



New South Wales

# State Emergency and Rescue Management Amendment Act 2005 No 80

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New South Wales

# **State Emergency and Rescue Management Amendment Act 2005 No 80**

Act No 80, 2005

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An Act to amend the *State Emergency and Rescue Management Act 1989* with respect to impersonation and other offences relating to emergency services organisations and the appointment of District and Local Emergency Operations Controllers; and for other purposes. [Assented to 26 October 2005]

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

**1 Name of Act**

This Act is the *State Emergency and Rescue Management Amendment Act 2005*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of State Emergency and Rescue Management Act 1989 No 165**

The *State Emergency and Rescue Management Act 1989* is amended as set out in Schedule 1.

**4 Amendment of Rural Fires Regulation 2002**

The *Rural Fires Regulation 2002* is amended by omitting clause 40.

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## **Schedule 1      Amendment of State Emergency and Rescue Management Act 1989**

(Section 3)

**[1] Section 3 Definitions**

Omit “the Police Service” wherever occurring from the definitions of *emergency services organisation* and *government agency* in section 3 (1).

Insert instead “NSW Police”.

**[2] Section 18 State Emergency Operations Controller**

Omit “the Police Service” wherever occurring from section 18 (1B).

Insert instead “NSW Police”.

**[3] Section 24 District Emergency Operations Controller**

Insert at the end of the section:

(2) A District Emergency Operations Controller may appoint as his or her deputy a person who is:

- (a) a police officer of or above the rank of Superintendent, and
- (b) in the opinion of the District Emergency Operations Controller, experienced in emergency management.

(3) During the absence, or a vacancy in the office, of a District Emergency Operations Controller, the District Emergency Operations Controller’s deputy has all the functions of the District Emergency Operations Controller under this Act.

**[4] Section 26 NSW Police to provide executive support for District  
Emergency Management Committee and Operations Controller**

Omit “The Police Service” from section 26 (1).

Insert instead “NSW Police”.

**[5] Section 30 Local Emergency Operations Controller**

Omit section 30 (2) and (3). Insert instead:

(2) The person appointed:

- (a) must be a police officer stationed within the district (established under section 21) in which the local government area is located, or, if that is not reasonably practicable, within a district that is, in the opinion of the District Emergency Operations Controller, nearby, and

- (b) must be a person who, in the opinion of the District Emergency Operations Controller, has experience in emergency management.

**[6] Section 43 Composition of Board**

Omit “the Police Service” from section 43 (1) (c).

Insert instead “NSW Police”.

**[7] Section 51 Notification of rescue incidents to police**

Omit “the Police Force” wherever occurring from section 51 (2) and (3).

Insert instead “NSW Police”.

**[8] Section 53 Offence to operate rescue unit or rescue vehicle without accreditation**

Omit “the Police Service” from section 53 (2) (a).

Insert instead “NSW Police”.

**[9] Section 63B**

Insert after section 63A:

**63B Offences relating to emergency services organisations**

- (1) A person who manufactures or sells emergency services organisation insignia is guilty of an offence.  
Maximum penalty: 50 penalty units.
- (2) A person who:
  - (a) uses or displays emergency services organisation insignia, or
  - (b) impersonates an emergency services organisation officer, with the intention to deceive is guilty of an offence.  
Maximum penalty: 50 penalty units.
- (3) A person is not guilty of an offence under this section if:
  - (a) the person’s conduct is authorised by the relevant emergency services organisation, or
  - (b) the person establishes that the conduct is for the purposes of a public entertainment, or
  - (c) the person establishes that the person has a reasonable excuse.

(4) In this section:

***emergency services organisation insignia*** means:

- (a) any items (being uniforms, insignia, emblems, logos, devices, accoutrements and other things) that are generally recognised as pertaining to an emergency services organisation (other than NSW Police) or as being used by an emergency services organisation officer, or
- (b) any parts of any such items, or
- (c) any reasonable imitation of any such items or parts, or
- (d) any thing or class of thing prescribed by the regulations as being within this definition (whether or not it may already be within this definition),

but does not include any thing or class of thing prescribed by the regulations as being outside this definition.

***emergency services organisation officer*** includes an employee, member, volunteer or any other person who exercises functions on behalf of an emergency services organisation (other than NSW Police).

***sell*** means sell, exchange or let on hire, and includes:

- (a) offer, expose, possess, send, forward or deliver for sale, exchange or hire, or
- (b) cause, suffer or allow any of the above.

[Second reading speech made in—

Legislative Assembly on 22 September 2005

Legislative Council on 18 October 2005]

BY AUTHORITY