

FIRE BRIGADES (AMENDMENT) ACT, 1979, No. 153

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 153, 1979.

An Act to amend the Fire Brigades Act, 1909, to clarify the powers and liabilities of firemen and the Board of Fire Commissioners of New South Wales, to simplify the provisions which relate to the area of application of the Act and for other purposes.
[Assented to, 10th December, 1979.]

See also Bush Fires (Amendment) Act, 1979.

Fire Brigades (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Fire Brigades (Amendment) Act, 1979".

Commencement. **2.** (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to Schedule 2, and Schedule 2 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act. **3.** The Fire Brigades Act, 1909, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO ITS AREA OF APPLICATION.

Amendment of Act No. 9, 1909. **5.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Fire Brigades (Amendment).

SCHEDULE 1.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2—

From the matter relating to Part III, omit “32”, insert instead “32A”.

(2) Section 8 (1)---

Omit “appointment.”, insert instead “appointment.”.

(3) Section 20 (2), (3)—

At the end of section 20, insert :—

(2) The board is, to the extent that it is not or has not been authorised by or under this or any other Act to do so, hereby authorised and deemed always to have been authorised—

(a) to protect persons from injury or death and property from damage, whether or not those persons are, or the property is, within a fire district or endangered by fire; and

(b) subject to subsection (3), to engage in—

(i) the ploughing, burning, clearing or otherwise establishing or maintaining of fire breaks on any land; or

(ii) the removal, burning or destruction of any inflammable matter or other material on any land where the board is satisfied that that removal, burning or destruction is necessary for the prevention of the outbreak, spread or extension of a bush fire or other fire,

whether or not that land is within a fire district.

Fire Brigades (Amendment).

SCHEDULE 1—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(3) The board is not authorised to exercise the power conferred by subsection (2) (b) in respect of any land unless—

- (a) for the purpose of controlling or extinguishing a fire or protecting persons endangered by fire from injury or death or property endangered by fire from damage; or
- (b) with the permission of the person apparently in occupation or control of the land.

(4) (a) Section 29 (e)—

After “him;”, insert “and”.

(b) Section 29 (f)—

Omit “brigade; and”, insert instead “brigade.”.

(5) Section 31 (3)—

After section 31 (2), insert :—

(3) Subsections (1) and (2) do not apply in respect of the protection of persons from injury or death, or of property from damage, where the persons are, or the property is, not endangered by fire.

(6) (a) Section 32—

Omit “or any fire brigade officer, or superior fire brigade officer”, insert instead “or the superior fire brigade officer or any other officer or servant of the board (including a member of a fire brigade)”.

Fire Brigades (Amendment).

SCHEDULE 1—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(b) Section 32—

Omit “this Act”, insert instead “or under this or any other Act”.

(c) Section 32 (2)—

At the end of section 32, insert :—

(2) Subsection (1) does not apply in respect of damage to property caused in the exercise of a power to protect persons from injury or death or property from damage, where those persons are, or the property is, not endangered by fire.

(7) Section 40A—

Omit the section.

(8) Section 40B—

Omit “or any increase thereof”.

(9) Section 42—

Omit the section, insert instead :—

42. (1) A by-law is by this subsection required to be approved by the Governor and shall have no effect unless and published in the Gazette.

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Fire Brigades (Amendment).

SCHEDULE 1—*continued.***MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
*continued.*****(10) (a) Section 46—**

Omit “of the board”, insert instead “or servant of the board (including any member of a fire brigade)”.

(b) Section 46—

Omit “by this Act or the by-laws”, insert instead “by or under this or any other Act”.

(c) Section 46—

After “damage”, insert “or injury”.

(d) Section 46—

After “such officer”, insert “, servant”.

(11) Section 54 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Fire Brigades (Amendment).

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO ITS
AREA OF APPLICATION.

(1) (a) Section 4 (1) (a), (b)—

Omit the paragraphs.

(b) Section 4 (1) (c)—

Omit the paragraph, insert instead :—

(c) every fire district.

(c) Section 4 (1), proviso—

Omit the proviso.

(d) Section 4 (2)—

Omit the subsection.

(2) (a) Section 5, definition of “Fire district”—

Omit the definition, insert instead :—

“Fire district” means an area constituted as a fire
district under section 6.

(b) Section 5, definition of “Municipality”—

After “means”, insert “city or”.

(3) Section 6—

Omit the section, insert instead :—

6. (1) In this section, “local government area” has the ~~Fire~~
meaning ascribed to that expression in section 4 of the ~~districts~~
Local Government Act, 1919.

Fire Brigades (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT WITH RESPECT TO ITS
AREA OF APPLICATION—*continued.*

(2) The Governor may, by order published in the Gazette, constitute an area as a fire district, the area so constituted being described by reference to a local government area or in any other manner.

(3) An area that is constituted as a fire district under subsection (2) shall not include any area that is not within a local government area.

(4) A reference in an order under subsection (2) to a local government area shall be construed as a reference to that area with boundaries as at the date of publication of the order in the Gazette.

(4) Schedule 1—

Omit the Schedule.
