

# FIRE BRIGADES (AMENDMENT) ACT 1994 No. 36

NEW SOUTH WALES

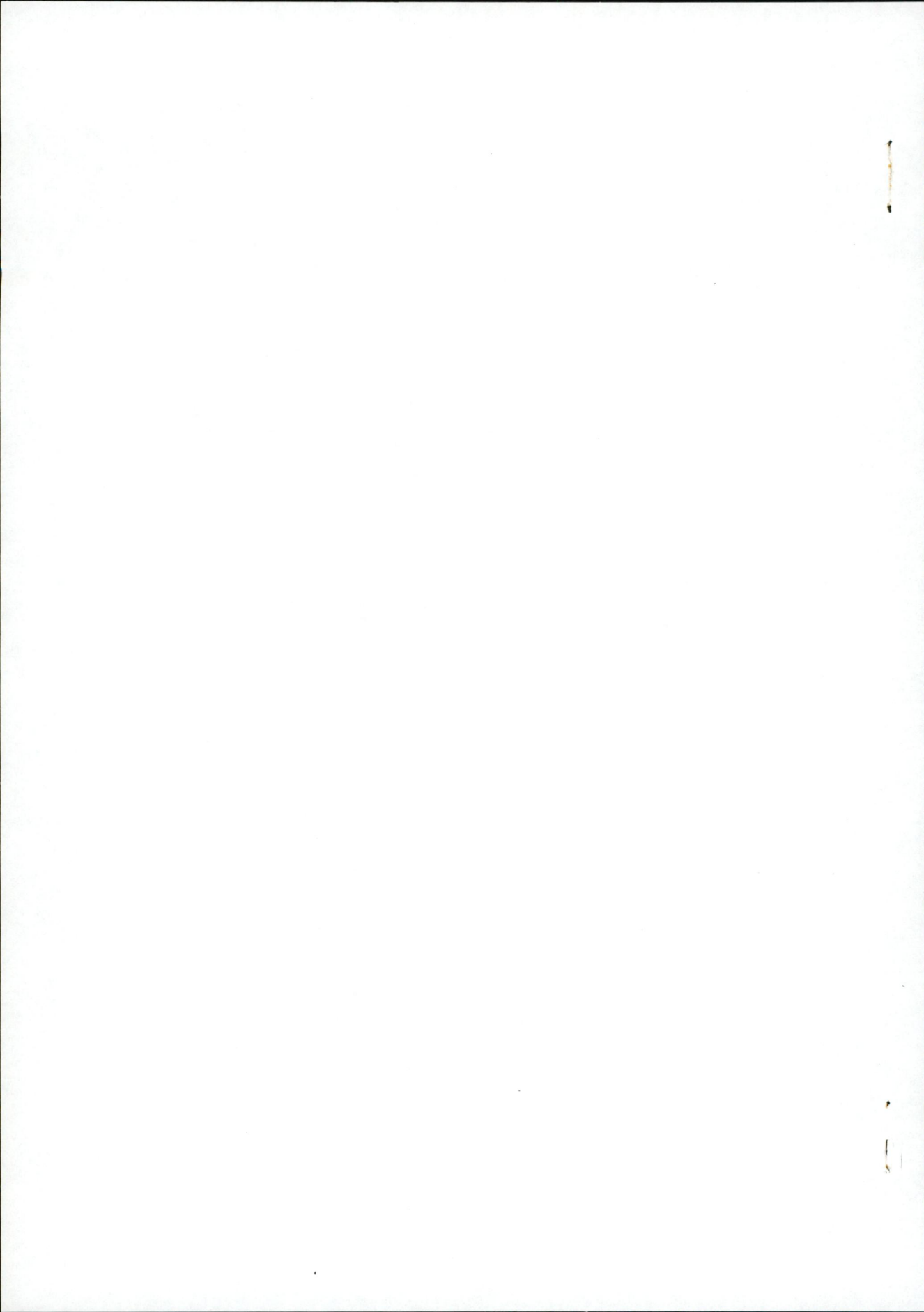


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NEW SOUTH WALES FIRE BRIGADES  
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# FIRE BRIGADES (AMENDMENT) ACT 1994 No. 36

NEW SOUTH WALES



**Act No. 36, 1994**

An Act to amend the Fire Brigades Act 1989 to restructure the management of the New South Wales Fire Brigades; to make consequential amendments to the Public Sector Management Act 1988; and for other purposes. [Assented to 2 June 1994]

*Fire Brigades (Amendment) Act 1994 No. 36*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Fire Brigades (Amendment) Act 1994.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Fire Brigades Act 1989 No. 192**

3. The Fire Brigades Act 1989 is amended as set out in Schedules 1 and 2.

**Amendment of Public Sector Management Act 1988 No. 33**

4. The Public Sector Management Act 1988 is amended:
  - (a) by omitting from the matter in Schedule 1 relating to New South Wales Fire Brigades the words "Director-General of the Department" and by inserting instead the words "Commissioner of New South Wales Fire Brigades";
  - (b) by omitting from the matter in Schedule 3B relating to New South Wales Fire Brigades the words "Chief Officer".

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**SCHEDULE 1—AMENDMENTS RELATING TO THE  
COMMISSIONER OF NEW SOUTH WALES FIRE BRIGADES**

(Sec. 3)

(1) Section 3 (**Definitions**):

- (a) In section 3 (1), insert in alphabetical order:
 

**"Commissioner"** means the Commissioner of NSW Fire Brigades holding office as such under the Public Sector Management Act 1988;
- (b) From section 3 (1), omit the definitions of "Chief Officer" and "Director-General".
- (c) In section 3 (1), from the definition of "officer in charge", omit "Chief Officer" wherever occurring, insert instead "Commissioner".
- (d) In section 3 (1), from the definition of "permanent fire brigade", omit "Director-General" wherever occurring, insert instead "Commissioner".

*Fire Brigades (Amendment) Act 1994 No. 36*

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SCHEDULE 1—AMENDMENTS RELATING TO THE  
COMMISSIONER OF NEW SOUTH WALES FIRE BRIGADES—  
*continued*

- (2) The whole Act, except section 3, clause 1 of Schedule 2 and clauses 5, 10 and 16 of Schedule 4:  
Omit "Director-General" wherever occurring, insert instead "Commissioner".
- (3) The whole Act:  
Omit "Director-General's" wherever occurring, insert instead "Commissioner's".
- (4) Sections 23, 25 (1), 27–29, 38, 39:  
Omit "Chief Officer" wherever occurring, insert instead "Commissioner".
- (5) Section 25 (**Duty to recognise authority of officers**):  
From section 25 (1) (a), omit "Chief Officer's", insert instead "Commissioner's".
- (6) Section 30 (**Information may be requested from owner**):  
Omit section 30 (1) (b).
- (7) Sections 35, 78:  
Omit "the Chief Officer," wherever occurring.
- (8) Section 37 (**Payments for voluntary services**):  
Omit ", the Chief Officer".
- (9) Section 67:  
Omit the section, insert instead:  
**Efficiency, discipline and good conduct**  
67. The Commissioner is responsible for maintaining the efficiency, discipline and good conduct of the members of fire brigades.
- (10) Section 83 (**Delegation**):  
Omit section 83 (3) (a).
- (11) Section 85 (**Regulations**):  
From section 85 (2) (a), omit ", the Chief Officer,".



**SCHEDULE 2—OTHER AMENDMENTS**

(Sec. 3)

- (1) **Section 75 (Constitution of Council):**
- (a) From section 75 (2), omit "6 members", insert instead "4 members".
  - (b) Omit section 75 (2) (b) and (e).
- (2) **Schedule 2 (Provisions relating to members and procedure of Council):**
- (a) Omit clause 1, insert instead:  
**Definition**  
1. In this Schedule, "**appointed member**" means a member of the Council other than the Commissioner.
  - (b) From clause 2 (1), omit "An ex-officio member", insert instead "The Commissioner".
  - (c) From clause 9, omit "4 members", insert instead "3 members".
- (3) **Schedule 4 (Savings and transitional provisions):**
- (a) In clause 1, insert in alphabetical order:  
"**Director-General**" means the Director-General holding office immediately before the commencement of Schedule 1 to the Fire Brigades (Amendment) Act 1994;
  - (b) From clause 2 (1), omit "1993.", insert instead "1993".
  - (c) At the end of clause 2 (1), insert:  
the Fire Brigades (Amendment) Act 1994
  - (d) After Part 5, insert:  
**Part 6—Provisions relating to the Fire Brigades (Amendment) Act 1994**

**References to Director-General and Chief Officer**

23. (1) In this clause, "**relevant day**" means the day on which section 4 of the Fire Brigades (Amendment) Act 1994 commences.

(2) On and from the relevant day, a reference in any other Act, in any instrument made under any other Act, or in any other instrument of any kind:

*Fire Brigades (Amendment) Act 1994 No. 36*

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SCHEDULE 2—OTHER AMENDMENTS—*continued*

- (a) to the Director-General of New South Wales Fire Brigades (however expressed)—is to be read as a reference to the Commissioner; or
  - (b) to the Chief Officer of Fire Brigades (however expressed)—is to be read as a reference to the Commissioner.
- (3) This clause extends to a reference to the Director-General effected by clause 5.

**Former Directors-General and Chief Officers**

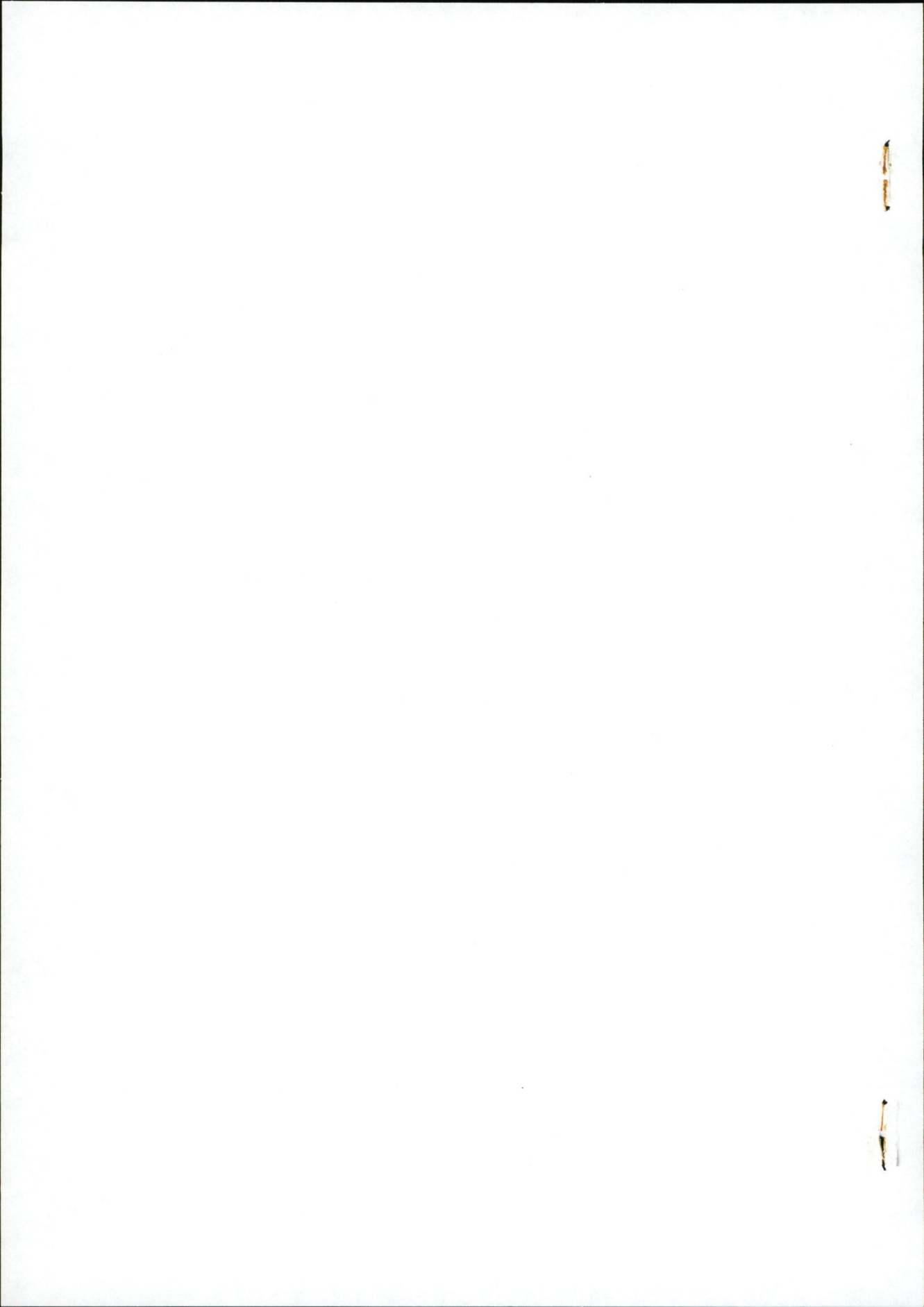
24. Despite their amendment by the Fire Brigades (Amendment) Act 1994:

- (a) section 78 continues to apply to the persons who held the office of Director-General before the office was abolished by that Act; and
- (b) sections 38 and 78 continue to apply to the persons who held the office of Chief Officer before the office was abolished by that Act,

as if the amendments had not been made.

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[*Minister's second reading speech made in—  
Legislative Assembly on 3 May 1994  
Legislative Council on 13 May 1994*]





**SECOND READING SPEECH**

**LEGISLATIVE COUNCIL**

**FIRE BRIGADES (AMENDMENT) BILL 1994**

MR PRESIDENT,

THERE IS NO-ONE HERE TODAY WHO WILL NOT AGREE THAT THE EFFORTS OF ALL CONCERNED IN COMBATING THE JANUARY FIRES ARE TO BE COMMENDED.

IT CAN BE SAID THAT IT WAS A WELL RUN FIREFIGHTING OPERATION IN SPITE OF THE MANY ADVERSITIES WHICH FACED THE FIREFIGHTERS AND THOSE IN CHARGE OF THE FIREFIGHTING CAMPAIGN.

HOWEVER, THE MINISTER FOR POLICE AND EMERGENCY SERVICES IS THE FIRST TO RECOGNISE THAT THE FIRES HIGHLIGHTED A NUMBER OF AREAS WHICH REQUIRE IMPROVEMENT TO EFFECT A BETTER FIREFIGHTING FORCE AND CONSEQUENTLY AN IMPROVED LEVEL OF FIRE PROTECTION FOR THE COMMUNITY OF NEW SOUTH WALES.

ONE SUCH AREA IS THE COMMAND AND CONTROL STRUCTURE OF THE NSW FIRE BRIGADES. IT REQUIRES CLARIFICATION AND THE FIRE BRIGADES (AMENDMENT) BILL SEEKS TO DO JUST THAT.

AT PRESENT, THE FIRE BRIGADES ACT PROVIDES FOR THE BRIGADES' SENIOR MANAGEMENT STRUCTURE TO BE SPLIT BETWEEN THE DIRECTOR-GENERAL WHO IS THE DEPARTMENT'S CHIEF EXECUTIVE OFFICER AND THE CHIEF OFFICER WHO IS RESPONSIBLE FOR OPERATIONS.

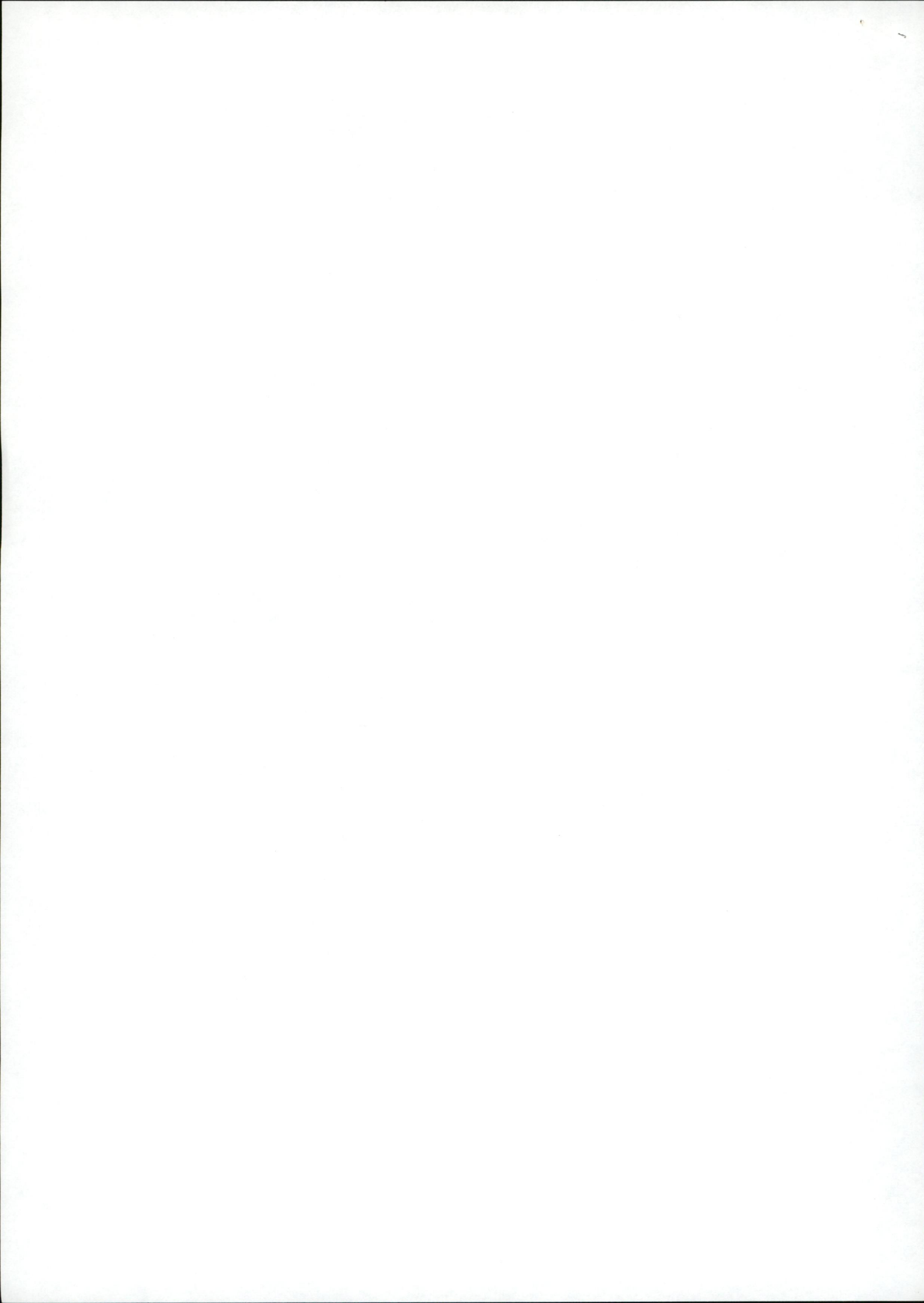
THE DIRECTOR-GENERAL IS STATUTORILY RESPONSIBLE FOR TAKING ALL PRACTICABLE MEASURES FOR PREVENTING AND EXTINGUISHING FIRES AND PROTECTING AND SAVING LIFE AND PROPERTY FROM FIRE.

THE CHIEF OFFICER, IN ADDITION TO OPERATIONAL MATTERS, IS CHARGED UNDER THE ACT WITH RESPONSIBILITY FOR MAINTAINING THE EFFICIENCY, DISCIPLINE AND GOOD CONDUCT OF THE MEMBERS OF THE FIRE BRIGADES.

THE CURRENT STRUCTURE IS IN EFFECT A CONTINUATION OF THAT WHICH APPLIED PRIOR TO 1989 WHEN THE FORMER BOARD OF FIRE COMMISSIONERS WAS ABOLISHED AND THE NSW FIRE BRIGADES WAS ESTABLISHED AS AN INNER BUDGET SECTOR DEPARTMENT.

I CONSIDER THE ARTIFICIAL DIVISION OF RESPONSIBILITIES TO NO LONGER BE APPROPRIATE.

THE CURRENT ARRANGEMENTS ARE INCONSISTENT WITH MODERN MANAGEMENT PRACTICES AND ACCOUNTABILITIES.



THEY ARE NOT CONDUCTIVE TO THE ACCEPTANCE OF MANAGERIAL ACCOUNTABILITY.

IT IS A CENTRAL PRINCIPLE OF GOOD MANAGEMENT THAT CLEAR LINES OF RESPONSIBILITY, COMMAND AND ACCOUNTABILITY MUST BE MAINTAINED.

IN THE CIRCUMSTANCES, IT IS PROPOSED TO ESTABLISH A SINGLE POSITION OF COMMISSIONER WHO WILL HAVE RESPONSIBILITY FOR THE MANAGEMENT AND CONTROL OF THE ORGANISATION.

SIMILAR ARRANGEMENTS HAVE WORKED WELL WITH THE DEPARTMENT OF CORRECTIVE SERVICES, THE POLICE SERVICE AND, MORE RECENTLY, THE DEPARTMENT OF BUSH FIRE SERVICES.

ONCE A MODERN AND EFFECTIVE COMMAND STRUCTURE IS ESTABLISHED, THE OFFICERS OF THE NSW FIRE BRIGADES WILL BE ABLE TO BE PROPERLY SUPPORTED.

IT IS OPPORTUNE TO PURSUE THIS STRUCTURAL CHANGE AS THE DIRECTOR-GENERAL HAS RETIRED AND THE CHIEF OFFICER IS RETIRING SHORTLY.

I COMMEND THE BILL.





FIRST PRINT

## FIRE BRIGADES (AMENDMENT) BILL 1994

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to amend the Fire Brigades Act 1989 ("the Principal Act") and the Public Sector Management Act 1988 in order to:

- (a) abolish the office of Director-General of New South Wales Fire Brigades and the office of Chief Officer of Fire Brigades; and
- (b) combine the functions of those offices and have the combined functions exercisable by the holder of a new office with the title of Commissioner of New South Wales Fire Brigades ("the Commissioner"); and
- (c) provide transitional provisions resulting from those changes.

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**Clause 1** states the short title of the proposed Act.

**Clause 2** provides for the proposed Act to commence on a day or days to be appointed by proclamation.

**Clause 3** amends the Fire Brigades Act 1989 as set out in Schedules 1 and 2.

**Clause 4** amends the Public Sector Management Act 1988:

- (a) to abolish the office of Director-General of New South Wales Fire Brigades and the office of Chief Officer of New South Wales Fire Brigades; and
- (b) to create in their place the office of Commissioner of New South Wales Fire Brigades.

### SCHEDULE 1—AMENDMENTS RELATING TO THE COMMISSIONER OF NEW SOUTH WALES FIRE BRIGADES

**Schedule 1 (1)** omits the definitions of "Chief Officer" and "Director-General" and defines "Commissioner" as the Commissioner of New South Wales Fire Brigades holding office under the Public Sector Management Act 1988.



*Fire Brigades (Amendment) 1994*

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The other items of Schedule 1 replace the references in the Principal Act to the Director-General and the Chief Officer with references to the Commissioner, except as provided by Schedule 1 and except in the case of certain savings and transitional provisions.

**SCHEDULE 2—OTHER AMENDMENTS**

**Schedule 2 (1)** reduces from 6 to 4 the number of members of the Fire Brigades Advisory Council because:

- (a) the proposed Act substitutes the office of Commissioner for the 2 offices of Director-General and Chief Officer; and
- (b) a nominee of the Treasurer is no longer required.

**Schedule 2 (2) (a)** and **(b)** make consequential amendments, and **Schedule 2 (2) (c)** reduces from 4 to 3 the quorum for a meeting of the Fire Brigades Advisory Council.

**Schedule 2 (3)** amends the Schedule of savings and transitional provisions in the Principal Act:

- (a) by adding the proposed Act to those in respect of which savings and transitional provisions may be made by regulations; and
  - (b) by requiring certain references to the Director-General and the Chief Officer to be read as references to the Commissioner; and
  - (c) by enabling certain provisions of the Principal Act to continue to apply to former Directors-General and former Chief Officers.
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FIRST PRINT

**FIRE BRIGADES (AMENDMENT) BILL 1994**

NEW SOUTH WALES

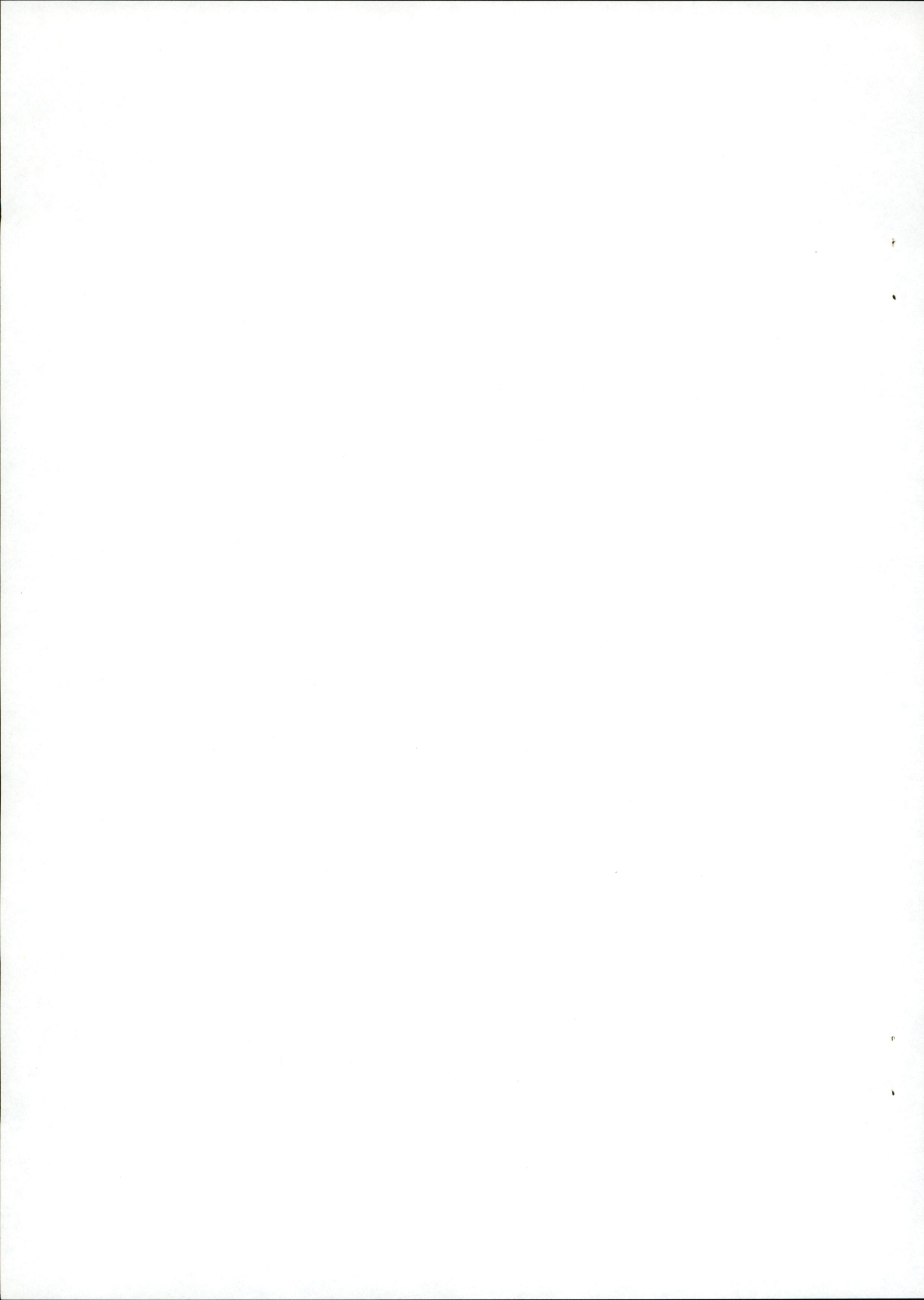


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NEW SOUTH WALES FIRE BRIGADES  
SCHEDULE 2—OTHER AMENDMENTS

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**FIRE BRIGADES (AMENDMENT) BILL 1994**

NEW SOUTH WALES



No. , 1994

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**A BILL FOR**

An Act to amend the Fire Brigades Act 1989 to restructure the management of the New South Wales Fire Brigades; to make consequential amendments to the Public Sector Management Act 1988; and for other purposes.

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*Fire Brigades (Amendment) 1994*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Fire Brigades (Amendment) Act 1994.

**Commencement**

- 5 2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Fire Brigades Act 1989 No. 192**

3. The Fire Brigades Act 1989 is amended as set out in Schedules 1 and 2.

10 **Amendment of Public Sector Management Act 1988 No. 33**

4. The Public Sector Management Act 1988 is amended:

- (a) by omitting from the matter in Schedule 1 relating to New South Wales Fire Brigades the words "Director-General of the Department" and by inserting instead the words "Commissioner of New South Wales Fire Brigades";
- 15 (b) by omitting from the matter in Schedule 3B relating to New South Wales Fire Brigades the words "Chief Officer".

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**SCHEDULE 1—AMENDMENTS RELATING TO THE  
COMMISSIONER OF NEW SOUTH WALES FIRE BRIGADES**

20

(Sec. 3)

(1) Section 3 (**Definitions**):

- (a) In section 3 (1), insert in alphabetical order:

25 "Commissioner" means the Commissioner of NSW Fire Brigades holding office as such under the Public Sector Management Act 1988;

- (b) From section 3 (1), omit the definitions of "Chief Officer" and "Director-General".

(c) In section 3 (1), from the definition of "officer in charge", omit "Chief Officer" wherever occurring, insert instead "Commissioner".

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- (d) In section 3 (1), from the definition of "permanent fire brigade", omit "Director-General" wherever occurring, insert instead "Commissioner".



*Fire Brigades (Amendment) 1994*

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SCHEDULE 1—AMENDMENTS RELATING TO THE  
COMMISSIONER OF NEW SOUTH WALES FIRE BRIGADES—  
*continued*

- (2) The whole Act, except section 3, clause 1 of Schedule 2 and clauses 5, 10 and 16 of Schedule 4: 5  
Omit "Director-General" wherever occurring, insert instead "Commissioner".
- (3) The whole Act:  
Omit "Director-General's" wherever occurring, insert instead "Commissioner's". 10
- (4) Sections 23, 25 (1), 27–29, 38, 39:  
Omit "Chief Officer" wherever occurring, insert instead "Commissioner".
- (5) Section 25 (**Duty to recognise authority of officers**):  
From section 25 (1) (a), omit "Chief Officer's", insert instead "Commissioner's". 15
- (6) Section 30 (**Information may be requested from owner**):  
Omit section 30 (1) (b).
- (7) Sections 35, 78:  
Omit "the Chief Officer," wherever occurring. 20
- (8) Section 37 (**Payments for voluntary services**):  
Omit ", the Chief Officer".
- (9) Section 67:  
Omit the section, insert instead:  
**Efficiency, discipline and good conduct** 25  
67. The Commissioner is responsible for maintaining the efficiency, discipline and good conduct of the members of fire brigades.
- (10) Section 83 (**Delegation**):  
Omit section 83 (3) (a). 30
- (11) Section 85 (**Regulations**):  
From section 85 (2) (a), omit ", the Chief Officer,".

*Fire Brigades (Amendment) 1994*

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**SCHEDULE 2—OTHER AMENDMENTS**

(Sec. 3)

(1) Section 75 (**Constitution of Council**):

5 (a) From section 75 (2), omit “6 members”, insert instead “4 members”.

(b) Omit section 75 (2) (b) and (e).

(2) Schedule 2 (**Provisions relating to members and procedure of Council**):

10 (a) Omit clause 1, insert instead:

**Definition**

1. In this Schedule, “**appointed member**” means a member of the Council other than the Commissioner.

(b) From clause 2 (1), omit “An ex-officio member”, insert instead “The Commissioner”.

15 (c) From clause 9, omit “4 members”, insert instead “3 members”.

(3) Schedule 4 (**Savings and transitional provisions**):

(a) In clause 1, insert in alphabetical order:

20 “**Director-General**” means the Director-General holding office immediately before the commencement of Schedule 1 to the Fire Brigades (Amendment) Act 1994;

(b) From clause 2 (1), omit “1993.”, insert instead “1993”.

(c) At the end of clause 2 (1), insert:

the Fire Brigades (Amendment) Act 1994

25 (d) After Part 5, insert:

**Part 6—Provisions relating to the Fire Brigades  
(Amendment) Act 1994**

**References to Director-General and Chief Officer**

30 23. (1) In this clause, “**relevant day**” means the day on which section 4 of the Fire Brigades (Amendment) Act 1994 commences.

(2) On and from the relevant day, a reference in any other Act, in any instrument made under any other Act, or in any other instrument of any kind:

*Fire Brigades (Amendment) 1994*

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SCHEDULE 2—OTHER AMENDMENTS—*continued*

(a) to the Director-General of New South Wales Fire Brigades (however expressed)—is to be read as a reference to the Commissioner; or

(b) to the Chief Officer of Fire Brigades (however expressed)—is to be read as a reference to the Commissioner.

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(3) This clause extends to a reference to the Director-General effected by clause 5.

**Former Directors-General and Chief Officers**

10

24. Despite their amendment by the Fire Brigades (Amendment) Act 1994:

(a) section 78 continues to apply to the persons who held the office of Director-General before the office was abolished by that Act; and

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(b) sections 38 and 78 continue to apply to the persons who held the office of Chief Officer before the office was abolished by that Act,

as if the amendments had not been made.

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