



New South Wales

# Fire Services Legislation Amendment Act 1998 No 19

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New South Wales

# **Fire Services Legislation Amendment Act 1998 No 19**

Act No 19, 1998

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An Act to amend the *Fire Brigades Act 1989* and the *Rural Fires Act 1997* to make further provision with respect to protection of the environment and Bush Fire Management Committees; and for other purposes. [Assented to 3 June 1998]

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

**1 Name of Act**

This Act is the *Fire Services Legislation Amendment Act 1998*.

**2 Commencement**

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

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

The *Fire Brigades Act 1989* is amended as set out in Schedule 1.

**4 Amendment of Rural Fires Act 1997 No 65**

The *Rural Fires Act 1997* is amended as set out in Schedule 2.

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## **Schedule 1    Amendment of Fire Brigades Act 1989**

(Section 3)

### **Section 10A**

Insert after section 10:

#### **10A Protection of environment**

The Commissioner is to have regard to the principles of ecologically sustainable development described in section 6 (2) of the *Protection of the Environment Administration Act 1991* in carrying out any function that affects the environment.

## **Schedule 2 Amendment of Rural Fires Act 1997**

(Section 4)

### **[1] Section 50 Bush Fire Management Committees**

Insert after section 50 (1):

- (1A) The Bush Fire Co-ordinating Committee must constitute a Bush Fire Management Committee for the area of a local authority for which a fire district is constituted if there is a reasonable risk of bush fires in that area.

### **[2] Section 50 (2) and (3)**

Omit the subsections. Insert instead:

- (2) The Bush Fire Co-ordinating Committee may constitute a Bush Fire Management Committee for a part of the State other than a rural fire district or a fire district.
- (3) Committees may be constituted for separate rural fire districts or groups of rural fire districts and for separate fire districts or groups of fire districts.

### **[3] Section 52 Bush Fire Management Committees to prepare plans**

Omit "3 months" from section 52 (2).  
Insert instead "12 months".

### **[4] Section 67 Objection to notices**

Omit "the fire control officer for" from section 67 (1).

### **[5] Section 67 (2) and (3)**

Omit "the fire control officer" wherever occurring  
Insert instead "the local authority".

**[6] Section 67 (4)**

Omit the subsection. Insert instead:

- (4) If the local authority confirms or varies the notice, the local authority must give the person who lodged the objection notice of its decision and must specify a time after the notice is given within which the person must comply with the notice as confirmed or varied.

**[7] Section 67 (5) and (6)**

Insert after section 67 (4):

- (5) A local authority may delegate any of its functions under this section (other than this power of delegation) as follows:
  - (a) in relation to land that is situated in a rural fire district—to the fire control officer for the district,
  - (b) in relation to land that is situated in a fire district—to an officer or member of a fire brigade.
- (6) Any act, matter or thing done by such a delegate of the local authority for the purposes of this section is taken to have been done by the local authority.

**[8] Section 68 Appeal against notices**

Omit “the fire control officer” from section 68 (1) (a).  
Insert instead “the local authority”.

**[9] Schedule 3 Savings and transitional provisions**

Omit “this Act” from clause 1 (1). Insert instead:

the following Acts:

this Act

*Fire Services Legislation Amendment Act 1998*

**[10] Schedule 3, clause 1 (2)**

Omit “to this Act”. Insert instead “to the Act concerned”.

**[11] Schedule 3, Part 3**

Insert after Part 2 of Schedule 3:

**Part 3 Provisions consequent on enactment of Fire Services Legislation Amendment Act 1998**

**12 Preparation of bush fire management plans**

The amendment made to section 52 by the *Fire Services Legislation Amendment Act 1998* extends to any Bush Fire Management Committee constituted before the commencement of that amendment.

**13 Bush fire prevention—actions by fire control officers**

Any act, matter or thing done by or with respect to a fire control officer of a local authority for the purposes of section 67 before the commencement of the amendments made to that section by the *Fire Services Legislation Amendment Act 1998* is taken, to the extent that it has effect after those amendments commence, to have been done by or with respect to the local authority.

**[12] Dictionary, definition of “bush fire hazard reduction work”**

Omit the definition. Insert instead:

*bush fire hazard reduction work* means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**[13] Dictionary, definition of “local authority”**

Omit paragraph (b) of the definition. Insert instead:

- (b) in relation to land within the Western Division (other than land referred to in paragraph (a))—the Western Lands Commissioner, or

[Minister's second reading speech made in—  
Legislative Assembly on 8 April 1998  
Legislative Council on 26 May 1998]