



New South Wales

Emergency Legislation Amendment (Offences) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

(a) to amend the following Acts:

- the *Bush Fires Act 1949*
- the *Fire Brigades Act 1989*
- the *State Emergency and Rescue Management Act 1989*
- the *State Emergency Service Act 1989*

to increase the maximum penalty to 50 penalty units (\$5,000) or imprisonment for 2 years, or both, for offences of obstructing certain personnel while they are exercising functions under each Act (for example, fire fighters or members of SES units), and

(b) in addition, to amend the *State Emergency and Rescue Management Act 1989* to create an offence of obstructing members of accredited rescue units acting in connection with a rescue operation or otherwise in response to an emergency.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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

Clause 3 is a formal provision giving effect to Schedule 1 which contains amendments to the Acts listed in the overview above.

Schedule 1 Amendment of Acts

Bush Fires Act 1949

Section 55 is amended to increase the maximum penalty for assaulting, resisting, obstructing or using abusive language to (or inciting or encouraging another person to act in such a manner towards) bush fire-fighting personnel from 20 penalty units (\$2,000) or 6 months imprisonment to 50 penalty units or 2 years imprisonment, or both. (Schedule 1.1)

Fire Brigades Act 1989

Section 35 is amended to increase the maximum penalty for obstructing or hindering fire-fighting and associated personnel exercising functions under the Act from 10 penalty units (\$1,000) to 50 penalty units or 2 years imprisonment, or both. (Schedule 1.2)

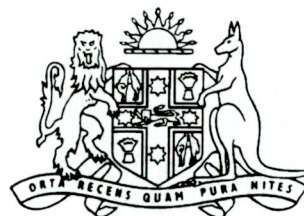
State Emergency and Rescue Management Act 1989

Section 40 is amended to increase the maximum penalty for obstructing or hindering certain persons exercising functions under the Act during a state of emergency to 50 penalty units or 2 years imprisonment, or both (the current maximum penalty for the offence being 50 penalty units). (Schedule 1.3 [1])

New section 62B is inserted into the Act to make it an offence to obstruct or hinder a member of an accredited rescue unit acting in connection with a rescue operation or otherwise in response to an emergency (maximum penalty: 50 penalty units or 2 years imprisonment, or both). (Schedule 1.3 [2])

State Emergency Service Act 1989

Section 24 is amended to increase the maximum penalty for obstructing or hindering emergency personnel exercising functions under the Act to 50 penalty units or 2 years imprisonment, or both (the current maximum penalty for the offence being 50 penalty units). (Schedule 1.4)



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New South Wales

Emergency Legislation Amendment (Offences) Bill 1996

No , 1996

A Bill for

An Act to amend the *Bush Fires Act 1949*, the *Fire Brigades Act 1989*, the *State Emergency and Rescue Management Act 1989* and the *State Emergency Service Act 1989* to make further provision with respect to offences against certain personnel exercising functions under those Acts; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Emergency Legislation Amendment (Offences) Act 1996*.

2 Commencement

5

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

3 Amendment of Acts

Each Act specified in Schedule 1 is amended as set out in that Schedule.

10

Schedule 1 Amendment of Acts

(Section 3)

1.1 Bush Fires Act 1949 No 31

Section 55 Members of police force to support exercise of authority under the Act

5

Omit "shall be guilty of an offence against this Act and be liable to a penalty not exceeding 20 penalty units or to imprisonment for a term not exceeding 6 months" from section 55 (2).

Insert instead:

is guilty of an offence.

10

Maximum penalty: 50 penalty units or imprisonment for 2 years, or both.

1.2 Fire Brigades Act 1989 No 192

Section 35 Obstruction of fire fighters or other personnel

Omit "10 penalty units".

15

Insert instead "50 penalty units or imprisonment for 2 years, or both".

1.3 State Emergency and Rescue Management Act 1989 No 165

[1] Section 40 Offence to obstruct Minister or emergency personnel

20

Insert "or imprisonment for 2 years, or both" after "units".

Emergency Legislation Amendment (Offences) Bill 1996

Schedule 1 Amendment of Acts

[2] Section 62B

Insert after section 62A:

62B Obstruction of members of rescue units

A person must not obstruct or hinder a member of an
accredited rescue unit acting in connection with a rescue 5
operation or otherwise in response to an emergency.

Maximum penalty: 50 penalty units or imprisonment for
2 years, or both.

1.4 State Emergency Service Act 1989 No 164

**Section 24 Offence to obstruct Director-General or emergency 10
officer**

Insert "or imprisonment for 2 years, or both" after "units".



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Emergency Legislation Amendment (Offences) Act 1996 No 89

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New South Wales

Emergency Legislation Amendment (Offences) Act 1996 No 89

Act No 89, 1996

An Act to amend the *Bush Fires Act 1949*, the *Fire Brigades Act 1989*, the *State Emergency and Rescue Management Act 1989* and the *State Emergency Service Act 1989* to make further provision with respect to offences against certain personnel exercising functions under those Acts; and for other purposes. [Assented to 25 November 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Emergency Legislation Amendment (Offences) Act 1996*.

2 Commencement

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

3 Amendment of Acts

Each Act specified in Schedule 1 is amended as set out in that Schedule.

Schedule 1 Amendment of Acts

(Section 3)

1.1 Bush Fires Act 1949 No 31

Section 55 Members of police force to support exercise of authority under the Act

Omit "shall be guilty of an offence against this Act and be liable to a penalty not exceeding 20 penalty units or to imprisonment for a term not exceeding 6 months" from section 55 (2).

Insert instead:

is guilty of an offence.

Maximum penalty: 50 penalty units or imprisonment for 2 years, or both.

1.2 Fire Brigades Act 1989 No 192

Section 35 Obstruction of fire fighters or other personnel

Omit "10 penalty units".

Insert instead "50 penalty units or imprisonment for 2 years, or both".

1.3 State Emergency and Rescue Management Act 1989 No 165

[1] Section 40 Offence to obstruct Minister or emergency personnel

Insert "or imprisonment for 2 years, or both" after "units".

[2] Section 62B

Insert after section 62A:

62B Obstruction of members of rescue units

A person must not obstruct or hinder a member of an accredited rescue unit acting in connection with a rescue operation or otherwise in response to an emergency.

Maximum penalty: 50 penalty units or imprisonment for 2 years, or both.

1.4 State Emergency Service Act 1989 No 164

Section 24 Offence to obstruct Director-General or emergency officer

Insert "or imprisonment for 2 years, or both" after "units".

[Minister's second reading speech made in—
Legislative Assembly on 23 October 1996
Legislative Council on 13 November 1996]