

BUSH FIRES (AMENDMENT) ACT, 1980, No. 131

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 131, 1980.

An Act to amend the Bush Fires Act, 1949, with respect to the membership of the Bush Fire Council of New South Wales, with respect to equipment purchased from money in the New South Wales Bush Fire Fighting Fund and in relation to contributions payable to that Fund by insurance companies, and in other respects. [Assented to, 9th December, 1980.]

Bush Fires (Amendment).

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

1. This Act may be cited as the "Bush Fires (Amendment) Short title. Act, 1980".

2. (1) Except as provided in subsections (2) and (3), this Commencement. Act shall commence on the date of assent to this Act.

(2) Section 4, in its application to Schedule 1 (1) (a), (b) and (f), and Schedule 1 (1) (a), (b) and (f) shall commence on 1st March, 1981.

(3) Section 4, in its application to Schedule 1 (1) (e), and Schedule 1 (1) (e) shall commence on 1st July, 1982.

3. This Act contains the following Schedules :— Schedules.

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

SCHEDULE 2.—AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF STATUTE LAW REVISION.

4. The Bush Fires Act, 1949, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 31, 1949.

5. (1) The amendment by this Act of section 34 of the Bush Fires Act, 1949, does not affect the liability of an insurance company to send to the Minister a return in accordance with subsection (2) of that section in respect of premiums received by or due to the company for the year ended 31st December, 1980, or the power of the Minister to notify some time other than during February, 1981, at which that return shall be sent. Savings and transitional provisions.

Bush Fires (Amendment).

(2) A person who was appointed under section 41D of the Bush Fires Act, 1949, as in force before the commencement of Schedule 2—

(a) as—

- (i) Chief Co-ordinator of Bush Fire Fighting; or
- (ii) any other officer,

shall, if he held office immediately before that commencement, be deemed to have been appointed under that section, as substituted by this Act; or

(b) as an employee shall, if he was an employee immediately before that commencement, be deemed to have been employed under that section, as substituted by this Act.

Sec. 4.

SCHEDULE 1.

MISCELLANEOUS AMENDMENTS TO THE BUSH FIRES ACT, 1949.

(1) (a) Section 34 (2)—

Omit “February”, insert instead “September”.

(b) Section 34 (2)—

Omit “year ended the thirty-first day of December”.
insert instead “financial year”.

(c) Section 34 (3)—

Omit “\$20”, insert instead “\$50”.

(d) Section 34 (3)—

Omit “\$500”, insert instead “\$1,000”.

Bush Fires (Amendment).

SCHEDULE 1—*continued.*

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

(e) Section 34 (4) (a)—

Omit “year ended the thirty-first day of December”, insert instead “financial year immediately preceding the financial year”.

(f) Section 34 (5)—

Omit “the first day of January”, insert instead “1st July”.

(2) (a) Section 37 (1) (f) (iv)—

Omit “officers and employees of the State Emergency Services and Civil Defence Organisation referred to in the State Emergency Services and Civil Defence Act, 1972,”, insert instead “officers and temporary employees of the Department of Services”.

(b) Section 37 (3)—

After “constructed” where firstly occurring, insert “wholly or partly”.

(c) Section 37 (4)—

After “constructed”, insert “wholly or partly”.

(d) Section 37 (4)—

Omit “the consent in writing of the Minister having been first obtained”, insert instead “having first obtained the written consent thereto of the Minister or a person authorised in writing by the Minister for the purposes of this subsection”.

(e) Section 37 (5)—

Omit the subsection, insert instead :—

Bush Fires (Amendment).

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

(5) There shall be paid to the credit of the Fund—

- (a) where the whole of the cost of the purchase or construction of any fire fighting apparatus, buildings, water storage tanks or lookout towers was met by money to the credit of the Fund—
 - (i) an amount equal to the proceeds of sale of any such apparatus, buildings, tanks or towers; and
 - (ii) any amount recovered (whether under a policy of insurance, from the Bush Fire Fighters Compensation Fund under Part IIΔ of the Workers' Compensation Act, 1926, or otherwise) in respect of the damage to, or destruction or loss of, any such apparatus, buildings, tanks or towers; and
- (b) where a part only of the cost of the purchase or construction of any such apparatus, buildings, tanks or towers was met by money to the credit of the Fund—an amount which bears to the amount that would be required by this subsection to be paid if the whole of that cost had been met by money to the credit of the Fund the same proportion as that part of the cost bears to the whole of that cost.

(3) Section 39 (1)—

Omit “twenty-five”, insert instead “27”.

Bush Fires (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION.

(1) Sections 3, 10 (5) (a) (i), 10 (6), 13 (4) (a), 13 (5),
14 (2), 19 (a), 22 (3) (e), 25, 30 (2), 32 (1) (b), 51
(1)—

Omit “–1949” wherever occurring.

(2) Section 4—

Omit “One to this Act”, insert instead “1”.

(3) Sections 5 (2), 5 (3), 6 (definitions of “Area” and
“Council”), 7 (2), 10 (5A), 14 (1A), 51A (2), 53 (1),
53 (2)—

Omit “, as amended by subsequent Acts” wherever
occurring.

(4) (a) Section 6, definition of “Council”—

Omit “, as so amended”.

(b) Section 6, definitions of “Eastern and Central
Divisions” and “Western Division”—

Omit “as amended by subsequent Acts” wherever
occurring.

(c) Sections 6, definition of “Eastern and Central
Divisions”—

Omit “, as so amended.”.

(d) Section 6, definition of “Prescribed”—

Omit the definition.

Bush Fires (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION—*continued.*

(5) (a) Section 7 (3) (b), (5) (a), (7)—

Omit “paragraph (b) of subsection (2)” wherever occurring, insert instead “subsection (2) (b)”.

(b) Section 7 (5) (b)—

Omit “paragraph (b) or (c) of subsection (4)”, insert instead “subsection (4) (b) or (c)”.

(c) Section 7 (6) (a)—

Omit “paragraph (b) of that subsection”, insert instead “subsection (2) (b)”.

(d) Section 7 (7)—

Omit “that subsection”, insert instead “subsection (2) (b)”.

(6) Sections 7 (7), 51 (1A)—

Omit “–1957” wherever occurring.

(7) (a) Section 10 (2) (a) (ii) (a)—

Omit “area” where thirdly occurring, insert instead “area.”.

(b) Section 10 (5A), (5C) (a)—

Omit “paragraph (a) of subparagraph (ii) of paragraph (a) of subsection (2)” wherever occurring, insert instead “subsection (2) (a) (ii) (a)”.

(8) (a) Section 11 (1), (2)—

Omit “subsection (2) of that section” wherever occurring, insert instead “section 10 (2)”.

Bush Fires (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION—*continued.*

(b) Section 11 (1)—

Omit “subsection (6) of section 10”, insert instead “section 10 (6)”.

(c) Section 11 (1)—

Omit “subsection (7) of that section”, insert instead “section 10 (7)”.

(9) (a) Section 12 (2) (a)—

Omit “paragraph (c) of subsection (1)”, insert instead “subsection (1) (c)”.

(b) Section 12 (2) (b)—

Omit “paragraph (d) of subsection (1)”, insert instead “subsection (1) (d)”.

(10) (a) Section 13 (2) (a)—

Omit “paragraph (a) of subsection (1)”, insert instead “subsection (1) (a)”.

(b) Section 13 (2) (b)—

Omit “paragraph (b) of subsection (1)”, insert instead “subsection (1) (b)”.

(c) Section 13 (3)—

Omit “subsection (2) of section 10”, insert instead “section 10 (2)”.

(11) Section 14 (1A)—

Omit “, as so amended.”.

Bush Fires (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION—*continued.*

(12) (a) Section 16 (2)—

Omit “paragraph (a) of subsection (1)”, insert instead “subsection (1) (a)”.

(b) Section 16 (2)—

Omit “by that subsection”, insert instead “by subsection (1)”.

(13) Sections 17 (9), 41F (3)—

Omit “subsection (2) of that section” wherever occurring, insert instead “section 22 (2)”.

(14) (a) Section 22 (2), (3B)—

Omit “Public Transport Commission” wherever occurring, insert instead “State Rail Authority”.

(b) Section 22 (2)—

Omit “the Commission” wherever occurring, insert instead “the Authority”.

(c) Section 22 (3A)—

Omit “–1954”.

(d) Section 22 (3A)—

Omit “–1952”.

(e) Section 22 (3A)—

Omit “–1958”.

Bush Fires (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION—*continued.*

(f) Section 22 (3B)—

Omit “that Commission” wherever occurring, insert instead “that Authority”.

(15) Section 32 (1)—

Omit “subsection (1) of section 30”, insert instead “section 30 (1)”.

(16) Sections 32 (1) (a), 32 (3), 32 (4), 37 (1), 37 (2)—

Omit “Colonial Treasurer” wherever occurring, insert instead “Treasurer”.

(17) Section 35 (1)—

Omit “subsection (2) of section 30”, insert instead “section 30 (2)”.

(18) (a) Section 39 (2) (h)—

Omit “Director of State Emergency Services and Civil Defence”, insert instead “Under Secretary, Department of Services”.

(b) Section 39 (6)—

Omit “1902”, insert instead “1979”.

(c) Section 39 (9) (c)—

After “bankrupt”, insert “applies to take the benefit of any law for the relief of bankrupt or insolvent debtors”.

Bush Fires (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION—*continued.*

(d) Section 39 (9) (e)—

Omit the paragraph, insert instead :—

(e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(e) Section 39 (9) (f)—

Omit “punishable as aforesaid;”, insert instead “so punishable; or”.

(19) Section 39A (1)—

Omit “paragraphs (e), (f) and (h) of subsection (2) of section 39”, insert instead “section 39 (2) (e), (f) and (h)”.

(20) Sections 39A (3), 39B (5)—

Omit “subsections (6), (7) and (8) of section 39” wherever occurring, insert instead “section 39 (6), (7) and (8)”.

(21) Section 39B (1)—

Omit “paragraphs (b), (c), (d) and (e) of subsection (2) of section 39”, insert instead “section 39 (2) (b), (c), (d) and (e)”.

Bush Fires (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION—*continued.*

(22) Section 41D—

Omit the section, insert instead :—

41D. A Chief Co-ordinator of Bush Fire Fighting and Appoint-
such other officers and temporary employees as may be ment of
necessary for the purposes of this Act shall be appointed Chief Co-
or employed under and in accordance with the Public ordinator
Service Act, 1979. and other
officers.

(23) (a) Section 41F (3)—

Omit “paragraph (a) of that subsection”, insert
instead “subsection (1) (a)”.

(b) Section 41F (3)—

Omit “paragraph (b) of that subsection”, insert
instead “subsection (1) (b)”.

(24) Section 41J (1)—

Omit “paragraphs (a) and (b) of subsection (1) of section
41B”, insert instead “section 41B (1) (a) and (b)”.

(25) Section 42 (1)—

Omit “, Agriculture and Conservation”, insert instead “and
Agriculture, the Water Resources Commission, the Soil
Conservation Service”.

(26) Section 52—

Omit “—1949.”.

Bush Fires (Amendment).

SCHEDE 2—*continued.*AMENDMENTS TO THE BUSH FIRES ACT, 1949, BY WAY OF
STATUTE LAW REVISION—*continued.*

(27) Section 53 (1)—

Omit “subsection (2) of section 107”, insert instead
“section 107 (2)”.

(28) Section 56 (3) (a) (i)—

Omit “paragraphs (a), (b) and (c) of subsection (2)”,
insert instead “subsection (2) (a), (b) and (c)”.
