

Act 1994 No. 23

**STATE EMERGENCY AND RESCUE MANAGEMENT  
(AMENDMENT) BILL 1994**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Bush Fires (Amendment) Bill 1994 is cognate with this Bill.

The object of this Bill is to amend the State Emergency and Rescue Management Act 1989 to provide employment protection to volunteer members of emergency services organisations who assist in the response to an emergency.

The proposed amendments make it an offence for an employer to victimise an employee in his or her employment (for example, by dismissing the employee) because the employee takes part in emergency operations. This protection will only apply to employees who are members of emergency services organisations and who take part in emergency operations to which the proposed new provisions apply.

The Premier may, by order published in the Gazette, direct particular emergency operations to be operations to which the proposed new provisions apply. In determining whether to make such an order, the Premier is to have regard to the possible duration of the emergency.

A court that convicts an employer for victimising an employee may make various orders, including ordering the employer to reinstate the employee and compensate him or her for lost salary, wages or other remuneration.

The Bill also inserts a provision in the Act allowing regulations of a savings or transitional nature consequent on the proposed Act to be made and makes it clear that the employment protection provisions apply in respect of any employment or engagement, even if it was commenced before the commencement of the proposed amendments.

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*State Emergency and Rescue Management (Amendment) 1994 [Act 1994 No. 23]*

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the Schedule of amendments to the State Emergency and Rescue Management Act 1989.

**Schedule 1** contains the amendments to the State Emergency and Rescue Management Act 1989 described above.

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