

FIRE BRIGADES (AMENDMENT) ACT 1994 No. 36

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Fire Brigades Act 1989 No. 192
4. Amendment of Public Sector Management Act 1988 No. 33

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

SCHEDULE 2—OTHER AMENDMENTS

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

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”.

**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”.

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:

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.

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