



New South Wales

Rural Fires Amendment (Penalty Notices and Other Matters) Regulation 2014

under the

Rural Fires Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rural Fires Act 1997*.

STUART AYRES, MP
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to amend the *Rural Fires Regulation 2013* as follows:

- (a) to enable the Commissioner of the NSW Rural Fire Service to constitute disciplinary panels at both regional and district levels to take disciplinary action against officers or members of rural fire brigades,
- (b) to enable conditions to be imposed on membership of rural fire brigades,
- (c) to provide that the disciplinary action that may be taken against an officer or member of a rural fire brigade may include the imposition of conditions on the officer's or member's membership,
- (d) to provide that the development of bush fire prone land for the purposes of a community bush fire refuge requires a bush fire safety authority under section 100B of the *Rural Fires Act 1997*,
- (e) to prescribe certain offences under the *Rural Fires Act 1997* as penalty notice offences.

This Regulation is made under the *Rural Fires Act 1997*, including sections 100B (6), 131 and 135 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Rural Fires Amendment (Penalty Notices and Other Matters) Regulation 2014*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Rural Fires Regulation 2013

[1] Clause 3 Definitions

Omit “district” from paragraph (b) of the definition of *appropriate disciplinary authority* in clause 3 (1).

[2] Clause 5 Membership of rural fire brigades

Insert after clause 5 (3):

- (4) A person’s listing on the brigade register is subject to such conditions as may be imposed by the responsible authority.

[3] Clause 6 Probationary membership

Insert at the end of clause 6 (2) (b):

, or

- (c) has not complied with any conditions of membership imposed by the responsible authority under clause 5 (4).

[4] Clause 9 Disciplinary action

Omit clause 9 (3) (c). Insert instead:

- (c) recommend to the responsible authority that the responsible authority do any one or more of the following:
- (i) demote the officer or member,
 - (ii) disqualify the officer or member from holding rank in the brigade or group,
 - (iii) remove the officer’s or member’s name from the brigade register,
 - (iv) impose conditions on the officer’s or member’s membership of a rural fire brigade or group of fire brigades.

[5] Clause 46 Additional special fire protection purposes for which bush fire safety authority required

Insert after clause 46 (d):

- (e) a community bush fire refuge approved by the Commissioner.

[6] Schedule 2 Penalty notice offences

Insert in appropriate order in Part 1, in Columns 1 and 2, respectively:

Section 42	550
Section 62G (2)	110
Section 108 (3)	550
Section 116 (5)	220
Section 117C (4)	110
Section 117D (1)	220
Section 117E (4)	550