member becomes vacant if the member:

- (a) dies; or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the Public Sector Management Act 1988; or
- (e) is absent from 3 consecutive meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee (as the case may be) of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Chairperson; or

25

30

35

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

- 5 (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (g) becomes a mentally incapacitated person; or
- 10 (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be so punishable.

(2) The Minister may remove an appointed member from office at any time.

15 **Filling of vacancy in office of appointed member**

6. If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Effect of certain other Acts

20 7. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If by or under any Act provision is made:

- 25 (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; and
- (b) prohibiting the person from engaging in employment outside the duties of that office,

30 the provision does not operate to disqualify the person from holding that office and also the office of a member.

(3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

Meetings of the Bush Fire Council

35 8. The Bush Fire Council is to meet at least 4 times in any one year, but may meet on such other occasions as may be determined by the Chairperson.

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued***General procedure**

9. The procedure for the calling of meetings of the Bush Fire Council, the Finance Council and the Co-ordinating Committee, and for the conduct of business at those meetings, is to be determined by the Chairperson. 5

Quorum

10. (1) The quorum for a meeting of the Bush Fire Council is 9 members.

(2) The quorum for a meeting of the Finance Committee or the Co-ordinating Committee is 3 members. 10

Presiding member

11. (1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present, is to preside at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee. 15

(2) The person presiding at any meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee has a second or casting vote. 20

Voting

12. A decision supported by a majority of the votes cast at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee at which a quorum is present is the decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee. 25

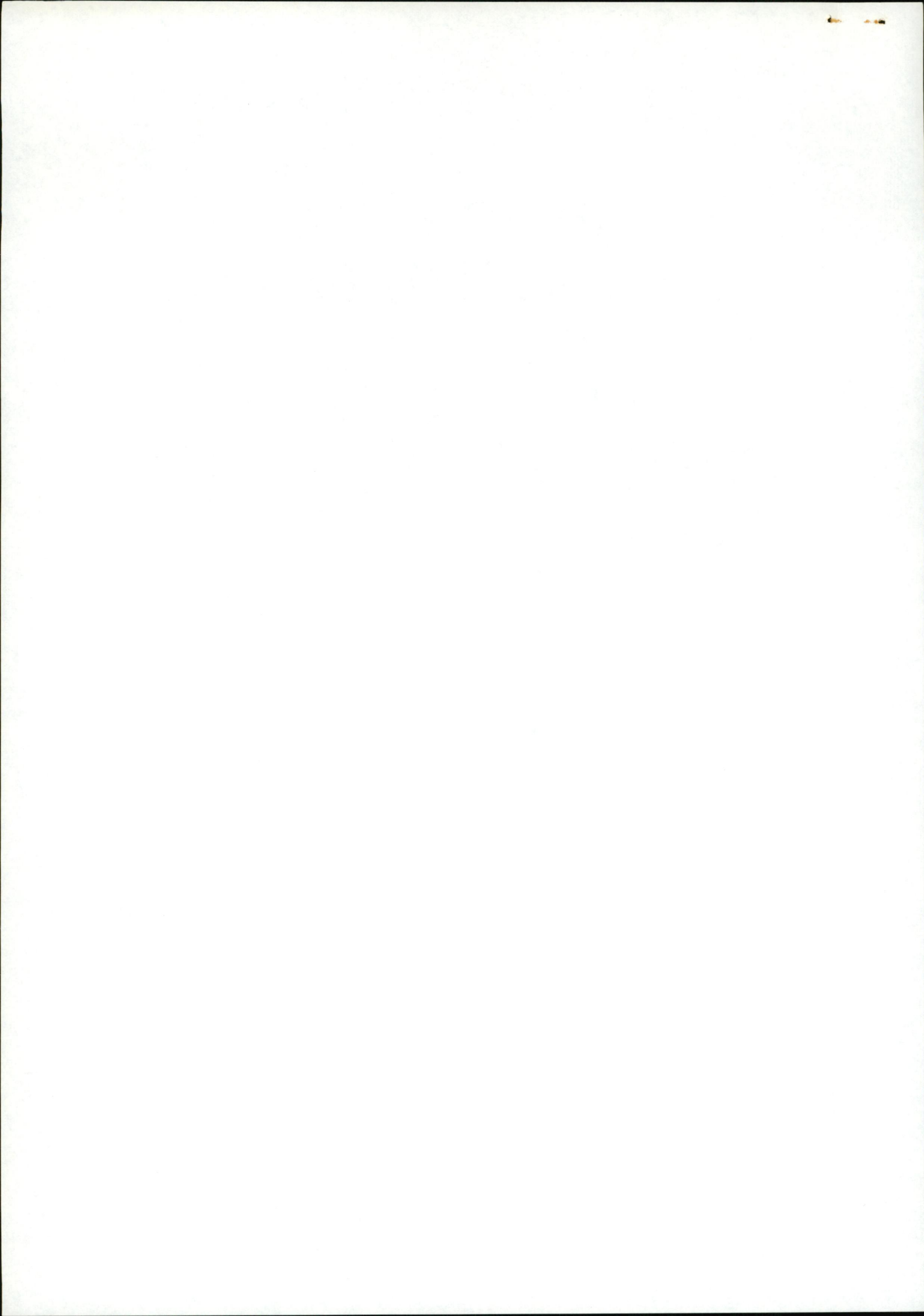
DRAFT SECOND READING SPEECH

BUSH FIRES
(AMENDMENT) BILL 1993

FIRE BRIGADES
(AMENDMENT) BILL 1993

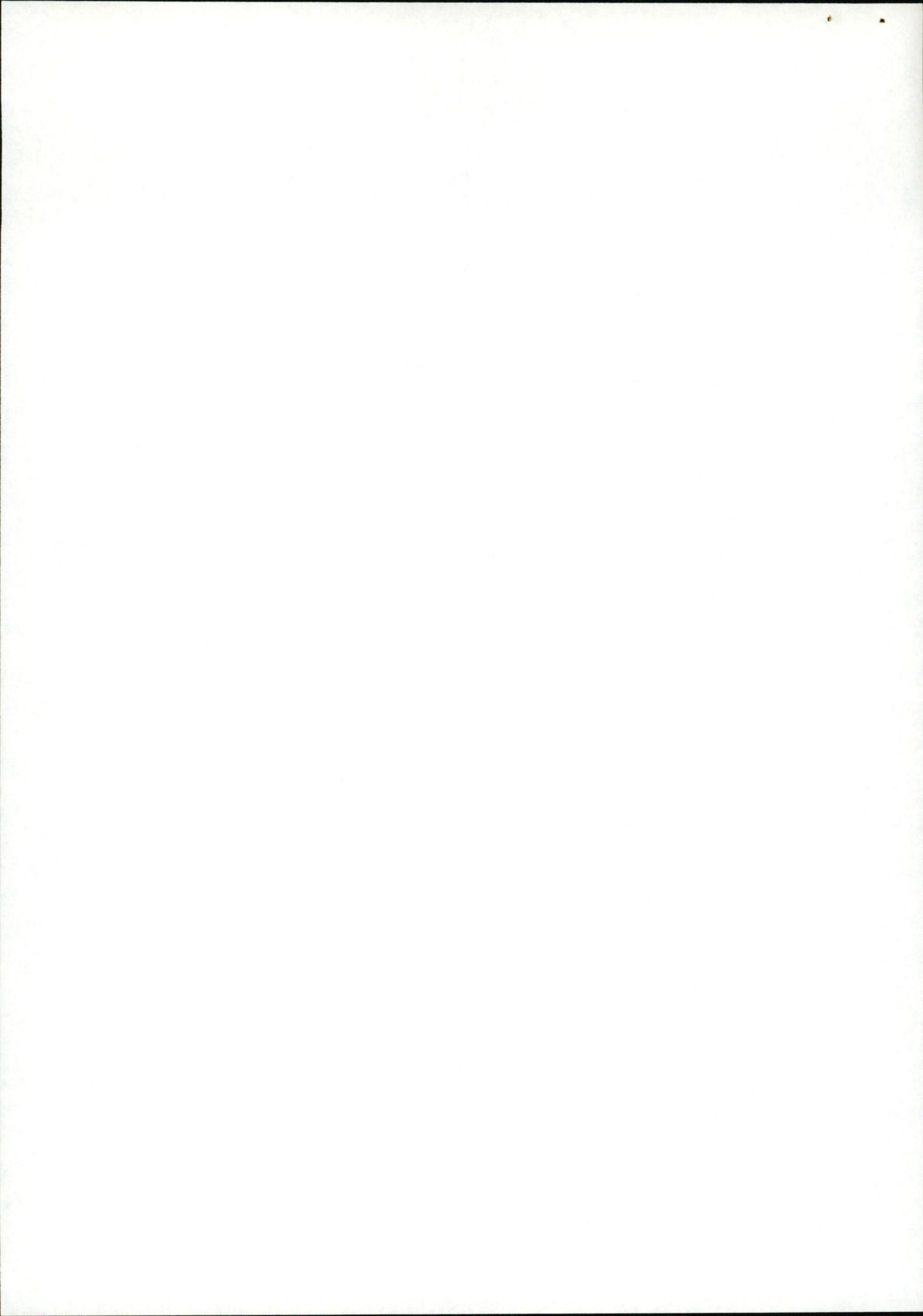
I move that these Bills now be read a second time.

Mr President, the main purpose of the Bush Fires (Amendment) Bill is two fold:



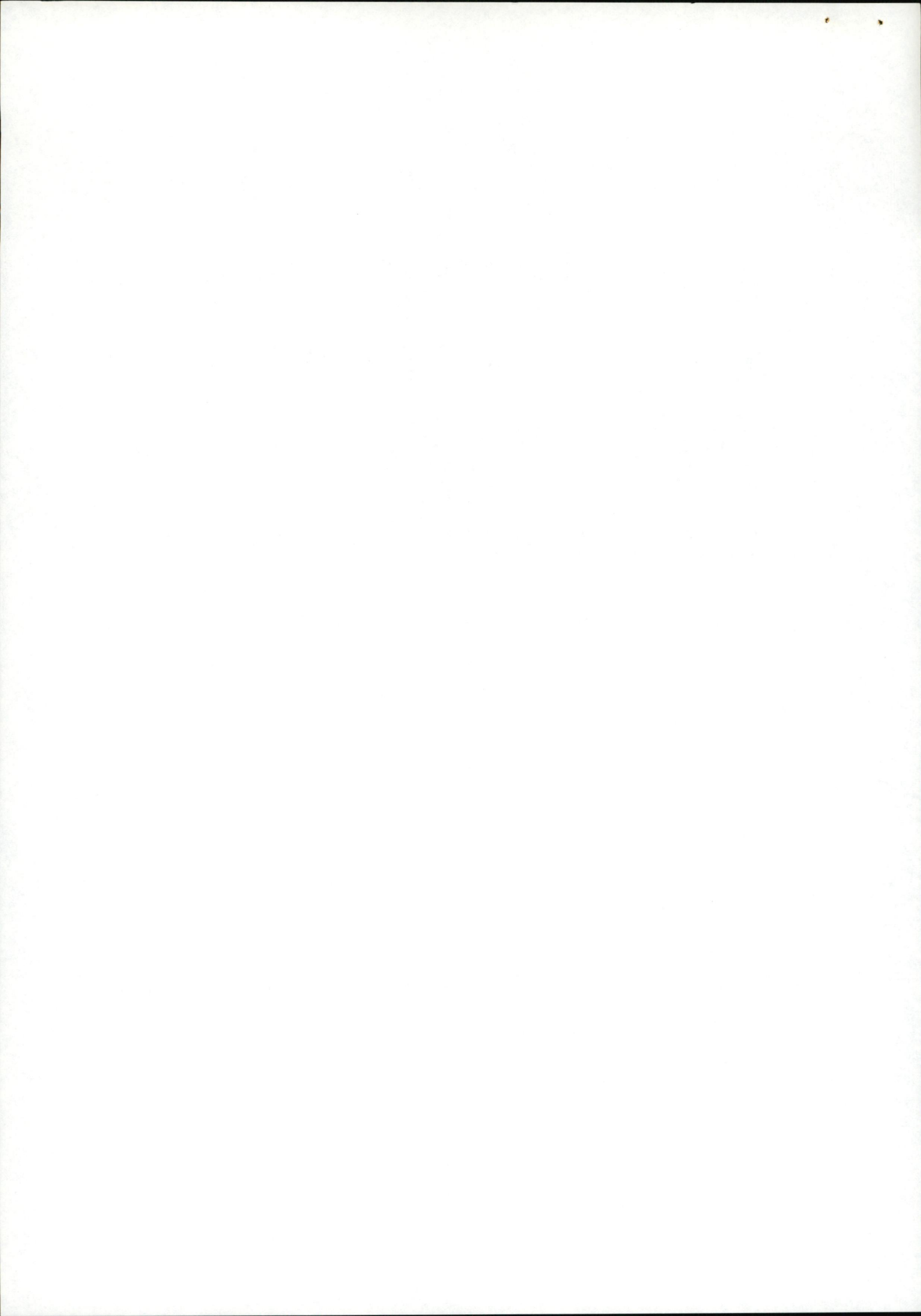
- to change the proportions of contributions towards the yearly estimate of expenditure from the New South Wales Bush Fire Fighting Fund, and

- to reconstitute the Bush Fire Council, to clarify its role as an advisory body and to reduce its membership from 27 to 16 members



Mr President, as the Minister for Police and Emergency Services is responsible for the Bush Fires Act he is required each year to prepare and adopt an estimate of the probable expenditure from the Bush Fire Fighting Fund.

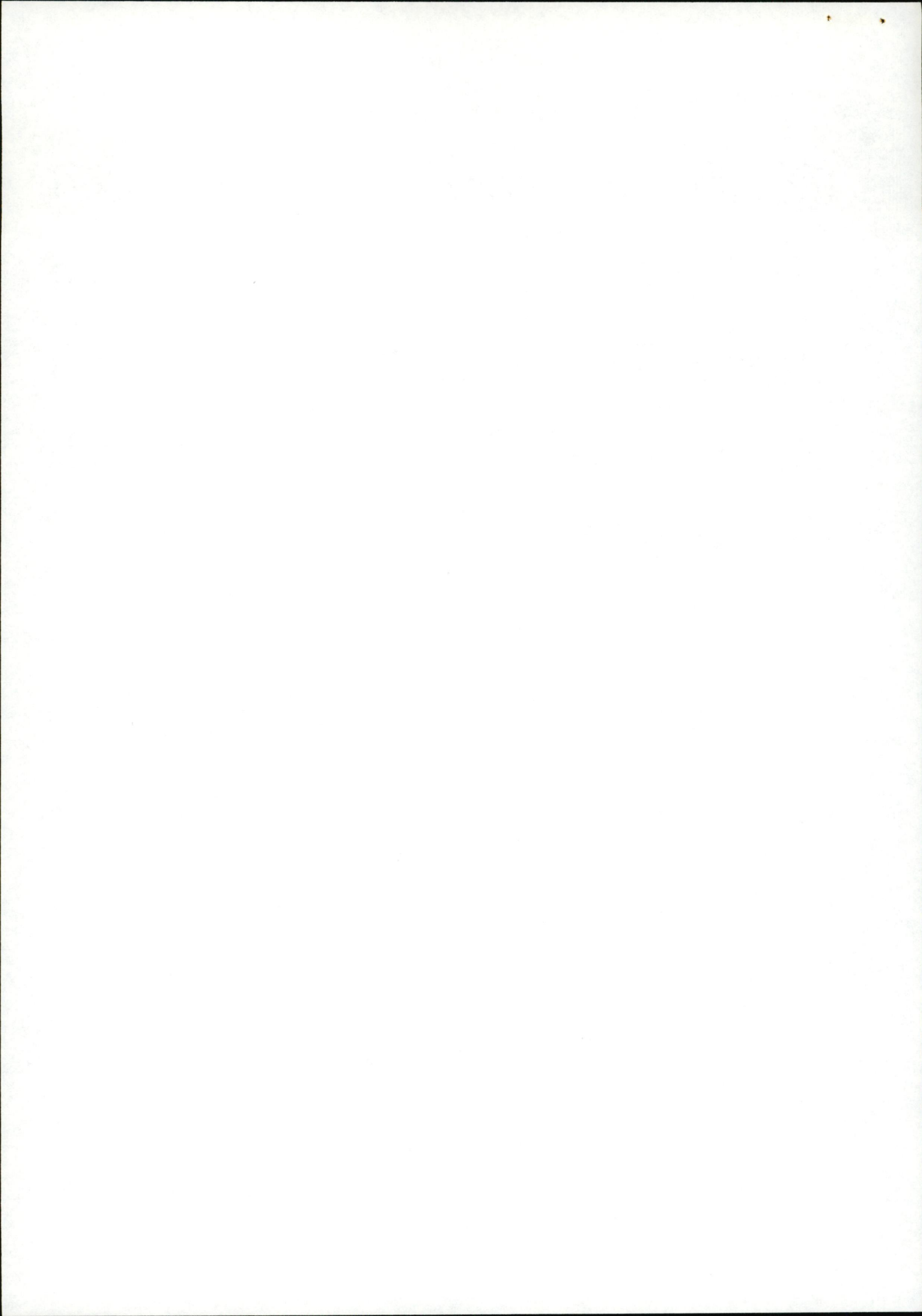
For the information of Honourable members, the "Fund" is in effect a Special Deposit Account held in the Treasury,



the monies from which are used to finance the activities of the Department of Bush Fire Services and to equip the volunteer bush fire brigades.

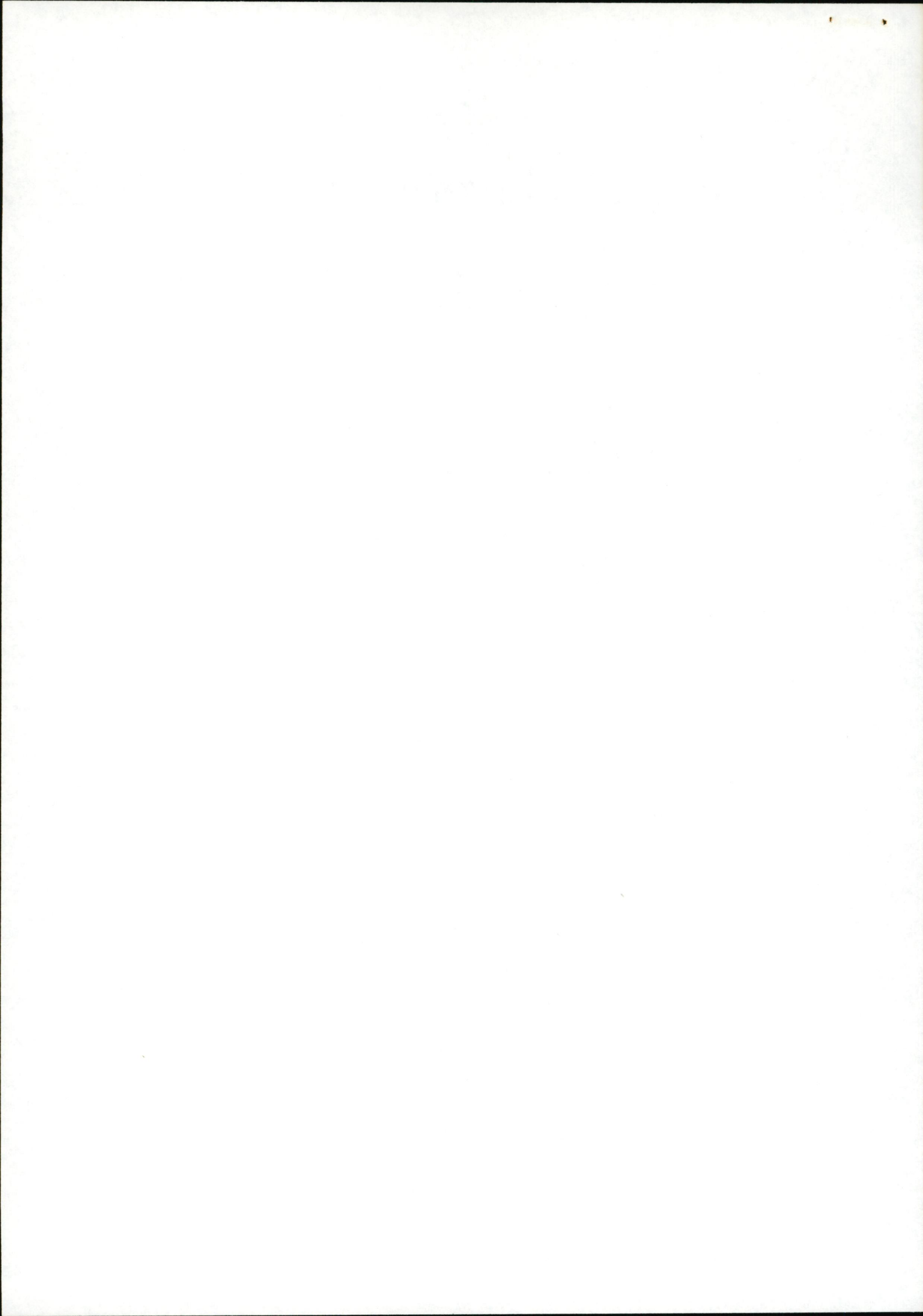
The contributions required to be made to the Fund are currently as follows:

- the Treasurer contributes 25 percent



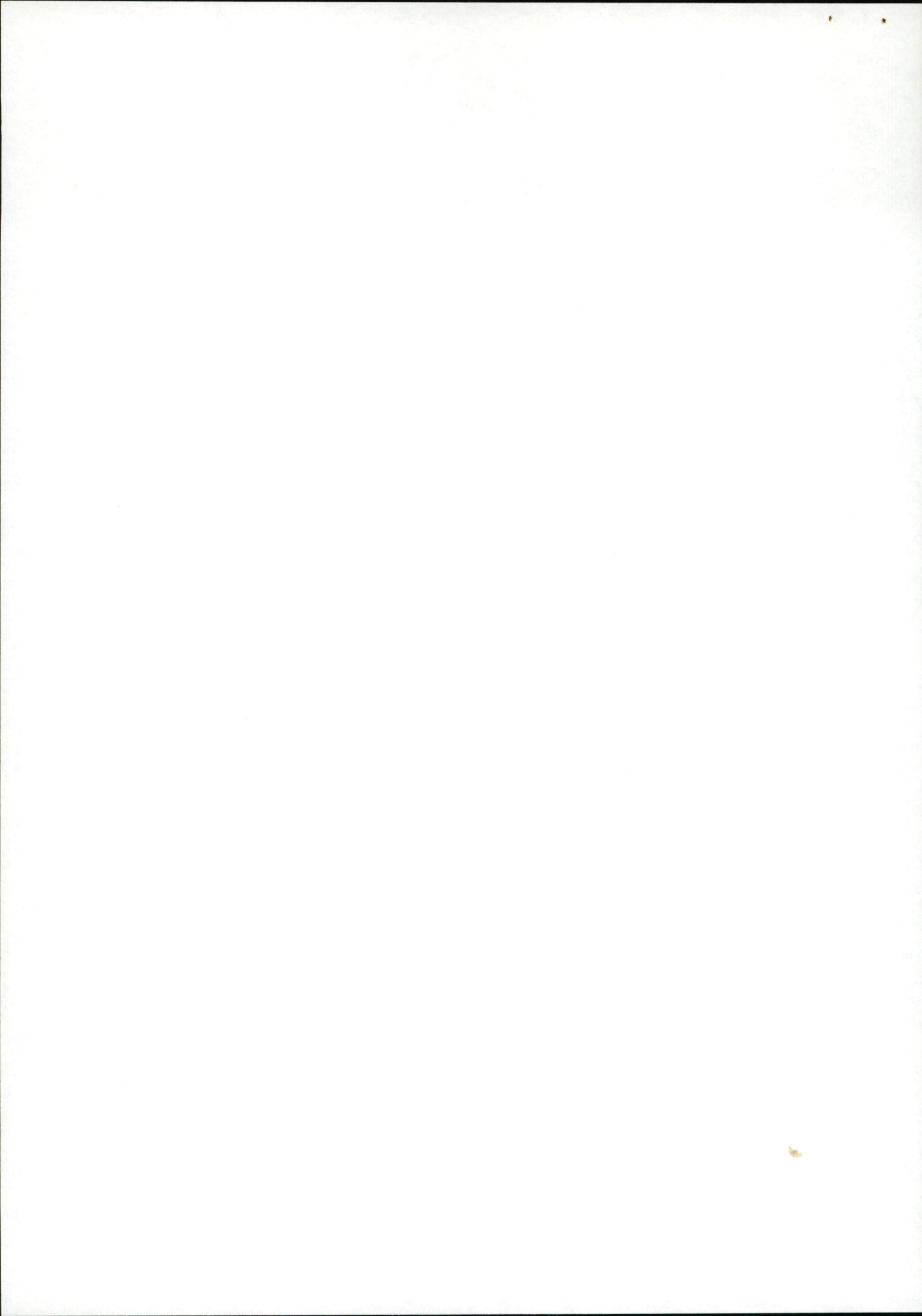
- Local Government Councils contribute 25 percent, and
- Insurance Companies contribute 50 percent

The principal proposal in the Bush Fires (Amendment) Bill is to change the proportion of contributions toward the estimate of expenditure from the Fund.



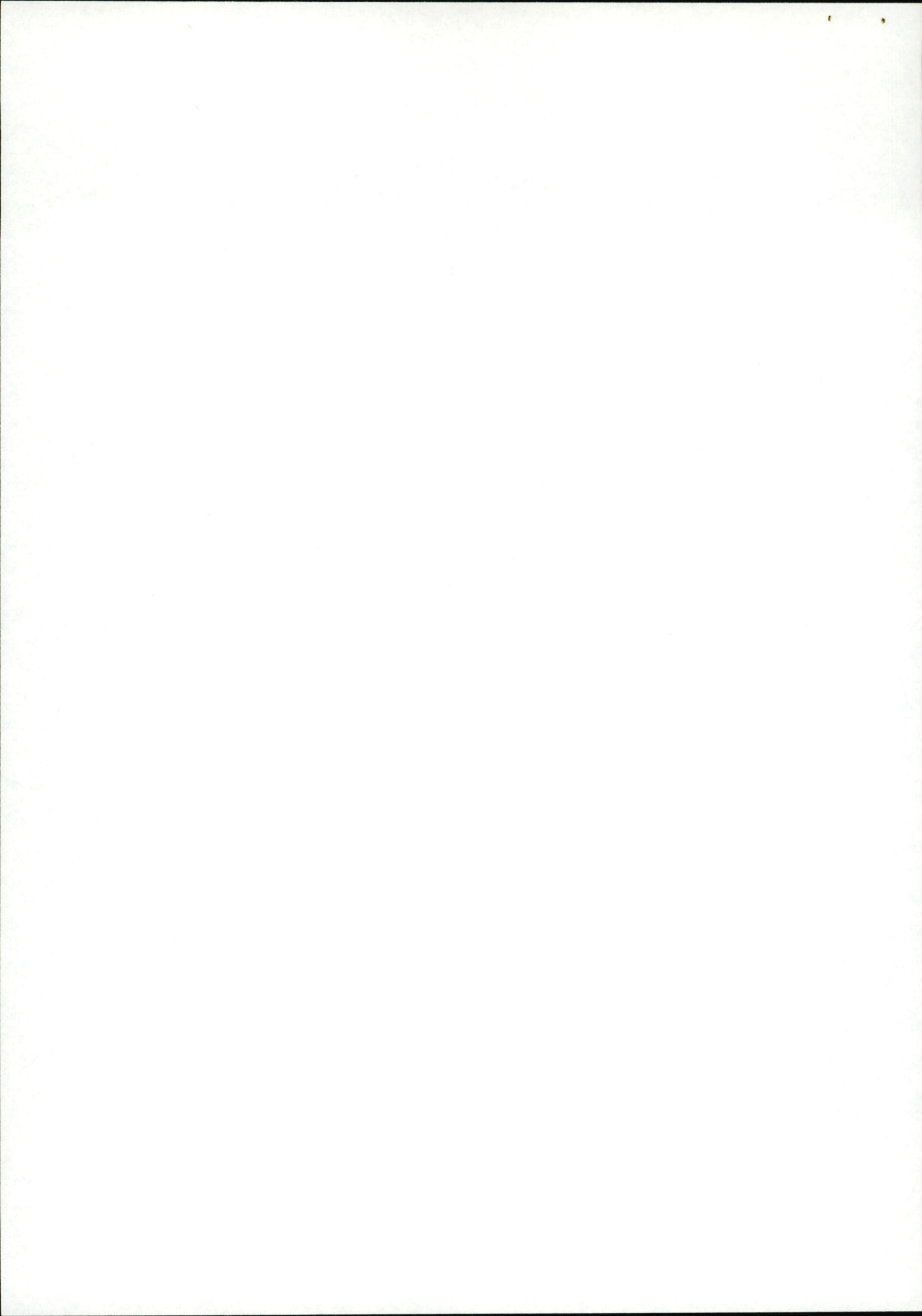
As a result of the proposed Act, the apportionment of contributions will be as follows:

- the Treasurer will contribute 14 percent
- Local Government will contribute 12.3 percent
- Insurance Companies will contribute 73.7 percent



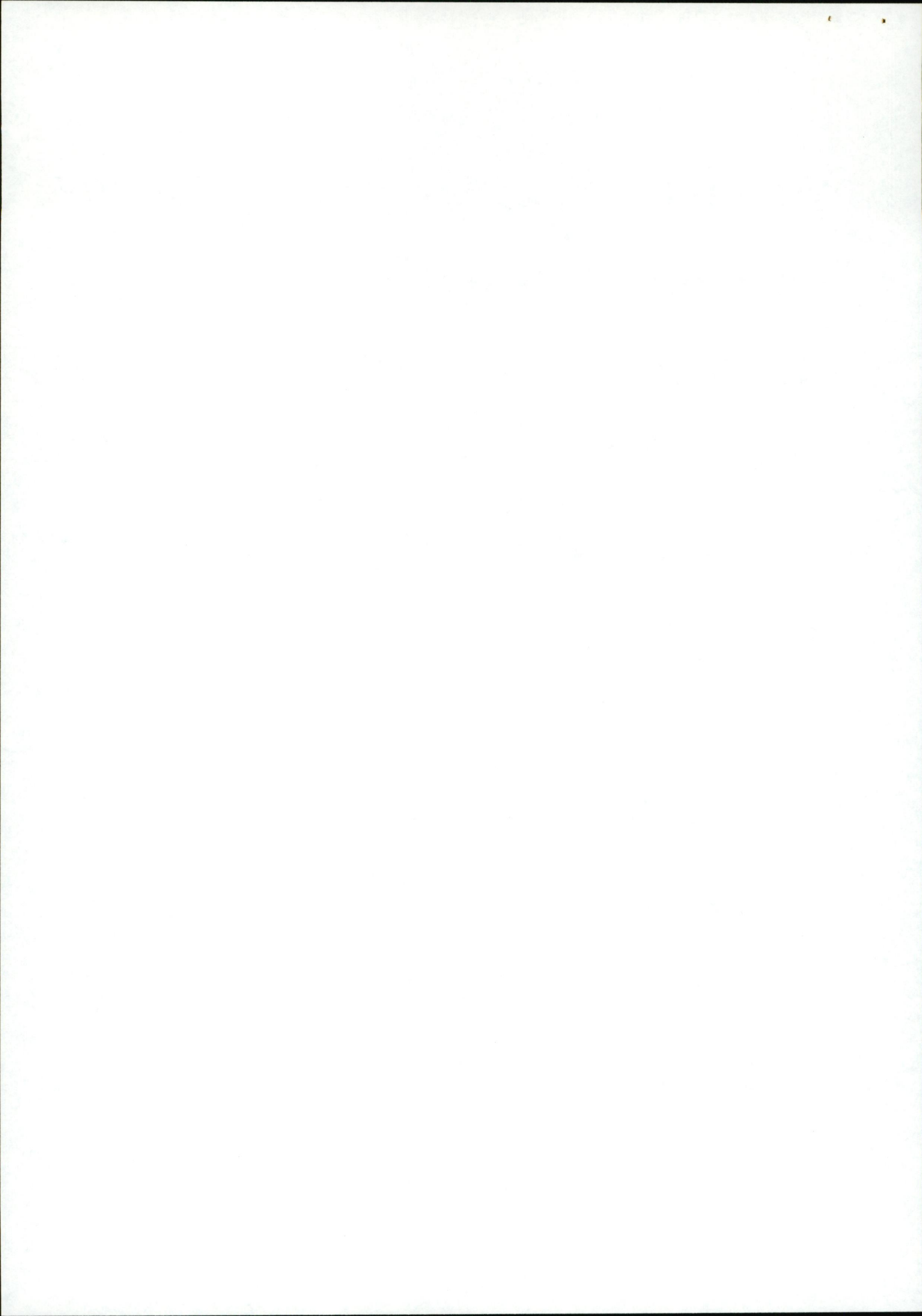
The Bill amends Section 32 of the Act in this respect.

The reason for change in the funding ratio is primarily to generate an increase in the equipment funding allocation for the volunteer bush fire brigades in NSW.



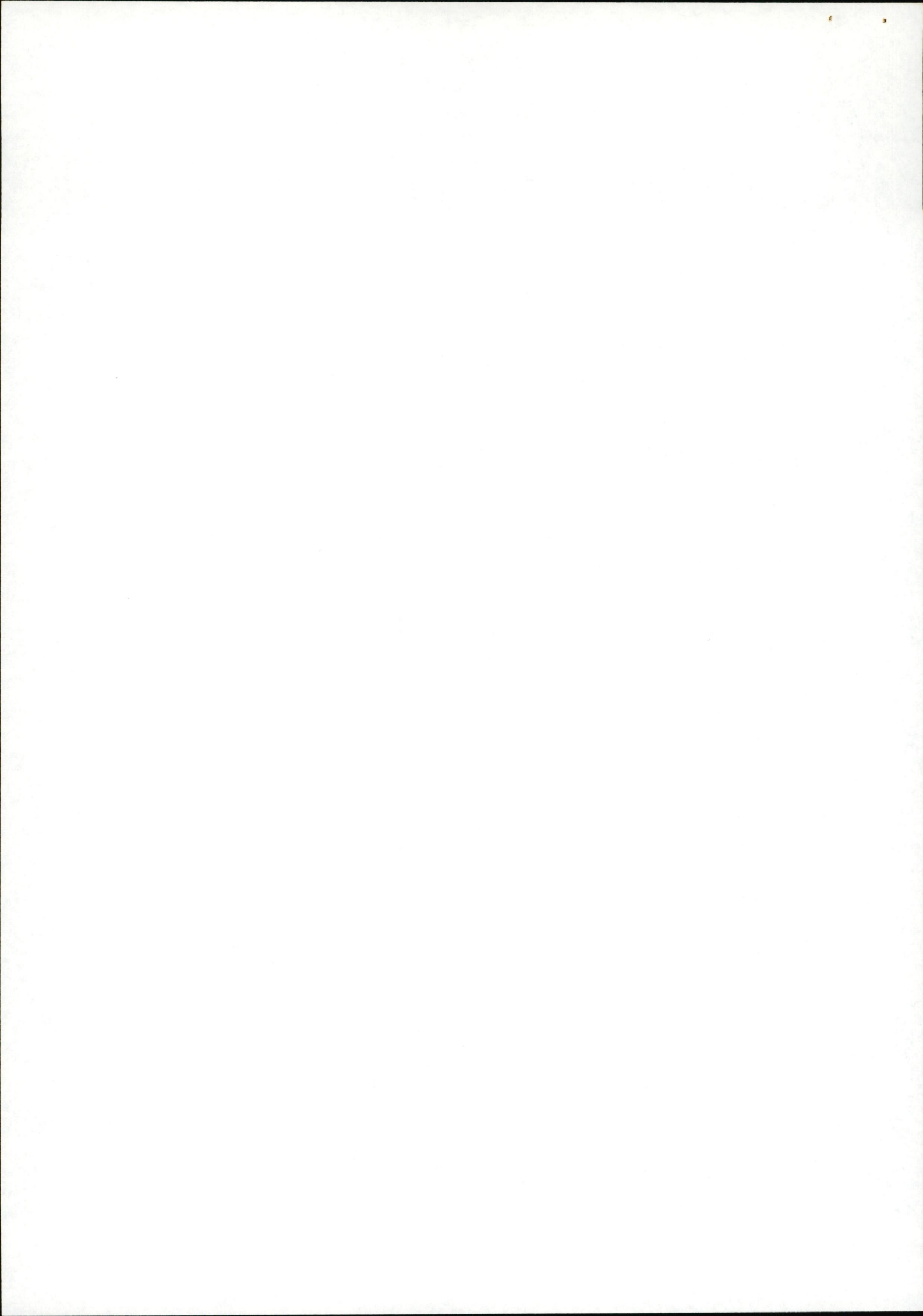
Mr President, the level of funding available to administer and equip the States 2,500 volunteer Bush Fire Brigades and 70,000 volunteer bush fire fighters is inadequate.

In 1990 the Government asked the Department of Bush Fire Services to prepare a special report on the state and

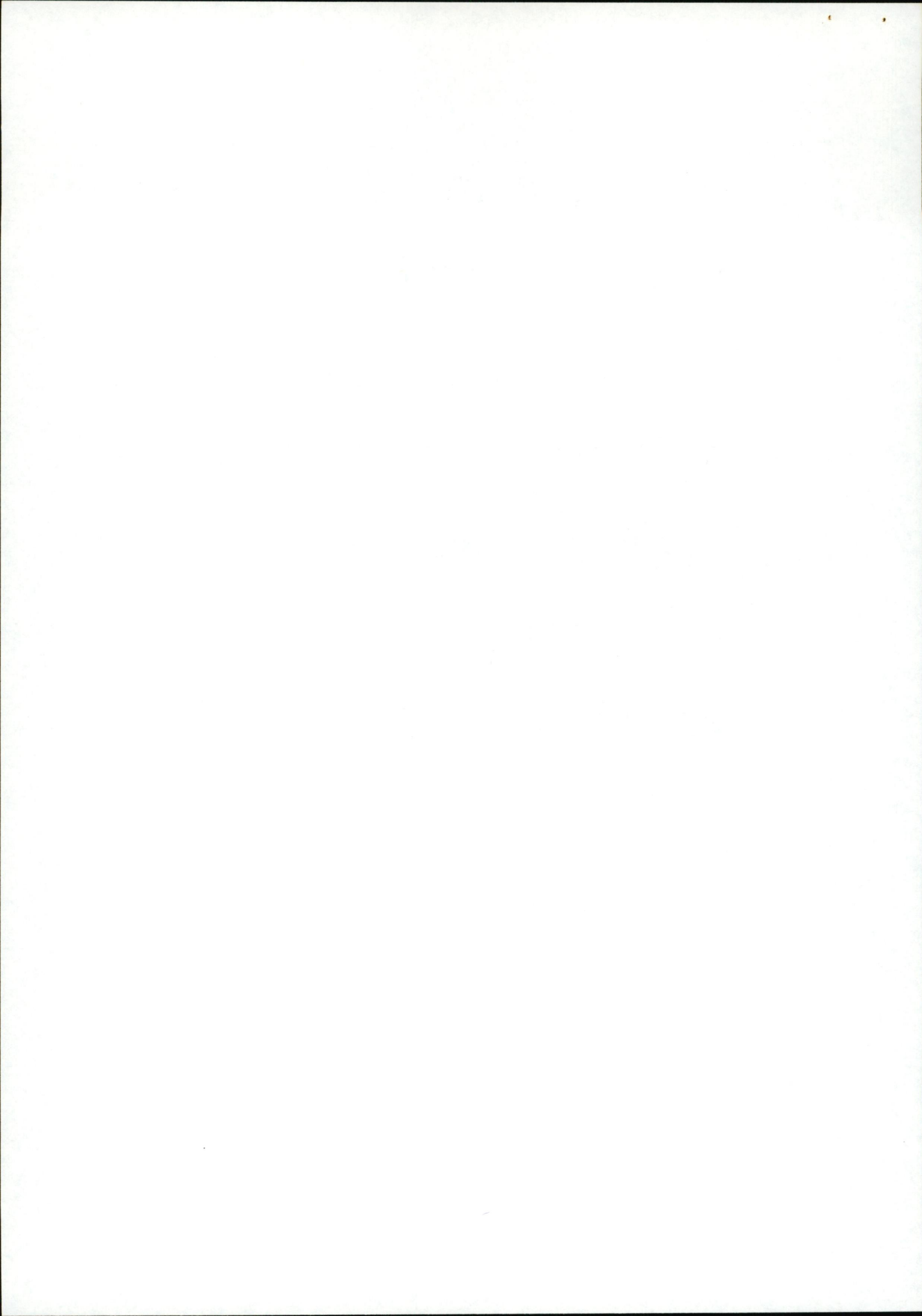


condition of the Bush Fire Fighting Tanker fleet. This report entitled "State Fire Fighting Vehicle Profile" was completed in December 1991 and showed, among other things, that of the 2868 major fire fighting vehicles in the Bush Fire Brigade Tanker Fleet:

- just under 50 percent are in good operational condition

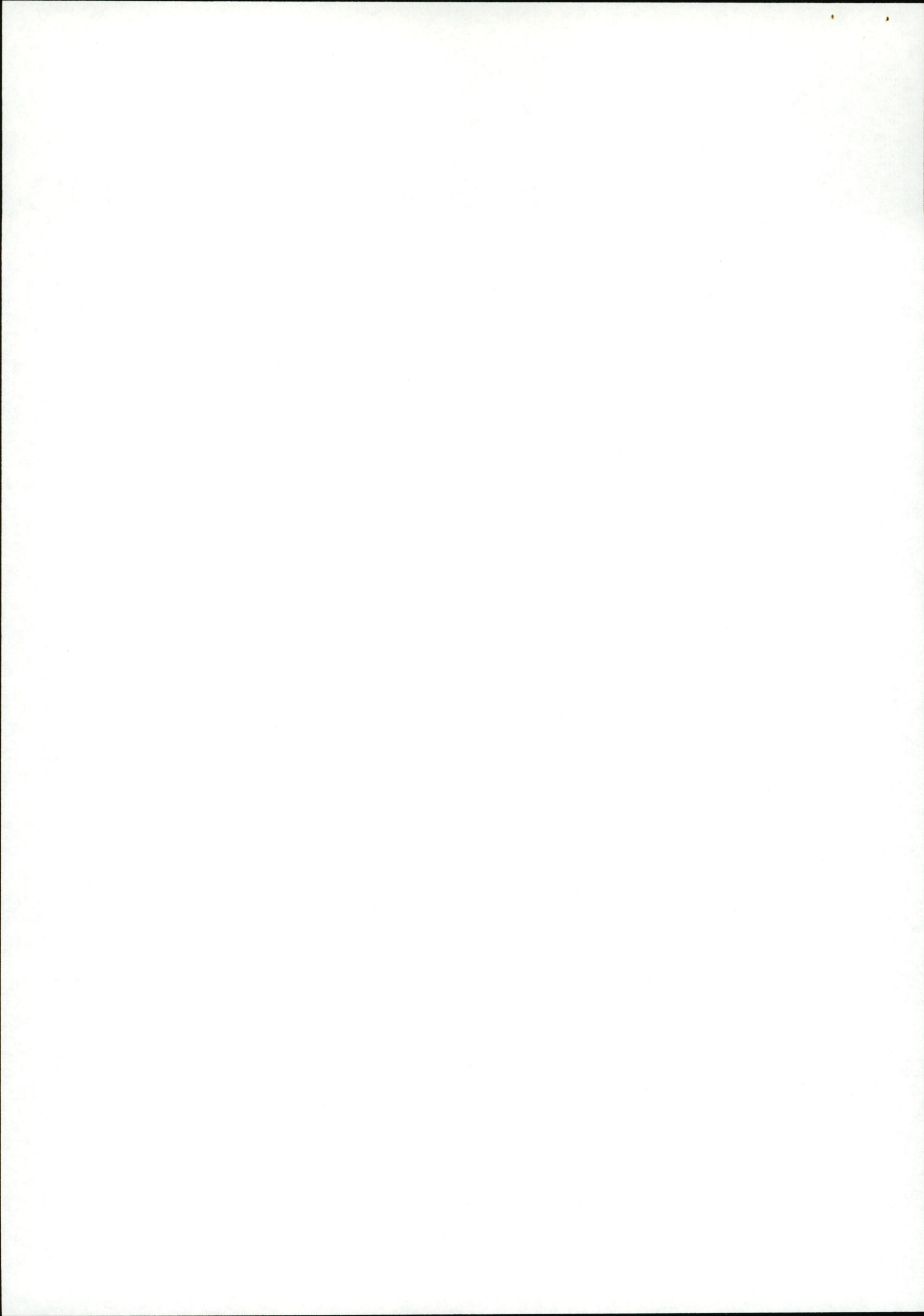


- 42 percent are over 20 years old, and
- at least 15 percent (or 430 vehicles) are in very poor condition or beyond economic repair



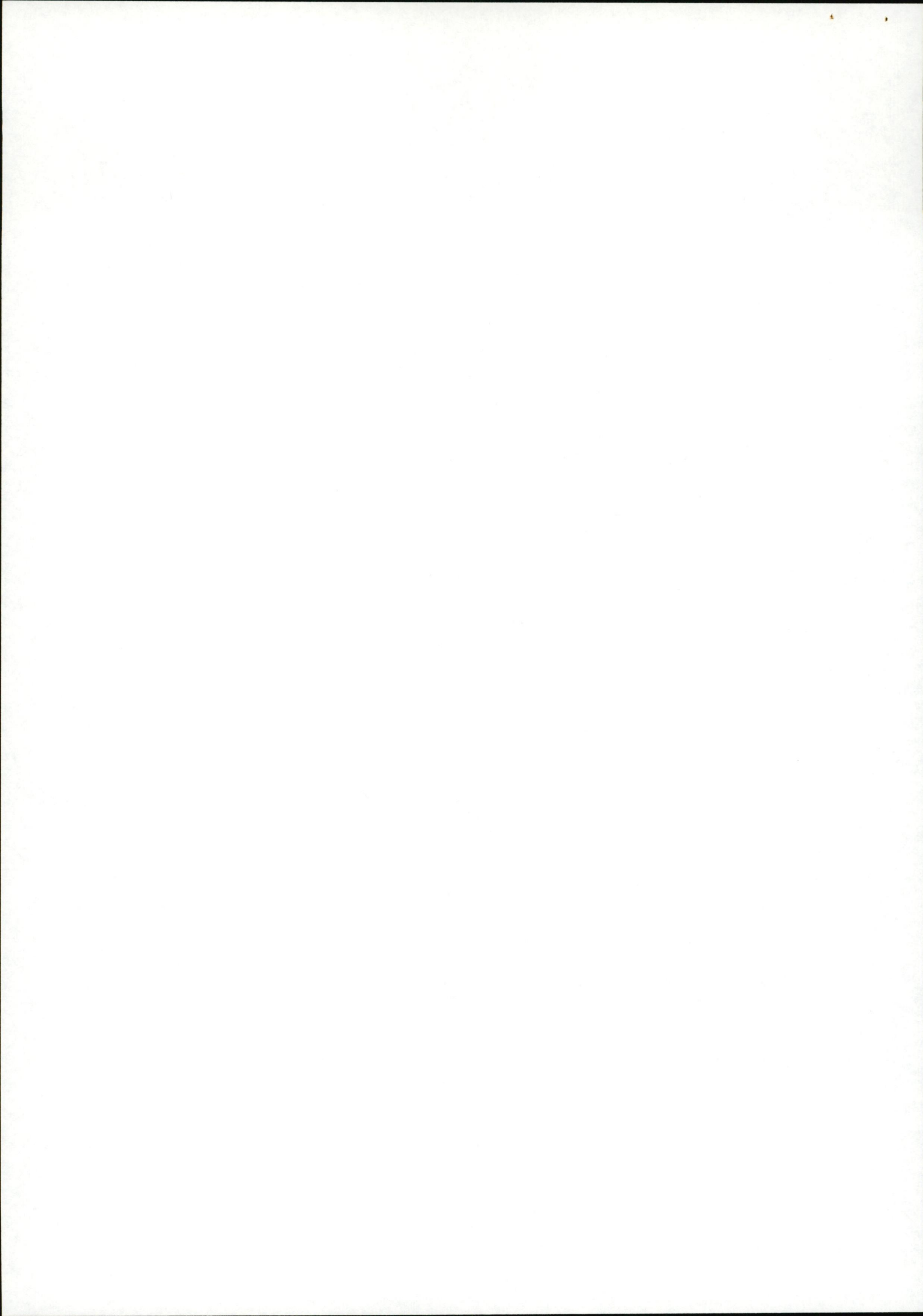
Mr President, the NSW Bush Fire Brigades provides protection to almost nine tenths of New South Wales including some 1,200 small towns and villages.

The reliability of Bush Fire Brigade vehicles and equipment used in front line bush fire fighting is of paramount importance to the volunteer bush fire fighters, particularly in the



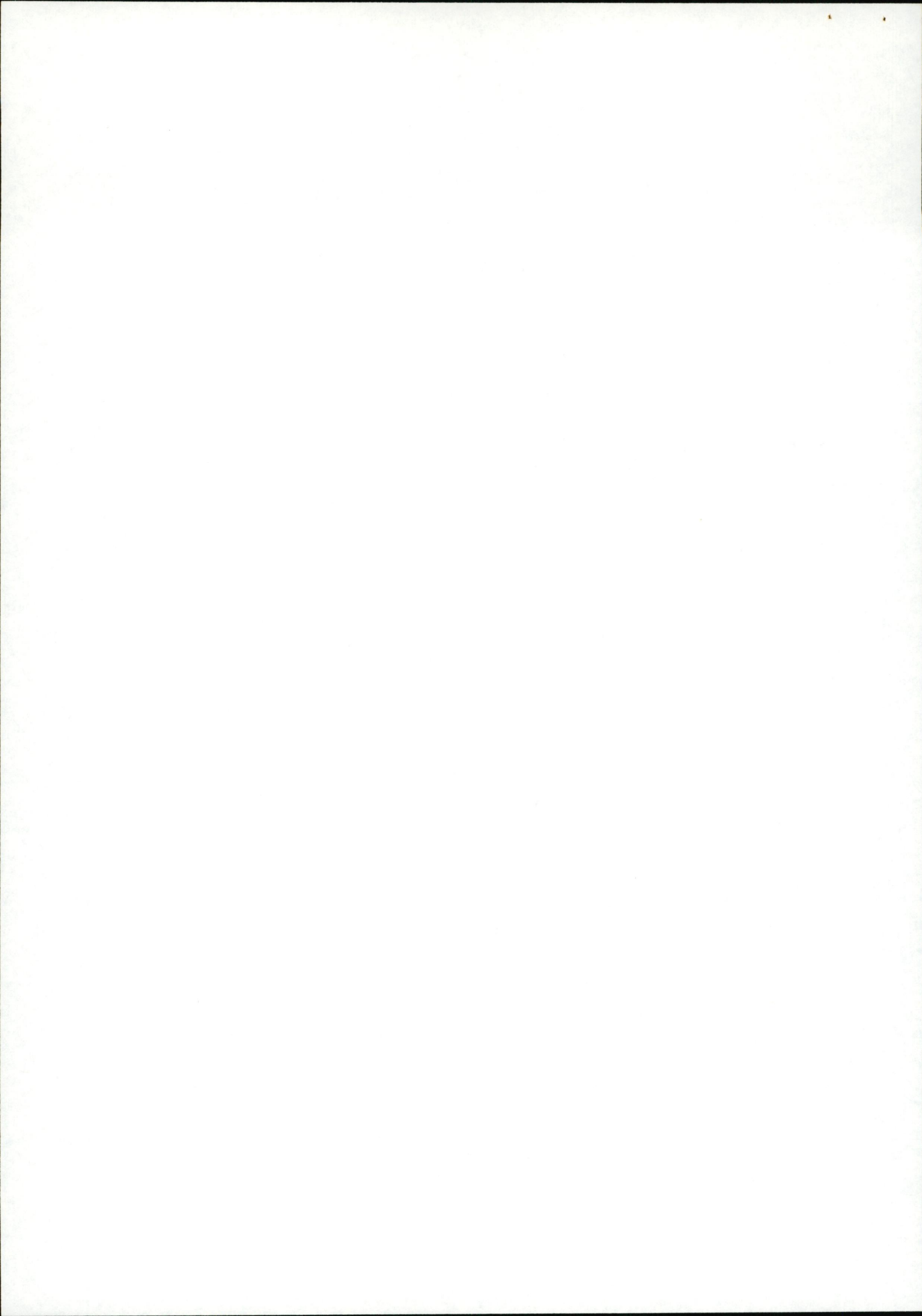
light of the occupational health and safety legislation and the need to provide a safe working environment.

Unless there is an increase in the level of funding, Mr President, the condition of the Bush Fire Tanker fleet will decline further than it already has.



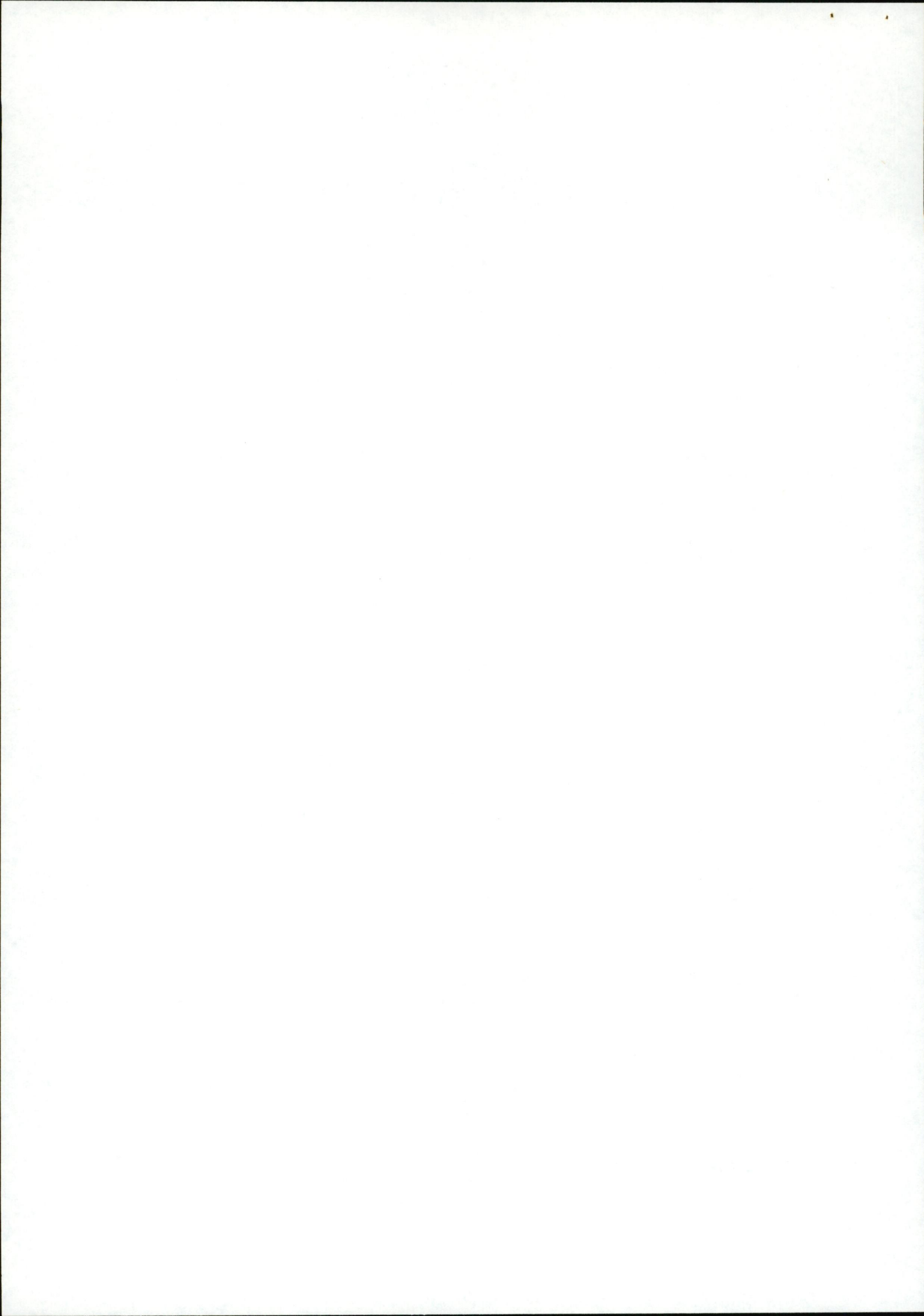
The Government will not allow this to happen.

Mr President, the Minister for Police and Emergency Services recently met with representatives of the Insurance Council of Australia and advised them of the Government's proposals to change the funding ratios to increase the level of funding to the Bush Fire Fighting Fund.



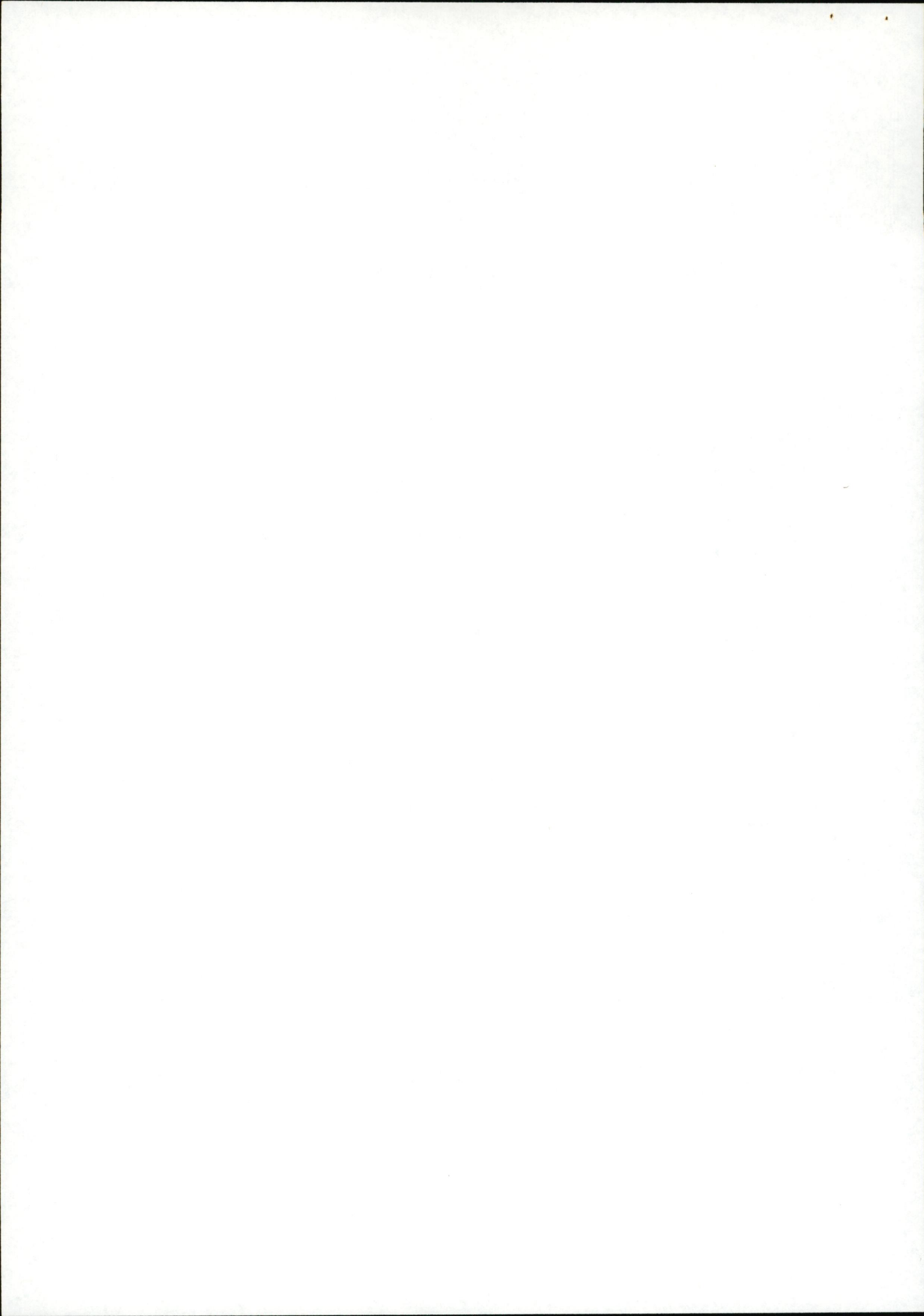
The Insurance Industry is to be congratulated for its support of the proposals and in particular its acceptance of the increased contributions on behalf of its industry.

As a result of the change to the contributions the overall level of funding of the Bush Fire Fighting Fund will amount to approximately \$38m this financial



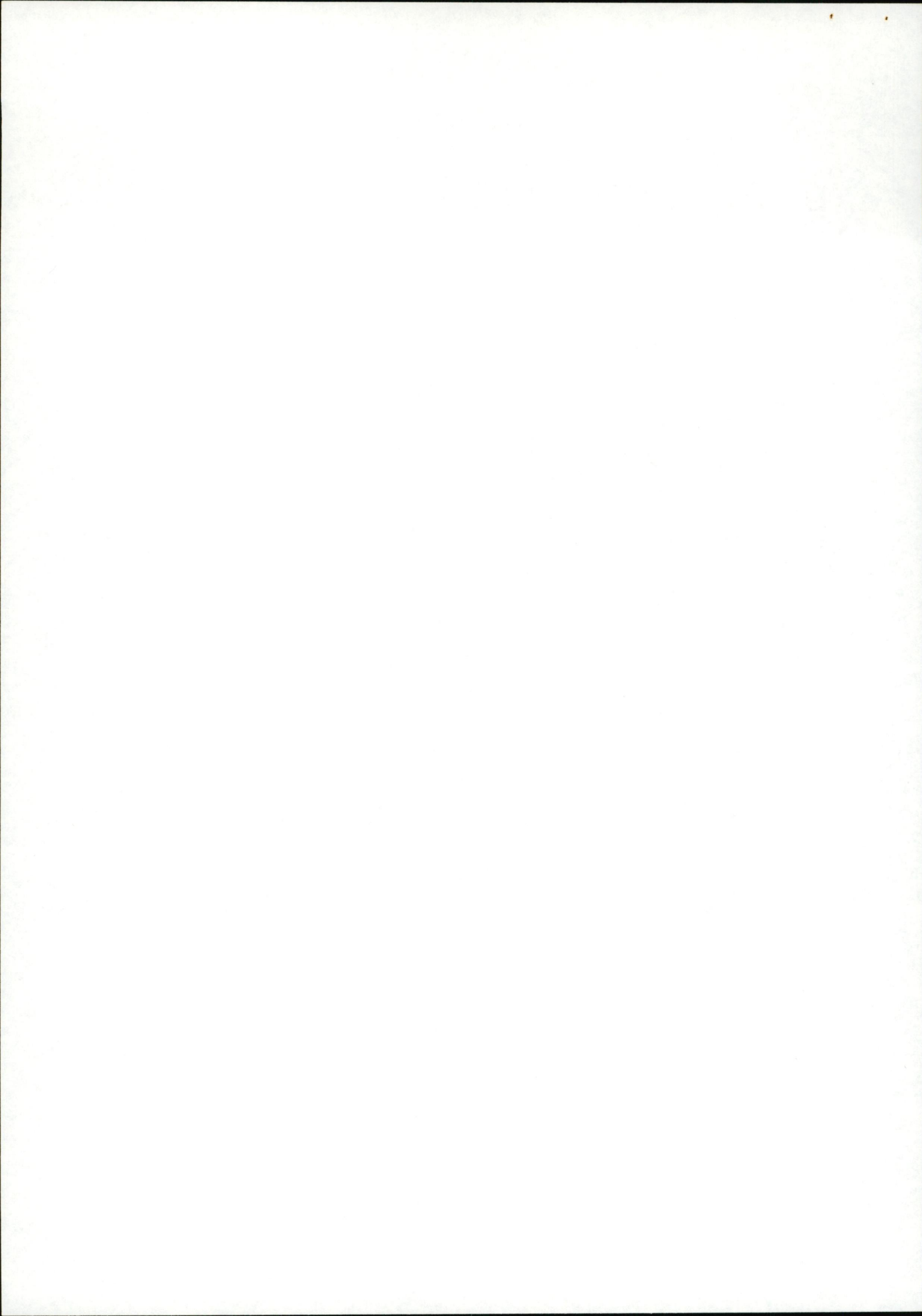
year, an increase of \$8.7m over the 1992/93 financial year.

While the Insurance Industry will contribute an extra \$13.4m per annum to the Fund, Local Government Councils will be pleased to learn that their contributions will decrease by about \$2.7m consistent with the reduction in their contribution



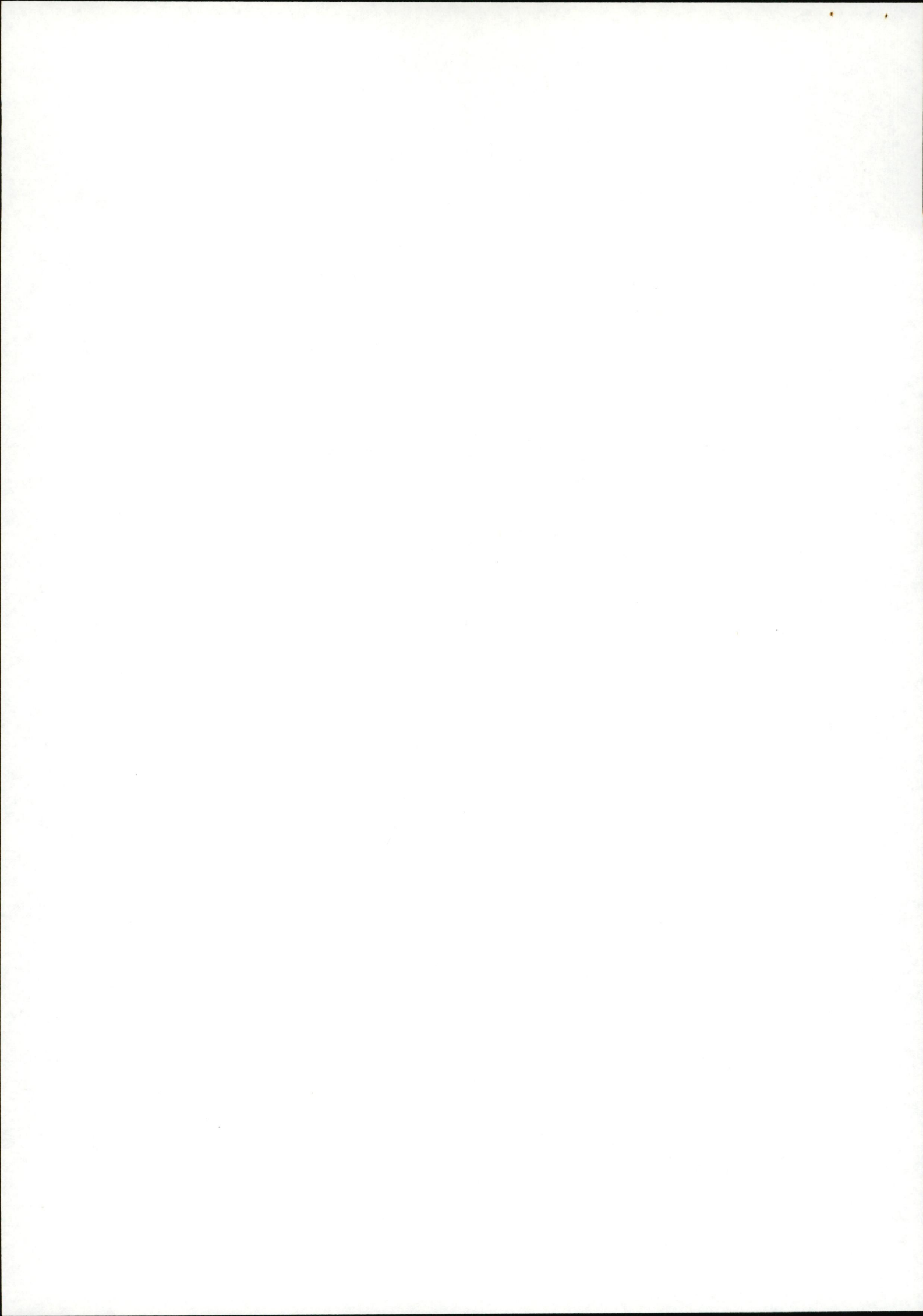
proportion from 25 to 12.3 percent.

I might add at this point, Mr President, that the new funding ratios align with those used to determine the contributions under the Fire Brigades Act to fund fire brigade expenditure under that Act.



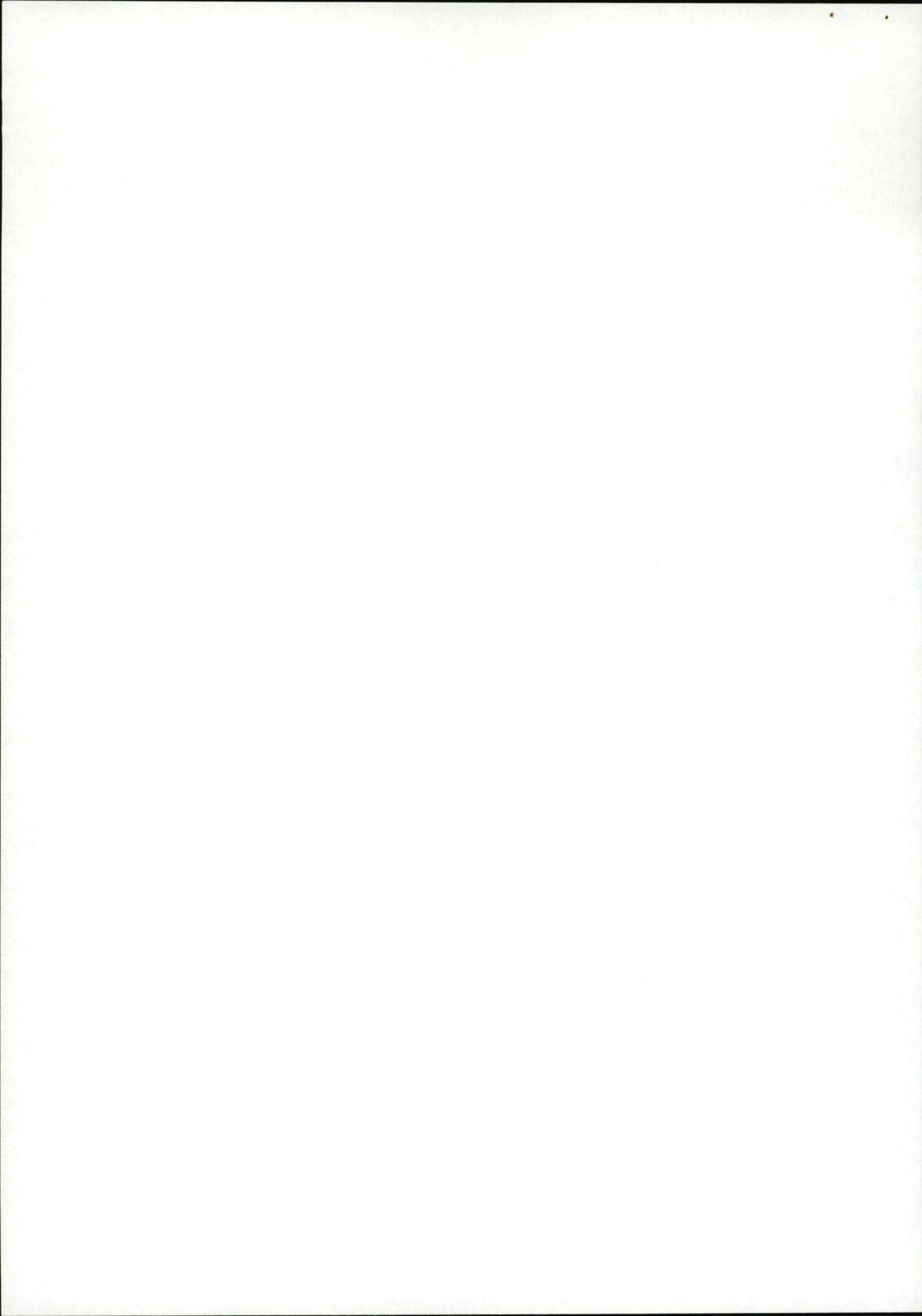
Mr President, in the course of the Minister's discussions with representatives of the Insurance Council of Australia concern was expressed that there were inequities and inefficiencies in the funding of the fire fighting services in this State.

It was put to the Minister that other potential methods of funding fire services should be



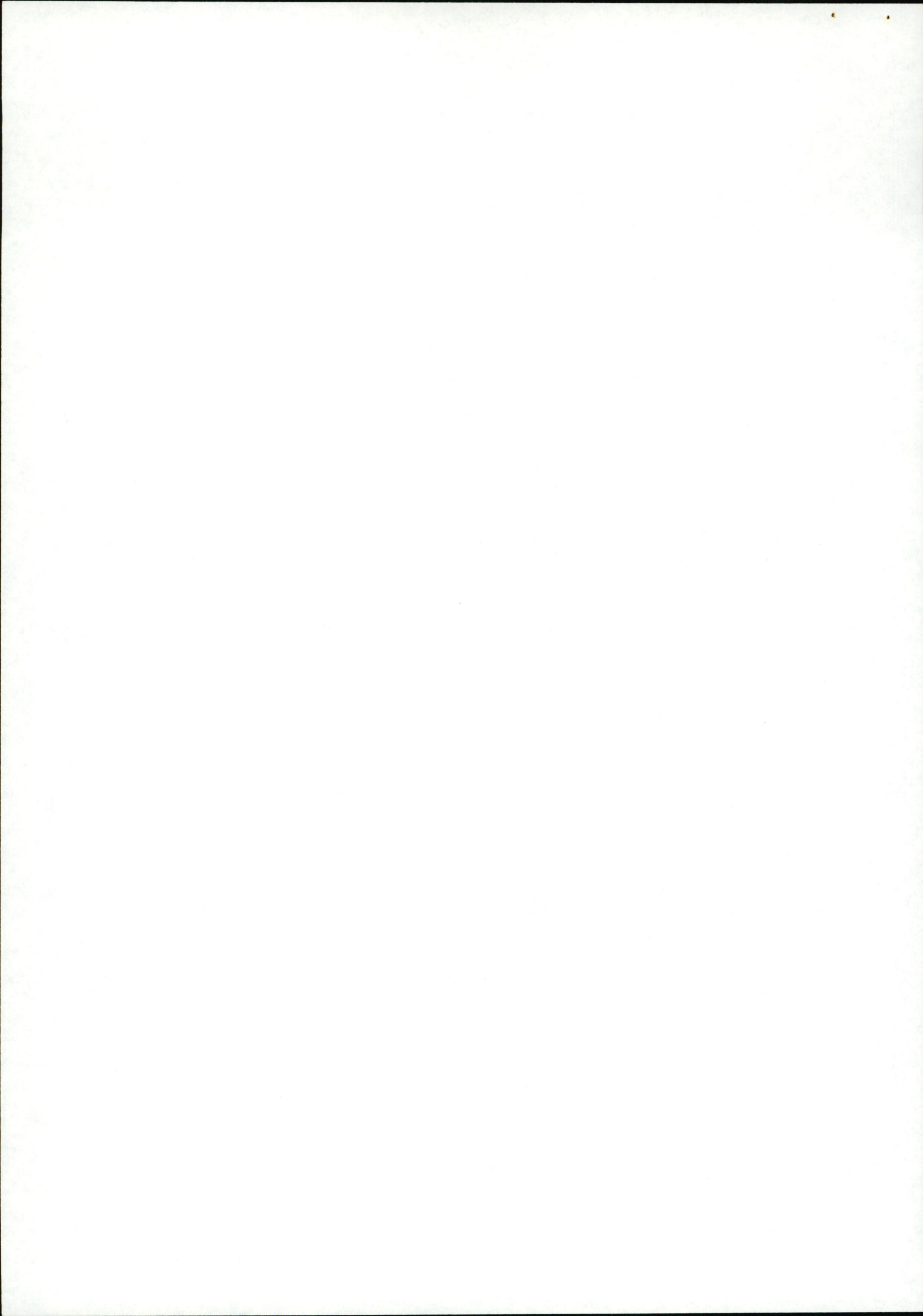
explored and examined. The Minister is also aware that the Local Government and Shires Associations have similar concerns about this matter.

The Minister has therefore agreed to a comprehensive review of the funding of fire services in NSW being undertaken.



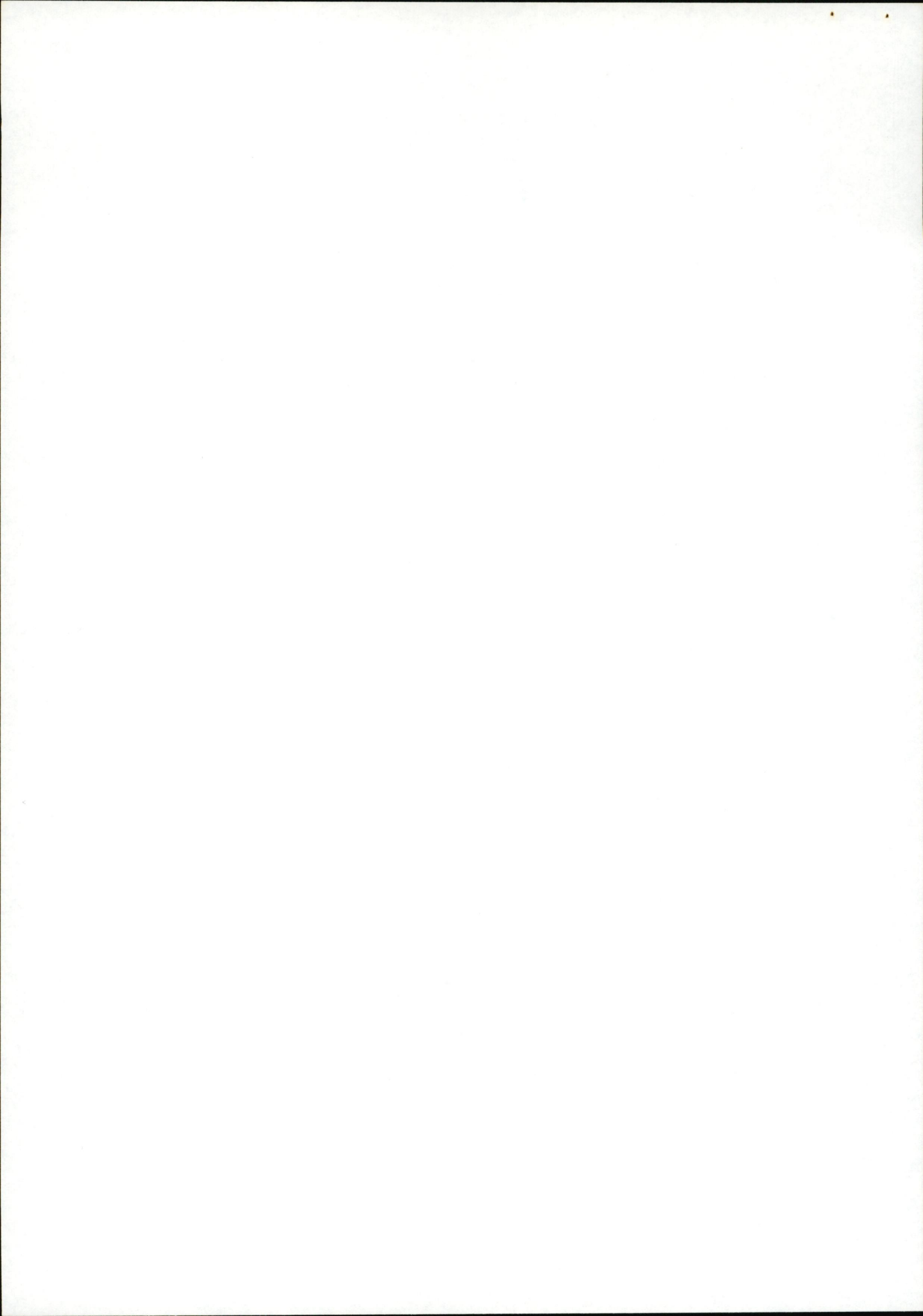
Terms of references for the review have been drafted and will soon be published.

Mr Ken Robson, the former NSW Auditor General, has been engaged to conduct the review, which will be monitored and directed by a Steering Committee made up of representatives of the



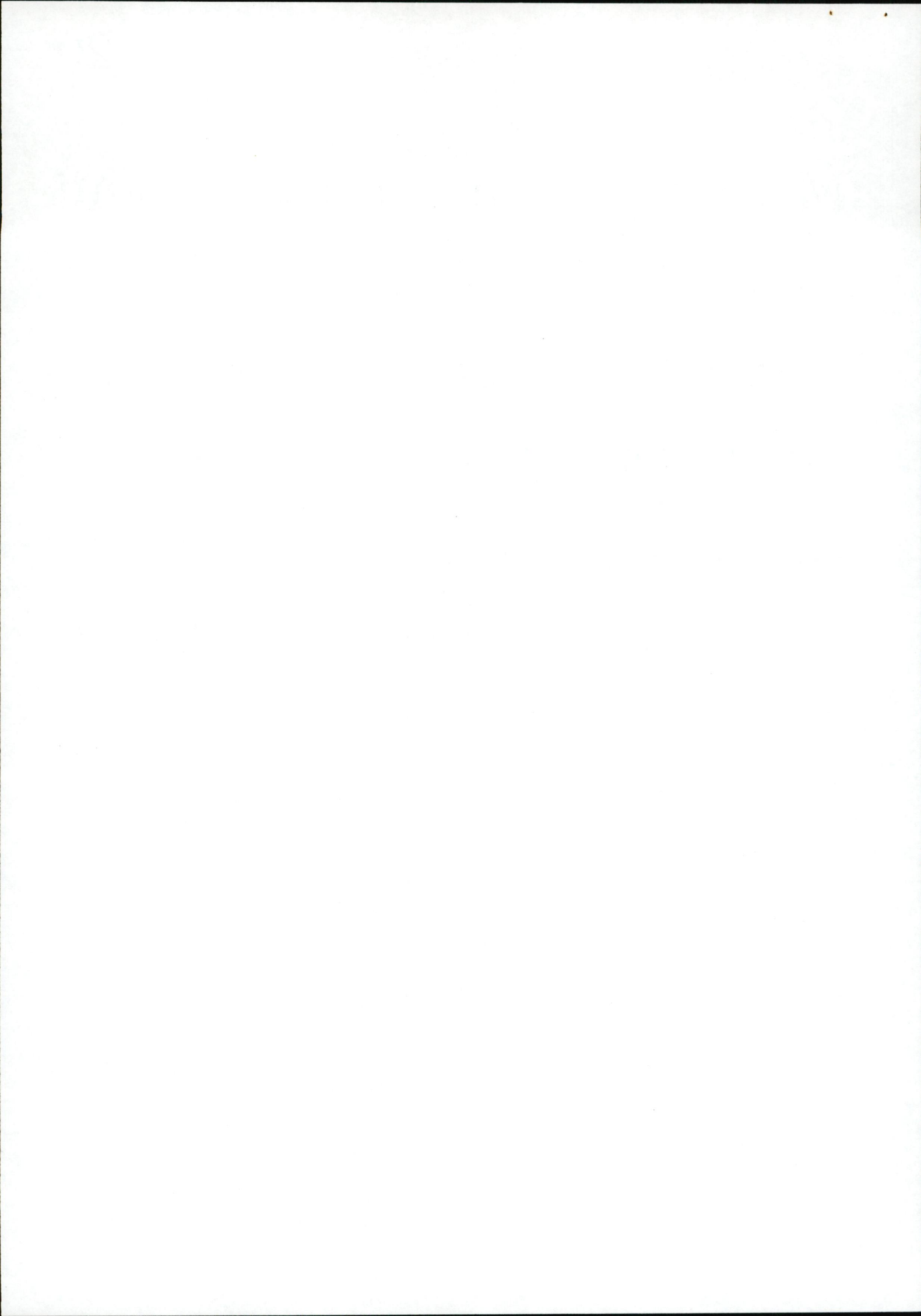
Ministry for Police and
Emergency Services, the
Insurance Industry, the Fire
Services Agencies, Local
Government and the Treasury.
The review is to be completed by
30 June 1994.

Mr President, as I have already
stated, the second major object of
the Bush Fires (Amendment) Bill



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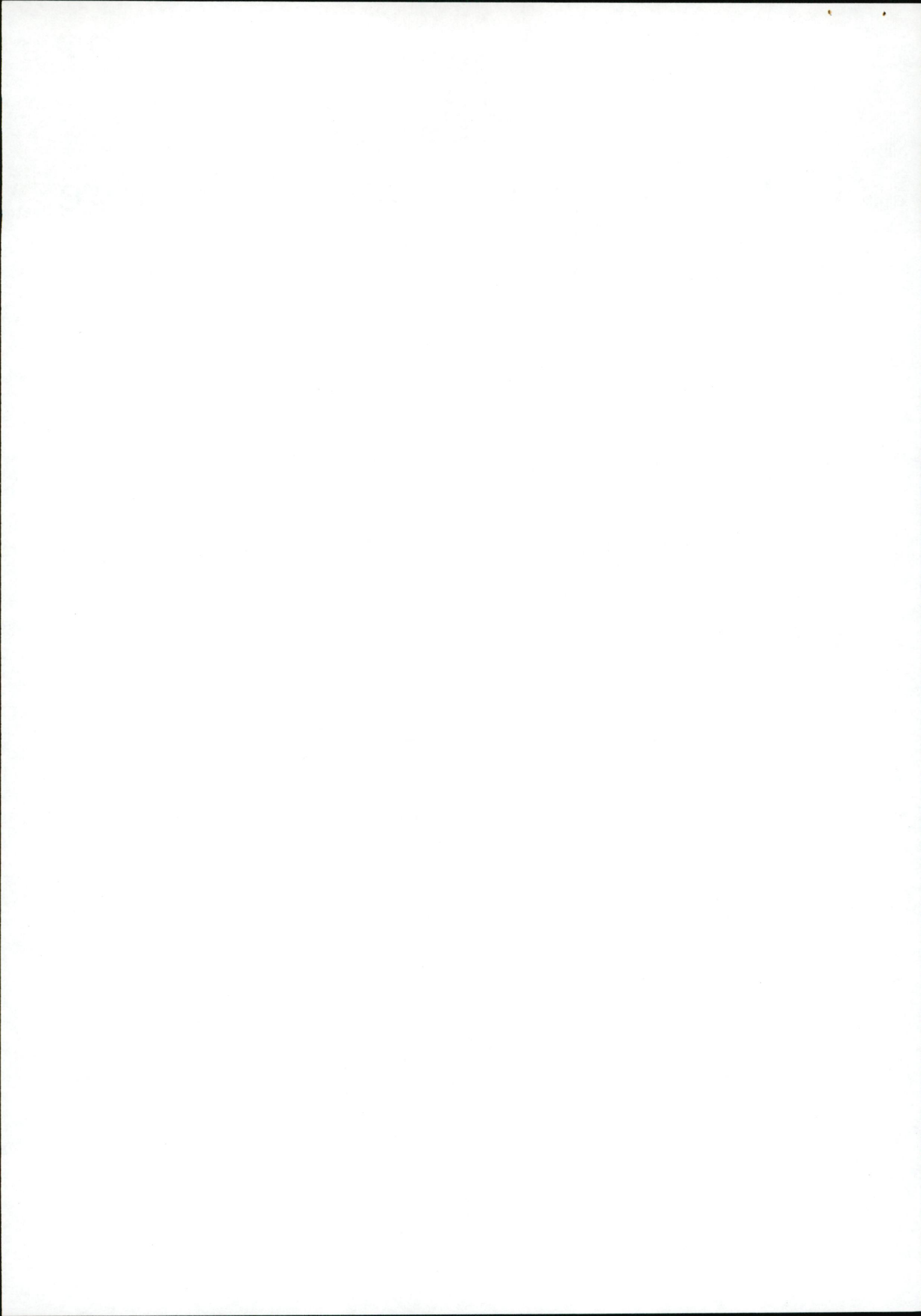
Mr President, as I have already
stated, the second major object of
the Bush Fires (Amendment) Bill



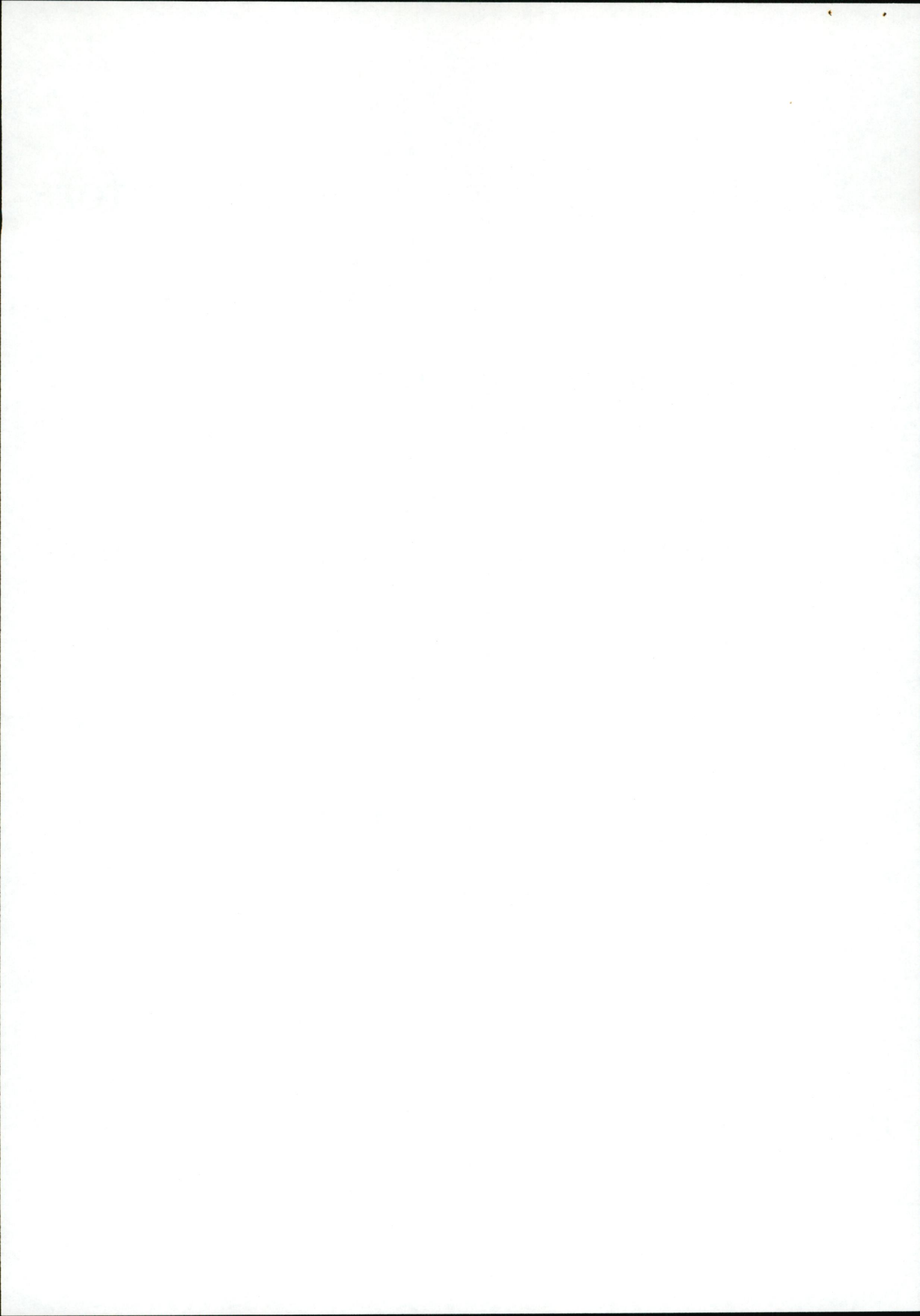
is to reconstitute the Bush Fire Council of NSW.

The Bush Fire Council of NSW was established following the introduction of the Bush Fires Act and, among other things, has a number of statutory, advisory and educational functions.

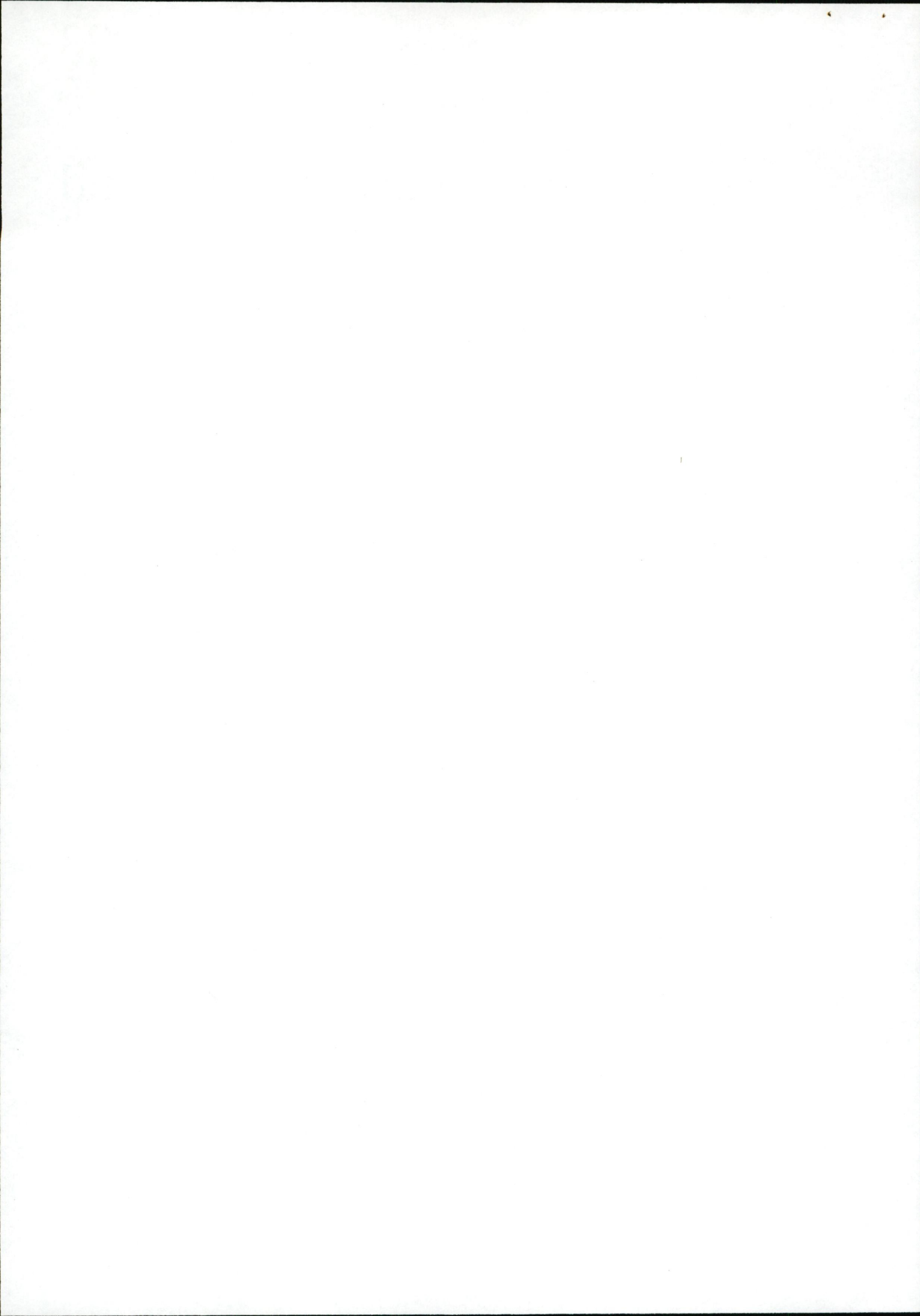
Its current responsibilities include among others:



- establishing standards for fire fighting and communications
- encouraging and fostering the establishment and organisation of bush fire brigades throughout New South Wales

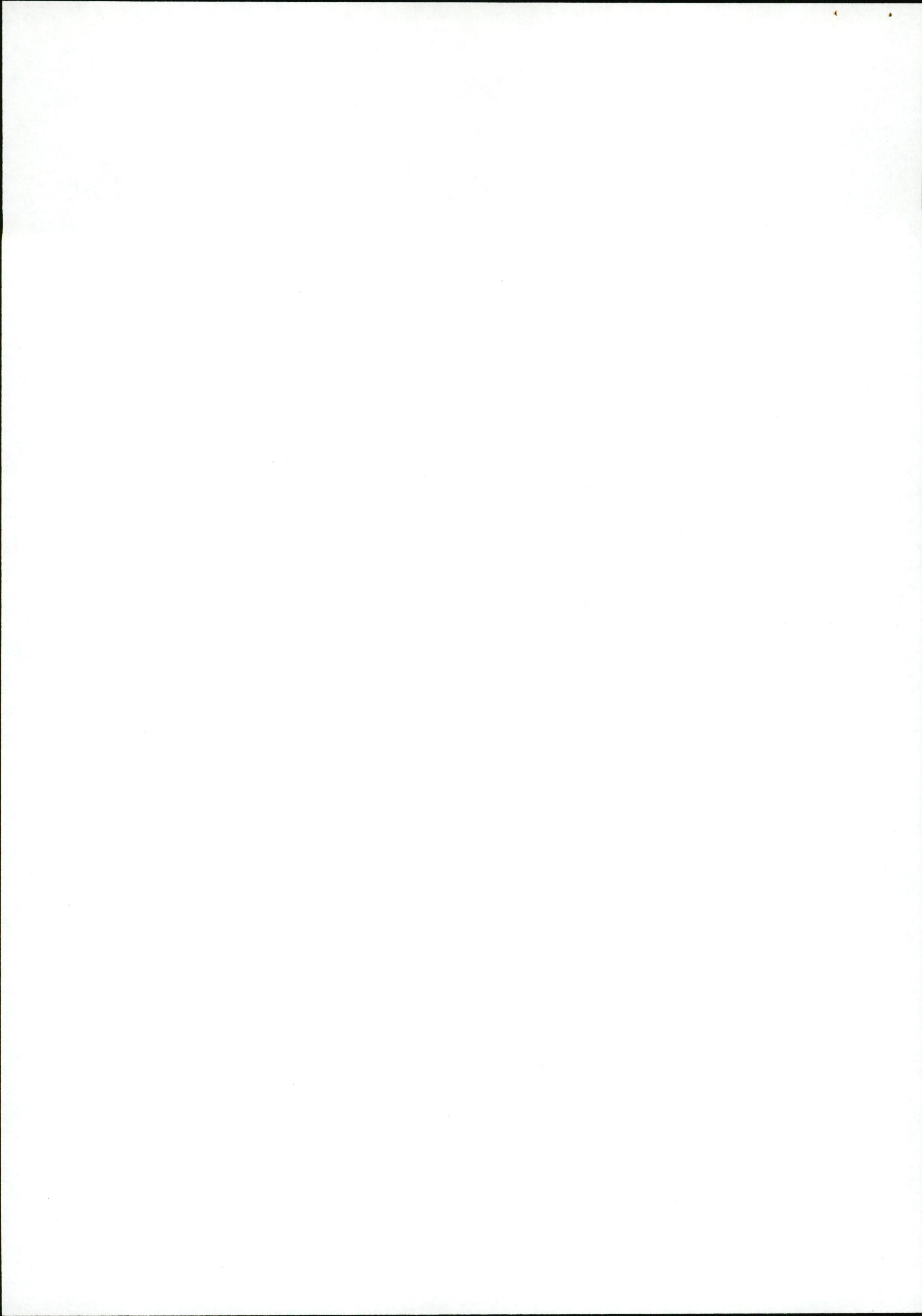


- providing equipment and facilities for volunteer firefighters
- educating the public and encouraging its active participation in the prevention, suppression and mitigation of damaging wildfires



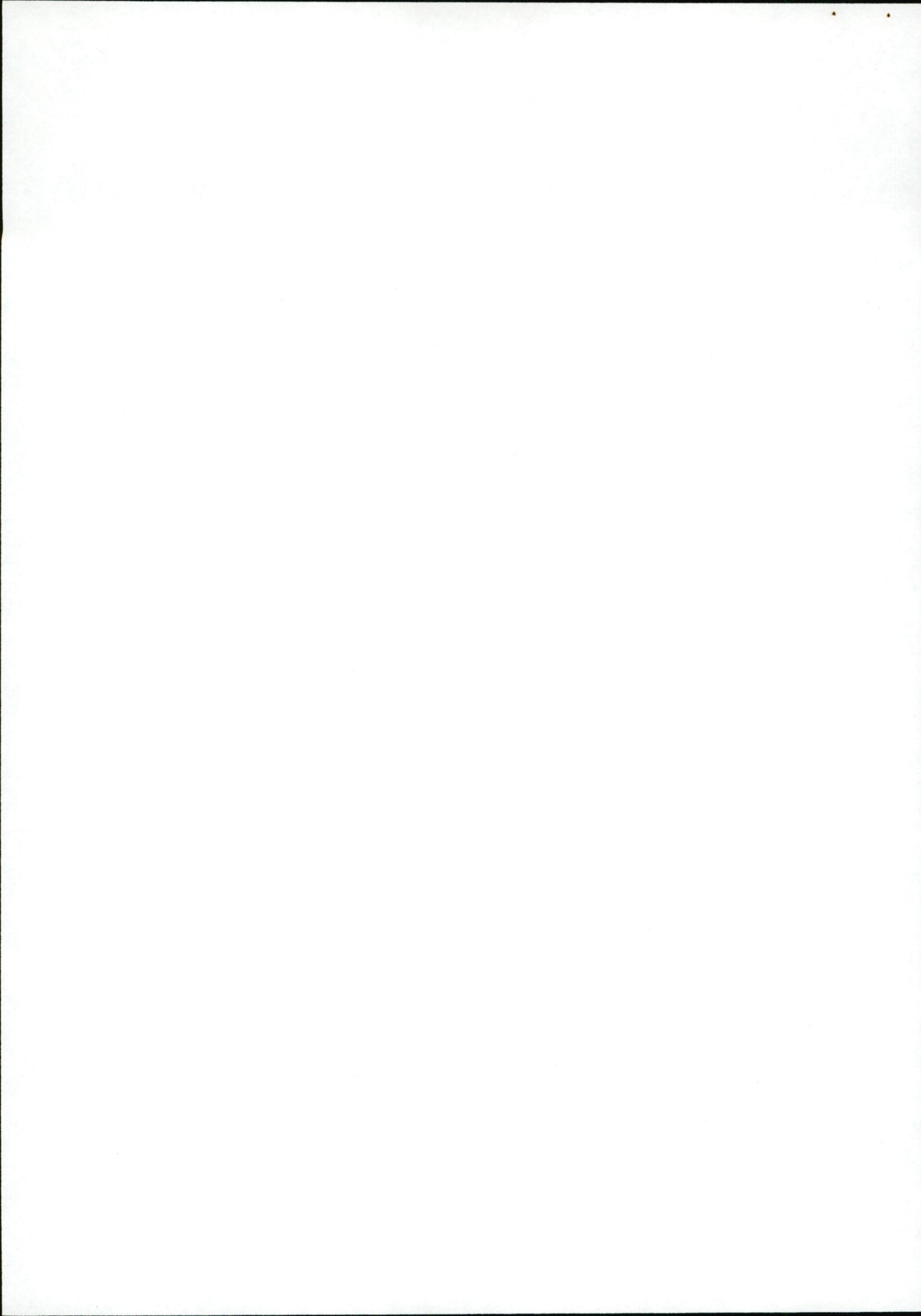
- reporting each year on the estimated damage from bush fires in New South Wales, and recommending any special measures which should be adopted to prevent, control and suppress bush fires, and

- making recommendations to the Minister, Councils and other persons as to the best



measures to be taken for preventing or extinguishing fires.

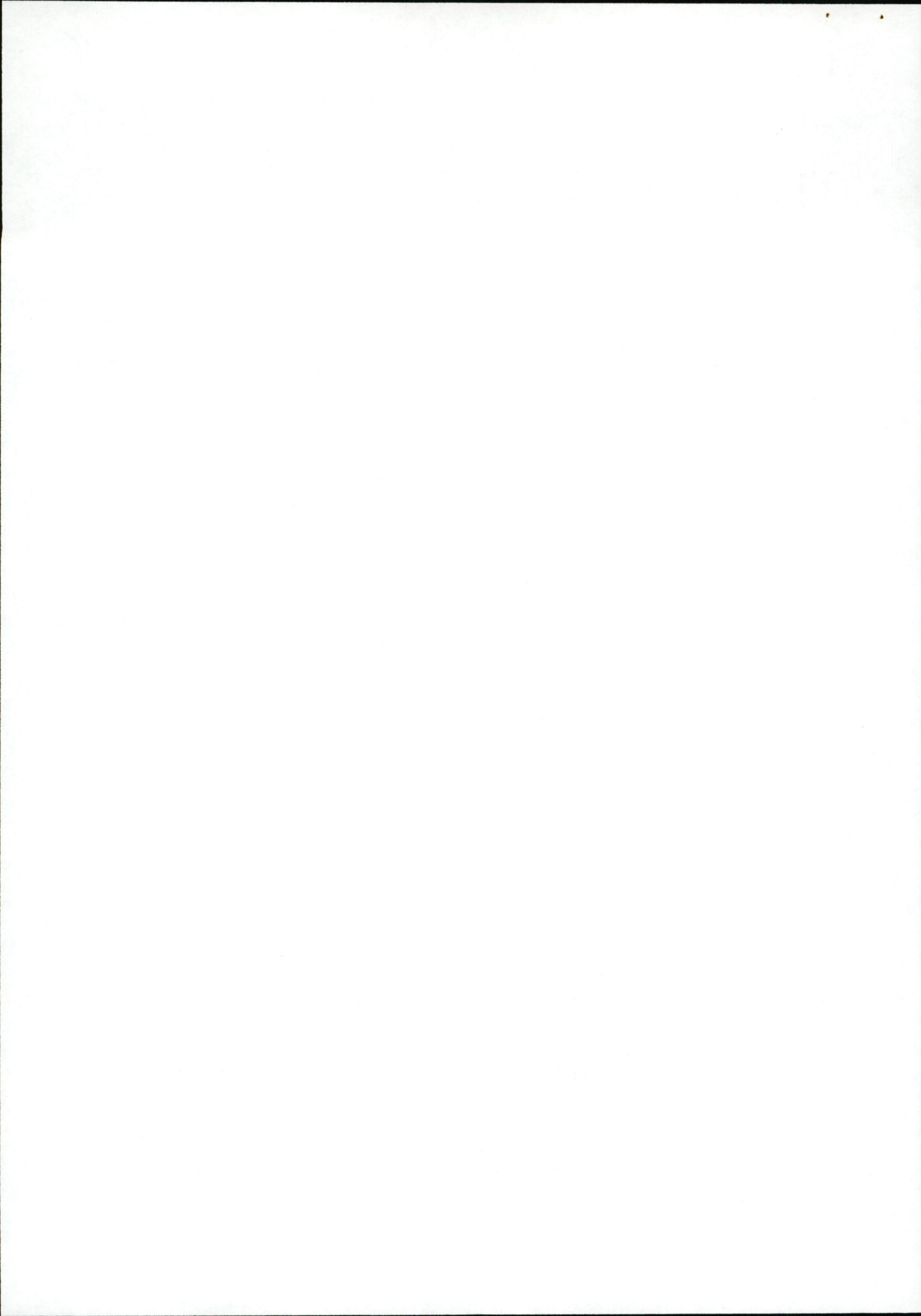
Following the formal establishment of the Bush Fire Service Administration as a Department in 1990 the Bush Fire Council has re-examined its role and functions and unanimously agreed to the measures now proposed.



They include:

- to reconstitute the Council,
and
- to clarify its role as advisory
and educative

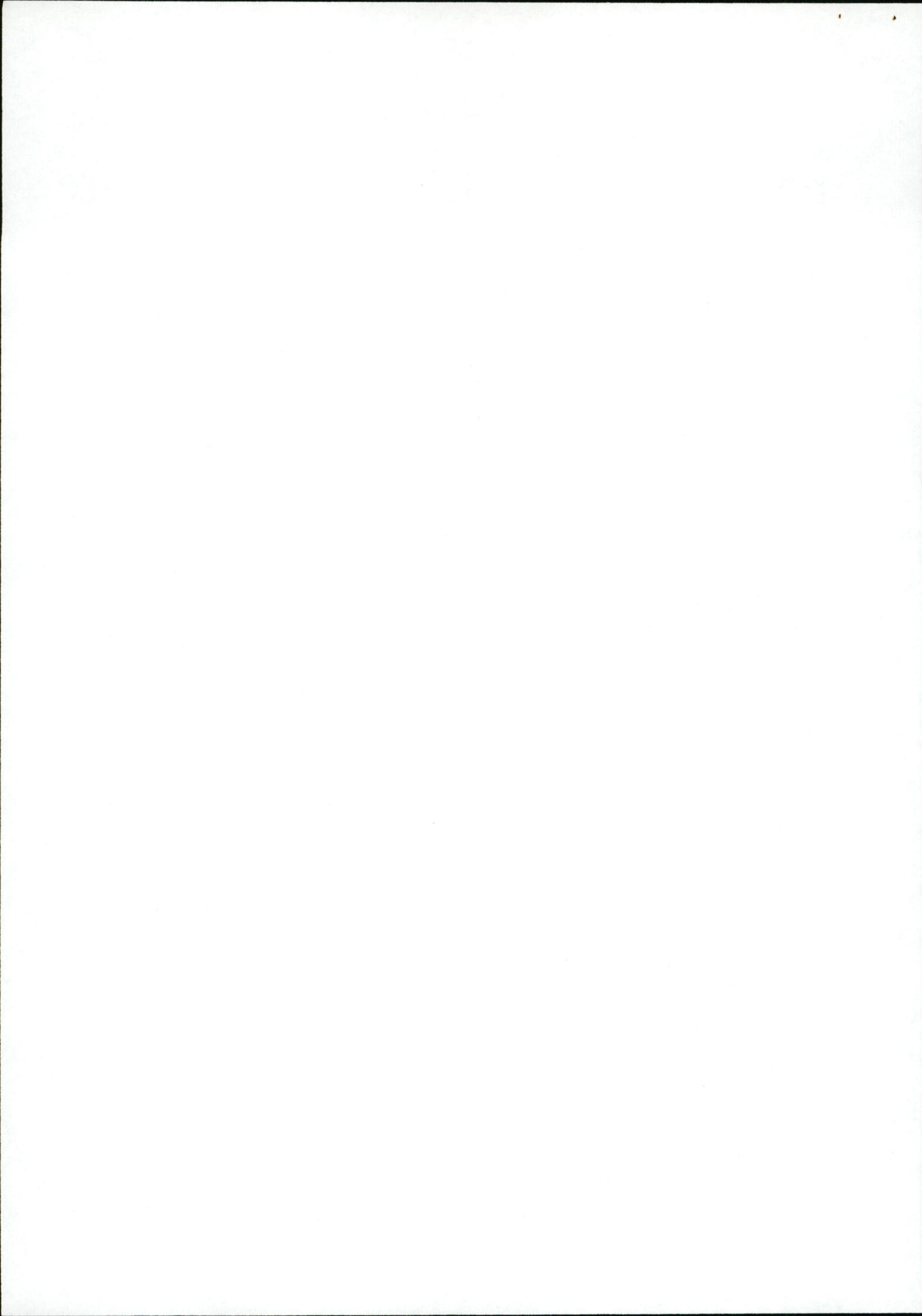
Proposed Section 39 provides that the new Bush Fire Council is to have 16 members (instead of 27) 4 of whom are ex-officio



members and 12 of whom are appointed by the Minister on the recommendations of various bodies or persons.

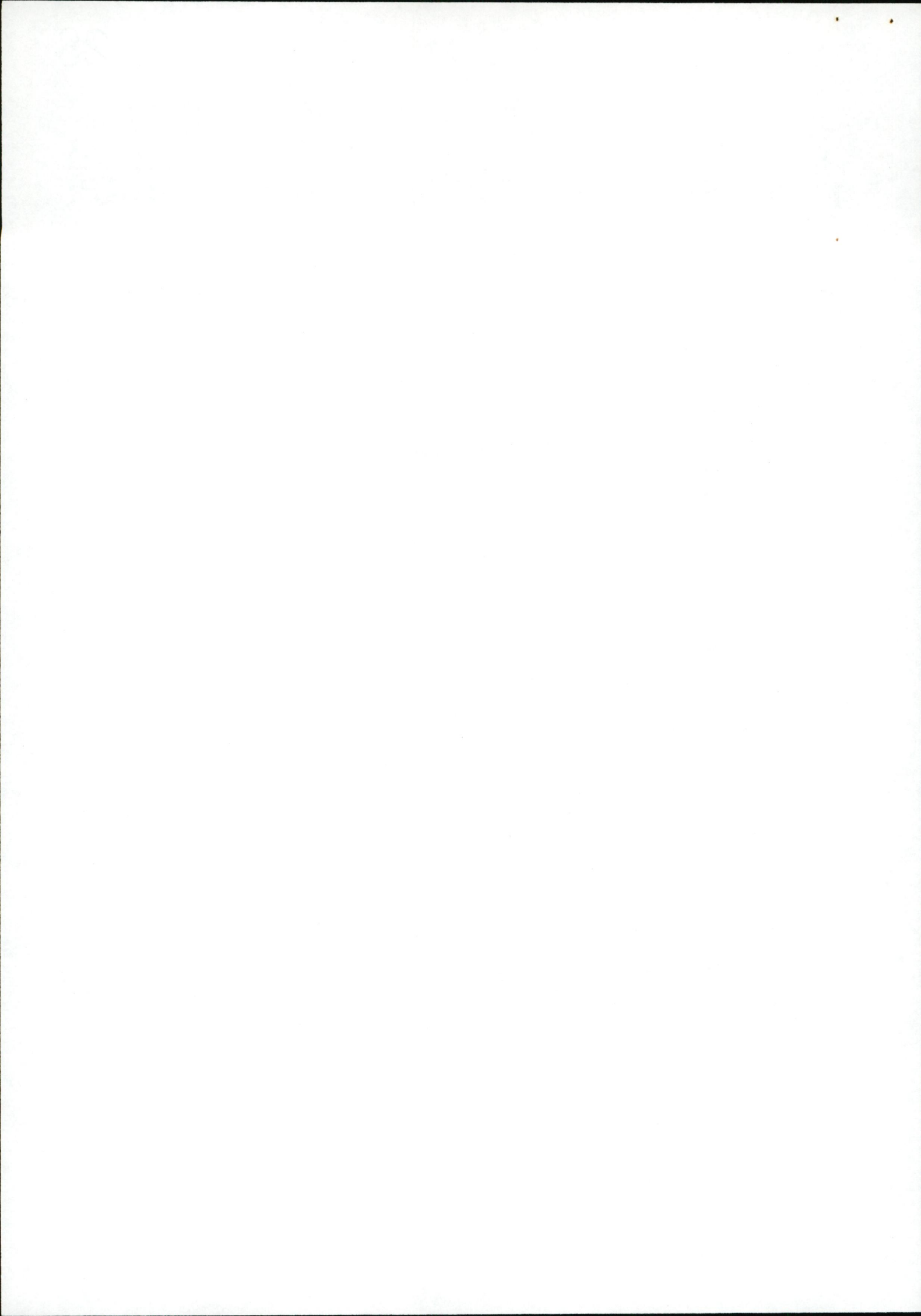
Proposed Section 39A provides that the Council is to have an advisory and educative role only.

The Bush Fire Finance Committee and the Co-ordinating Committee of the Bush Fire Council have also been



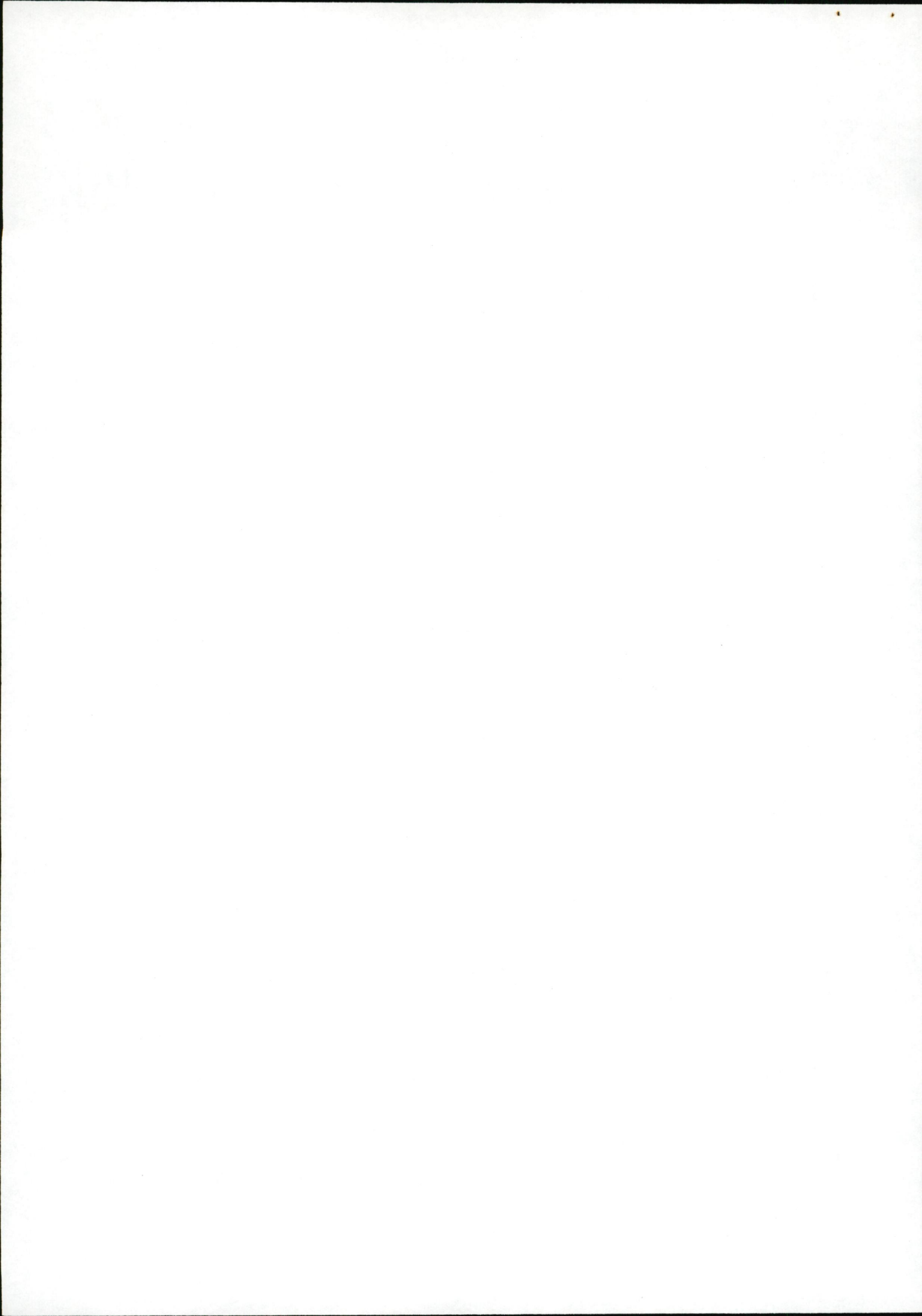
reconstituted along similar lines to how they are presently constituted. However these bodies will be separate from the Bush Fire Council and their membership will not be determined by the membership of the Council.

The Bill gives effect to these changes Mr President.



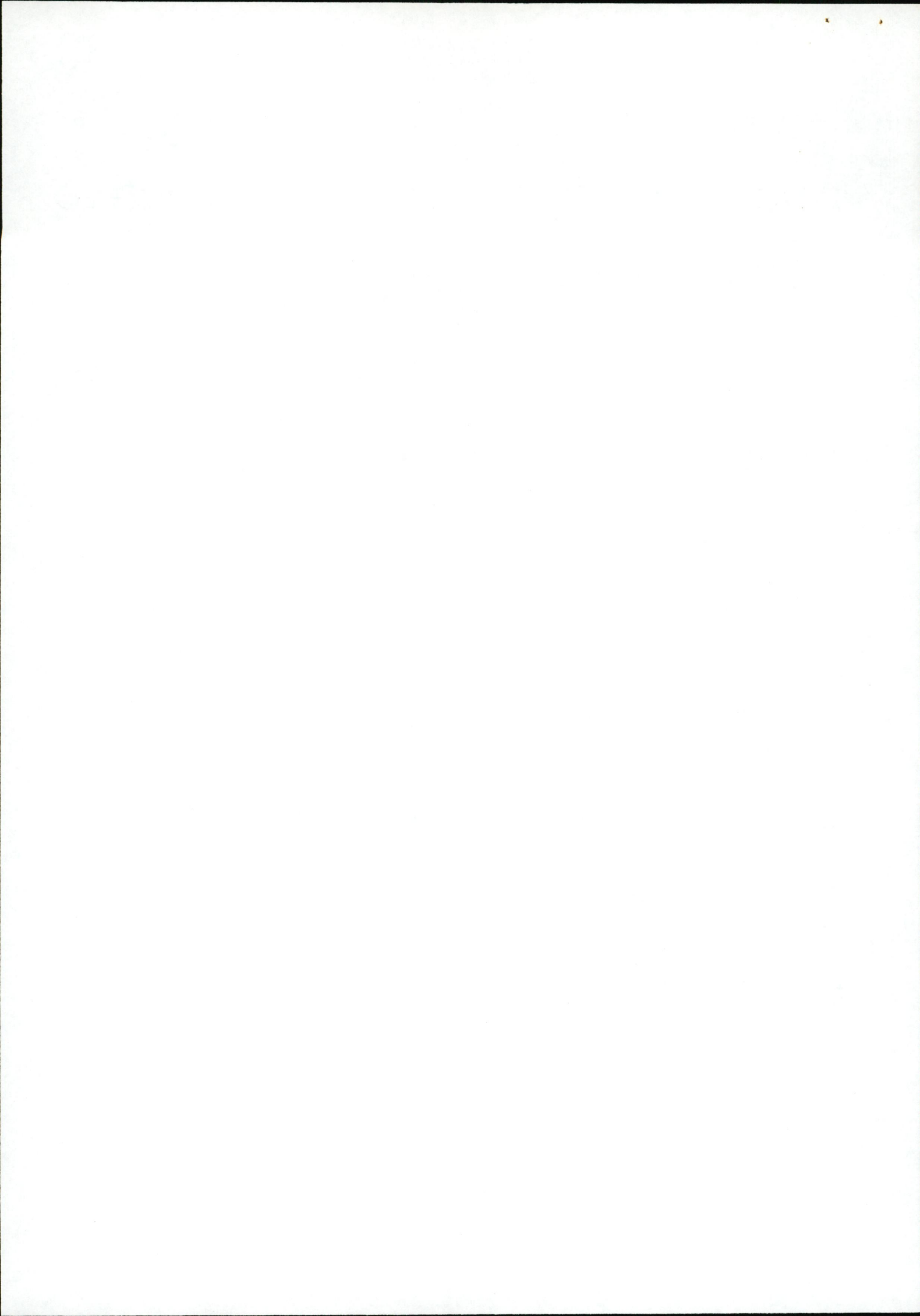
The Bush Fires (Amendment) Bill also amends the Public Sector Management Act 1988 to change the title of the position of the Director General of the Department of Bush Fire Services to Commissioner of Bush Fire Services.

The Minister is of the view that the change in title to Commissioner more reflects the



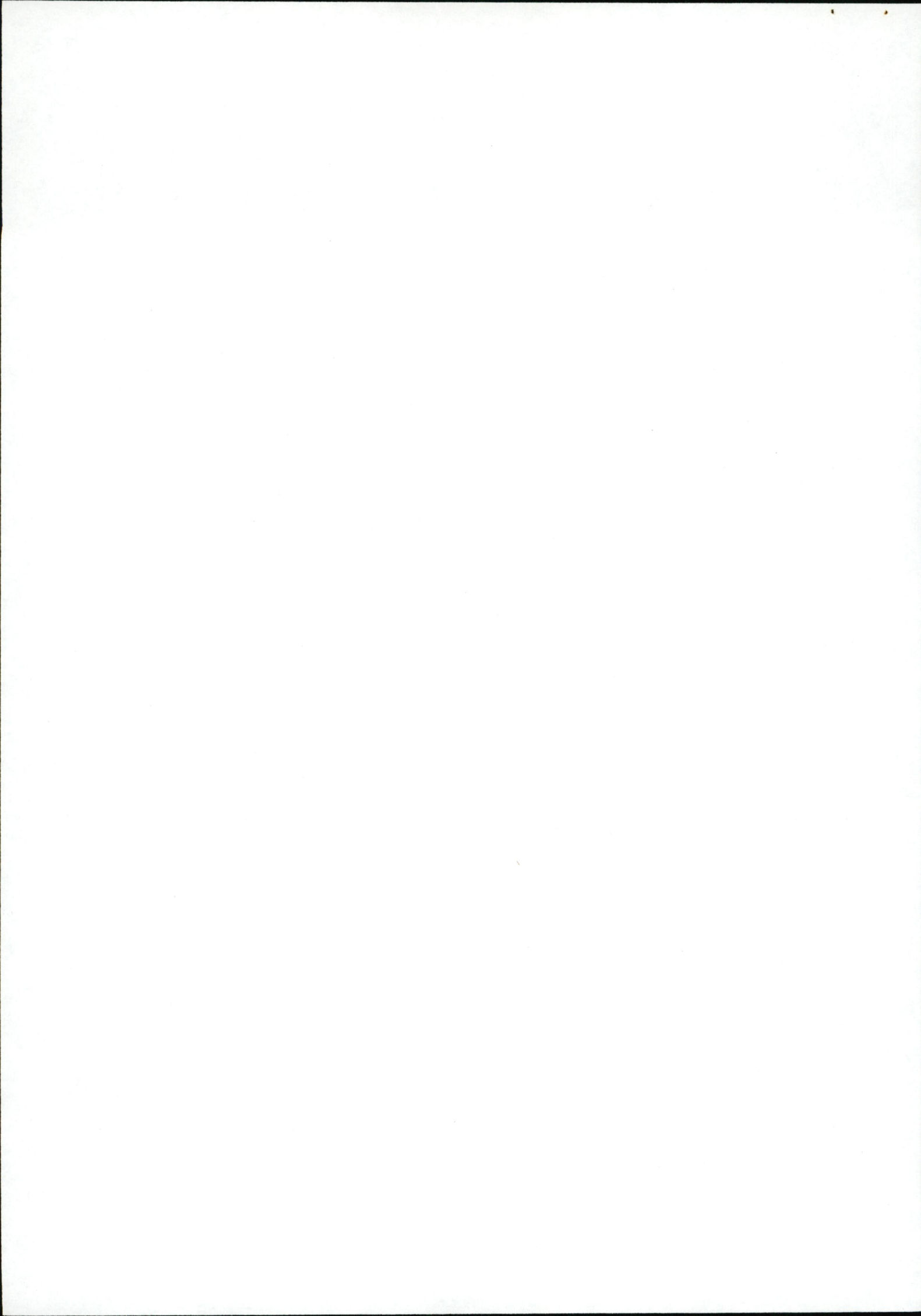
role of the Chief Executive Officer of the Department as the most senior operational officer in the Bush Fire Fighting structure.

The Commissioner will be the Chairperson of the reconstituted Bush Fire Council, the Finance Committee and the Co-ordinating Committee.



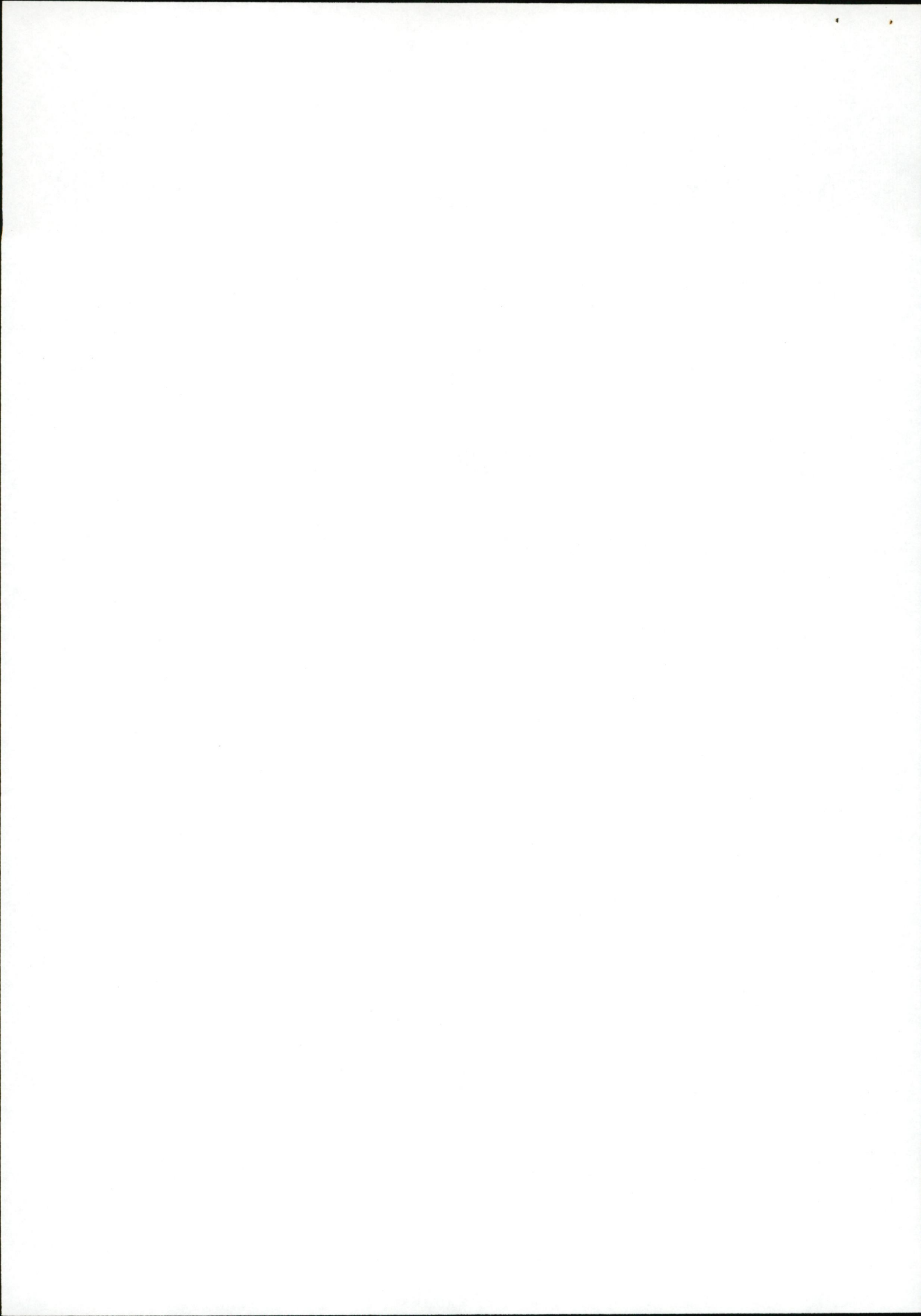
Mr President, I now turn to the Fire Brigades (Amendment) Bill which is cognate with the Bush Fires (Amendment) Bill.

The object of the Bill is to amend the Fire Brigades Act 1989 to require Insurance Companies under that Act to submit their premium returns in September each year, in conformity with the Bush Fires Act.



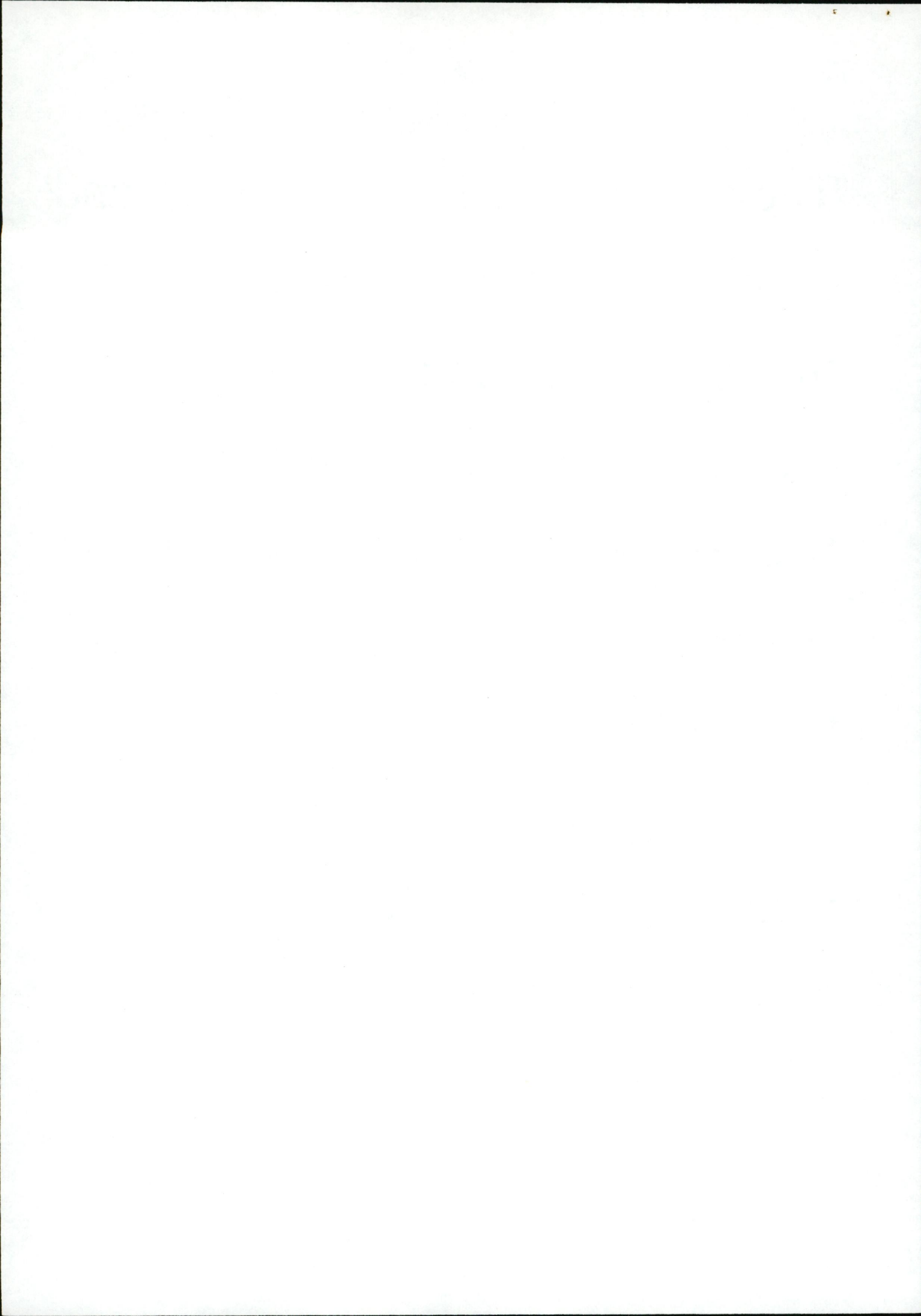
Mr President, under Section 58 of the Fire Brigades Act Insurance Companies are required, during March in each year, to submit returns to the Director General of the NSW Fire Brigades.

These returns show the total amount of premiums received by (or due to) Insurance Companies for the previous calendar year.



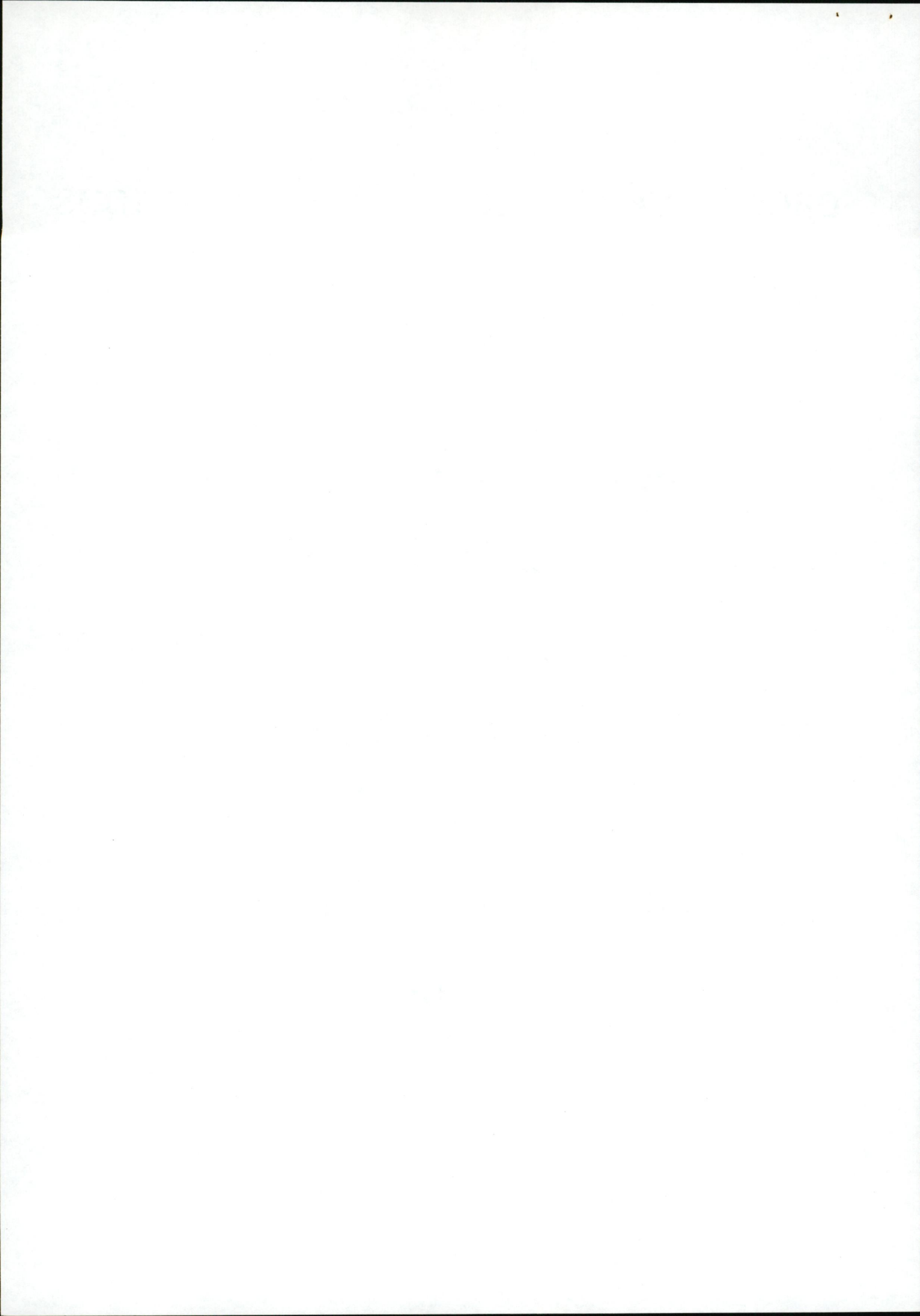
They are used to assess and determine contributions by Insurance Companies (for the previous calendar year) towards fire brigade expenditure and to determine the advance payments for the following calendar year.

Under the Bush Fires Act however Insurance Companies are required to submit their premium returns in September



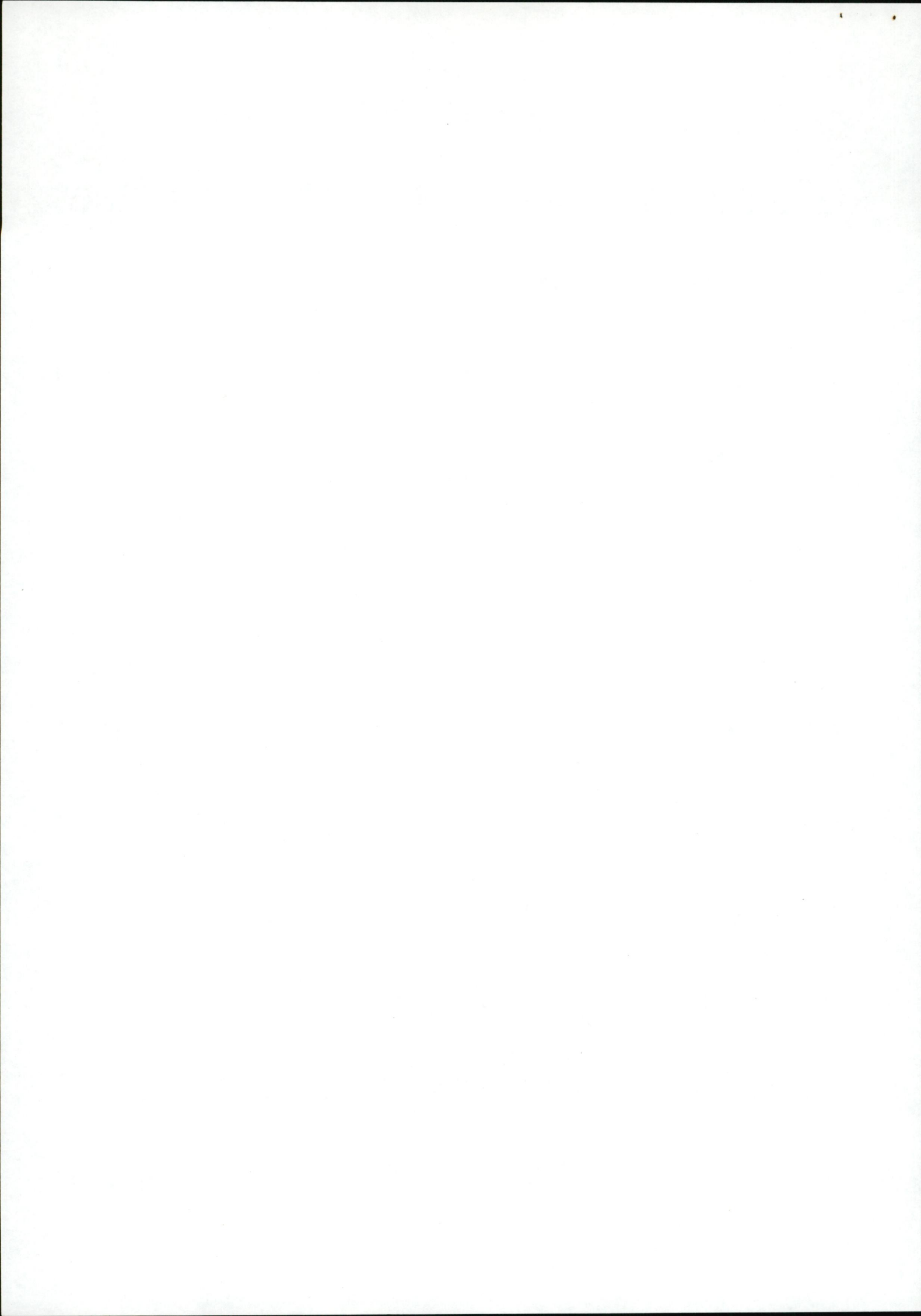
each year for the previous financial year.

By establishing a common reporting date for the return of premiums, that is in September each year, significant savings from reduced audit and management costs will accrue to the Insurance Industry.



These savings will partially offset the increased contributions of Insurance Companies to the Bush Fire Fighting Fund.

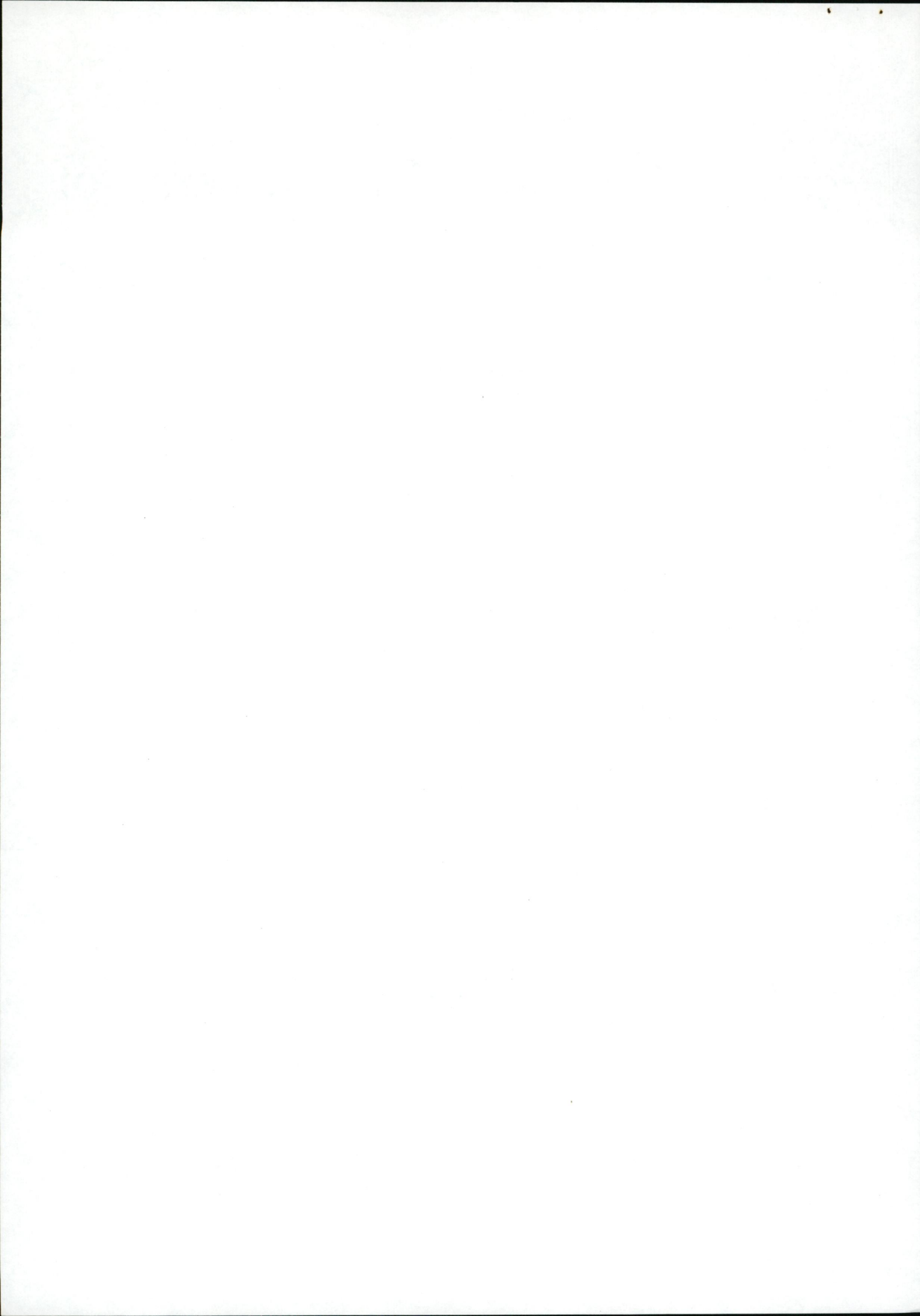
In order to facilitate the changeover from a calendar year to financial year returns for the Fire Brigades, thereby establishing a common reporting date, it is proposed to call for a special return by insurance



companies and by owners of property insuring with foreign insurers for the 6 months ending 30 June 1993.

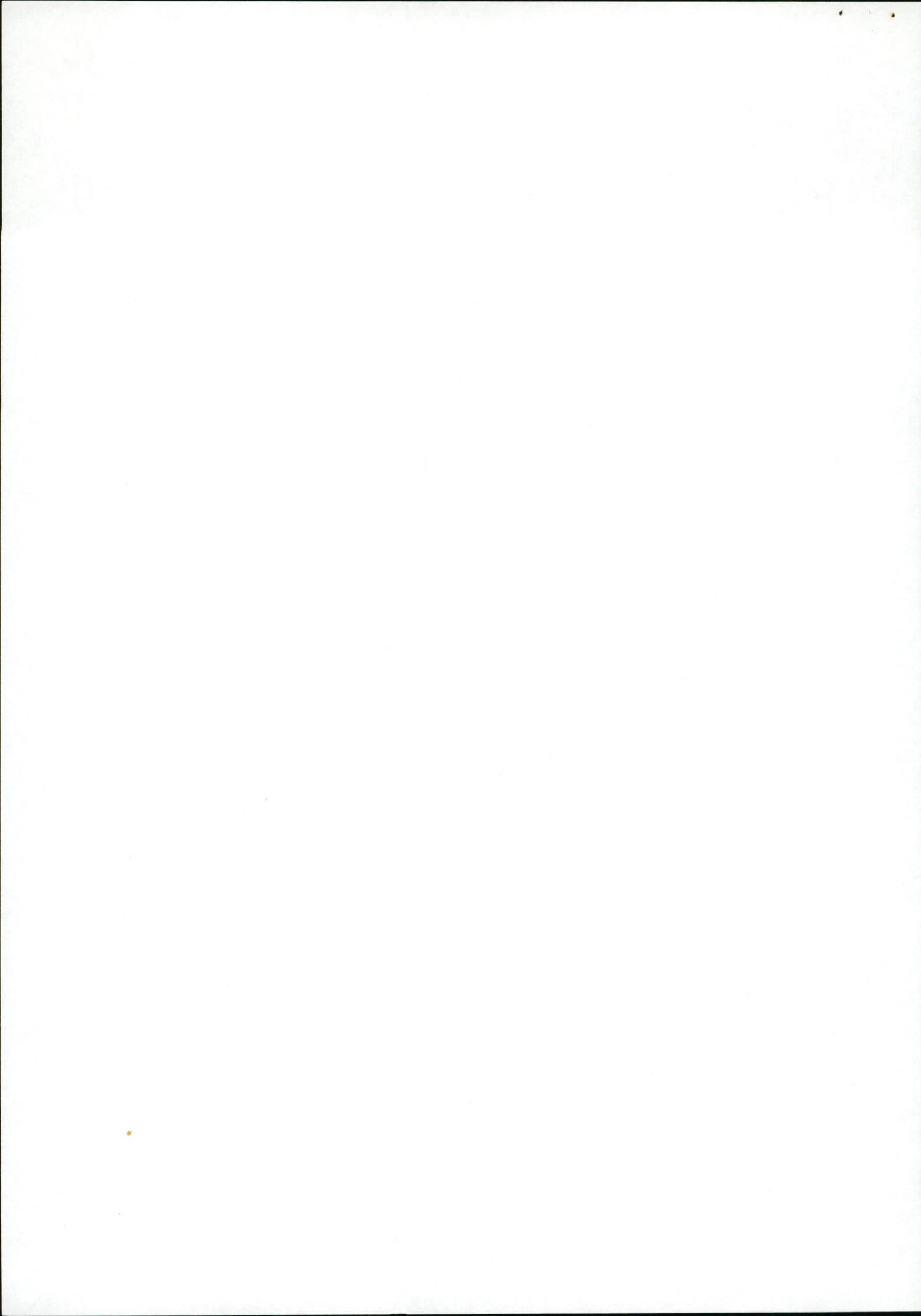
Proposed Section 61A makes provision for the calling of this special return.

Finally Mr President both the Fire Brigades (Amendment) Bill and the Bush Fires (Amendment)



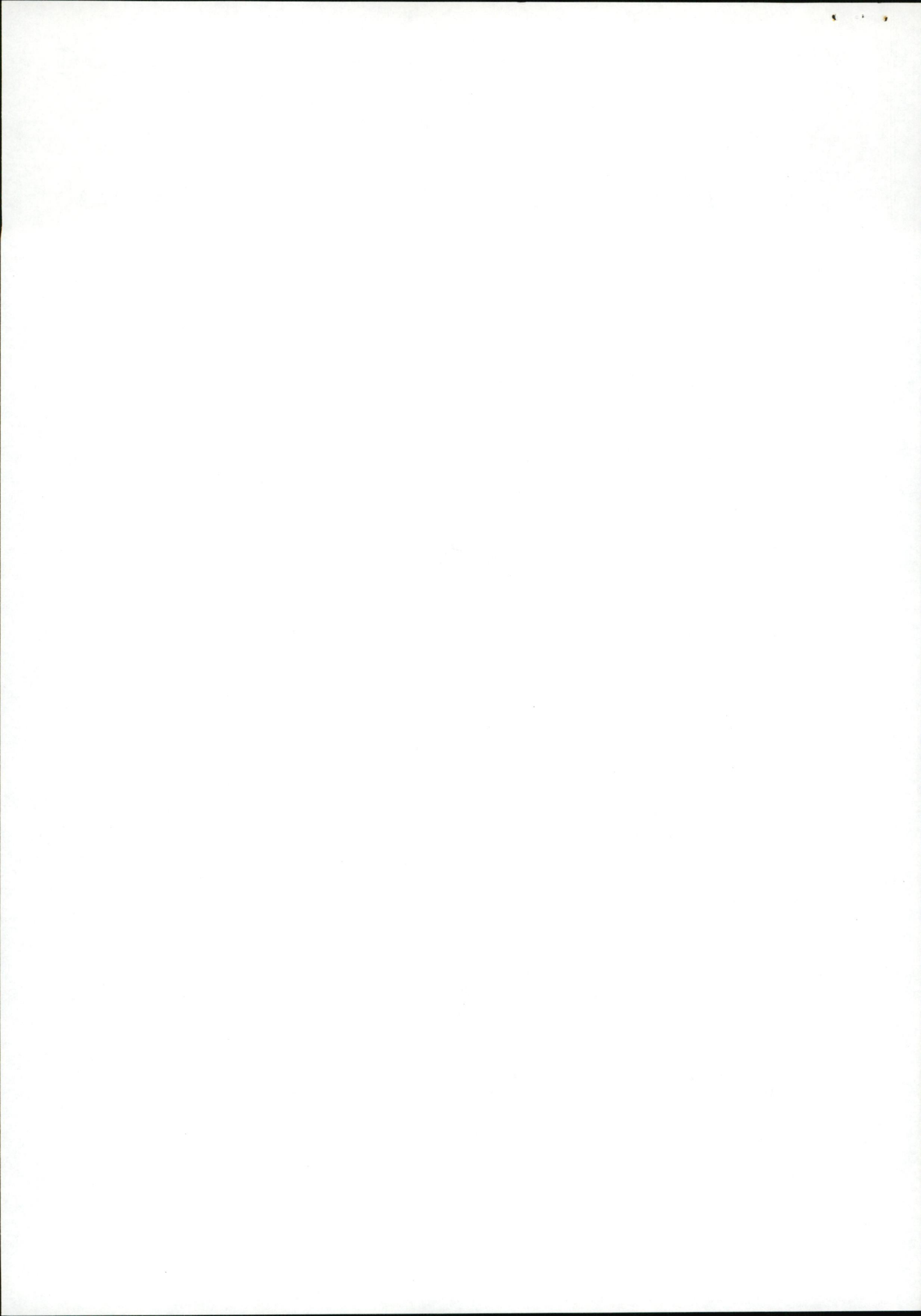
Bill provide that re-insurers will no longer be required to provide returns of the re-insurance business they write.

This in effect means that direct insurers will fund the whole of the cost of the Insurance Industry's contribution to the fire fighting organisations in New South Wales.



The Insurance Industry supports this proposal.

Mr President, the devastating impact of a major bush fire is well known to the people of New South Wales and to all members of this House. A bush fire has the potential to devastate a community through loss of life and property as it indiscriminately burns everything in sight.



70,000 volunteers in this State devote many hours of their time throughout the year preparing for and combating bushfires. In the last bush fire season, which was regarded as one of the quietest on record, there were still some 6,700 bush fires throughout the State.

Mr President, it can never be stated too often that the whole community of NSW appreciates and values the efforts of the volunteer bush fire fighters.

This Government recognises its responsibility to ensure that arrangements are in place for the 2,500 Bush Fire Brigades in NSW to be appropriately and adequately equipped.

The revised funding arrangements contained in the Bush Fires (Amendment) Act will ensure this happens.

I commend the Bills to the House.

BUSH FIRES (AMENDMENT) ACT 1993 No. 98

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Bush Fires Act 1949 No. 31
4. Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

SCHEDULE 1—AMENDMENTS

BUSH FIRES (AMENDMENT) ACT 1993 No. 98

NEW SOUTH WALES



Act No. 98, 1993

An Act to amend the Bush Fires Act 1949 with respect to the contributions to the New South Wales Bush Fire Fighting Fund, to reconstitute certain bodies under that Act, and for other purposes; and to amend the Public Sector Management Act 1988. [Assented to 2 December 1993]

See also Fire Brigades (Amendment) Act 1993.

Bush Fires (Amendment) Act 1993 No. 98

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Bush Fires (Amendment) Act 1993.

Commencement

2. (1) This Act commences on the date of assent, except as provided by subsection (2).

(2) Section 4, and Schedule 1 (1), (3) (a), (4), (5) (d), (6) (a), (7)–(10) and (12) and section 3 in its application to those items, commence on a day to be appointed by proclamation.

Amendment of Bush Fires Act 1949 No. 31

3. The Bush Fires Act 1949 is amended as set out in Schedule 1.

Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

4. Schedule 1 to the Public Sector Management Act 1988 is amended by omitting from the matter relating to the Department of Bush Fire Services the words “Director-General of the Department” and by inserting instead the words “Commissioner of Bush Fire Services”.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Section 2 (**Division into Parts**):

Omit the section.

- (2) Section 5 (**Savings and transitional provisions**):

After section 5 (4), insert:

(5) Schedule 1A has effect.

- (3) Section 6 (**Definitions**):

- (a) Omit the definitions of “Co-ordinating Committee” and “Finance Committee”, insert in alphabetical order:

“**Commissioner**” means the Commissioner of Bush Fire Services.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

“**Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted by this Act.

“**Department**” means the Department of Bush Fire Services.

“**Exercise**” of a function includes, where the function is a duty, the performance of the duty.

“**Finance Committee**” means the Bush Fire Finance Committee constituted by this Act.

“**Function**” includes a power, authority or duty.

(b) Omit the definition of “Policy of insurance”, insert instead:

“**Policy of insurance**” includes:

- (a) any certificate or declaration as to the existence of, and any agreement for, any insurance; or
- (b) any instrument in writing by which any contract of insurance is made or agreed to be made or is evidenced,

but does not include a policy of reinsurance.

(4) Section 25 (**Proclamations of bush fire districts**):

Omit “Bush Fire Council”, insert instead “Minister”.

(5) Section 32 (**Contributions by Treasurer, councils and insurance companies**):

- (a) From section 32 (1) (a), omit “one-quarter”, insert instead “14%”.
- (b) From section 32 (1) (b), omit “one-quarter”, insert instead “12.3%”.
- (c) From section 32 (1) (c), omit “one-half”, insert instead “73.7%”.
- (d) From section 32 (5), omit “Bush Fire Council”, insert instead “Minister”.

(6) Section 34 (**Determination of contributions of insurance companies**):

- (a) From section 34 (2) and (3), omit “Minister” wherever occurring, insert instead “Commissioner”.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- (b) From section 34 (6), omit the words “but does not include:” and omit paragraphs (i) and (ii), insert instead:
- but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.
- (7) Sections 39–40:
- Omit the sections, insert instead:
- Constitution of Bush Fire Council**
39. (1) There is constituted by this Act the Bush Fire Council of New South Wales.
- (2) The Bush Fire Council is to consist of 16 members, being:
- (a) 4 *ex-officio* members, as follows:
- the Commissioner, who is to be the Chairperson of the Bush Fire Council;
 - the Managing Director of State Forests in the Forestry Commission;
 - the Director-General of the National Parks and Wildlife Service;
 - the Director-General of New South Wales Fire Brigades; and
- (b) 12 persons appointed by the Minister, as follows:
- 4 persons recommended by members of bush fire brigades in different regions of the State;
 - a person recommended by the Institute of Municipal Management;
 - a person recommended by the Shires Association;
 - a person recommended by the Insurance Council of Australia;
 - a person recommended by the New South Wales Farmers’ Association;
 - a person recommended by fire control officers;
 - a person recommended by the Commissioner of Police;
 - a person recommended by the Minister for the Environment;

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- a person recommended by the Director-General of the Department of Conservation and Land Management.

(3) An ex-officio member (other than the Chairperson) may nominate a person who may attend and vote at any meeting of the Bush Fire Council as the nominee of the member.

(4) Schedule 4 has effect with respect to the appointed members and procedure of the Bush Fire Council.

Functions of Bush Fire Council

39A. (1) The Bush Fire Council has the following functions:

- (a) to advise and to report to the Minister and the Commissioner on any matter relating to the administration and management of bush fire services under this Act;
- (b) to advise the Commissioner on public education programs relating to bush fire matters and on the training of bush fire fighters;
- (c) such other functions as may be conferred or imposed on it by or under this or any other Act.

(2) Any advice or report given by the Bush Fire Council to the Minister or the Commissioner may be given either at the request of the Minister or Commissioner or without any such request.

Finance Committee

39B. (1) There is constituted by this Act the Bush Fire Finance Committee.

(2) The Finance Committee is to consist of 4 members, being:

- (a) the Commissioner, who is to be the Chairperson of the Finance Committee; and
- (b) a person appointed by the Minister on the recommendation of the Treasurer; and

SCHEDULE 1—AMENDMENTS—*continued*

- (c) a person appointed by the Minister on the recommendation of the Insurance Council of Australia; and
- (d) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.

(3) The Finance Committee has the functions conferred or imposed on it under this Act.

(4) Schedule 4 has effect with respect to the members and procedure of the Finance Committee.

Co-ordinating Committee

40. (1) There is constituted by this Act a body corporate with the corporate name of the Bush Fire Co-ordinating Committee.

(2) The Co-ordinating Committee is a statutory body representing the Crown.

(3) The Co-ordinating Committee is to consist of 5 members, being:

- (a) the Commissioner, who is to be the Chairperson of the Co-ordinating Committee; and
- (b) a person appointed by the Minister on the recommendation of the Minister administering the Forestry Act 1916; and
- (c) a person appointed by the Minister on the recommendation of the Minister administering the National Parks and Wildlife Act 1974; and
- (d) a person appointed by the Minister on the recommendation of the Director-General of New South Wales Fire Brigades; and
- (e) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.

(4) Schedule 4 has effect with respect to the members and procedure of the Co-ordinating Committee.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- (8) Sections 41 (**Councils and other bodies to furnish information to Commissioner**), 50 (**Destruction of notices**):
 Omit “Bush Fire Council” wherever occurring, insert instead “Commissioner”.
- (9) Section 46 (**Inspectors**):
- (a) From section 46 (2) (a), omit “Minister”, insert instead “Commissioner”.
- (b) From section 46 (2) (c) and (d), omit “Bush Fire Council” wherever occurring, insert instead “Commissioner”.
- (10) Section 48 (**Proceedings not to lie against persons acting in good faith**):
 After “the Minister,”, insert “the Commissioner, a member of the staff of the Department,”.
- (11) Schedule 1A:
 After Schedule 1, insert:

SCHEDULE 1A—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 5 (5))

Part 1—General

Savings and transitional regulations

1. (1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of the Bush Fires (Amendment) Act 1993.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication;
 or

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

Part 2—Provisions consequent on enactment of Bush Fires (Amendment) Act 1993

Definitions

2. In this Part:

“**amending Act**” means the Bush Fires (Amendment) Act 1993;

“**former Co-ordinating Committee**” means the Co-ordinating Committee of the Bush Fire Council as constituted immediately before the commencement of Schedule 1 (7) to the amending Act;

“**reconstituted Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted in accordance with this Act.

Adjustment of contributions to the Fund for the financial year ending 30 June 1994

3. (1) As soon as practicable after the commencement of Schedule 1 (5) (a)–(c) to the amending Act, the Minister:

- (a) is, as a result of the amendments to section 32 made by those items, to make the necessary adjustments (if any) to the contributions required to be paid to the Fund under Part 6 for the financial year ending 30 June 1994 (“**the current financial year**”); and

- (b) is to notify contributors of the adjusted contributions for the current financial year.

(2) The adjusted contributions so notified become the contributions payable under Part 6 for the remainder of the current financial year.

(3) The amendments to section 32 made by Schedule 1 (5) (a)–(c) to the amending Act do not affect the assessment of contributions before the commencement of those amendments.

- (4) This clause has effect despite section 32 (2).

SCHEDULE 1—AMENDMENTS—*continued***Continuity of Co-ordinating Committee and provisions relating to former members of certain bodies**

4. (1) The reconstituted Co-ordinating Committee is a continuation of, and the same legal entity as, the former Co-ordinating Committee.

(2) A person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as a member (other than as Chairman) of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council ceases to hold office as such a member on that commencement.

(3) The person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as Chairman of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is taken, on that commencement, to be the Chairperson of the reconstituted Co-ordinating Committee, the Bush Fire Council or the Bush Fire Finance Committee, respectively.

(4) A person who ceases to hold office as a member of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is not entitled to any remuneration or compensation because of the loss of that office.

(5) A delegation made under section 41H by the former Co-ordinating Committee of any of the former Co-ordinating Committee's functions and in force immediately before the commencement of Schedule 1 (7) to the amending Act is taken to be a delegation made under that section by the reconstituted Co-ordinating Committee.

Construction of certain references

5. On and from the commencement of section 4 of the amending Act, a reference in any other Act, or in any instrument made under an Act, or in any other document of any kind, to the Director-General of the Department of Bush Fire Services is to be read as a reference to the Commissioner of Bush Fire Services.

SCHEDULE 1—AMENDMENTS—*continued*

(12) Schedule 4:

After Schedule 3, insert:

**SCHEDULE 4—PROVISIONS RELATING TO THE
MEMBERS AND PROCEDURE OF THE BUSH
FIRE COUNCIL, THE FINANCE COMMITTEE
AND THE CO-ORDINATING COMMITTEE**

(Secs. 39 (4), 39B (4), 40 (4))

Definitions

1. In this Schedule:

“appointed member” means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee who is appointed by the Minister;**“Chairperson”** means the Chairperson of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee;**“member”** means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.**Deputies of members etc.**

2. (1) A member (other than an appointed member) may, from time to time, appoint a person to be the member's deputy, and may revoke any such appointment.

(2) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

(3) The deputy of a member appointed on the recommendation of a particular body, group or person is to be appointed on the recommendation of that body, group or person.

(4) In the absence of a member, the member's deputy may, if available, act in the place of the member and, while so acting, has all the functions of the member and is taken to be a member.

(5) This clause does not operate to confer on a deputy of a member who is the Chairperson the member's functions as Chairperson.

SCHEDULE 1—AMENDMENTS—*continued*

(6) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

(7) If a body, group or person fails to recommend a person for appointment under section 39 (2) (b), 39B (2) (b)–(d) or 40 (3) (b)–(e) within a reasonable time after being requested to do so by the Minister, the Minister may appoint a person of the Minister's own choice.

Terms of office of appointed members

3. Subject to this Schedule, an appointed member holds office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Remuneration of appointed members

4. An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

Vacancy in office of appointed member

5. (1) The office of an appointed member becomes vacant if the member:

- (a) dies; or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the Public Sector Management Act 1988; or
- (e) is absent from 3 consecutive meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee (as the case may be) of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Chairperson; or

SCHEDULE 1—AMENDMENTS—*continued*

- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (g) becomes a mentally incapacitated person; or
- (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be so punishable.

(2) The Minister may remove an appointed member from office at any time.

Filling of vacancy in office of appointed member

6. If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Effect of certain other Acts

7. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If by or under any Act provision is made:

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; and
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member.

(3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

Meetings of the Bush Fire Council

8. The Bush Fire Council is to meet at least 4 times in any one year, but may meet on such other occasions as may be determined by the Chairperson.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

General procedure

9. The procedure for the calling of meetings of the Bush Fire Council, the Finance Council and the Co-ordinating Committee, and for the conduct of business at those meetings, is to be determined by the Chairperson.

Quorum

10. (1) The quorum for a meeting of the Bush Fire Council is 9 members.

(2) The quorum for a meeting of the Finance Committee or the Co-ordinating Committee is 3 members.

Presiding member

11. (1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present, is to preside at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.

(2) The person presiding at any meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee has a second or casting vote.

Voting

12. A decision supported by a majority of the votes cast at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee at which a quorum is present is the decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.

[*Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 19 November 1993*]

FIRST PRINT

BUSH FIRES (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Fire Brigades (Amendment) Bill 1993 is cognate with this Bill.

The object of this Bill is to amend the Bush Fires Act 1949:

- (a) to change the proportion of contributions made by the Treasurer, local government councils and insurance companies towards the yearly estimate of expenditure from the New South Wales Bush Fire Fighting Fund; and
- (b) to reconstitute the Bush Fire Council, to clarify its role as an advisory body and to reduce its membership from 27 to 16 members; and
- (c) as a consequence of the changes affecting the Bush Fire Council, to reconstitute the Bush Fire Finance Committee and the Co-ordinating Committee; and
- (d) to make minor amendments relating to returns by insurance companies; and
- (e) to make other minor consequential amendments (including an amendment to the Public Sector Management Act 1988 to change the title of the position of Director-General of the Department of Bush Fire Services to the Commissioner of Bush Fire Services).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on assent, except those amendments relating to administration matters (such as reconstituting the Bush Fire Council) which will commence on a day to be proclaimed.

Clause 3 gives effect to the amendments to the Bush Fires Act 1949 set out in Schedule 1.

Clause 4 amends the Public Sector Management Act 1988 to change the title of the position of Director-General of the Department of Bush Fire Services to Commissioner of Bush Fire Services.

Schedule 1 contains the following amendments to the Bush Fires Act 1949:

Bush Fires (Amendment) 1993

Contributions towards estimate of expenditure from the Fund

Each year under the Bush Fires Act 1949, the Minister prepares and adopts an estimate of the probable expenditure from the New South Wales Bush Fire Fighting Fund ("the Fund"). The contributions required to be made towards that estimate are presently determined under section 32 of the Act as follows:

- the Treasurer contributes one-quarter
- local government councils contribute one-quarter
- insurance companies contribute one-half.

Schedule 1 (5) (a)–(c) amends section 32 of the Act to change the proportion of contributions towards the estimate of expenditure from the Fund determined each financial year. As a result of these amendments, the apportionment of contributions will be as follows:

- the Treasurer will contribute 14%
- local government councils will contribute 12.3%
- insurance companies will contribute 73.7%.

The new funding ratios are consistent with those used to determine the contributions under the Fire Brigades Act 1989 to fund fire brigade expenditure under that Act.

Returns by insurance companies

Under section 34 of the Act, insurance companies must (in September of each financial year) send a return to the Minister in the approved form showing the total amount of certain premiums received or due for the previous financial year. The returns are used to apportion an insurance company's contribution towards the estimated expenditure from the Fund by reference to premium income. **Schedule 1 (6) (a)** provides that the return is to be sent to the Commissioner of Bush Fire Services instead of to the Minister.

Schedule 1 (3) (b) substitutes the definition of "policy of insurance" in section 6 to exclude policies of reinsurance. This will mean that re-insurers will only be required to send insurance returns (but not reinsurance returns) to the Commissioner. **Schedule 1 (6) (b)** will ensure that an insurance company will not be able to deduct bonuses or return premiums paid by way of reinsurance from the "total amount of premiums" that it is required to show to the Commissioner in its return.

Reconstitution of Bush Fire Council, Finance Committee and Co-ordinating Committee

Schedule 1 (7) substitutes the provisions of the Act relating to the constitution and functions of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee.

Proposed section 39 provides that the new Bush Fire Council is to have 16 members (instead of 27), 4 of whom are ex-officio members (including the Commissioner who will be the Chairperson) and 12 of whom are appointed by the Minister on the recommendation of various bodies or persons. Proposed section 39A provides that the Council is to have an advisory and educative role.

Proposed sections 39B and 40 reconstitute the Finance Committee and the Co-ordinating Committee along similar lines to how they are presently constituted.

Bush Fires (Amendment) 1993

However, these bodies will be separate from the Bush Fire Council and their membership will not be determined by the membership of the Council.

Schedule 1 (3) (a) replaces existing definitions and inserts new definitions as a consequence of the amendments made by Schedule 1 (7).

Schedule 1 (12) inserts a new Schedule containing standard provisions relating to the membership and procedure of the 3 reconstituted bodies. These provisions are similar to the existing provisions under the Act.

Miscellaneous amendments

Schedule 1 (1) omits an obsolete arrangement provision (section 2).

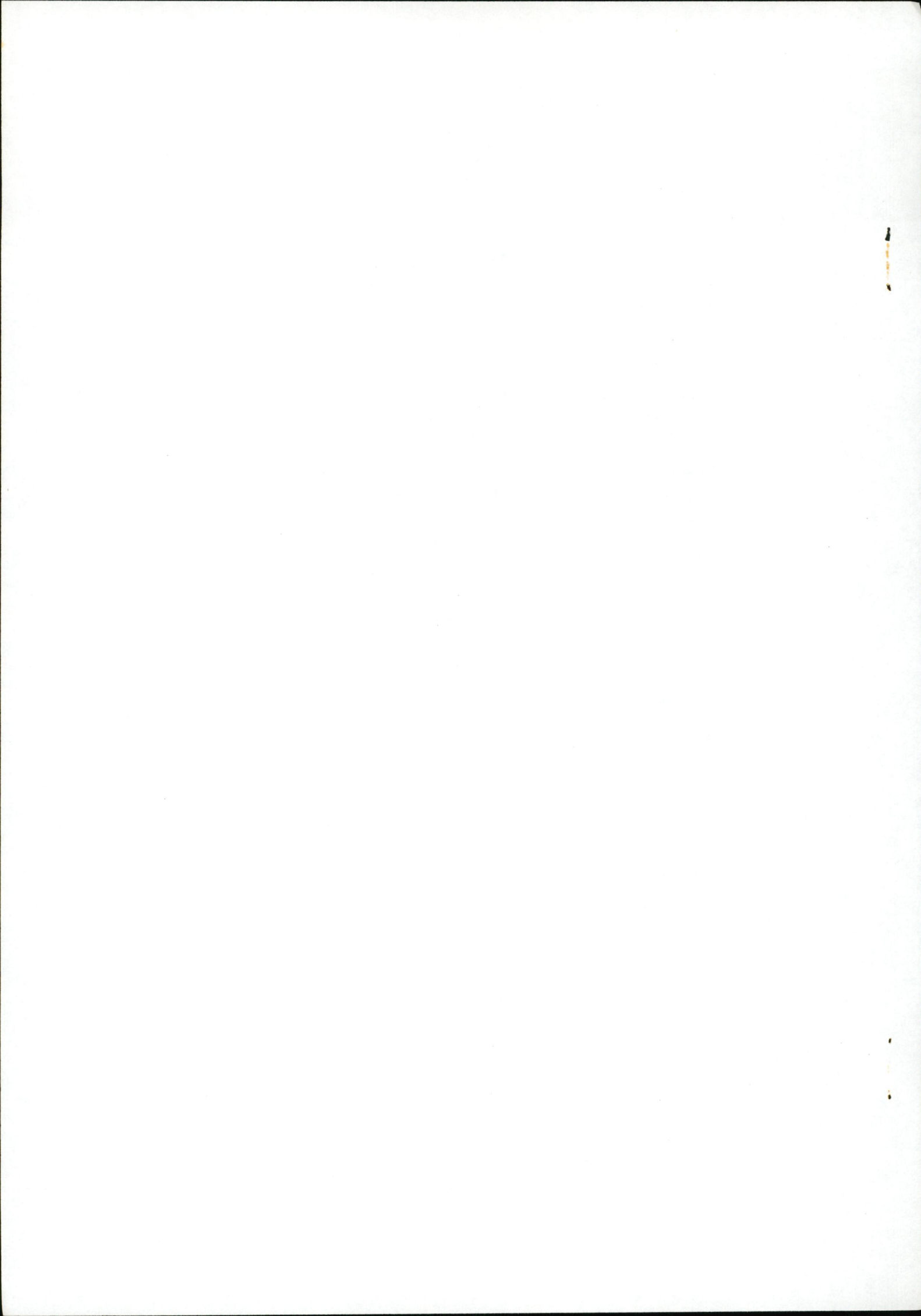
Schedule 1 (4) provides that, as a consequence of the Bush Fire Council having an advisory role, certain functions relating to proclaiming bush fire districts and exempting councils from making contributions to the Fund will be exercised by the Minister instead of the Council.

Schedule 1 (8) and (9) provide that the Commissioner will have certain functions relating to requesting information from councils and receiving reports from inspectors instead of the Minister and the Bush Fire Council.

Schedule 1 (10) extends section 48 (which protects certain persons acting in the execution of, or exercising functions under, the Act from being sued) to apply to the Commissioner and the staff of the Department of Bush Fire Services.

Transitional provisions

Schedule 1 (11) inserts a new Schedule containing savings and transitional provisions consequent on the enactment of the proposed Act. In particular, proposed clause 3 of the new Schedule provides for the adjustment of contributions for the financial year ending 30 June 1994 as a result of the changes to the funding ratios effected by Schedule 1 (5) (a)–(c). Proposed clause 4 provides that the members of the existing Bush Fire Council, Finance Committee and Co-ordinating Committee cease to hold office on the commencement of the amendments which reconstitute those bodies.



FIRST PRINT

BUSH FIRES (AMENDMENT) BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Bush Fires Act 1949 No. 31
4. Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

SCHEDULE 1—AMENDMENTS

BUSH FIRES (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Bush Fires Act 1949 with respect to the contributions to the New South Wales Bush Fire Fighting Fund, to reconstitute certain bodies under that Act, and for other purposes; and to amend the Public Sector Management Act 1988.

See also Fire Brigades (Amendment) Bill 1993.

*Bush Fires (Amendment) 1993***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Bush Fires (Amendment) Act 1993.

Commencement

- 5 2. (1) This Act commences on the date of assent, except as provided by subsection (2).
 (2) Section 4, and Schedule 1 (1), (3) (a), (4), (5) (d), (6) (a), (7)–(10) and (12) and section 3 in its application to those items, commence on a day to be appointed by proclamation.

10 **Amendment of Bush Fires Act 1949 No. 31**

3. The Bush Fires Act 1949 is amended as set out in Schedule 1.

Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

- 15 4. Schedule 1 to the Public Sector Management Act 1988 is amended by omitting from the matter relating to the Department of Bush Fire Services the words “Director-General of the Department” and by inserting instead the words “Commissioner of Bush Fire Services”.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- 20 (1) Section 2 (**Division into Parts**):
 Omit the section.
- (2) Section 5 (**Savings and transitional provisions**):
 After section 5 (4), insert:
 (5) Schedule 1A has effect.
- 25 (3) Section 6 (**Definitions**):
 (a) Omit the definitions of “Co-ordinating Committee” and “Finance Committee”, insert in alphabetical order:
 “**Commissioner**” means the Commissioner of Bush Fire Services.

Bush Fires (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- “**Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted by this Act.
- “**Department**” means the Department of Bush Fire Services. 5
- “**Exercise**” of a function includes, where the function is a duty, the performance of the duty.
- “**Finance Committee**” means the Bush Fire Finance Committee constituted by this Act.
- “**Function**” includes a power, authority or duty. 10
- (b) Omit the definition of “Policy of insurance”, insert instead:
- “**Policy of insurance**” includes:
- (a) any certificate or declaration as to the existence of, and any agreement for, any insurance; or
- (b) any instrument in writing by which any contract of insurance is made or agreed to be made or is evidenced, 15
- but does not include a policy of reinsurance.
- (4) Section 25 (**Proclamations of bush fire districts**):
- Omit “Bush Fire Council”, insert instead “Minister”. 20
- (5) Section 32 (**Contributions by Treasurer, councils and insurance companies**):
- (a) From section 32 (1) (a), omit “one-quarter”, insert instead “14%”.
- (b) From section 32 (1) (b), omit “one-quarter”, insert instead “12.3%”. 25
- (c) From section 32 (1) (c), omit “one-half”, insert instead “73.7%”.
- (d) From section 32 (5), omit “Bush Fire Council”, insert instead “Minister”. 30
- (6) Section 34 (**Determination of contributions of insurance companies**):
- (a) From section 34 (2) and (3), omit “Minister” wherever occurring, insert instead “Commissioner”.

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

- (b) From section 34 (6), omit the words “but does not include:” and omit paragraphs (i) and (ii), insert instead:

5 but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.

- (7) Sections 39–40:

Omit the sections, insert instead:

Constitution of Bush Fire Council

10 39. (1) There is constituted by this Act the Bush Fire Council of New South Wales.

(2) The Bush Fire Council is to consist of 16 members, being:

- (a) 4 ex-officio members, as follows:

- 15
- the Commissioner, who is to be the Chairperson of the Bush Fire Council;
 - the Managing Director of State Forests in the Forestry Commission;
 - the Director-General of the National Parks and Wildlife Service;
 - 20 • the Director-General of New South Wales Fire Brigades; and

- (b) 12 persons appointed by the Minister, as follows:

- 25
- 4 persons recommended by members of bush fire brigades in different regions of the State;
 - a person recommended by the Institute of Municipal Management;
 - a person recommended by the Shires Association;
 - a person recommended by the Insurance Council of Australia;
 - 30 • a person recommended by the New South Wales Farmers' Association;
 - a person recommended by fire control officers;
 - a person recommended by the Commissioner of Police;
 - 35 • a person recommended by the Minister for the Environment;

Bush Fires (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- a person recommended by the Director-General of the Department of Conservation and Land Management.

(3) An ex-officio member (other than the Chairperson) may nominate a person who may attend and vote at any meeting of the Bush Fire Council as the nominee of the member. 5

(4) Schedule 4 has effect with respect to the appointed members and procedure of the Bush Fire Council. 10

Functions of Bush Fire Council

39A. (1) The Bush Fire Council has the following functions:

(a) to advise and to report to the Minister and the Commissioner on any matter relating to the administration and management of bush fire services under this Act; 15

(b) to advise the Commissioner on public education programs relating to bush fire matters and on the training of bush fire fighters; 20

(c) such other functions as may be conferred or imposed on it by or under this or any other Act.

(2) Any advice or report given by the Bush Fire Council to the Minister or the Commissioner may be given either at the request of the Minister or Commissioner or without any such request. 25

Finance Committee

39B. (1) There is constituted by this Act the Bush Fire Finance Committee.

(2) The Finance Committee is to consist of 4 members, being: 30

(a) the Commissioner, who is to be the Chairperson of the Finance Committee; and

(b) a person appointed by the Minister on the recommendation of the Treasurer; and 35

Bush Fires (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (c) a person appointed by the Minister on the recommendation of the Insurance Council of Australia; and
- 5 (d) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.
- (3) The Finance Committee has the functions conferred or imposed on it under this Act.
- 10 (4) Schedule 4 has effect with respect to the members and procedure of the Finance Committee.

Co-ordinating Committee

- 15 40. (1) There is constituted by this Act a body corporate with the corporate name of the Bush Fire Co-ordinating Committee.
- (2) The Co-ordinating Committee is a statutory body representing the Crown.
- (3) The Co-ordinating Committee is to consist of 5 members, being:
- 20 (a) the Commissioner, who is to be the Chairperson of the Co-ordinating Committee; and
- (b) a person appointed by the Minister on the recommendation of the Minister administering the Forestry Act 1916; and
- 25 (c) a person appointed by the Minister on the recommendation of the Minister administering the National Parks and Wildlife Act 1974; and
- (d) a person appointed by the Minister on the recommendation of the Director-General of New South Wales Fire Brigades; and
- 30 (e) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.
- (4) Schedule 4 has effect with respect to the members and procedure of the Co-ordinating Committee.
- 35

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

- (8) Sections 41 (**Councils and other bodies to furnish information to Commissioner**), 50 (**Destruction of notices**):
Omit “Bush Fire Council” wherever occurring, insert instead “Commissioner”. 5
- (9) Section 46 (**Inspectors**):
- (a) From section 46 (2) (a), omit “Minister”, insert instead “Commissioner”.
- (b) From section 46 (2) (c) and (d), omit “Bush Fire Council” wherever occurring, insert instead “Commissioner”. 10
- (10) Section 48 (**Proceedings not to lie against persons acting in good faith**):
After “the Minister,”, insert “the Commissioner, a member of the staff of the Department,”. 15
- (11) Schedule 1A: 15
After Schedule 1, insert:

SCHEDULE 1A—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 5 (5))

Part 1—General

20

Savings and transitional regulations

1. (1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of the Bush Fires (Amendment) Act 1993.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date. 25

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; 30
or

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

5 **Part 2—Provisions consequent on enactment of Bush Fires (Amendment) Act 1993**

Definitions

2. In this Part:

10 “**amending Act**” means the Bush Fires (Amendment) Act 1993;

 “**former Co-ordinating Committee**” means the Co-ordinating Committee of the Bush Fire Council as constituted immediately before the commencement of Schedule 1 (7) to the amending Act;

15 “**reconstituted Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted in accordance with this Act.

Adjustment of contributions to the Fund for the financial year ending 30 June 1994

20 3. (1) As soon as practicable after the commencement of Schedule 1 (5) (a)–(c) to the amending Act, the Minister:

 (a) is, as a result of the amendments to section 32 made by those items, to make the necessary adjustments (if any) to the contributions required to be paid to the Fund under Part 6 for the financial year ending 30 June 1994 (“**the current financial year**”); and

25 (b) is to notify contributors of the adjusted contributions for the current financial year.

30 (2) The adjusted contributions so notified become the contributions payable under Part 6 for the remainder of the current financial year.

35 (3) The amendments to section 32 made by Schedule 1 (5) (a)–(c) to the amending Act do not affect the assessment of contributions before the commencement of those amendments.

 (4) This clause has effect despite section 32 (2).

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued***Continuity of Co-ordinating Committee and provisions relating to former members of certain bodies**

4. (1) The reconstituted Co-ordinating Committee is a continuation of, and the same legal entity as, the former Co-ordinating Committee. 5

(2) A person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as a member (other than as Chairman) of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council ceases to hold office as such a member on that commencement. 10

(3) The person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as Chairman of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is taken, on that commencement, to be the Chairperson of the reconstituted Co-ordinating Committee, the Bush Fire Council or the Bush Fire Finance Committee, respectively. 15
20

(4) A person who ceases to hold office as a member of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is not entitled to any remuneration or compensation because of the loss of that office. 25

(5) A delegation made under section 41H by the former Co-ordinating Committee of any of the former Co-ordinating Committee's functions and in force immediately before the commencement of Schedule 1 (7) to the amending Act is taken to be a delegation made under that section by the reconstituted Co-ordinating Committee. 30

Construction of certain references

5. On and from the commencement of section 4 of the amending Act, a reference in any other Act, or in any instrument made under an Act, or in any other document of any kind, to the Director-General of the Department of Bush Fire Services is to be read as a reference to the Commissioner of Bush Fire Services. 35

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

(12) Schedule 4:

After Schedule 3, insert:

5 **SCHEDULE 4—PROVISIONS RELATING TO THE
MEMBERS AND PROCEDURE OF THE BUSH
FIRE COUNCIL, THE FINANCE COMMITTEE
AND THE CO-ORDINATING COMMITTEE**

(Secs. 39 (4), 39B (4), 40 (4))

Definitions

10

1. In this Schedule:

“**appointed member**” means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee who is appointed by the Minister;

15

“**Chairperson**” means the Chairperson of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee;

“**member**” means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.

Deputies of members etc.

20

2. (1) A member (other than an appointed member) may, from time to time, appoint a person to be the member's deputy, and may revoke any such appointment.

25

(2) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

(3) The deputy of a member appointed on the recommendation of a particular body, group or person is to be appointed on the recommendation of that body, group or person.

30

(4) In the absence of a member, the member's deputy may, if available, act in the place of the member and, while so acting, has all the functions of the member and is taken to be a member.

35

(5) This clause does not operate to confer on a deputy of a member who is the Chairperson the member's functions as Chairperson.

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

(6) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

(7) If a body, group or person fails to recommend a person for appointment under section 39 (2) (b), 39B (2) (b)–(d) or 40 (3) (b)–(e) within a reasonable time after being requested to do so by the Minister, the Minister may appoint a person of the Minister's own choice.

5

Terms of office of appointed members

10

3. Subject to this Schedule, an appointed member holds office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Remuneration of appointed members

15

4. An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

Vacancy in office of appointed member

20

5. (1) The office of an appointed member becomes vacant if the member:

- (a) dies; or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the Public Sector Management Act 1988; or
- (e) is absent from 3 consecutive meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee (as the case may be) of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Chairperson; or

25

30

35

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

5 (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or

(g) becomes a mentally incapacitated person; or

10 (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be so punishable.

(2) The Minister may remove an appointed member from office at any time.

15 **Filling of vacancy in office of appointed member**

6. If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Effect of certain other Acts

20 7. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If by or under any Act provision is made:

25 (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; and

(b) prohibiting the person from engaging in employment outside the duties of that office,

30 the provision does not operate to disqualify the person from holding that office and also the office of a member.

(3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

Meetings of the Bush Fire Council

35 8. The Bush Fire Council is to meet at least 4 times in any one year, but may meet on such other occasions as may be determined by the Chairperson.

*Bush Fires (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued***General procedure**

9. The procedure for the calling of meetings of the Bush Fire Council, the Finance Council and the Co-ordinating Committee, and for the conduct of business at those meetings, is to be determined by the Chairperson. 5

Quorum

10. (1) The quorum for a meeting of the Bush Fire Council is 9 members.

(2) The quorum for a meeting of the Finance Committee or the Co-ordinating Committee is 3 members. 10

Presiding member

11. (1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present, is to preside at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee. 15

(2) The person presiding at any meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee has a second or casting vote. 20

Voting

12. A decision supported by a majority of the votes cast at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee at which a quorum is present is the decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee. 25

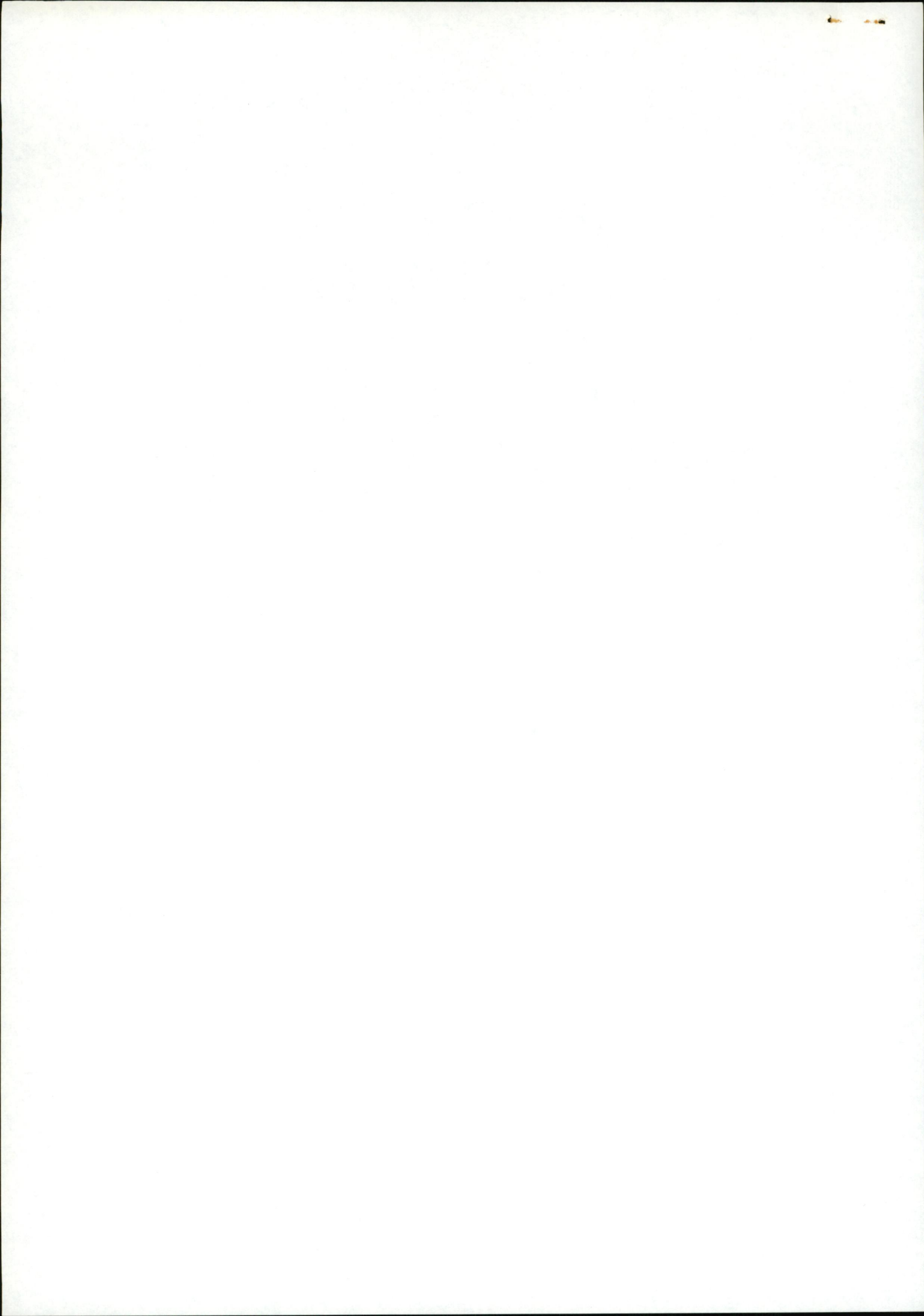
DRAFT SECOND READING SPEECH

BUSH FIRES
(AMENDMENT) BILL 1993

FIRE BRIGADES
(AMENDMENT) BILL 1993

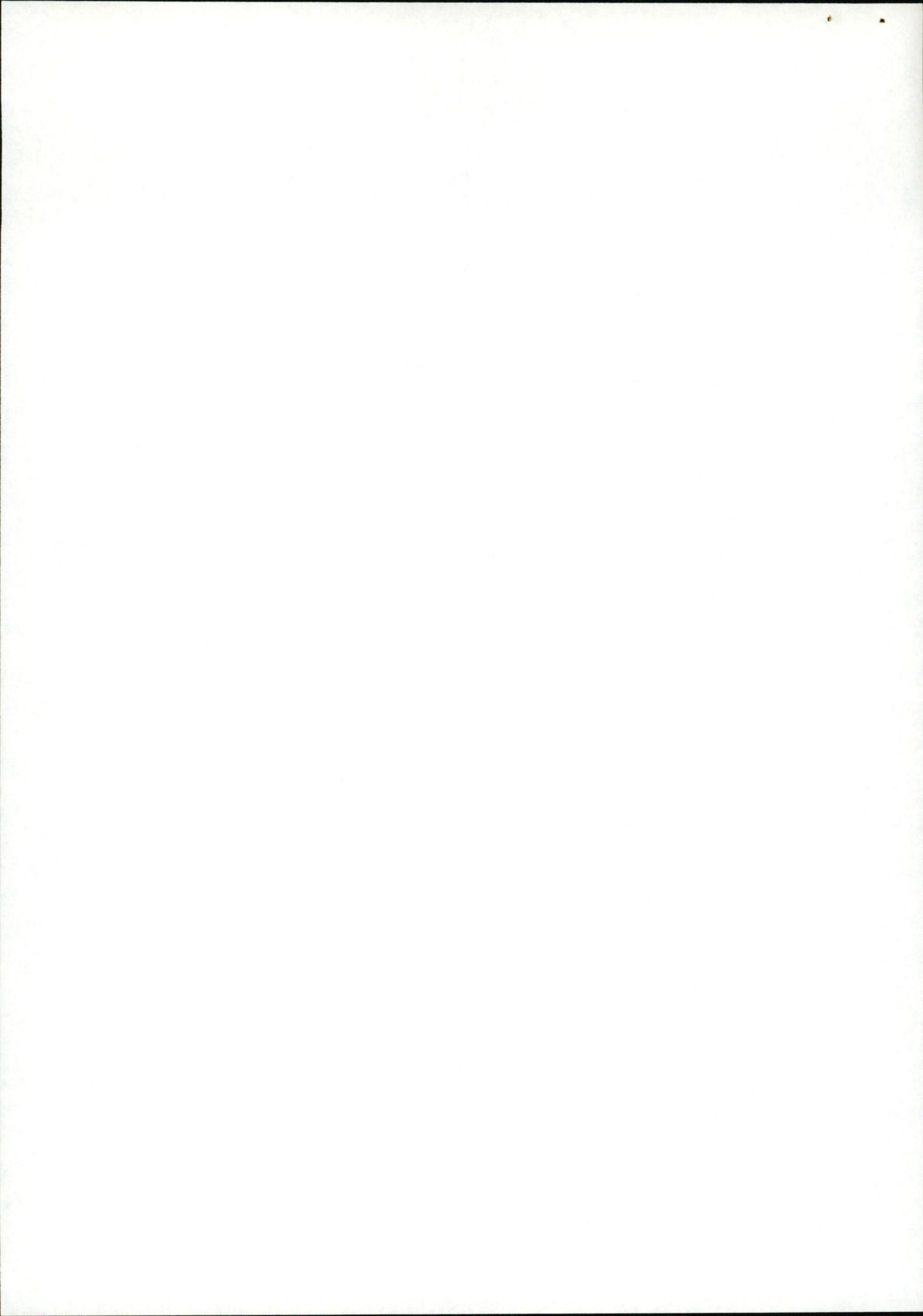
I move that these Bills now be read a second time.

Mr President, the main purpose of the Bush Fires (Amendment) Bill is two fold:



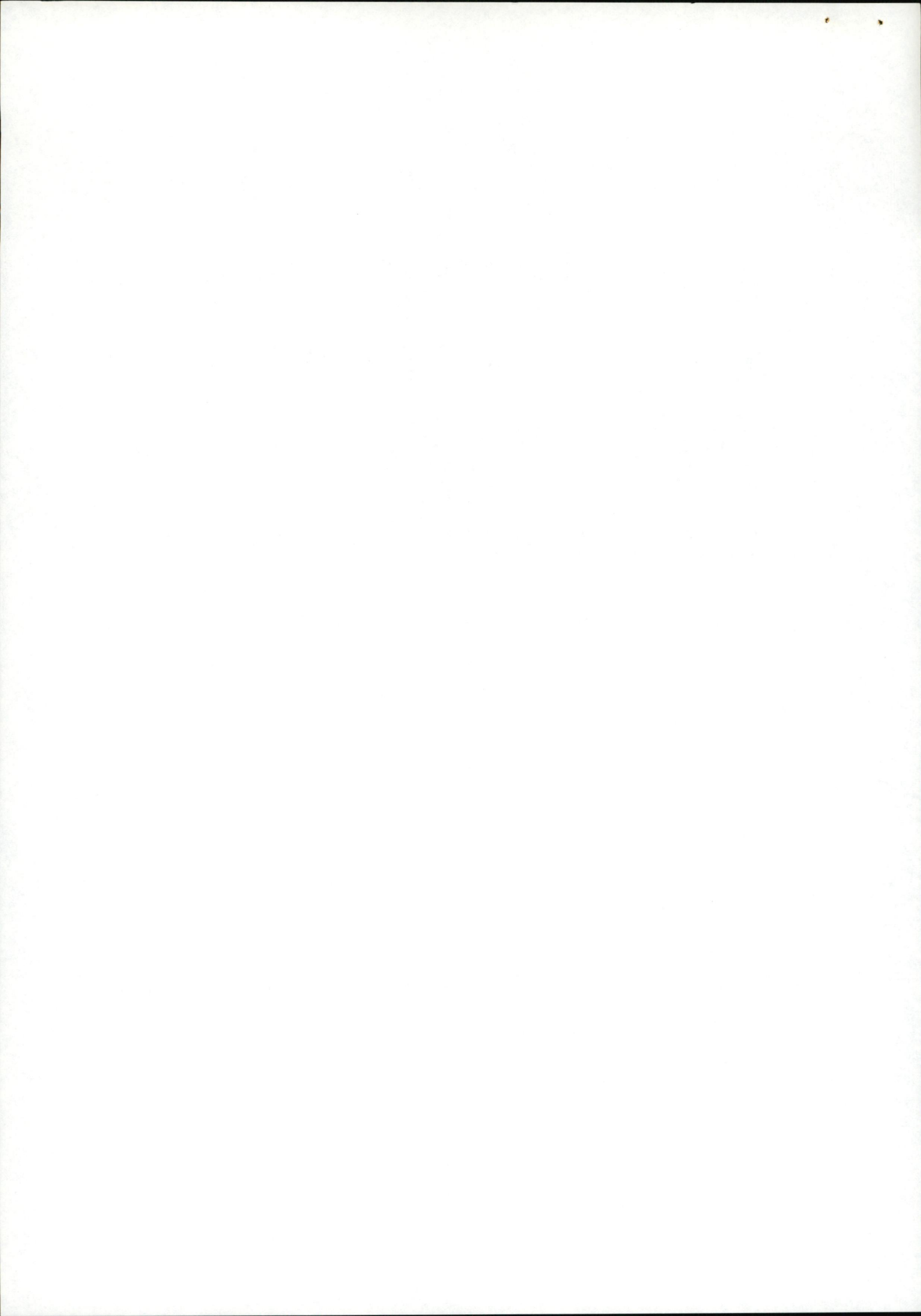
- to change the proportions of contributions towards the yearly estimate of expenditure from the New South Wales Bush Fire Fighting Fund, and

- to reconstitute the Bush Fire Council, to clarify its role as an advisory body and to reduce its membership from 27 to 16 members



Mr President, as the Minister for Police and Emergency Services is responsible for the Bush Fires Act he is required each year to prepare and adopt an estimate of the probable expenditure from the Bush Fire Fighting Fund.

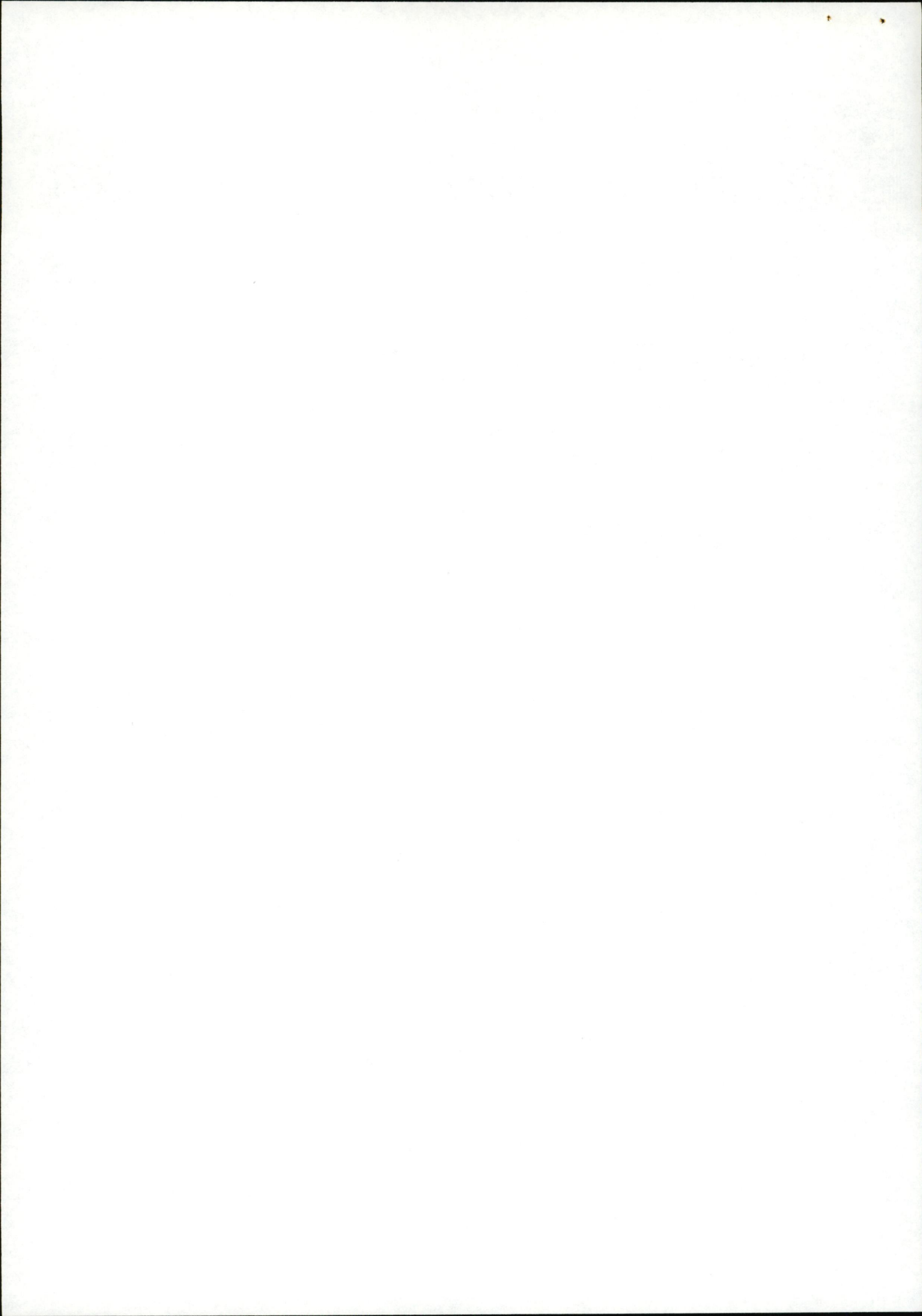
For the information of Honourable members, the "Fund" is in effect a Special Deposit Account held in the Treasury,



the monies from which are used to finance the activities of the Department of Bush Fire Services and to equip the volunteer bush fire brigades.

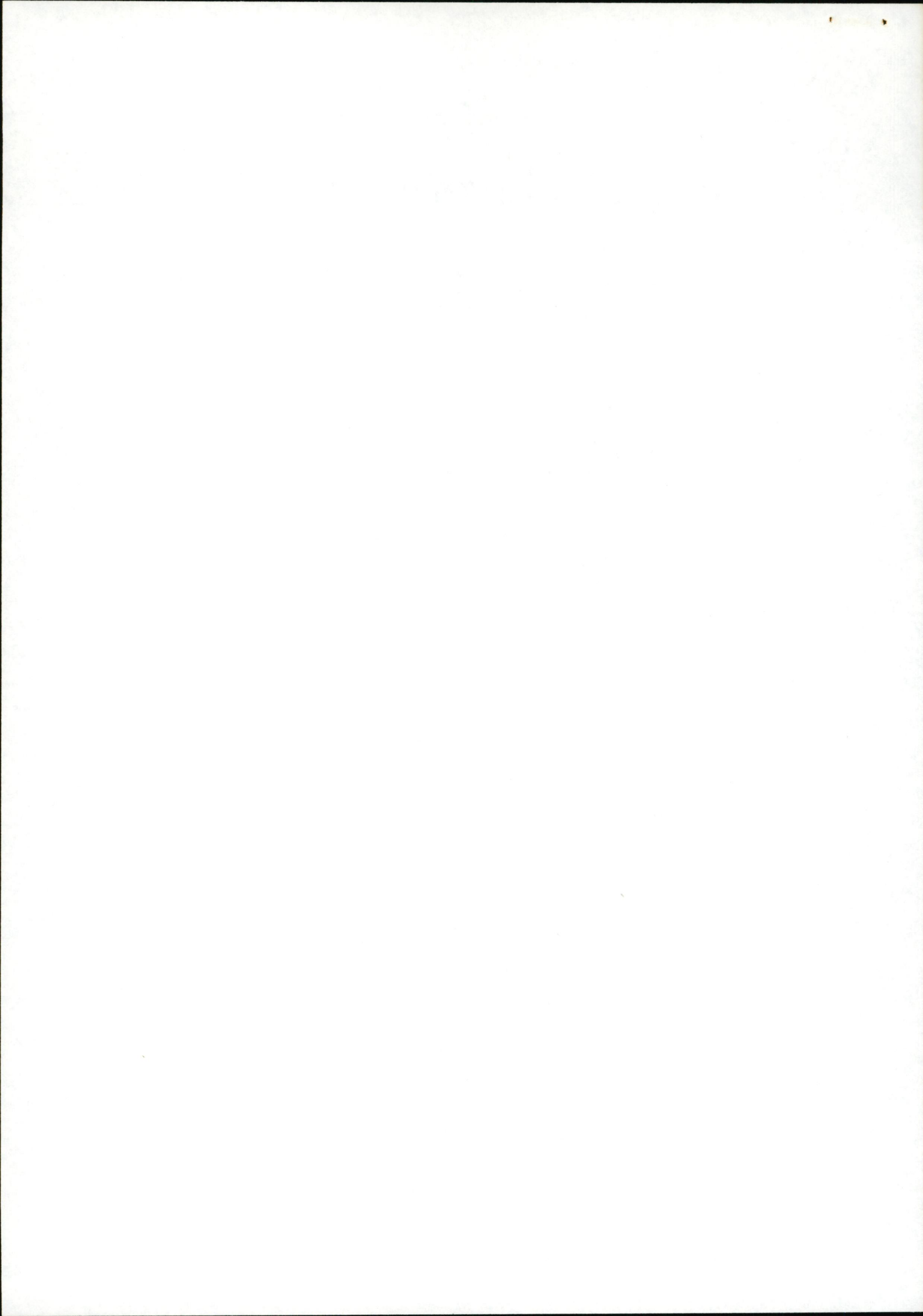
The contributions required to be made to the Fund are currently as follows:

- the Treasurer contributes 25 percent



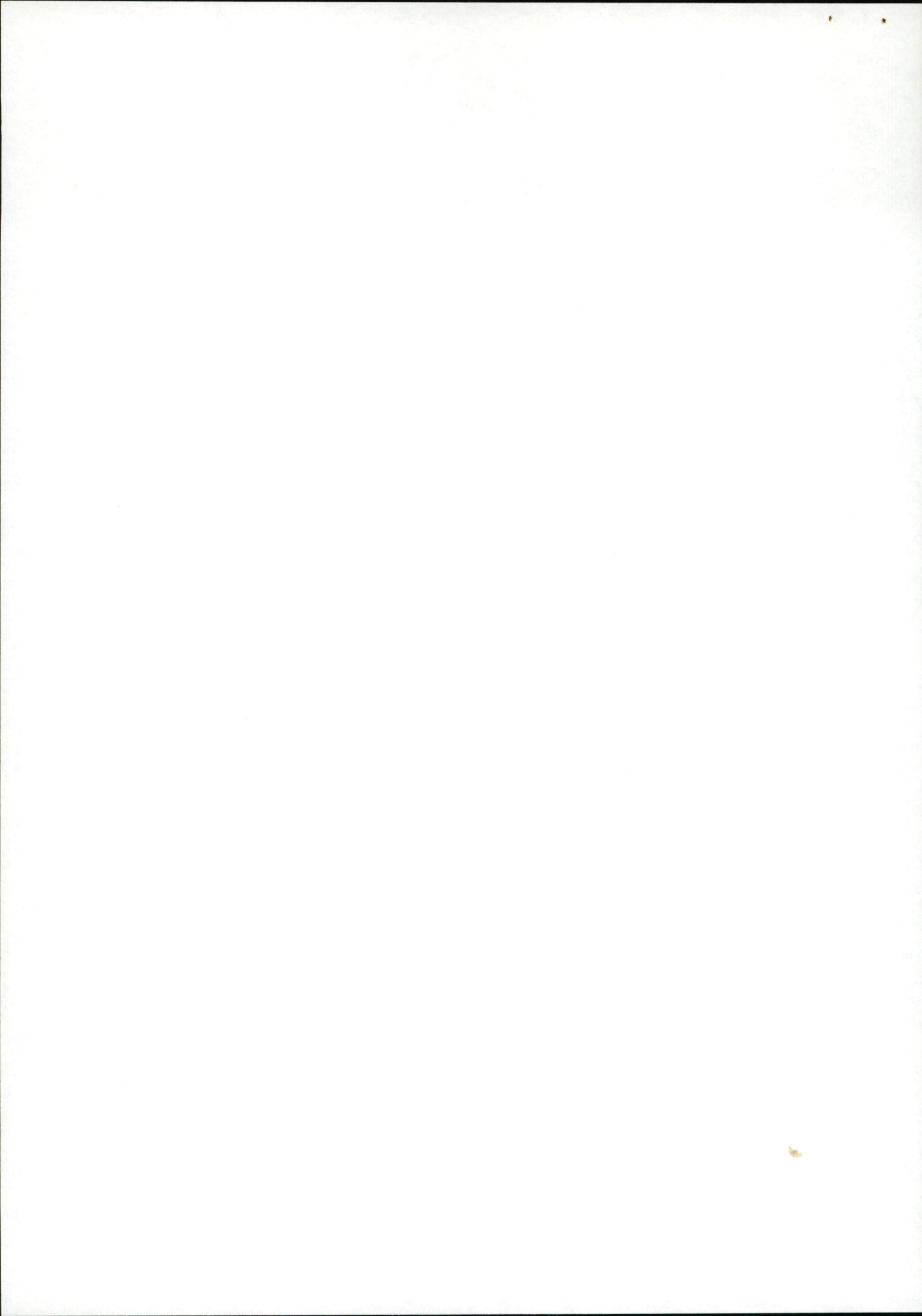
- Local Government Councils contribute 25 percent, and
- Insurance Companies contribute 50 percent

The principal proposal in the Bush Fires (Amendment) Bill is to change the proportion of contributions toward the estimate of expenditure from the Fund.



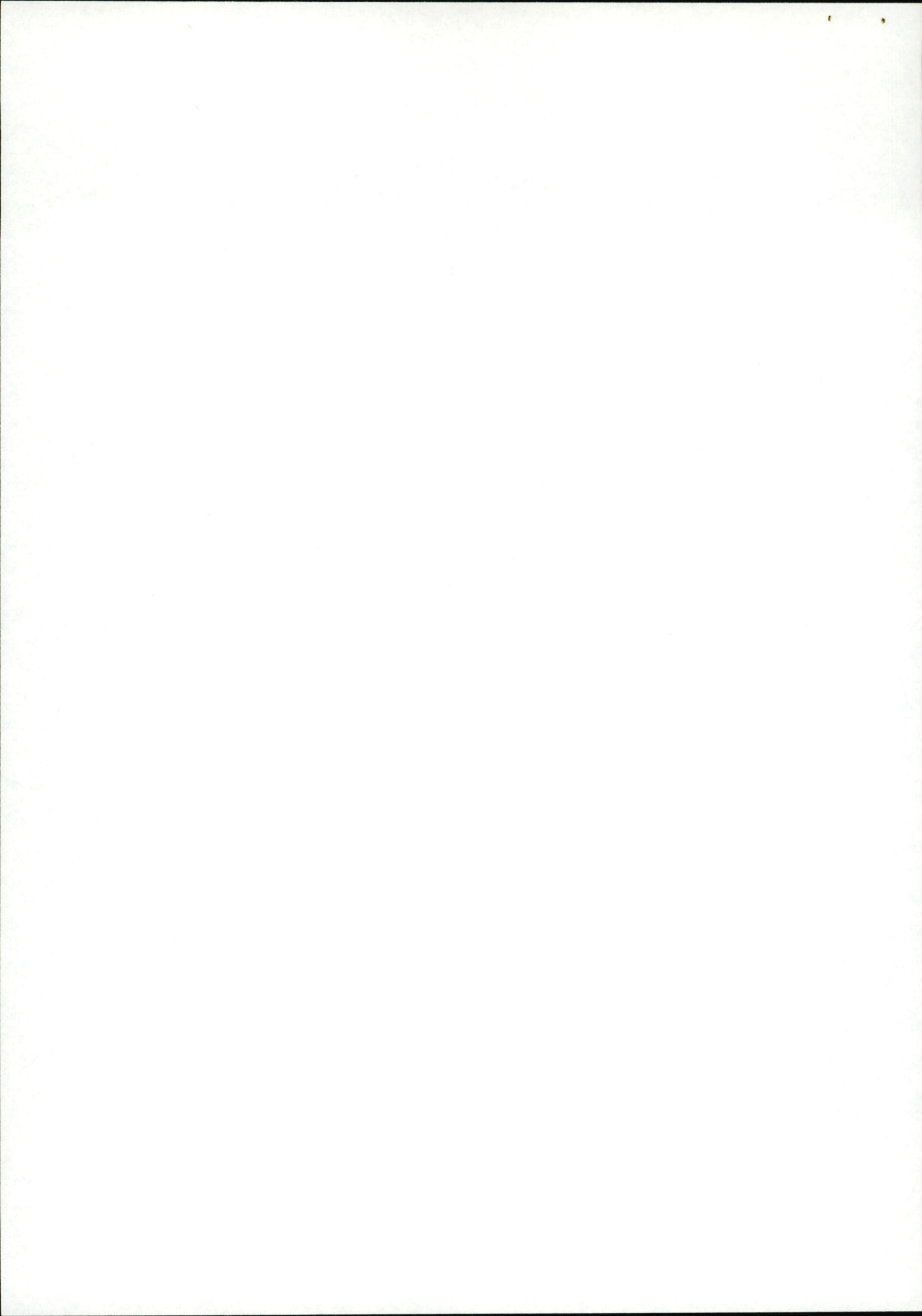
As a result of the proposed Act, the apportionment of contributions will be as follows:

- the Treasurer will contribute 14 percent
- Local Government will contribute 12.3 percent
- Insurance Companies will contribute 73.7 percent



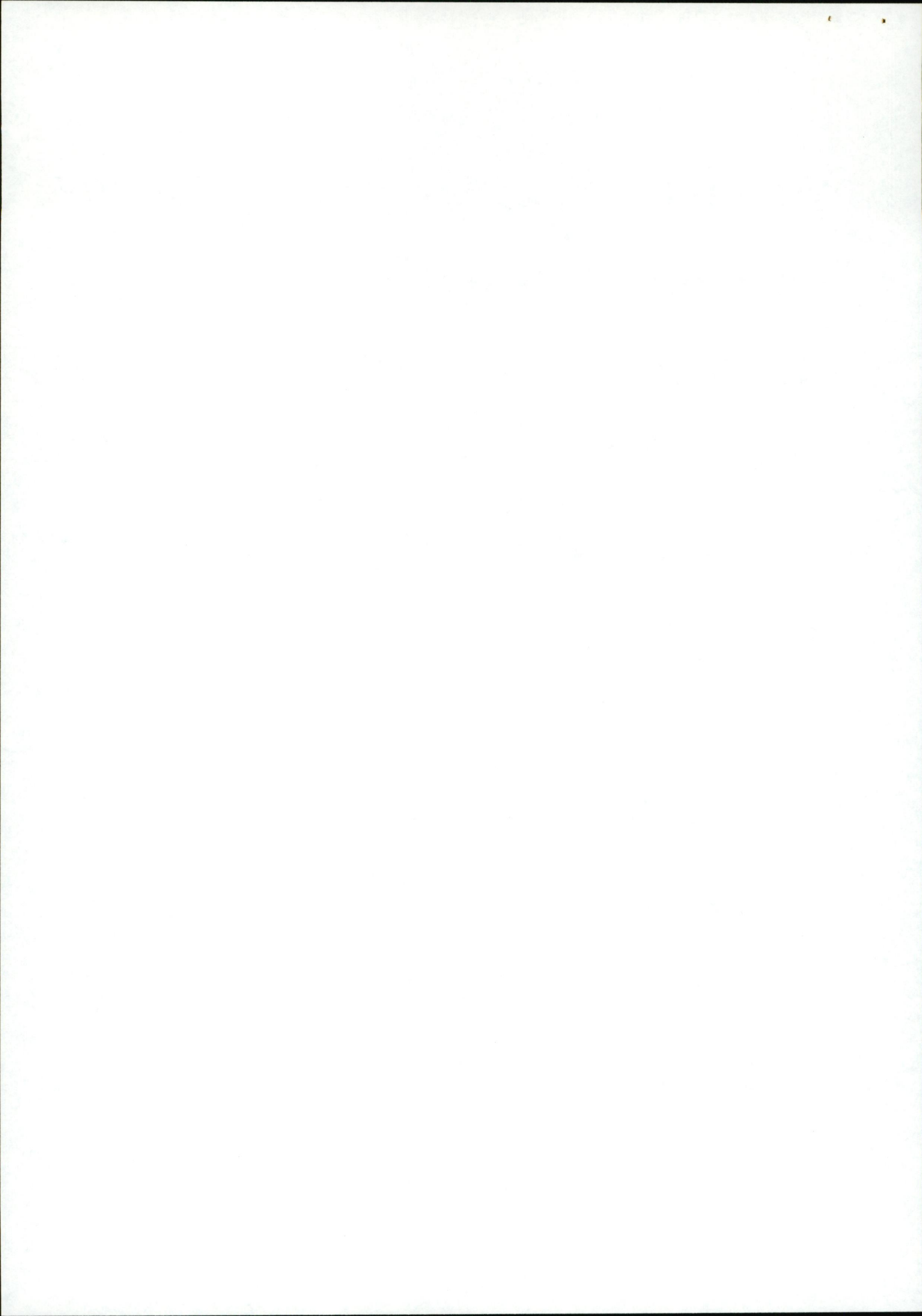
The Bill amends Section 32 of the Act in this respect.

The reason for change in the funding ratio is primarily to generate an increase in the equipment funding allocation for the volunteer bush fire brigades in NSW.



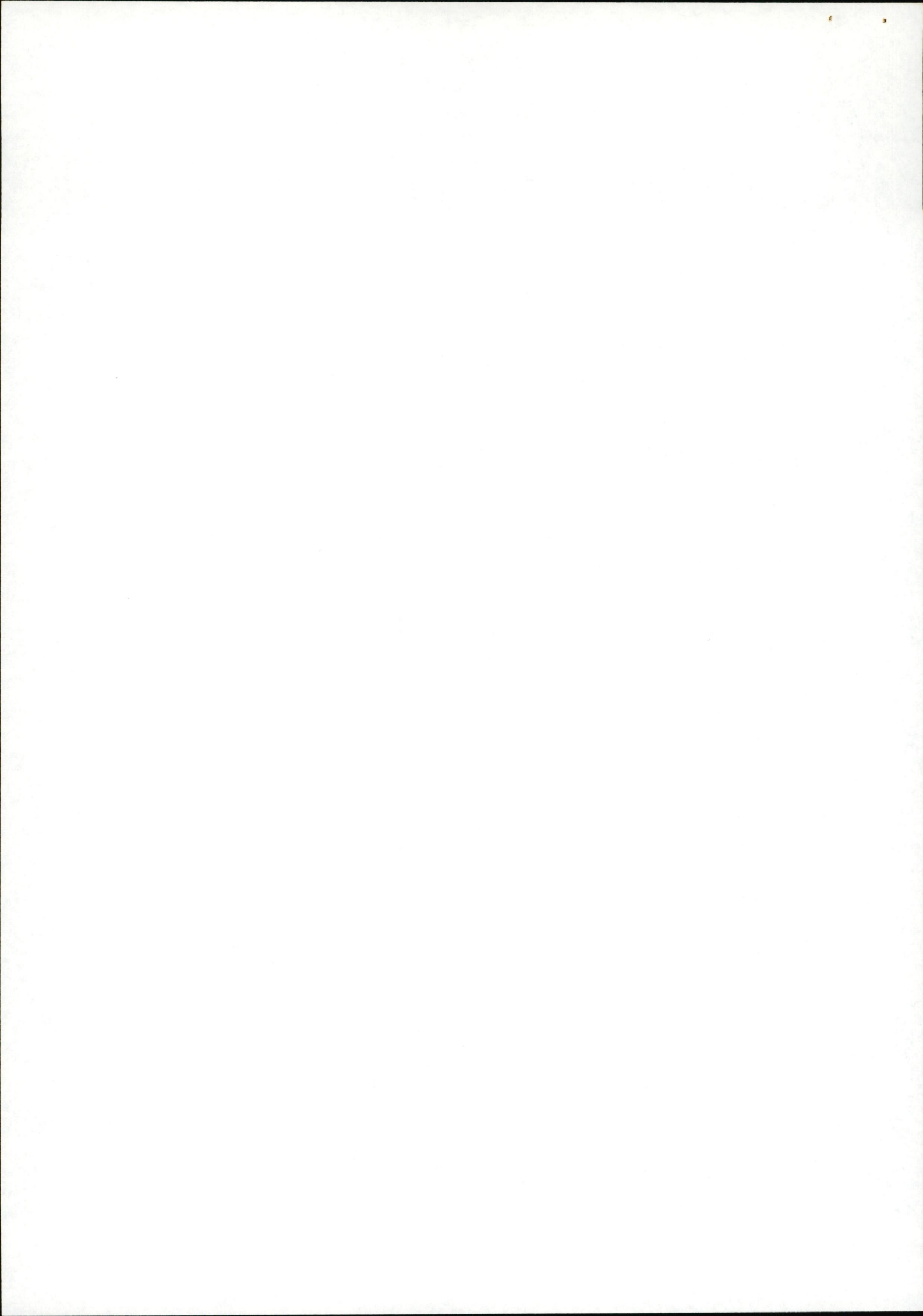
Mr President, the level of funding available to administer and equip the States 2,500 volunteer Bush Fire Brigades and 70,000 volunteer bush fire fighters is inadequate.

In 1990 the Government asked the Department of Bush Fire Services to prepare a special report on the state and

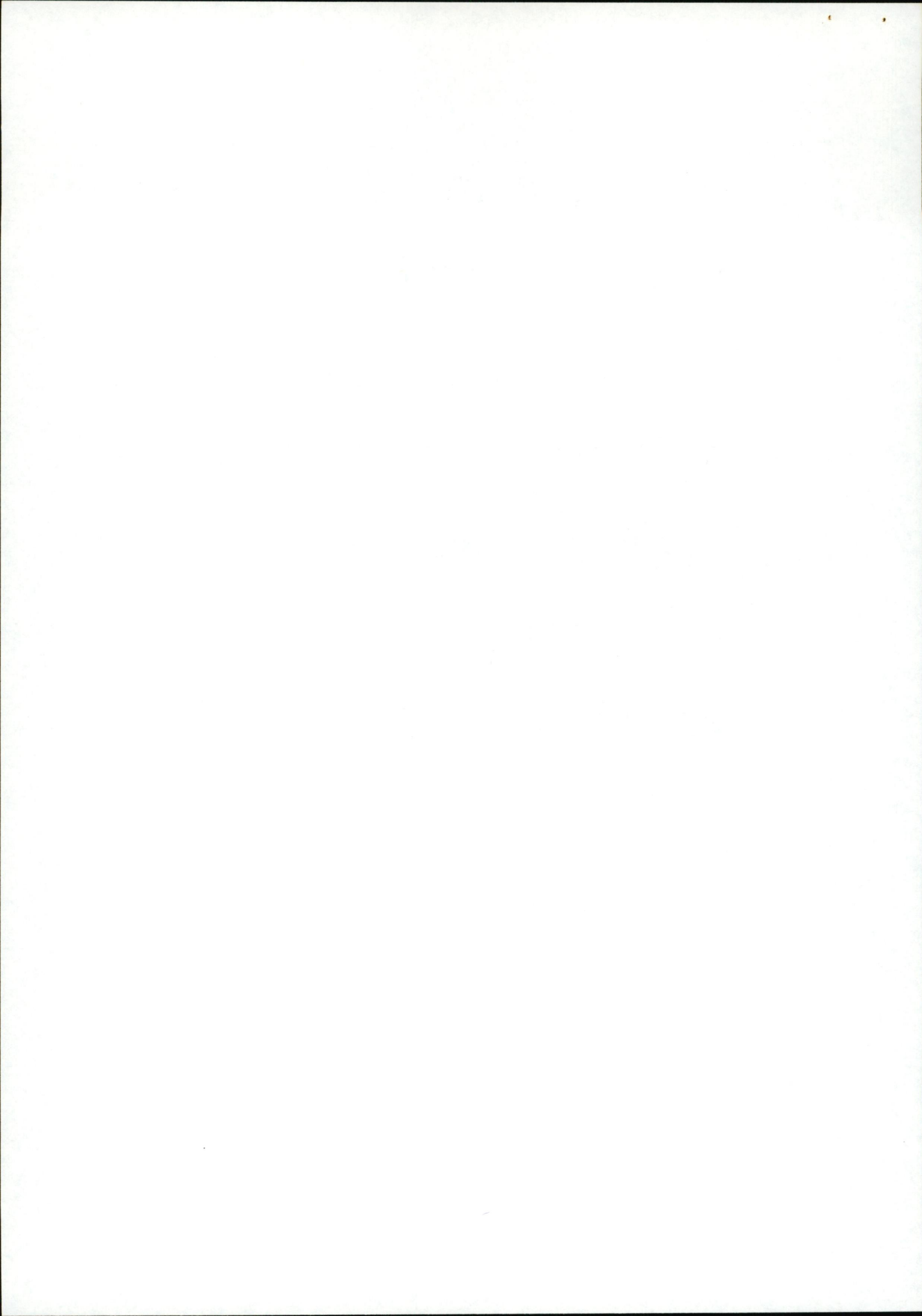


condition of the Bush Fire Fighting Tanker fleet. This report entitled "State Fire Fighting Vehicle Profile" was completed in December 1991 and showed, among other things, that of the 2868 major fire fighting vehicles in the Bush Fire Brigade Tanker Fleet:

- just under 50 percent are in good operational condition

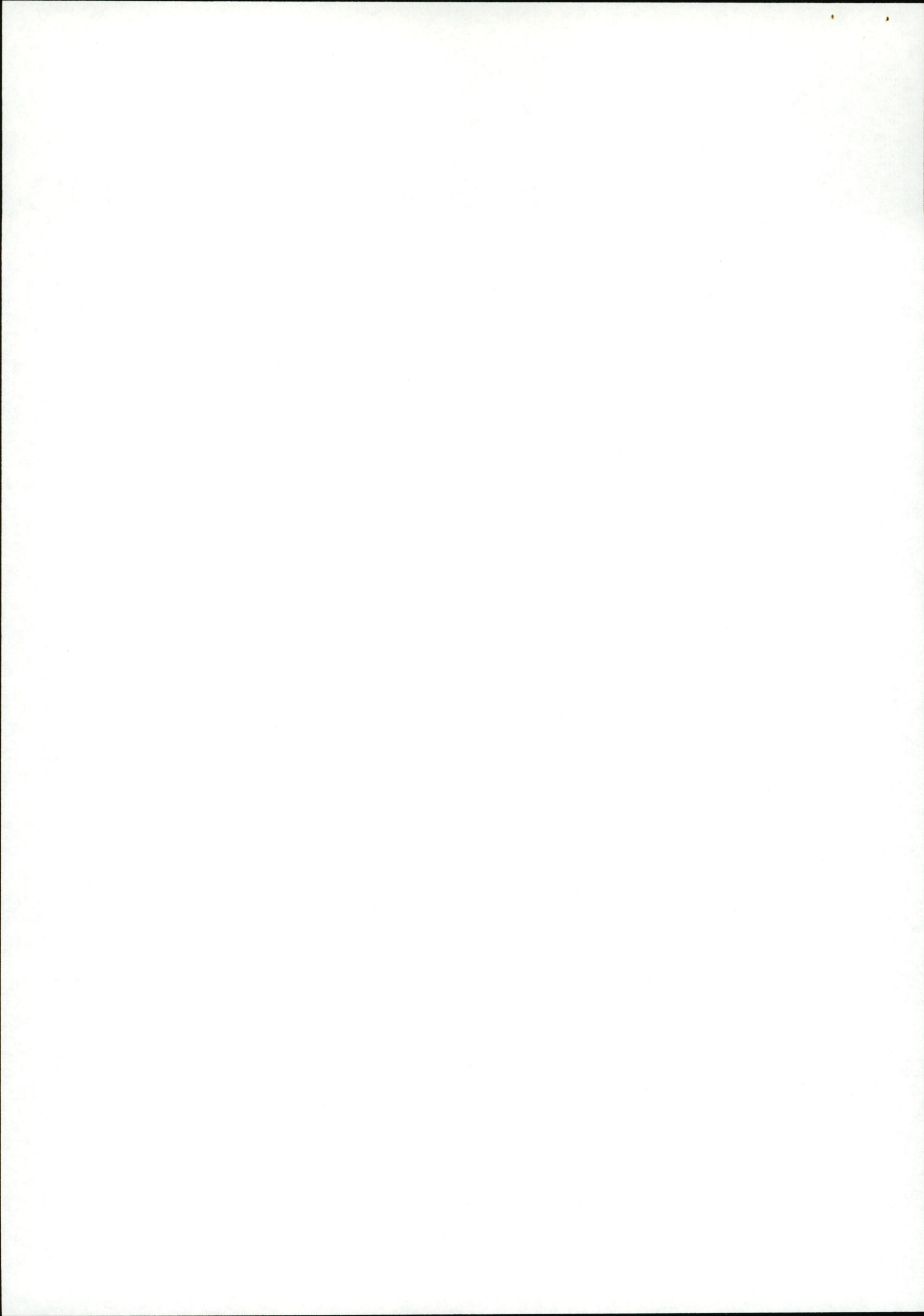


- 42 percent are over 20 years old, and
- at least 15 percent (or 430 vehicles) are in very poor condition or beyond economic repair



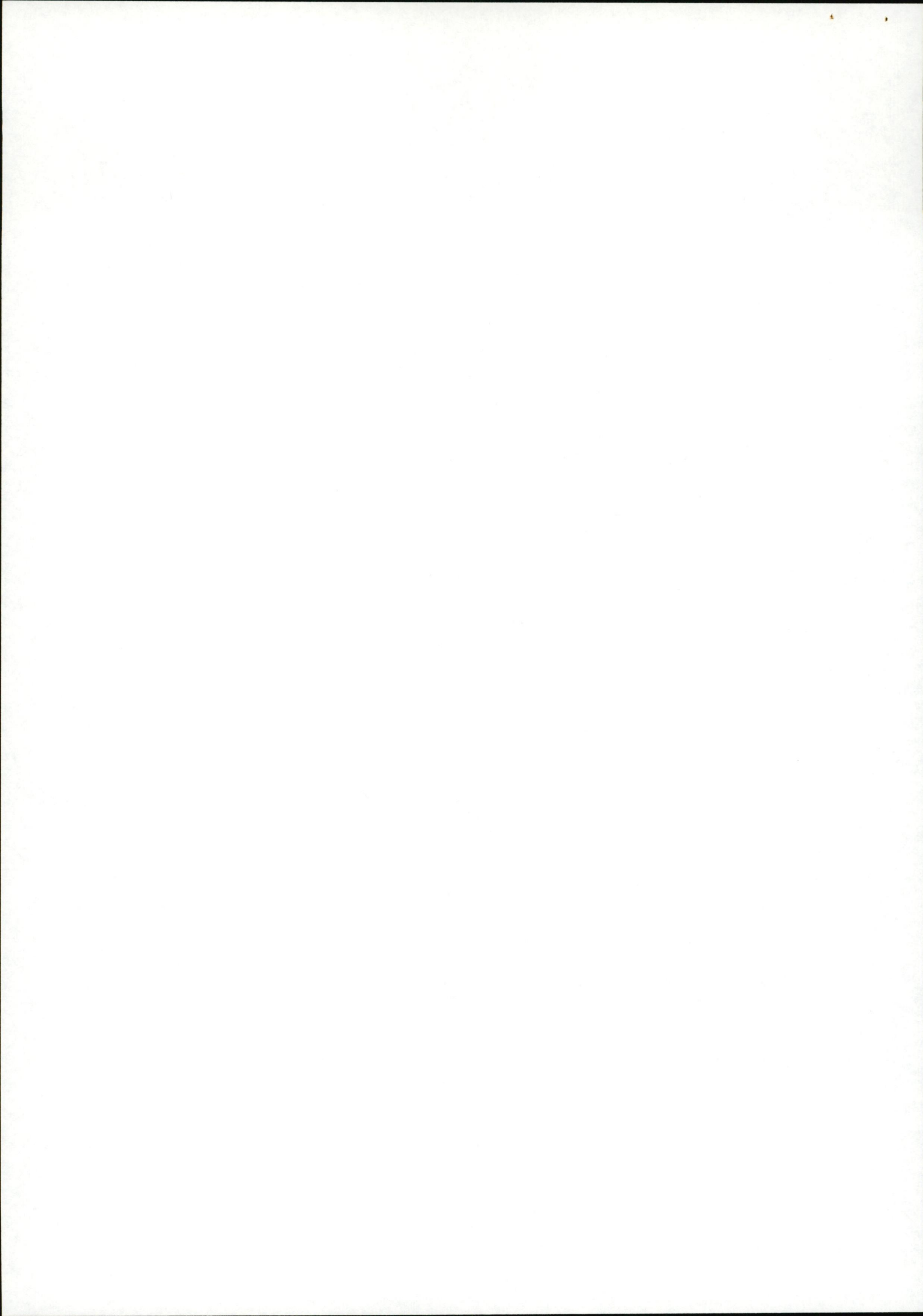
Mr President, the NSW Bush Fire Brigades provides protection to almost nine tenths of New South Wales including some 1,200 small towns and villages.

The reliability of Bush Fire Brigade vehicles and equipment used in front line bush fire fighting is of paramount importance to the volunteer bush fire fighters, particularly in the



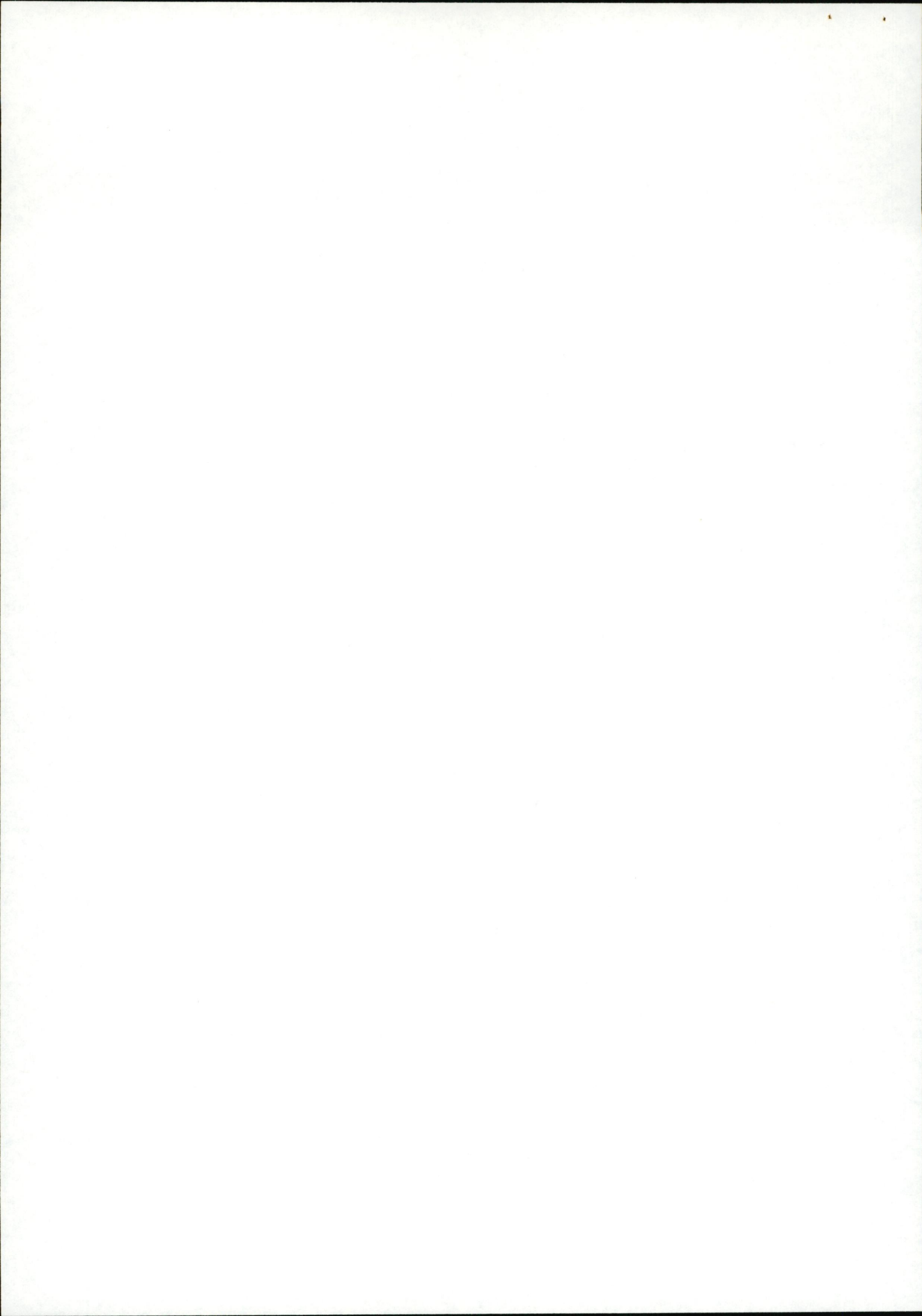
light of the occupational health and safety legislation and the need to provide a safe working environment.

Unless there is an increase in the level of funding, Mr President, the condition of the Bush Fire Tanker fleet will decline further than it already has.



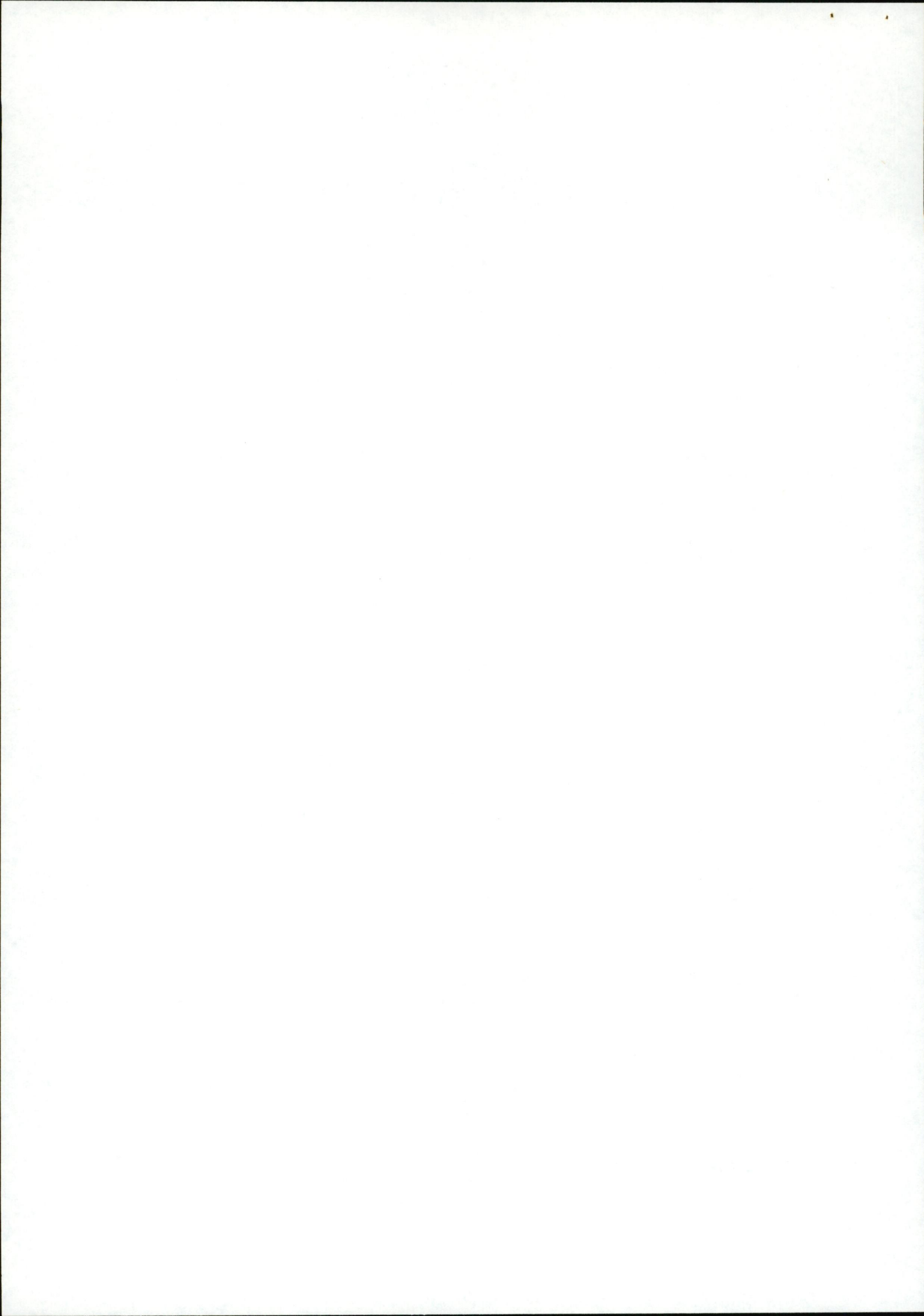
The Government will not allow this to happen.

Mr President, the Minister for Police and Emergency Services recently met with representatives of the Insurance Council of Australia and advised them of the Government's proposals to change the funding ratios to increase the level of funding to the Bush Fire Fighting Fund.



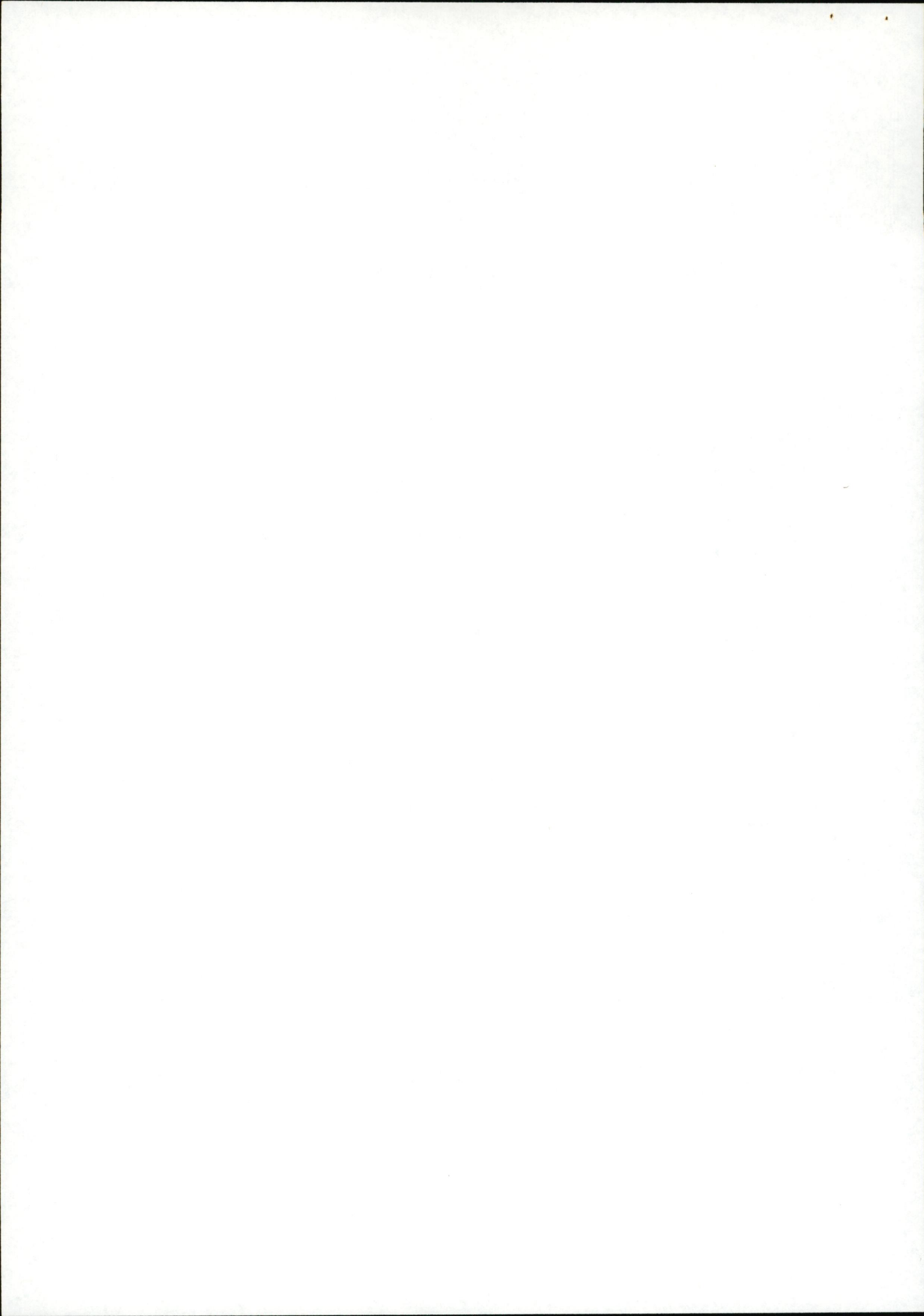
The Insurance Industry is to be congratulated for its support of the proposals and in particular its acceptance of the increased contributions on behalf of its industry.

As a result of the change to the contributions the overall level of funding of the Bush Fire Fighting Fund will amount to approximately \$38m this financial



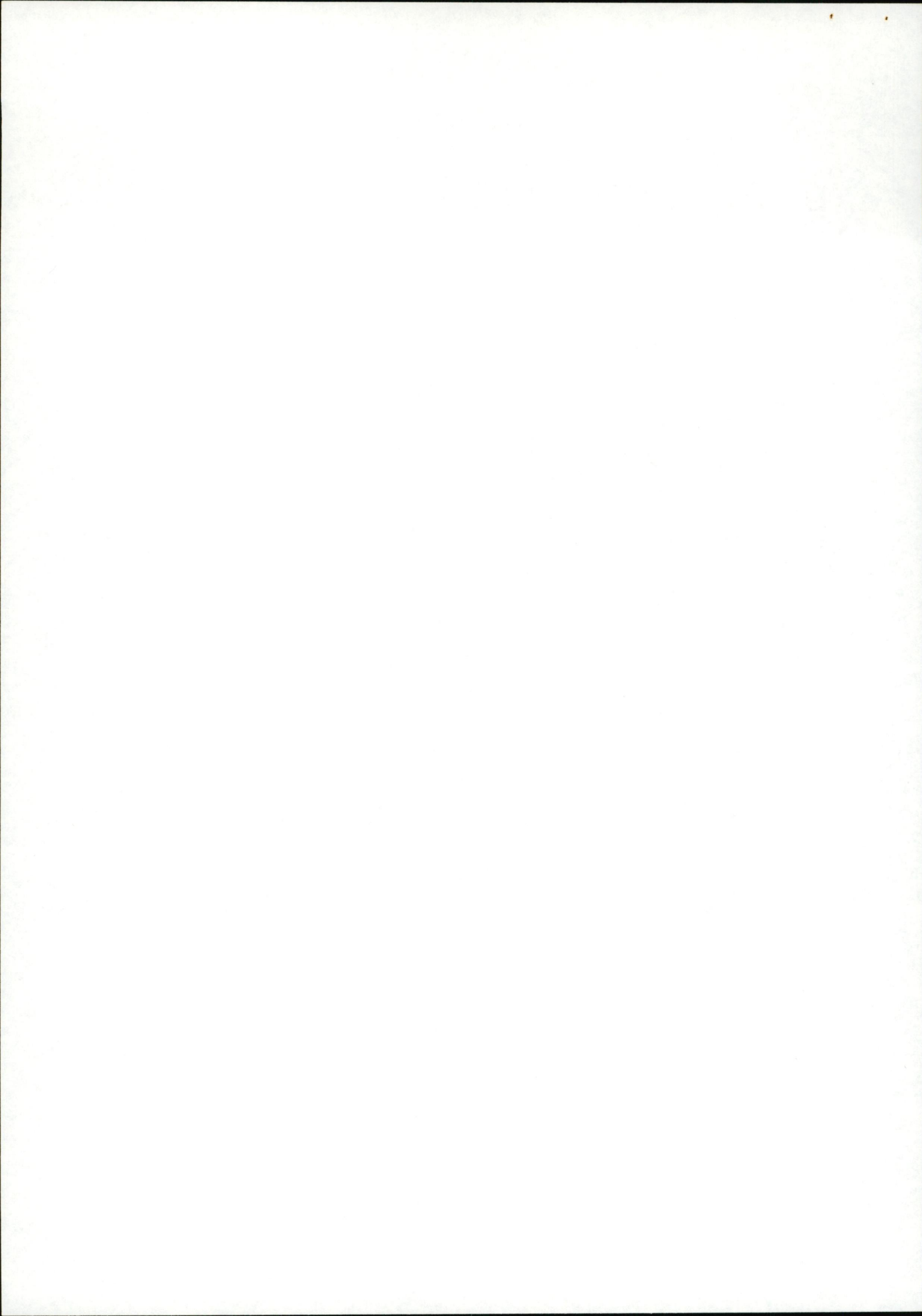
year, an increase of \$8.7m over the 1992/93 financial year.

While the Insurance Industry will contribute an extra \$13.4m per annum to the Fund, Local Government Councils will be pleased to learn that their contributions will decrease by about \$2.7m consistent with the reduction in their contribution



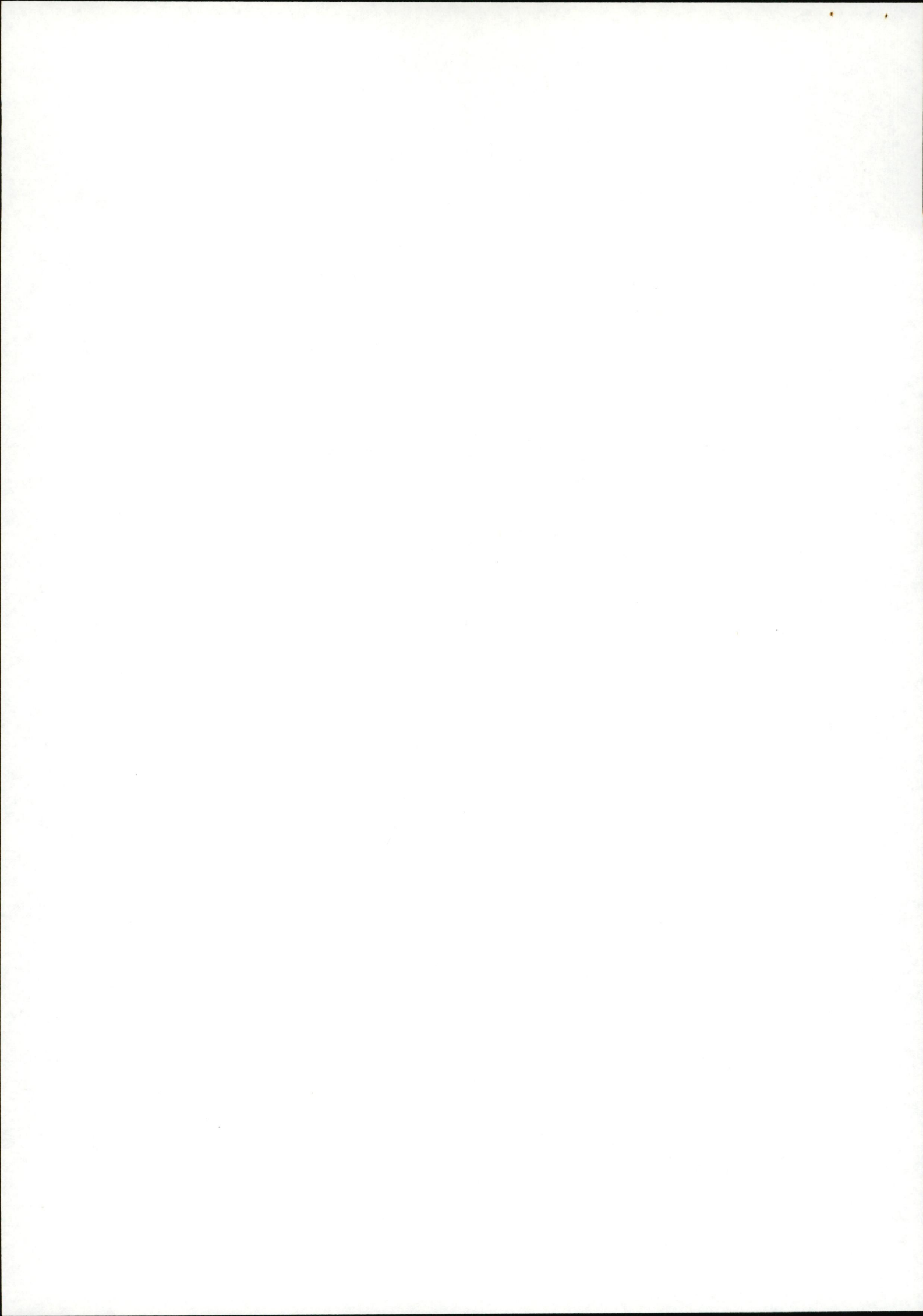
proportion from 25 to 12.3 percent.

I might add at this point, Mr President, that the new funding ratios align with those used to determine the contributions under the Fire Brigades Act to fund fire brigade expenditure under that Act.



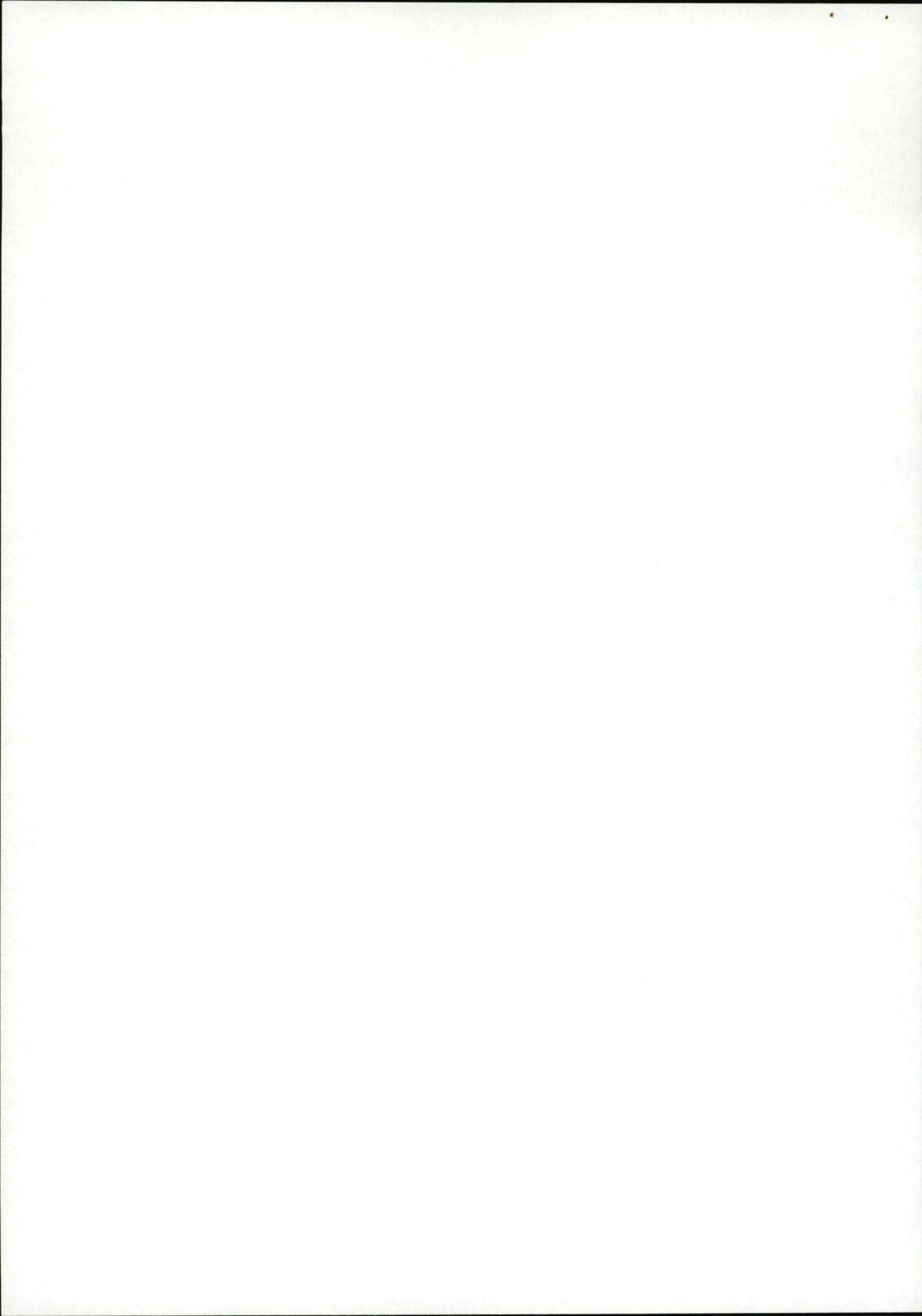
Mr President, in the course of the Minister's discussions with representatives of the Insurance Council of Australia concern was expressed that there were inequities and inefficiencies in the funding of the fire fighting services in this State.

It was put to the Minister that other potential methods of funding fire services should be



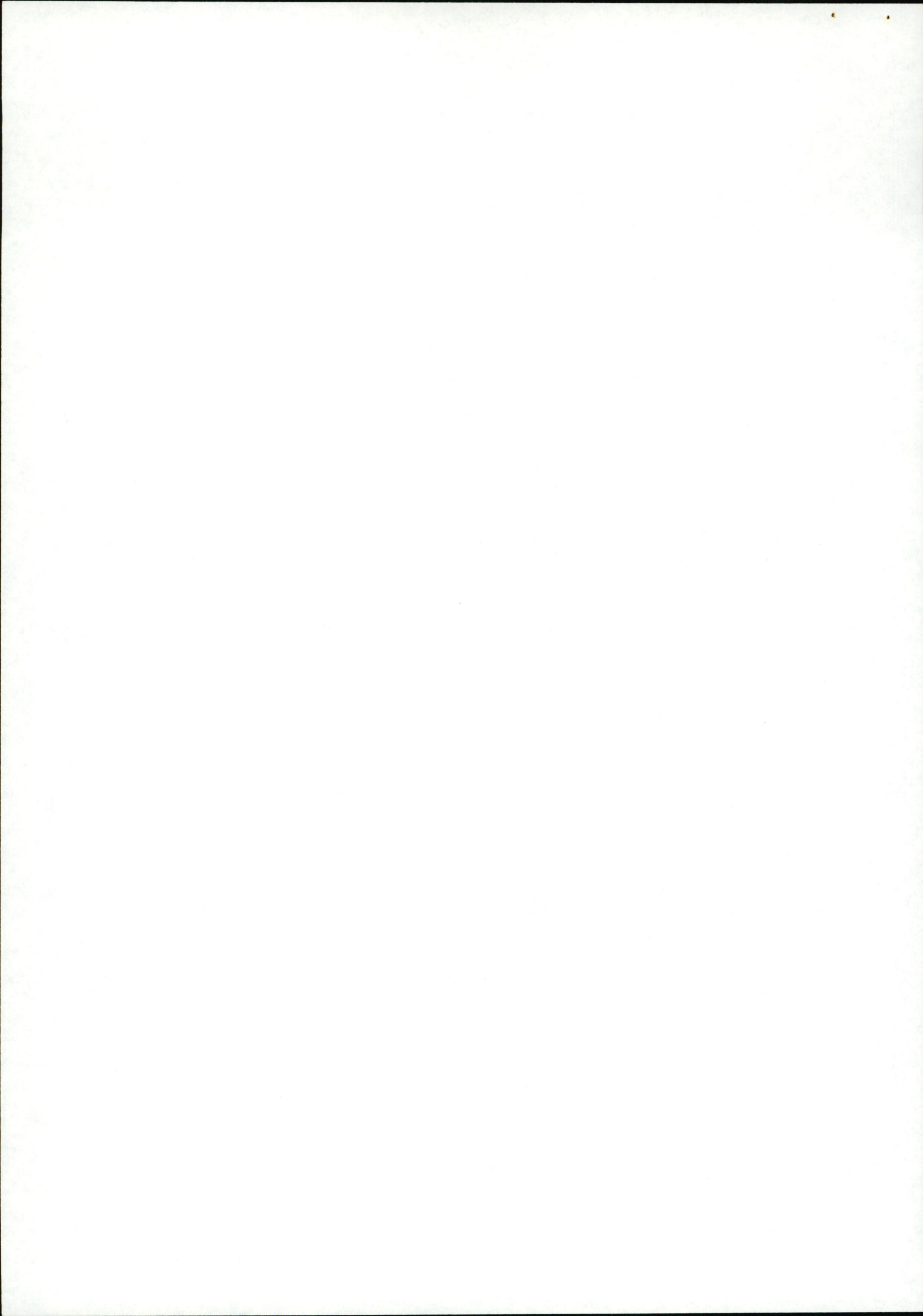
explored and examined. The Minister is also aware that the Local Government and Shires Associations have similar concerns about this matter.

The Minister has therefore agreed to a comprehensive review of the funding of fire services in NSW being undertaken.



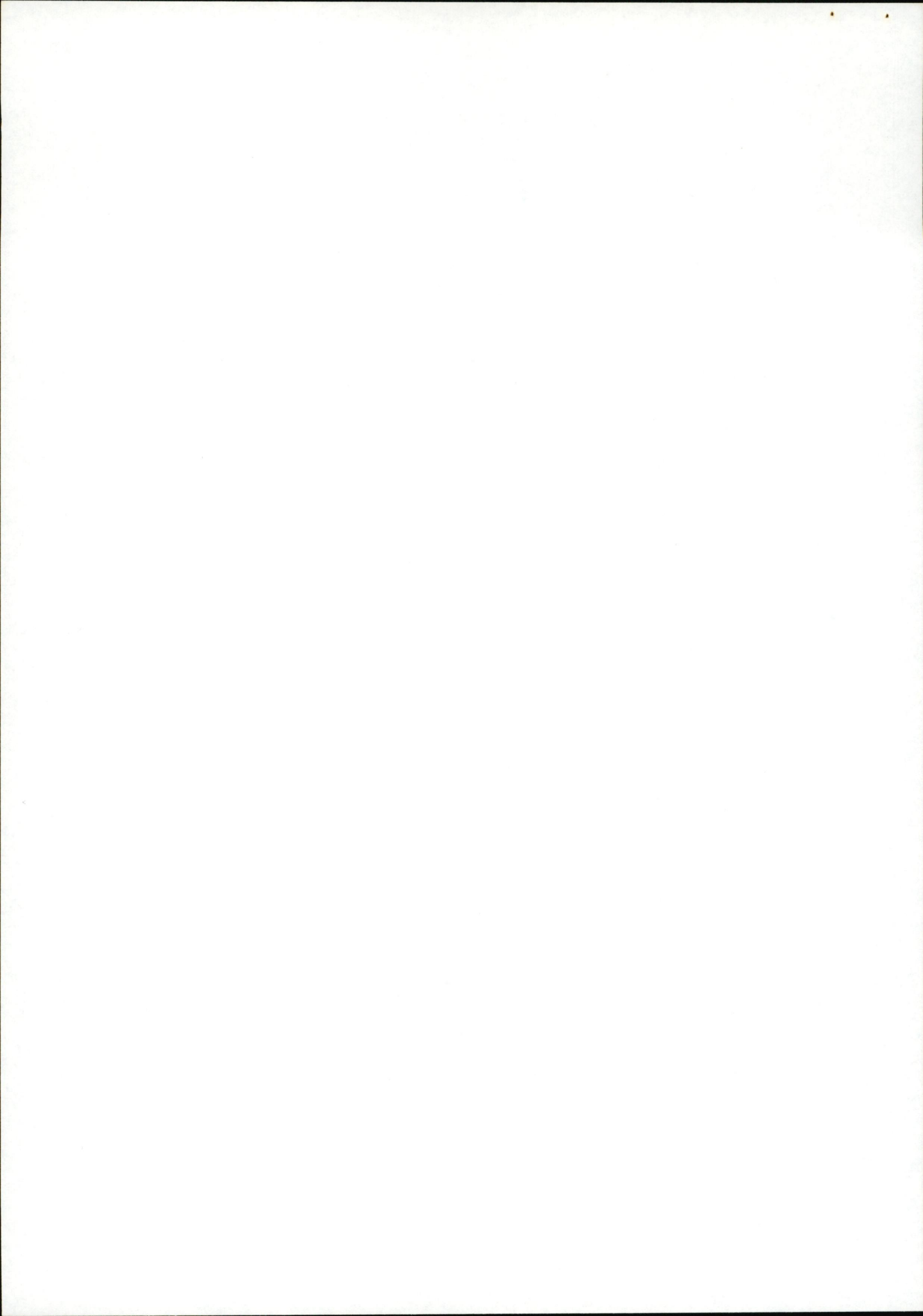
Terms of references for the review have been drafted and will soon be published.

Mr Ken Robson, the former NSW Auditor General, has been engaged to conduct the review, which will be monitored and directed by a Steering Committee made up of representatives of the



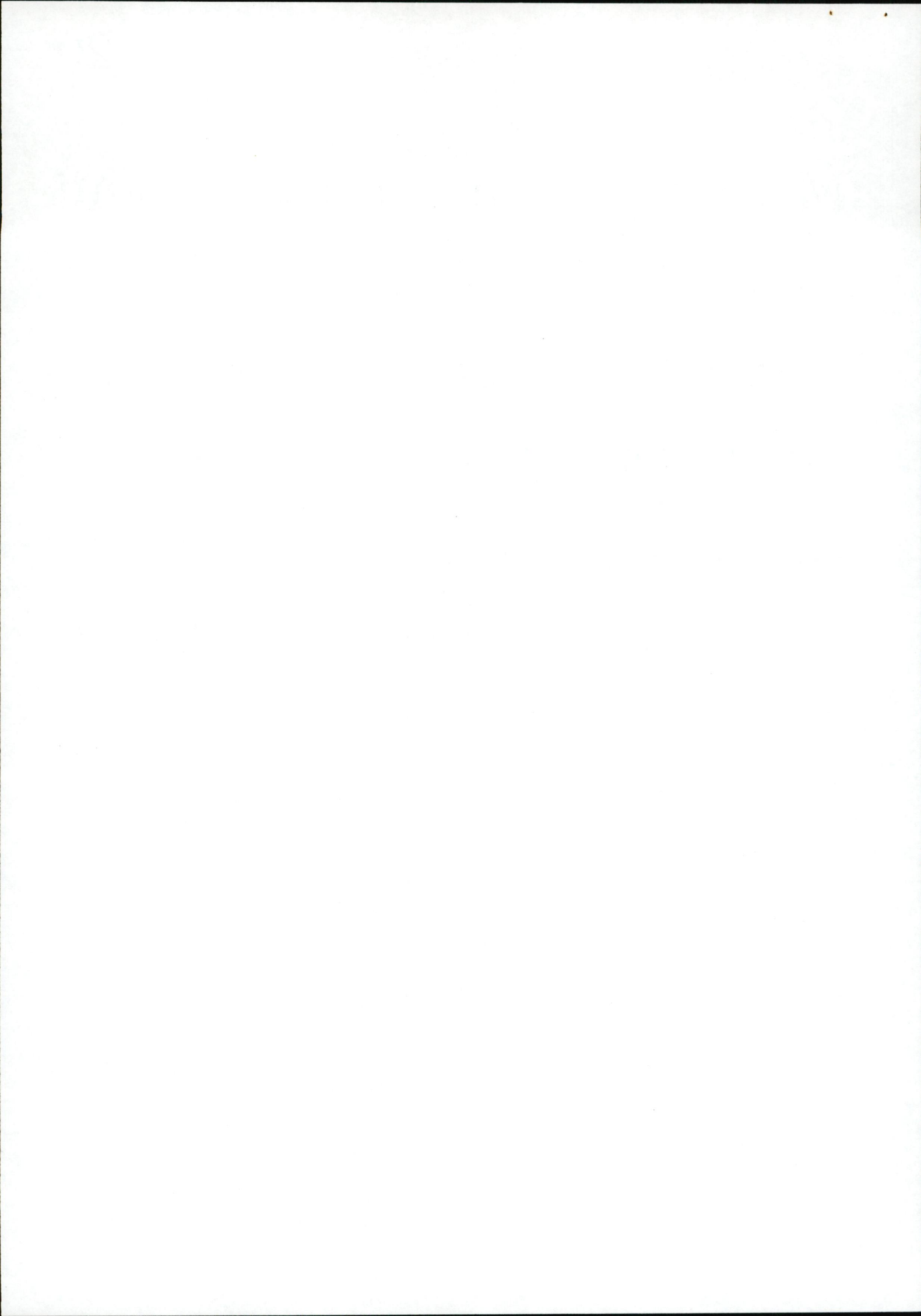
Ministry for Police and
Emergency Services, the
Insurance Industry, the Fire
Services Agencies, Local
Government and the Treasury.
The review is to be completed by
30 June 1994.

Mr President, as I have already
stated, the second major object of
the Bush Fires (Amendment) Bill



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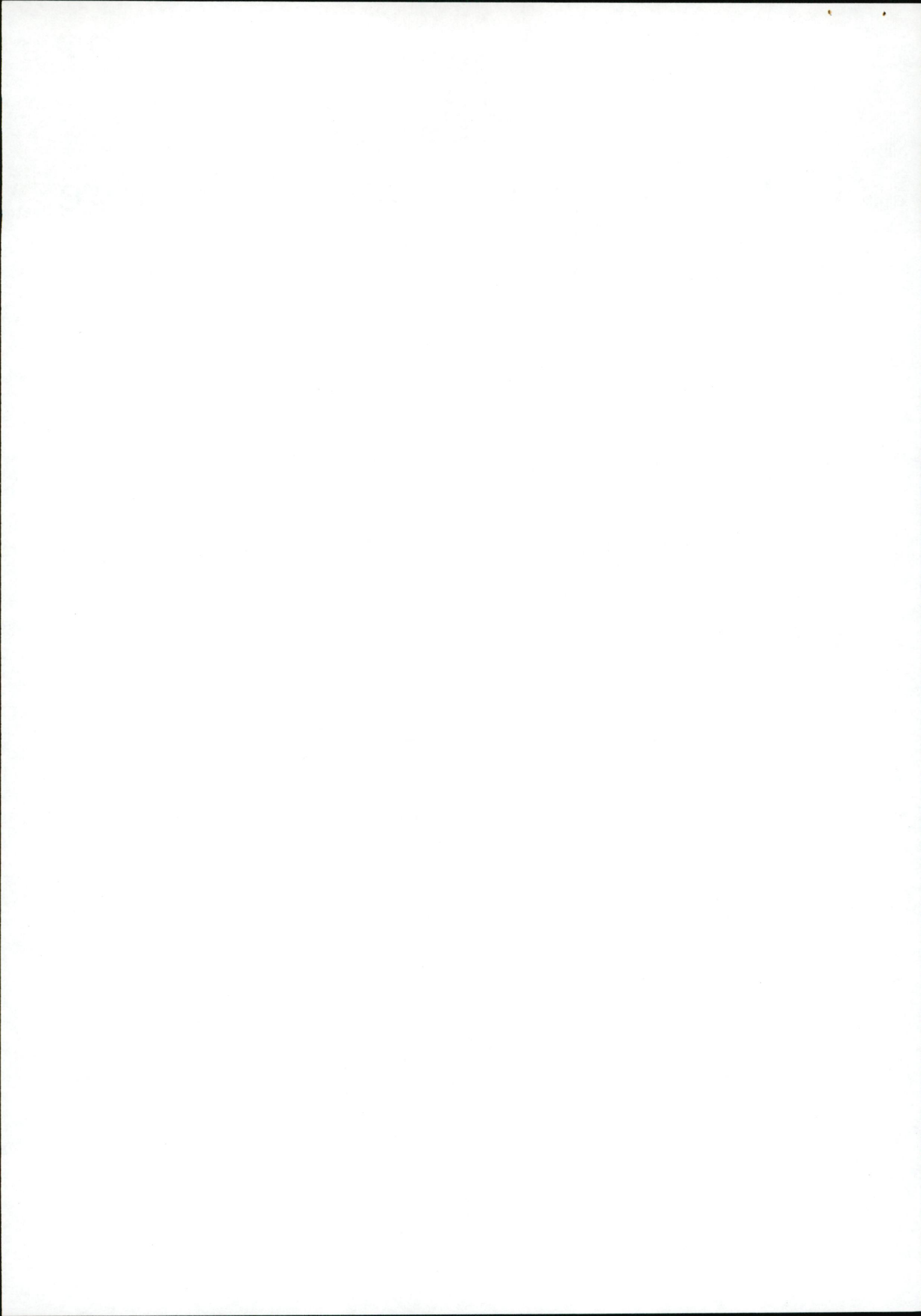
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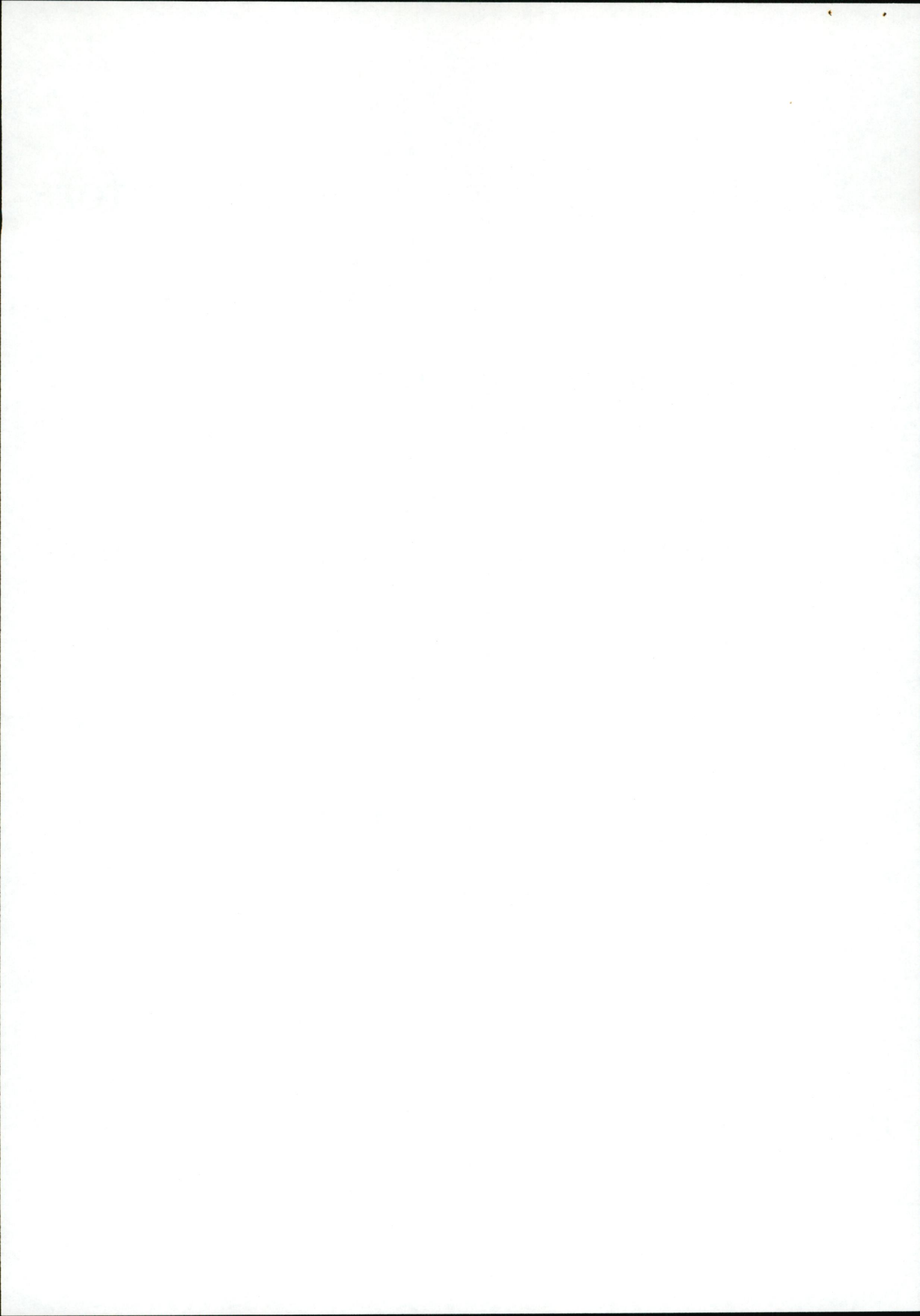
is to reconstitute the Bush Fire Council of NSW.

The Bush Fire Council of NSW was established following the introduction of the Bush Fires Act and, among other things, has a number of statutory, advisory and educational functions.

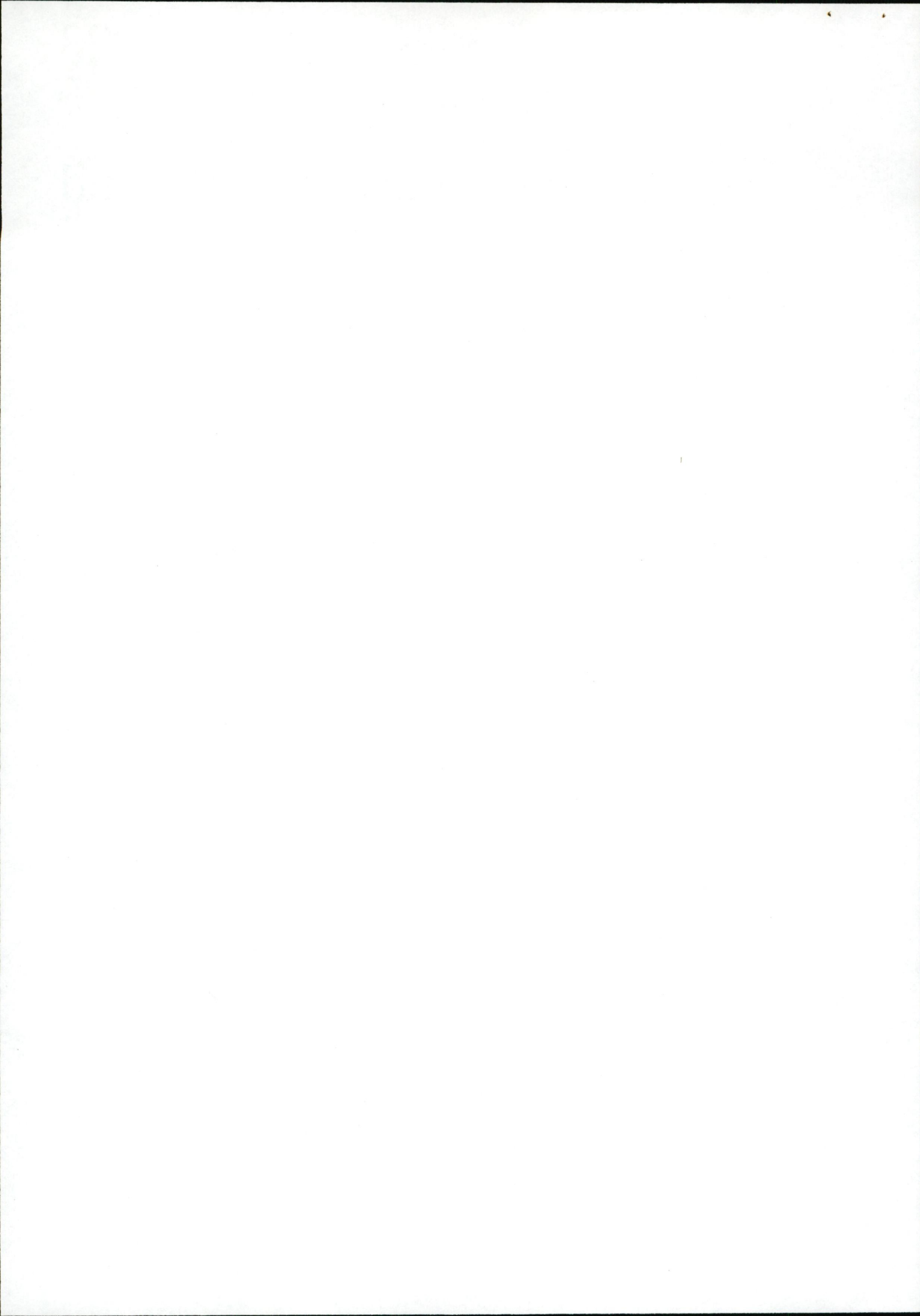
Its current responsibilities include among others:



- establishing standards for fire fighting and communications
- encouraging and fostering the establishment and organisation of bush fire brigades throughout New South Wales

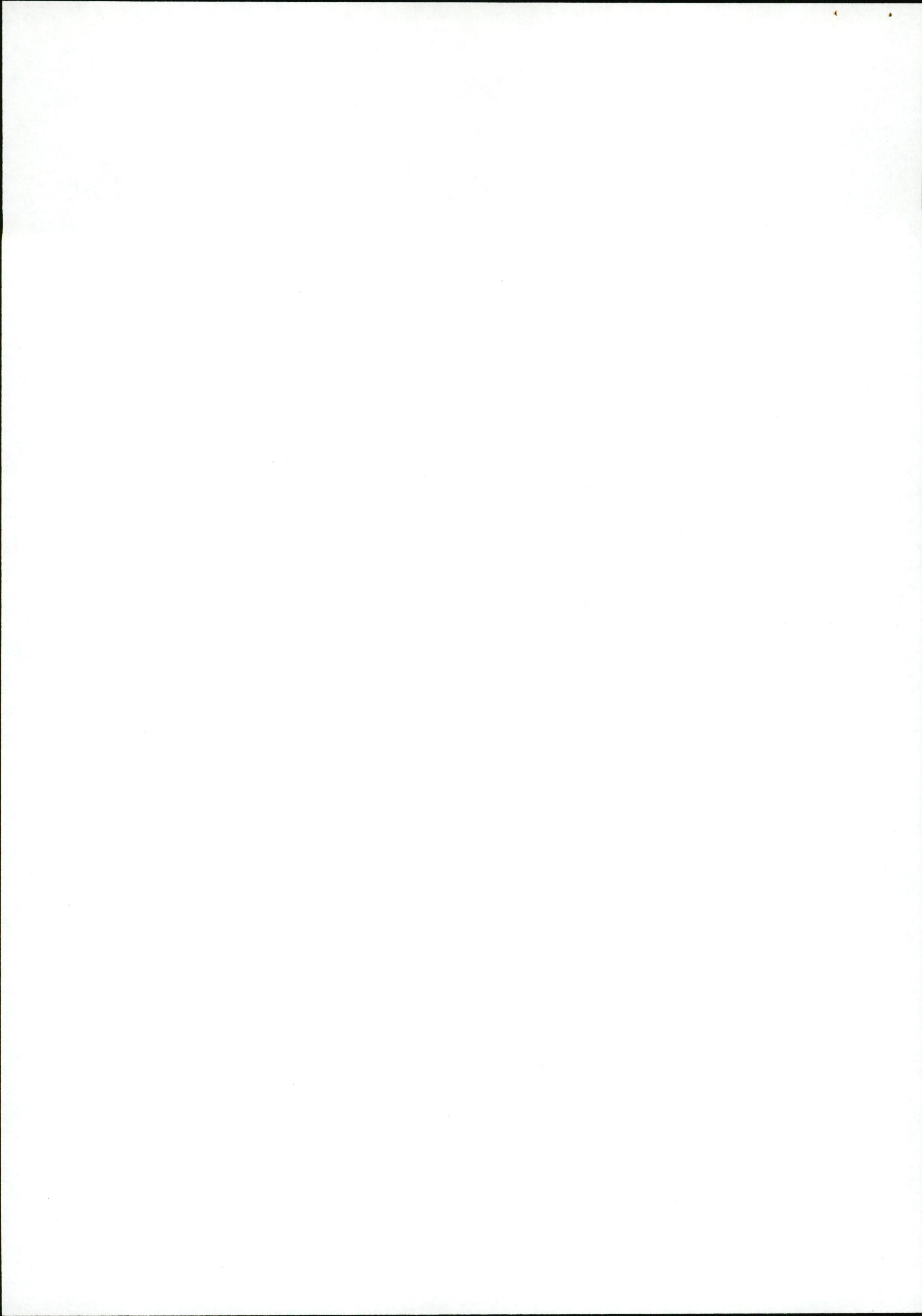


- providing equipment and facilities for volunteer firefighters
- educating the public and encouraging its active participation in the prevention, suppression and mitigation of damaging wildfires



- reporting each year on the estimated damage from bush fires in New South Wales, and recommending any special measures which should be adopted to prevent, control and suppress bush fires, and

- making recommendations to the Minister, Councils and other persons as to the best



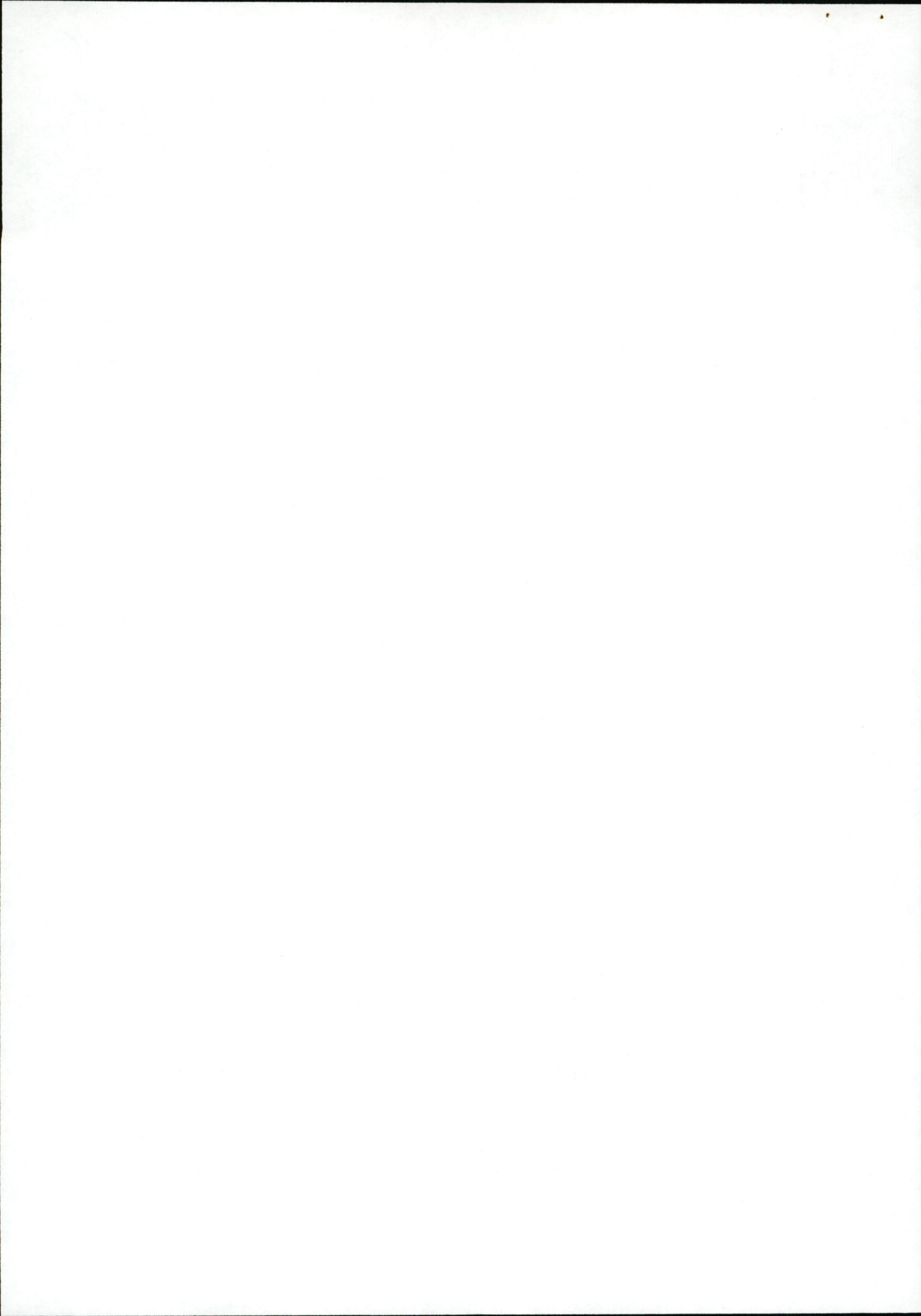
measures to be taken for preventing or extinguishing fires.

Following the formal establishment of the Bush Fire Service Administration as a Department in 1990 the Bush Fire Council has re-examined its role and functions and unanimously agreed to the measures now proposed.

They include:

- to reconstitute the Council,
and
- to clarify its role as advisory
and educative

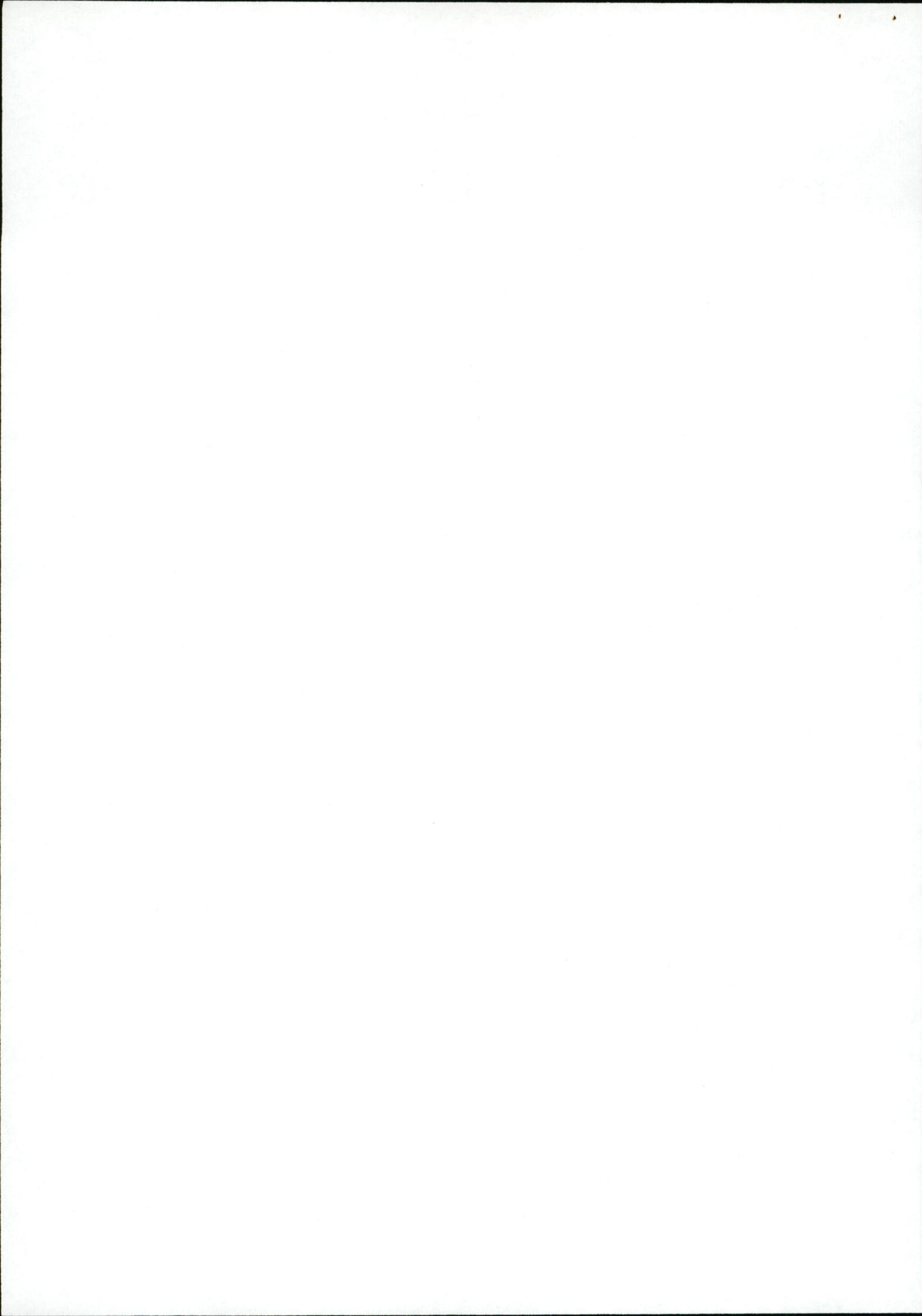
Proposed Section 39 provides that the new Bush Fire Council is to have 16 members (instead of 27) 4 of whom are ex-officio



members and 12 of whom are appointed by the Minister on the recommendations of various bodies or persons.

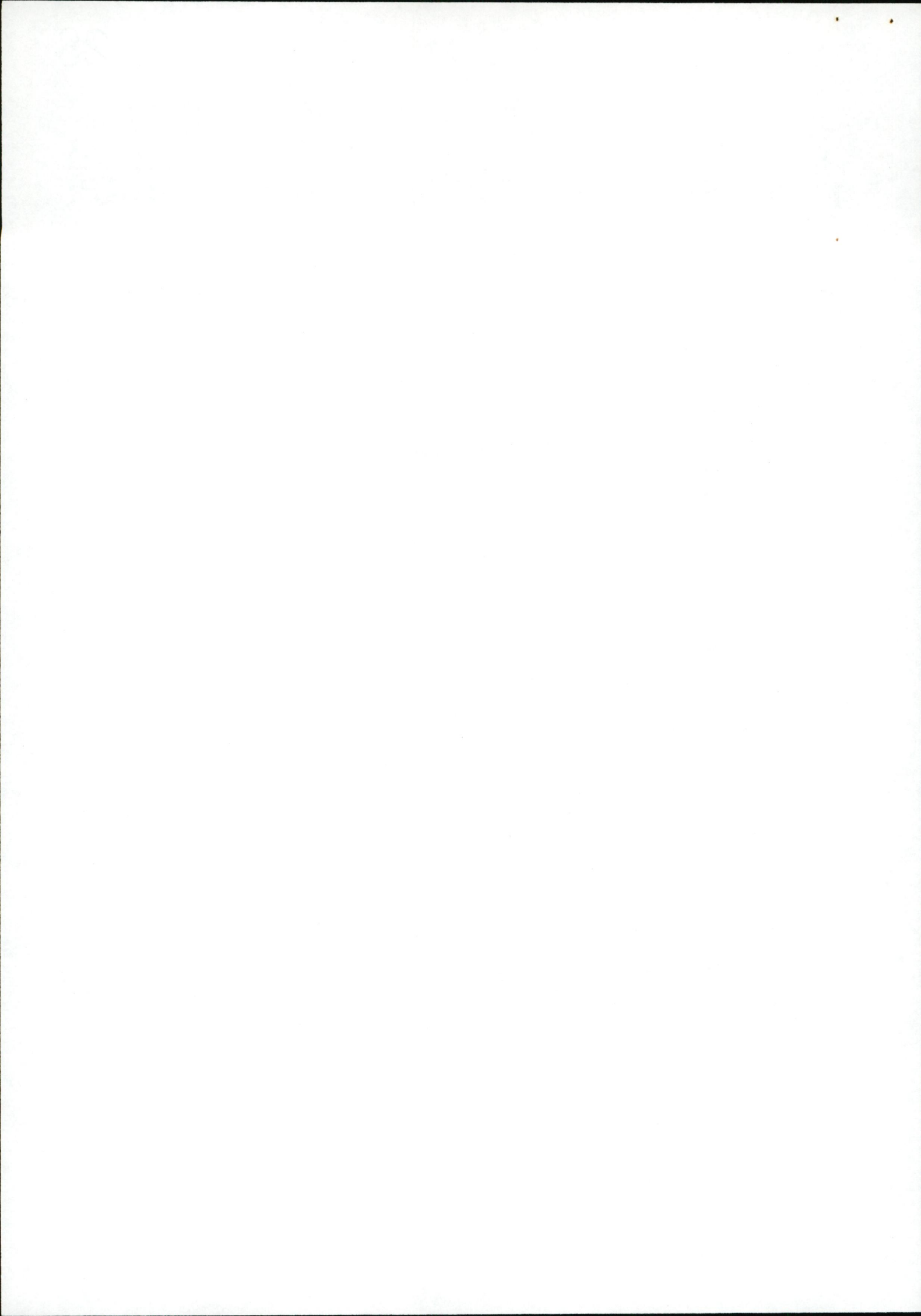
Proposed Section 39A provides that the Council is to have an advisory and educative role only.

The Bush Fire Finance Committee and the Co-ordinating Committee of the Bush Fire Council have also been



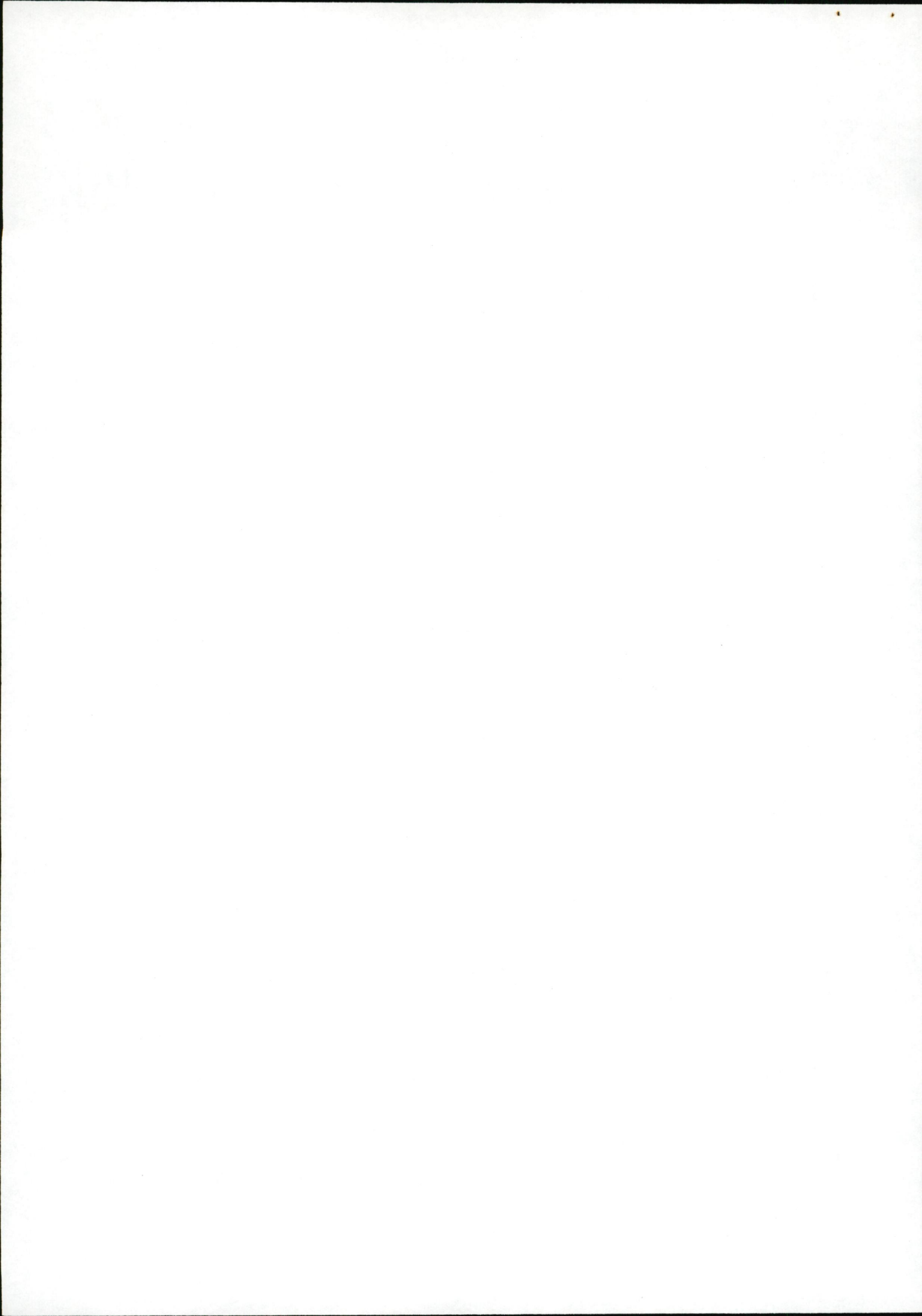
reconstituted along similar lines to how they are presently constituted. However these bodies will be separate from the Bush Fire Council and their membership will not be determined by the membership of the Council.

The Bill gives effect to these changes Mr President.



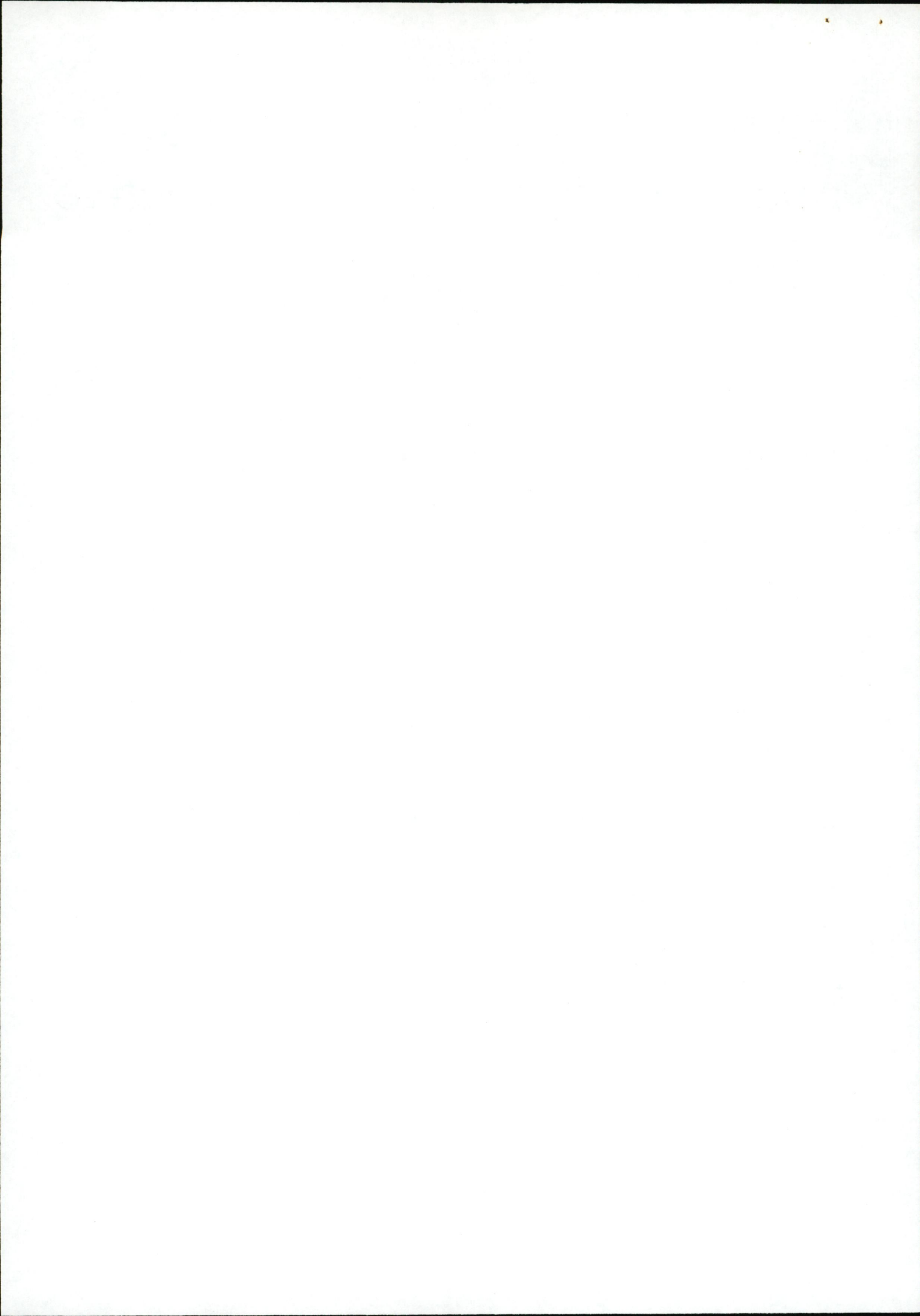
The Bush Fires (Amendment) Bill also amends the Public Sector Management Act 1988 to change the title of the position of the Director General of the Department of Bush Fire Services to Commissioner of Bush Fire Services.

The Minister is of the view that the change in title to Commissioner more reflects the



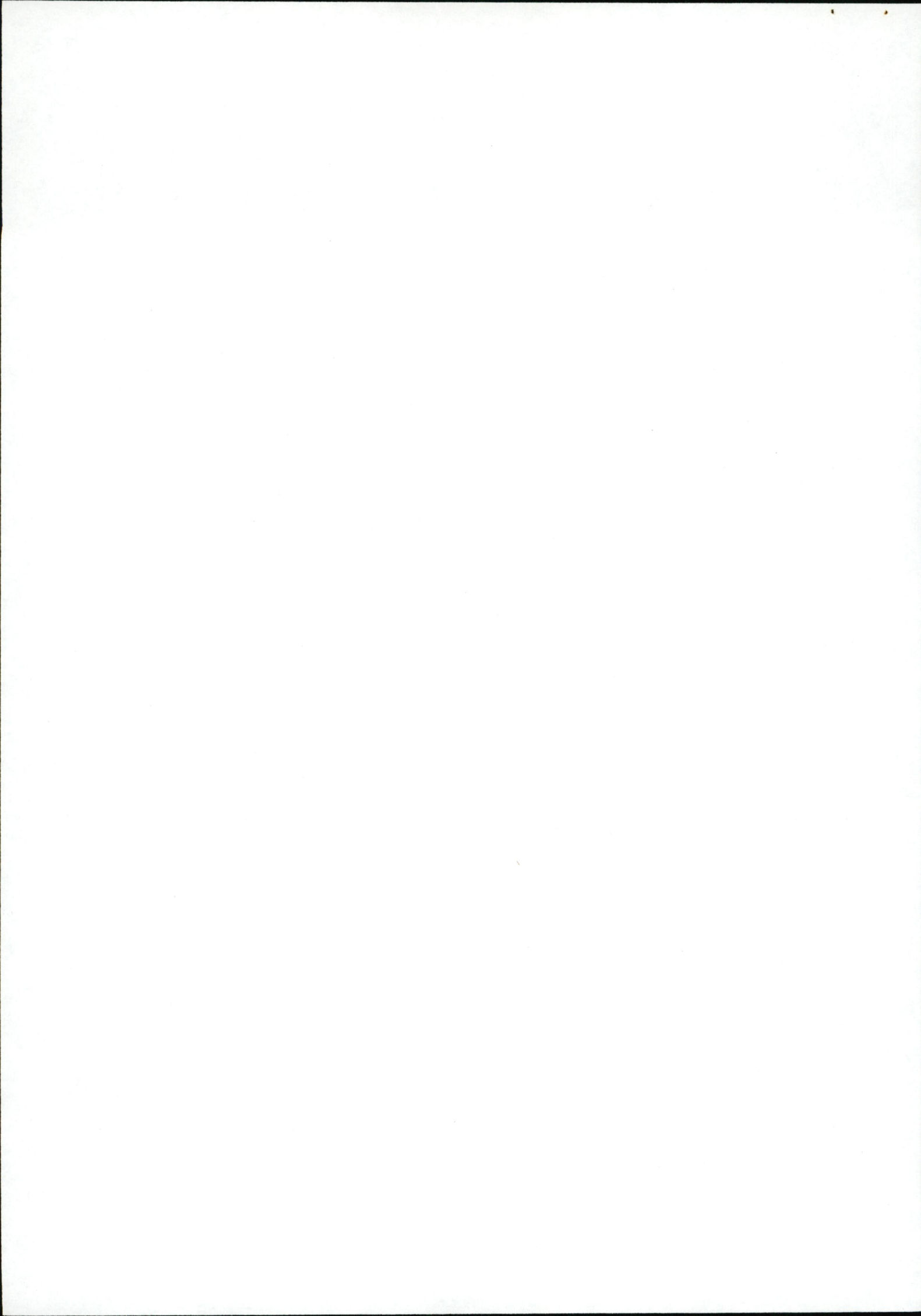
role of the Chief Executive Officer of the Department as the most senior operational officer in the Bush Fire Fighting structure.

The Commissioner will be the Chairperson of the reconstituted Bush Fire Council, the Finance Committee and the Co-ordinating Committee.



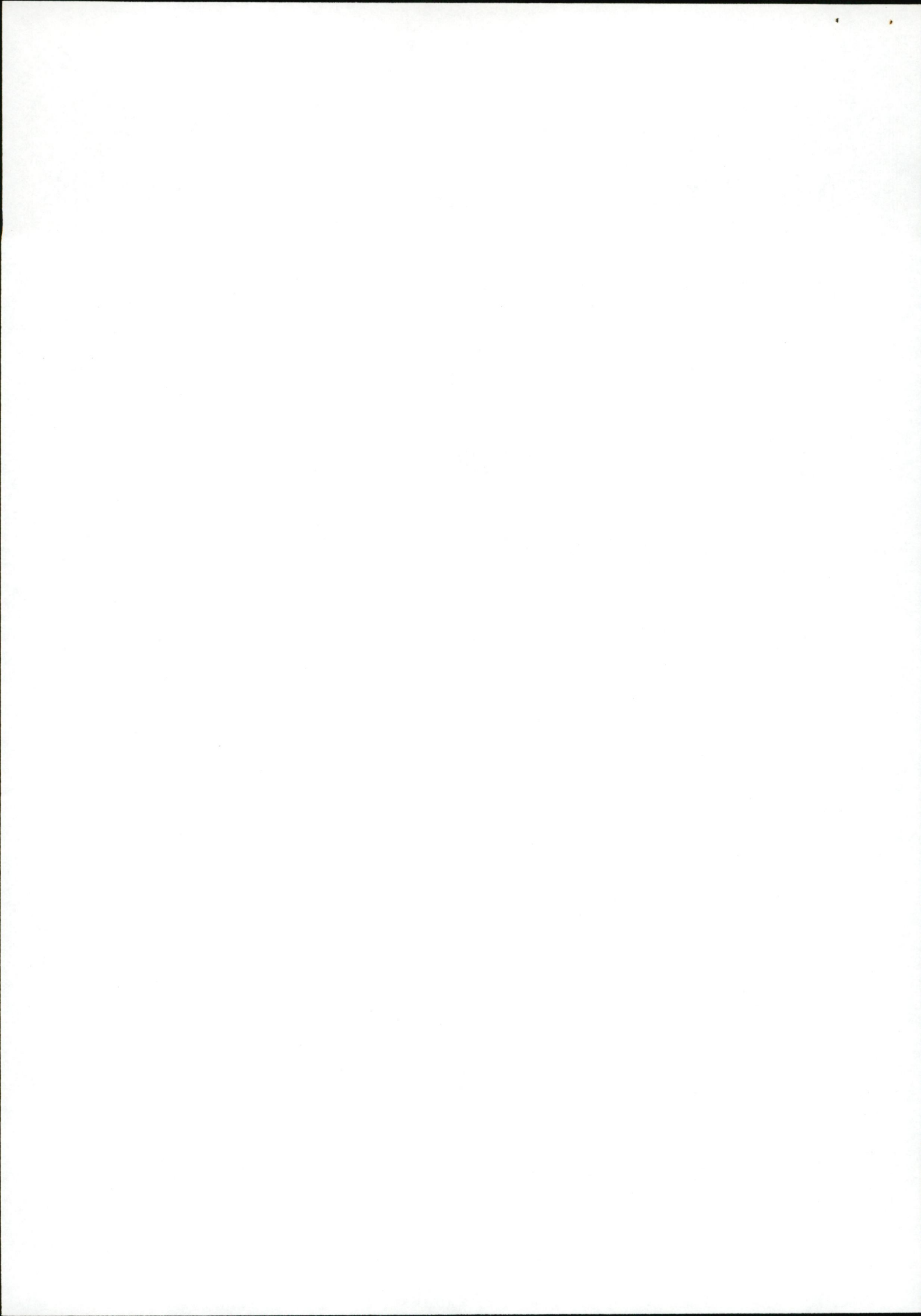
Mr President, I now turn to the Fire Brigades (Amendment) Bill which is cognate with the Bush Fires (Amendment) Bill.

The object of the Bill is to amend the Fire Brigades Act 1989 to require Insurance Companies under that Act to submit their premium returns in September each year, in conformity with the Bush Fires Act.



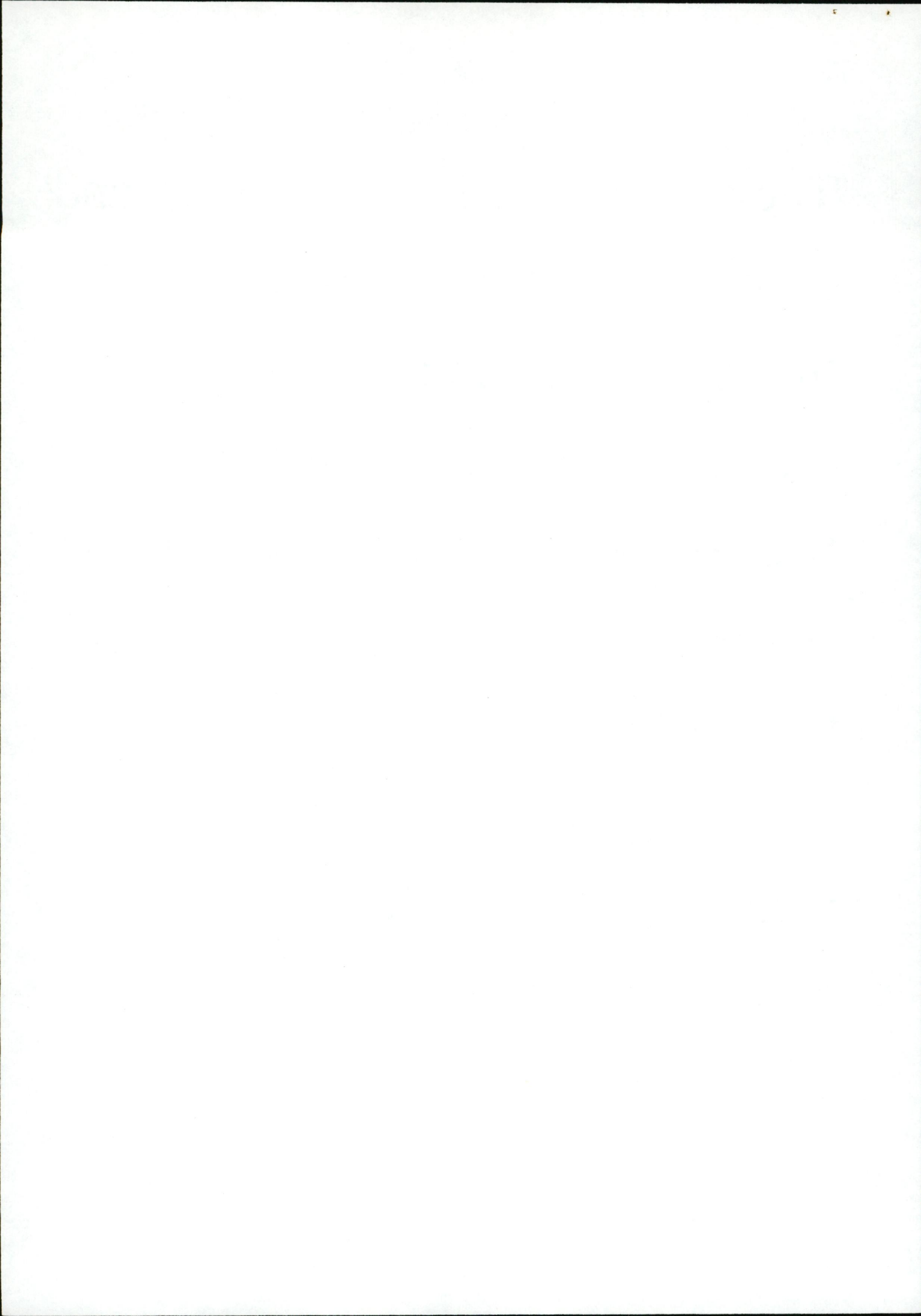
Mr President, under Section 58 of the Fire Brigades Act Insurance Companies are required, during March in each year, to submit returns to the Director General of the NSW Fire Brigades.

These returns show the total amount of premiums received by (or due to) Insurance Companies for the previous calendar year.



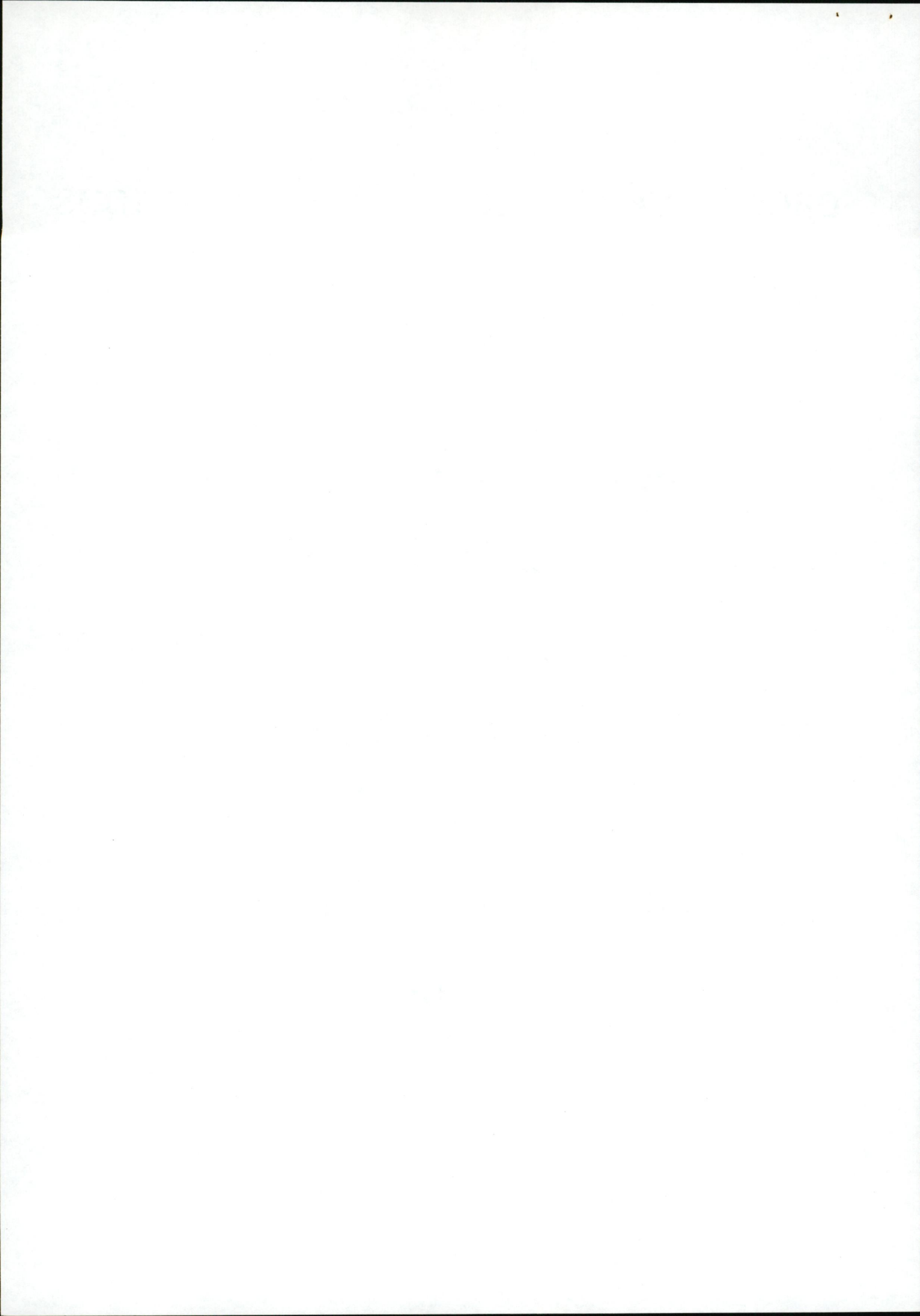
They are used to assess and determine contributions by Insurance Companies (for the previous calendar year) towards fire brigade expenditure and to determine the advance payments for the following calendar year.

Under the Bush Fires Act however Insurance Companies are required to submit their premium returns in September



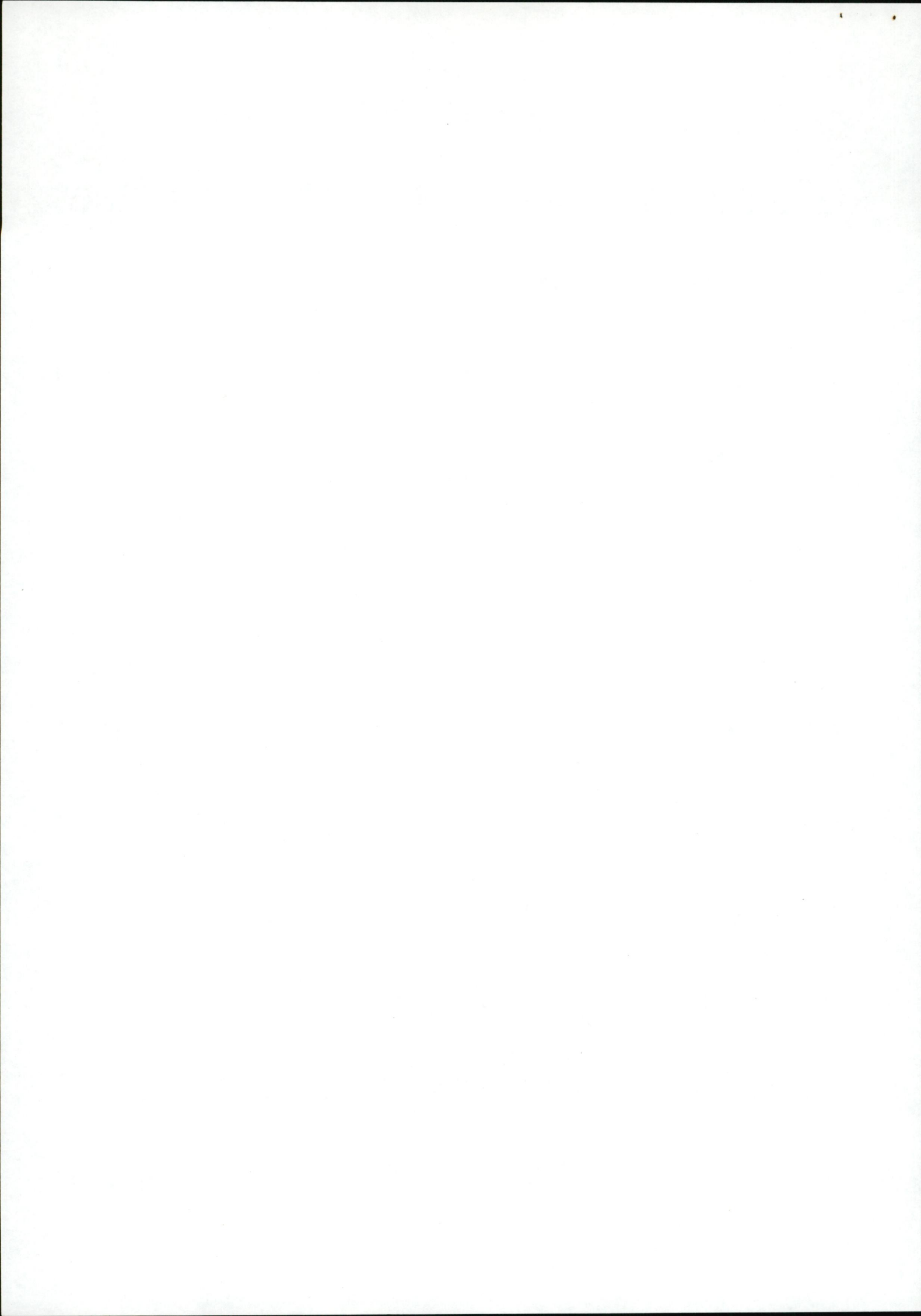
each year for the previous financial year.

By establishing a common reporting date for the return of premiums, that is in September each year, significant savings from reduced audit and management costs will accrue to the Insurance Industry.



These savings will partially offset the increased contributions of Insurance Companies to the Bush Fire Fighting Fund.

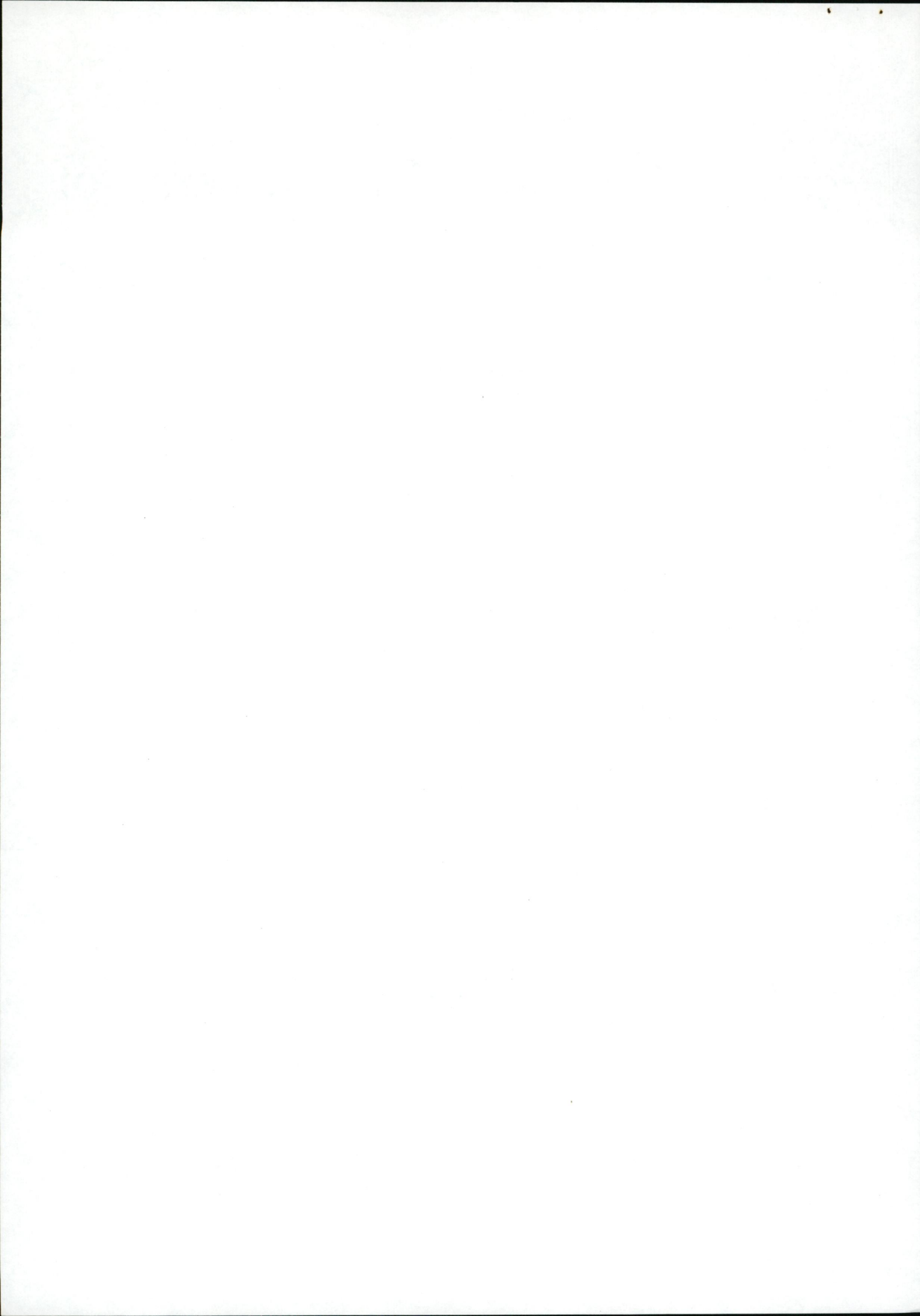
In order to facilitate the changeover from a calendar year to financial year returns for the Fire Brigades, thereby establishing a common reporting date, it is proposed to call for a special return by insurance



companies and by owners of property insuring with foreign insurers for the 6 months ending 30 June 1993.

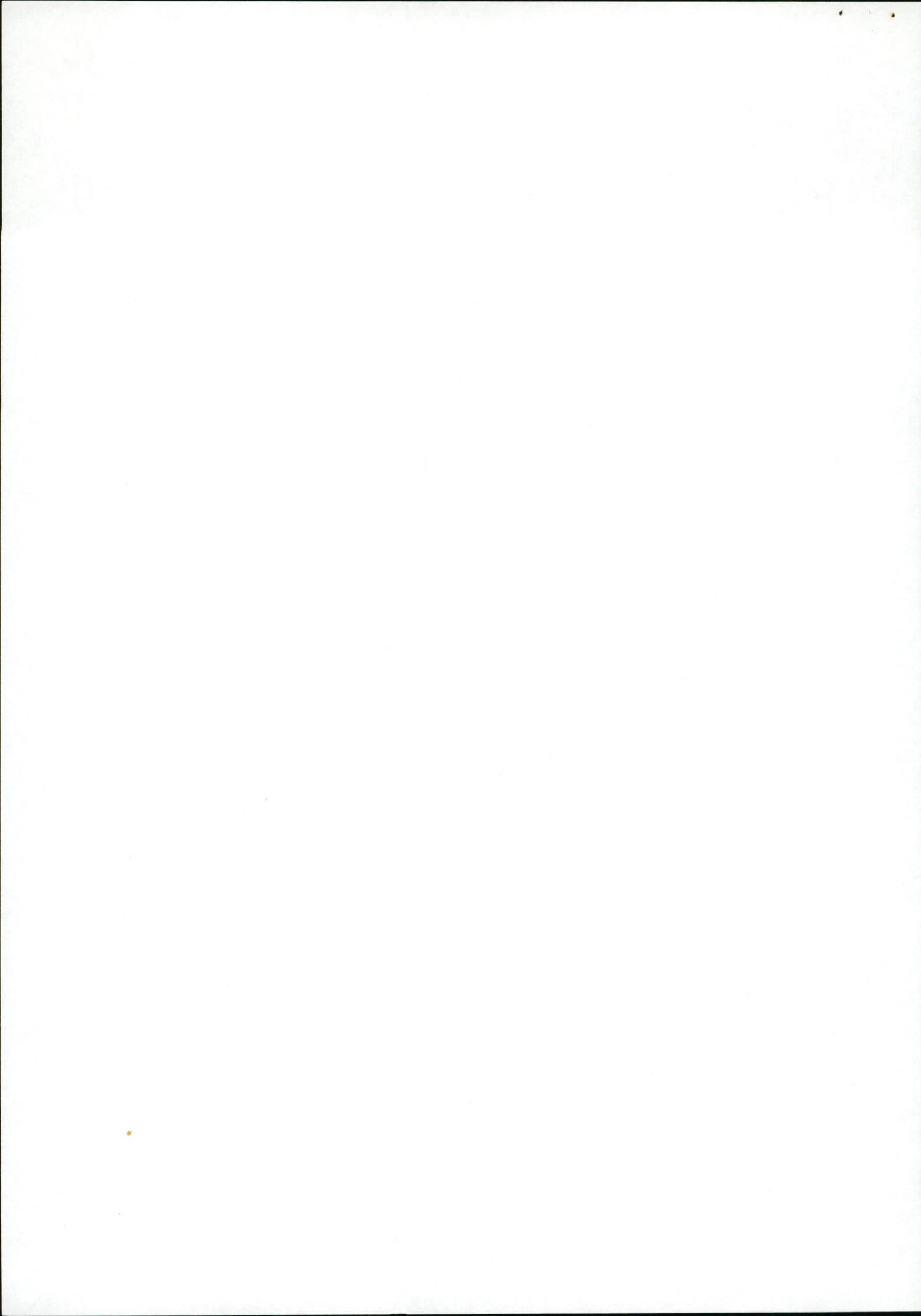
Proposed Section 61A makes provision for the calling of this special return.

Finally Mr President both the Fire Brigades (Amendment) Bill and the Bush Fires (Amendment)



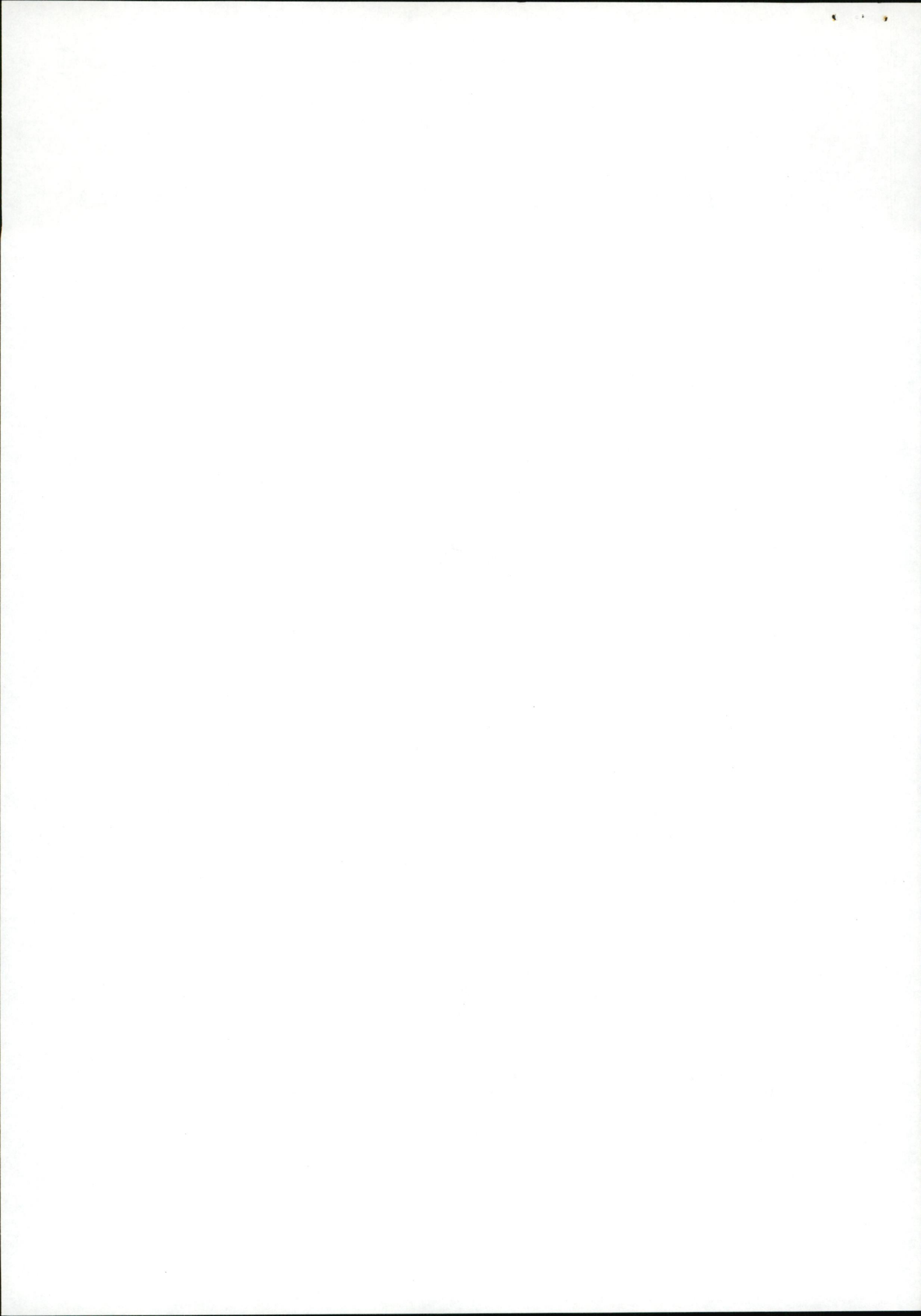
Bill provide that re-insurers will no longer be required to provide returns of the re-insurance business they write.

This in effect means that direct insurers will fund the whole of the cost of the Insurance Industry's contribution to the fire fighting organisations in New South Wales.



The Insurance Industry supports this proposal.

Mr President, the devastating impact of a major bush fire is well known to the people of New South Wales and to all members of this House. A bush fire has the potential to devastate a community through loss of life and property as it indiscriminately burns everything in sight.



70,000 volunteers in this State devote many hours of their time throughout the year preparing for and combating bushfires. In the last bush fire season, which was regarded as one of the quietest on record, there were still some 6,700 bush fires throughout the State.

Mr President, it can never be stated too often that the whole community of NSW appreciates and values the efforts of the volunteer bush fire fighters.

This Government recognises its responsibility to ensure that arrangements are in place for the 2,500 Bush Fire Brigades in NSW to be appropriately and adequately equipped.

The revised funding arrangements contained in the Bush Fires (Amendment) Act will ensure this happens.

I commend the Bills to the House.

BUSH FIRES (AMENDMENT) ACT 1993 No. 98

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Bush Fires Act 1949 No. 31
4. Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

SCHEDULE 1—AMENDMENTS

BUSH FIRES (AMENDMENT) ACT 1993 No. 98

NEW SOUTH WALES



Act No. 98, 1993

An Act to amend the Bush Fires Act 1949 with respect to the contributions to the New South Wales Bush Fire Fighting Fund, to reconstitute certain bodies under that Act, and for other purposes; and to amend the Public Sector Management Act 1988. [Assented to 2 December 1993]

See also Fire Brigades (Amendment) Act 1993.

Bush Fires (Amendment) Act 1993 No. 98

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Bush Fires (Amendment) Act 1993.

Commencement

2. (1) This Act commences on the date of assent, except as provided by subsection (2).

(2) Section 4, and Schedule 1 (1), (3) (a), (4), (5) (d), (6) (a), (7)–(10) and (12) and section 3 in its application to those items, commence on a day to be appointed by proclamation.

Amendment of Bush Fires Act 1949 No. 31

3. The Bush Fires Act 1949 is amended as set out in Schedule 1.

Amendment of Public Sector Management Act 1988 No. 33 (Schedule 1—Departments)

4. Schedule 1 to the Public Sector Management Act 1988 is amended by omitting from the matter relating to the Department of Bush Fire Services the words “Director-General of the Department” and by inserting instead the words “Commissioner of Bush Fire Services”.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Section 2 (**Division into Parts**):

Omit the section.

- (2) Section 5 (**Savings and transitional provisions**):

After section 5 (4), insert:

(5) Schedule 1A has effect.

- (3) Section 6 (**Definitions**):

- (a) Omit the definitions of “Co-ordinating Committee” and “Finance Committee”, insert in alphabetical order:

“**Commissioner**” means the Commissioner of Bush Fire Services.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

“**Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted by this Act.

“**Department**” means the Department of Bush Fire Services.

“**Exercise**” of a function includes, where the function is a duty, the performance of the duty.

“**Finance Committee**” means the Bush Fire Finance Committee constituted by this Act.

“**Function**” includes a power, authority or duty.

(b) Omit the definition of “Policy of insurance”, insert instead:

“**Policy of insurance**” includes:

- (a) any certificate or declaration as to the existence of, and any agreement for, any insurance; or
- (b) any instrument in writing by which any contract of insurance is made or agreed to be made or is evidenced,

but does not include a policy of reinsurance.

(4) Section 25 (**Proclamations of bush fire districts**):

Omit “Bush Fire Council”, insert instead “Minister”.

(5) Section 32 (**Contributions by Treasurer, councils and insurance companies**):

- (a) From section 32 (1) (a), omit “one-quarter”, insert instead “14%”.
- (b) From section 32 (1) (b), omit “one-quarter”, insert instead “12.3%”.
- (c) From section 32 (1) (c), omit “one-half”, insert instead “73.7%”.
- (d) From section 32 (5), omit “Bush Fire Council”, insert instead “Minister”.

(6) Section 34 (**Determination of contributions of insurance companies**):

- (a) From section 34 (2) and (3), omit “Minister” wherever occurring, insert instead “Commissioner”.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- (b) From section 34 (6), omit the words “but does not include:” and omit paragraphs (i) and (ii), insert instead:
- but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.
- (7) Sections 39–40:
- Omit the sections, insert instead:
- Constitution of Bush Fire Council**
39. (1) There is constituted by this Act the Bush Fire Council of New South Wales.
- (2) The Bush Fire Council is to consist of 16 members, being:
- (a) 4 *ex-officio* members, as follows:
- the Commissioner, who is to be the Chairperson of the Bush Fire Council;
 - the Managing Director of State Forests in the Forestry Commission;
 - the Director-General of the National Parks and Wildlife Service;
 - the Director-General of New South Wales Fire Brigades; and
- (b) 12 persons appointed by the Minister, as follows:
- 4 persons recommended by members of bush fire brigades in different regions of the State;
 - a person recommended by the Institute of Municipal Management;
 - a person recommended by the Shires Association;
 - a person recommended by the Insurance Council of Australia;
 - a person recommended by the New South Wales Farmers’ Association;
 - a person recommended by fire control officers;
 - a person recommended by the Commissioner of Police;
 - a person recommended by the Minister for the Environment;

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- a person recommended by the Director-General of the Department of Conservation and Land Management.

(3) An ex-officio member (other than the Chairperson) may nominate a person who may attend and vote at any meeting of the Bush Fire Council as the nominee of the member.

(4) Schedule 4 has effect with respect to the appointed members and procedure of the Bush Fire Council.

Functions of Bush Fire Council

39A. (1) The Bush Fire Council has the following functions:

- (a) to advise and to report to the Minister and the Commissioner on any matter relating to the administration and management of bush fire services under this Act;
- (b) to advise the Commissioner on public education programs relating to bush fire matters and on the training of bush fire fighters;
- (c) such other functions as may be conferred or imposed on it by or under this or any other Act.

(2) Any advice or report given by the Bush Fire Council to the Minister or the Commissioner may be given either at the request of the Minister or Commissioner or without any such request.

Finance Committee

39B. (1) There is constituted by this Act the Bush Fire Finance Committee.

(2) The Finance Committee is to consist of 4 members, being:

- (a) the Commissioner, who is to be the Chairperson of the Finance Committee; and
- (b) a person appointed by the Minister on the recommendation of the Treasurer; and

SCHEDULE 1—AMENDMENTS—*continued*

- (c) a person appointed by the Minister on the recommendation of the Insurance Council of Australia; and
- (d) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.

(3) The Finance Committee has the functions conferred or imposed on it under this Act.

(4) Schedule 4 has effect with respect to the members and procedure of the Finance Committee.

Co-ordinating Committee

40. (1) There is constituted by this Act a body corporate with the corporate name of the Bush Fire Co-ordinating Committee.

(2) The Co-ordinating Committee is a statutory body representing the Crown.

(3) The Co-ordinating Committee is to consist of 5 members, being:

- (a) the Commissioner, who is to be the Chairperson of the Co-ordinating Committee; and
- (b) a person appointed by the Minister on the recommendation of the Minister administering the Forestry Act 1916; and
- (c) a person appointed by the Minister on the recommendation of the Minister administering the National Parks and Wildlife Act 1974; and
- (d) a person appointed by the Minister on the recommendation of the Director-General of New South Wales Fire Brigades; and
- (e) a person appointed by the Minister on the joint recommendation of the Local Government Association and the Shires Association.

(4) Schedule 4 has effect with respect to the members and procedure of the Co-ordinating Committee.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- (8) Sections 41 (**Councils and other bodies to furnish information to Commissioner**), 50 (**Destruction of notices**):
 Omit “Bush Fire Council” wherever occurring, insert instead “Commissioner”.
- (9) Section 46 (**Inspectors**):
- (a) From section 46 (2) (a), omit “Minister”, insert instead “Commissioner”.
- (b) From section 46 (2) (c) and (d), omit “Bush Fire Council” wherever occurring, insert instead “Commissioner”.
- (10) Section 48 (**Proceedings not to lie against persons acting in good faith**):
 After “the Minister,”, insert “the Commissioner, a member of the staff of the Department,”.
- (11) Schedule 1A:
 After Schedule 1, insert:

SCHEDULE 1A—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 5 (5))

Part 1—General

Savings and transitional regulations

1. (1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of the Bush Fires (Amendment) Act 1993.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication;
 or

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

Part 2—Provisions consequent on enactment of Bush Fires (Amendment) Act 1993

Definitions

2. In this Part:

“**amending Act**” means the Bush Fires (Amendment) Act 1993;

“**former Co-ordinating Committee**” means the Co-ordinating Committee of the Bush Fire Council as constituted immediately before the commencement of Schedule 1 (7) to the amending Act;

“**reconstituted Co-ordinating Committee**” means the Bush Fire Co-ordinating Committee constituted in accordance with this Act.

Adjustment of contributions to the Fund for the financial year ending 30 June 1994

3. (1) As soon as practicable after the commencement of Schedule 1 (5) (a)–(c) to the amending Act, the Minister:

- (a) is, as a result of the amendments to section 32 made by those items, to make the necessary adjustments (if any) to the contributions required to be paid to the Fund under Part 6 for the financial year ending 30 June 1994 (“**the current financial year**”); and

- (b) is to notify contributors of the adjusted contributions for the current financial year.

(2) The adjusted contributions so notified become the contributions payable under Part 6 for the remainder of the current financial year.

(3) The amendments to section 32 made by Schedule 1 (5) (a)–(c) to the amending Act do not affect the assessment of contributions before the commencement of those amendments.

- (4) This clause has effect despite section 32 (2).

SCHEDULE 1—AMENDMENTS—*continued***Continuity of Co-ordinating Committee and provisions relating to former members of certain bodies**

4. (1) The reconstituted Co-ordinating Committee is a continuation of, and the same legal entity as, the former Co-ordinating Committee.

(2) A person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as a member (other than as Chairman) of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council ceases to hold office as such a member on that commencement.

(3) The person who, immediately before the commencement of Schedule 1 (7) to the amending Act, held office as Chairman of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is taken, on that commencement, to be the Chairperson of the reconstituted Co-ordinating Committee, the Bush Fire Council or the Bush Fire Finance Committee, respectively.

(4) A person who ceases to hold office as a member of the former Co-ordinating Committee, the Bush Fire Council or the Finance Committee of the Bush Fire Council is not entitled to any remuneration or compensation because of the loss of that office.

(5) A delegation made under section 41H by the former Co-ordinating Committee of any of the former Co-ordinating Committee's functions and in force immediately before the commencement of Schedule 1 (7) to the amending Act is taken to be a delegation made under that section by the reconstituted Co-ordinating Committee.

Construction of certain references

5. On and from the commencement of section 4 of the amending Act, a reference in any other Act, or in any instrument made under an Act, or in any other document of any kind, to the Director-General of the Department of Bush Fire Services is to be read as a reference to the Commissioner of Bush Fire Services.

SCHEDULE 1—AMENDMENTS—*continued*

(12) Schedule 4:

After Schedule 3, insert:

**SCHEDULE 4—PROVISIONS RELATING TO THE
MEMBERS AND PROCEDURE OF THE BUSH
FIRE COUNCIL, THE FINANCE COMMITTEE
AND THE CO-ORDINATING COMMITTEE**

(Secs. 39 (4), 39B (4), 40 (4))

Definitions

1. In this Schedule:

“appointed member” means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee who is appointed by the Minister;**“Chairperson”** means the Chairperson of the Bush Fire Council, the Finance Committee and the Co-ordinating Committee;**“member”** means a member of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.**Deputies of members etc.**

2. (1) A member (other than an appointed member) may, from time to time, appoint a person to be the member's deputy, and may revoke any such appointment.

(2) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

(3) The deputy of a member appointed on the recommendation of a particular body, group or person is to be appointed on the recommendation of that body, group or person.

(4) In the absence of a member, the member's deputy may, if available, act in the place of the member and, while so acting, has all the functions of the member and is taken to be a member.

(5) This clause does not operate to confer on a deputy of a member who is the Chairperson the member's functions as Chairperson.

SCHEDULE 1—AMENDMENTS—*continued*

(6) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

(7) If a body, group or person fails to recommend a person for appointment under section 39 (2) (b), 39B (2) (b)–(d) or 40 (3) (b)–(e) within a reasonable time after being requested to do so by the Minister, the Minister may appoint a person of the Minister's own choice.

Terms of office of appointed members

3. Subject to this Schedule, an appointed member holds office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Remuneration of appointed members

4. An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

Vacancy in office of appointed member

5. (1) The office of an appointed member becomes vacant if the member:

- (a) dies; or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the Public Sector Management Act 1988; or
- (e) is absent from 3 consecutive meetings of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee (as the case may be) of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Chairperson; or

SCHEDULE 1—AMENDMENTS—*continued*

- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (g) becomes a mentally incapacitated person; or
- (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be so punishable.

(2) The Minister may remove an appointed member from office at any time.

Filling of vacancy in office of appointed member

6. If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Effect of certain other Acts

7. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If by or under any Act provision is made:

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; and
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member.

(3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

Meetings of the Bush Fire Council

8. The Bush Fire Council is to meet at least 4 times in any one year, but may meet on such other occasions as may be determined by the Chairperson.

Bush Fires (Amendment) Act 1993 No. 98

SCHEDULE 1—AMENDMENTS—*continued*

General procedure

9. The procedure for the calling of meetings of the Bush Fire Council, the Finance Council and the Co-ordinating Committee, and for the conduct of business at those meetings, is to be determined by the Chairperson.

Quorum

10. (1) The quorum for a meeting of the Bush Fire Council is 9 members.

(2) The quorum for a meeting of the Finance Committee or the Co-ordinating Committee is 3 members.

Presiding member

11. (1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present, is to preside at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.

(2) The person presiding at any meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee has a second or casting vote.

Voting

12. A decision supported by a majority of the votes cast at a meeting of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee at which a quorum is present is the decision of the Bush Fire Council, the Finance Committee or the Co-ordinating Committee.

[*Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 19 November 1993*]

