

Passed by both Houses



New South Wales

Emergency Services Legislation Amendment Bill 2018

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of State Emergency and Rescue Management Act 1989 No 165	3
Schedule 2	Amendment of Rural Fires Act 1997 No 65	10
Schedule 3	Amendment of Fire Brigades Act 1989 No 192	15
Schedule 4	Amendment of State Emergency Service Act 1989 No 164	17
Schedule 5	Consequential amendment of other Acts and instruments	18

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2018



New South Wales

Emergency Services Legislation Amendment Bill 2018

Act No , 2018

An Act to make miscellaneous amendments to various Acts that relate to emergency services and associated matters.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Emergency Services Legislation Amendment Act 2018*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1 commences on 7 December 2018.

Schedule 1 Amendment of State Emergency and Rescue Management Act 1989 No 165

[1] Section 3 Definitions

Omit the definition of *emergency services organisation* from section 3 (1).

Insert in alphabetical order:

emergency services organisation means the following:

- (a) Ambulance Service of NSW,
- (b) Fire and Rescue NSW,
- (c) a fire brigade within the meaning of the *Fire and Rescue NSW Act 1989*,
- (d) NSW Police Force,
- (e) NSW Rural Fire Service,
- (f) State Emergency Service,
- (g) Surf Life Saving New South Wales,
- (h) New South Wales Volunteer Rescue Association Inc,
- (i) Volunteer Marine Rescue NSW,
- (j) an agency that manages or controls an accredited rescue unit,
- (k) a non-government agency that is prescribed by the regulations for the purposes of this definition.

New South Wales Volunteer Rescue Association Inc means NSW Volunteer Rescue Association Inc (ABN 68 767 393 968).

Surf Life Saving New South Wales means Surf Life Saving New South Wales (ACN 138 025 573).

Volunteer Marine Rescue NSW means Volunteer Marine Rescue NSW (ABN 98 138 078 092).

[2] Section 3 (1), definition of “State Disasters Council”

Omit the definition.

[3] Section 3 (1), definition of “State Emergency Service”

Insert “NSW” after “means the”.

[4] Section 4 Definition of “emergency”

Insert at the end of paragraph (b) of the definition of *emergency* in section 4 (1):

or

- (c) causes a failure of, or a significant disruption to, an essential service or infrastructure,

[5] Part 2, Division 1, Subdivision 1, heading

Omit “and the State Disasters Council”.

[6] Section 10 Minister

Omit section 10 (2).

[7] Section 11 State Disasters Council

Omit the section.

[8] Section 14 State Emergency Management Committee

Insert after section 14 (2) (a1):

- (a2) the chief executive of the Ambulance Service of NSW, and
- (a3) the Commissioner of Fire and Rescue NSW, and
- (a4) the Commissioner of Police, and
- (a5) the Commissioner of the NSW Rural Fire Service, and
- (a6) the Commissioner of the State Emergency Service, and

[9] Section 15 Functions of State Emergency Management Committee

Insert before section 15 (a):

- (a1) to advise the Minister on all matters relating to the prevention of, preparation for, response to and recovery from emergencies (including the co-ordination of the activities of government and non-government agencies in connection with those matters),

[10] Section 32A Definitions

Omit “unit controller” from paragraph (c) of the definition of *emergency services officer*.

Insert instead “unit commander”.

[11] Section 34 Publication of declaration

Insert at the end of the section:

- (2) The Premier may cause a copy of the relevant order to be published on the internet or any other electronic communications service.

[12] Section 37F Authority to enter premises

Omit section 37F (3). Insert instead:

- (3) However, a police officer exercising a power to enter premises, or to take action on premises, must produce his or her warrant card if required to do so by the owner or occupier of the premises in lieu of an authority (unless the police officer is in uniform).

[13] Section 42 State Rescue Board

Omit section 42 (1). Insert instead:

- (1) There is established by this Act a State Rescue Board of New South Wales.

[14] Section 43 Composition of Board

Omit section 43 (1) (f)–(g1). Insert instead:

- (f) the chief executive of the Ambulance Service of NSW,
- (g) the Commissioner of the New South Wales Volunteer Rescue Association Inc,
- (g1) the Commissioner of Volunteer Marine Rescue NSW,

[15] Section 51 Emergency services organisations to notify police of rescue incidents

Omit section 51 (2). Insert instead:

- (2) This section does not apply:
 - (a) if the organisation is aware that the incident has already been notified to a member of the NSW Police Force, or

- (b) to Surf Life Saving New South Wales in relation to an incident that only requires, or is likely to only require, surf life-saving.

- [16] **Section 53 Offence to operate rescue unit or rescue vehicle without accreditation**
Insert “, the NSW Rural Fire Service” after “State Emergency Service” in section 53 (2) (a).
- [17] **Section 53 (3) (b)**
Omit the paragraph.
- [18] **Section 53 (3) (c)**
Omit “*Mines Rescue Act 1994*”. Insert instead “*Coal Industry Act 2001*”.
- [19] **Section 57 Register of personnel of rescue units**
Omit “every 6 months thereafter” from section 57 (2).
Insert instead “then every 6 months or, if the State Rescue Board specifies different periods, at the periods specified”.
- [20] **Section 60A Interpretation**
Omit “engaged in” from the definition of *emergency operations* in section 60A (1).
Insert instead “carried out”.
- [21] **Section 60AA**
Insert after section 60A:
- 60AA Emergency operations to which this Part applies**
This Part applies to the following emergency operations:
- (a) emergency operations carried out in a part of the State in which a state of emergency exists until:
 - (i) the end of that state of emergency, or
 - (ii) the Premier, by order published in the Gazette or on the NSW legislation website, declares that this Part no longer applies,
 - (b) emergency operations to which this Part applies because of an order in force under section 60D.
- [22] **Section 60B Employees taking part in emergency operations protected from victimisation**
Omit “in emergency operations as a member of an emergency services organisation and the absence occurred while this Part applied to the operations (pursuant to an order of the Premier under this Part)”.
Insert instead “, as a member of an emergency services organisation, in emergency operations to which this Part applies”.
- [23] **Section 60D Order of Premier or authorised officer applying Part to emergency operations**
Insert “or an authorised officer” after “The Premier” in section 60D (1).
- [24] **Section 60D (2)**
Insert “or authorised officer” after “the Premier”.

[25] Section 60D (3)

Omit “The Premier’s order”. Insert instead “An order”.

[26] Section 60D (4)

Omit “The Premier’s order”. Insert instead “An order made by the Premier”.

[27] Section 60D (4A)

Insert after section 60D (4):

- (4A) An order made by an authorised officer remains in force for the period, not exceeding 48 hours, specified in the order (unless revoked earlier). Revocation is to be by a further order of the authorised officer or the Premier published in the Gazette or on the NSW legislation website.

[28] Section 60D (6)

Insert after section 60D (5):

- (6) In this section:
authorised officer means any of the following:
- (a) the Commissioner or a Deputy Commissioner of the NSW Rural Fire Service or the State Emergency Service,
 - (b) the State Emergency Operations Controller or Deputy State Emergency Operations Controller referred to in section 18.

[29] Sections 60KA (definition of “danger area”), 60L (1) and (1A), 61 (1), 61B (1) (c), 61D (1)–(3) and 62A (1) (b) and (c) (ii)

Omit “senior police officer” wherever occurring. Insert instead “directing officer”.

[30] Section 60KA Definitions

Insert in alphabetical order:

directing officer means:

- (a) the Minister, or
- (b) the State Emergency Operations Controller, or
- (c) a police officer of or above the rank of sergeant, or
- (d) a police officer of a class prescribed by the regulations for the purposes of this definition.

[31] Section 60KA, definition of “emergency or rescue management organisation”

Omit paragraph (a).

[32] Section 60KA, definition of “emergency or rescue management organisation”

Omit “paragraphs (a)–(e)” from paragraph (f). Insert instead “paragraphs (b)–(e)”.

[33] Section 60KA, definition of “senior police officer”

Omit the definition.

[34] Sections 60L (1) and (1A), 61 (1) and 62A (1) (b) and (c) (ii)

Omit “another police officer” wherever occurring. Insert instead “a police officer”.

[35] Section 61 Power to take other safety measures

Omit “a senior police officer” from section 61 (3).

Insert instead “the directing officer or a police officer”.

[36] Section 61 (5)

Omit “senior police officer”. Insert instead “directing officer or police officer”.

[37] Sections 61A, 61B (1) and 61C

Omit “A police officer” and “a police officer” wherever occurring.

Insert instead “A person” and “a person”, respectively.

[38] Section 61B (2)

Omit “the police officer”. Insert instead “the person”.

[39] Section 61D Use of force by police officers

Insert “by a police officer” after “Reasonable force may be used” in section 61D (1).

[40] Section 61E

Omit the section. Insert instead:

61E Authority to enter premises

- (1) A power conferred to enter premises, or to take action on premises, may not be exercised unless the person proposing to exercise the power is in possession of an authority and produces the authority if required to do so by the owner or occupier of the premises.
- (2) The authority must be a written authority that:
 - (a) states that it is issued under this Act, and
 - (b) gives the name of the person to whom it is issued, and
 - (c) describes the nature of the powers conferred and the source of the powers, and
 - (d) states the date (if any) on which it expires, and
 - (e) describes the kind of premises to which the power extends, and
 - (f) bears the signature of the directing officer or the police officer who issued the direction under section 61.
- (3) However, a police officer exercising a power to enter premises, or to take action on premises, must produce his or her warrant card if required to do so by the owner or occupier of the premises in lieu of an authority (unless the police officer is in uniform).

[41] Section 62 Personal liability

Insert at the end of the section:

- (2) A matter or thing done by a government sector employee, or by a member (or member of staff) of an emergency services organisation, does not, if the matter or thing was done in good faith for the purposes of executing this Act, subject the employee or member to any action, liability, claim or demand.

(3) In this section:

government sector employee means a person employed in a government sector agency (within the meaning of the *Government Sector Employment Act 2013*).

[42] Section 63A Staff

Omit section 63A (2) (a).

[43] Schedule 2 Provisions relating to members and procedure of emergency management organisations

Omit “(Sections 11 (5), 14 (5), 22 (5) and 28 (7))”.

Insert instead “(Sections 14 (5), 22 (5) and 28 (7))”.

[44] Schedule 2, clause 1, definition of “relevant organisation”

Omit paragraph (a).

[45] Schedule 4 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering:

Part Provisions consequent on Emergency Services Legislation Amendment Act 2018

Definition

In this Part, *amending Act* means the *Emergency Services Legislation Amendment Act 2018*.

Abolition of State Disasters Council

- (1) On the repeal of section 11 by the amending Act, the State Disasters Council is abolished.
- (2) The persons who were members of the State Disasters Council cease, on that abolition, to hold office as members and are not entitled to any remuneration or compensation because of the loss of that office.

Decorporatisation of State Rescue Board

- (1) On the substitution of section 42 (1) by the amending Act, the State Rescue Board ceases to be a corporation constituted by this Act.
- (2) The assets, rights and liabilities of the State Rescue Board become, on that cessation, the assets, rights and liabilities of the Crown.
- (3) The persons who were members of the State Rescue Board become, on that cessation, members of the State Rescue Board established by this Act as amended by the amending Act.
- (4) In this clause:
assets means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.
liabilities means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

rights means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

Schedule 2 Amendment of Rural Fires Act 1997 No 65

[1] Section 4 Definitions

Omit the definitions of *emergency* and *emergency services organisation* from the note to the section.

Insert instead:

emergency means an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or warlike action) which:

- (a) endangers, or threatens to endanger, the safety or health of persons or animals in the State, or
- (b) destroys or damages, or threatens to destroy or damage, property in the State, or
- (c) causes a failure of, or a significant disruption to, an essential service or infrastructure,

being an emergency which requires a significant and co-ordinated response.

emergency services organisation means the following:

- (a) Ambulance Service of NSW,
- (b) Fire and Rescue NSW,
- (c) a fire brigade within the meaning of the *Fire and Rescue NSW Act 1989*,
- (d) NSW Police Force,
- (e) NSW Rural Fire Service,
- (f) State Emergency Service,
- (g) Surf Life Saving New South Wales,
- (h) New South Wales Volunteer Rescue Association Inc,
- (i) Volunteer Marine Rescue NSW,
- (j) an agency that manages or controls an accredited rescue unit,
- (k) a non-government agency that is prescribed by the regulations for the purposes of this definition.

[2] Section 9 Functions of Service

Omit section 9 (1). Insert instead:

- (1) The NSW Rural Fire Service has the following functions:
 - (a) to provide rural fire services for New South Wales,
 - (b) to issue public warnings about bush fires and bush fire threats in the State for the purpose of protecting life and property,
 - (c) to provide advisory services (whether within or outside the State) relating to fire fighting and other matters with respect to which it has expertise,
 - (d) as directed by the State Emergency Operations Controller, to deal with an emergency where no other agency has lawful authority to assume command of the emergency operation,
 - (e) to carry out, by accredited brigades, rescue operations allocated by the State Rescue Board,
 - (f) to assist the State Emergency Operations Controller to carry out emergency management functions relating to the prevention of,

preparation for and response to, and to assist the State Emergency Recovery Controller to carry out emergency management functions relating to the recovery from, emergencies in accordance with the *State Emergency and Rescue Management Act 1989*,

- (g) to assist, at their request, members of the NSW Police Force, Fire and Rescue NSW, the State Emergency Service or the Ambulance Service of NSW in dealing with any incident or emergency,
- (h) to maintain effective liaison with all emergency services organisations,
- (i) to carry out such other functions as may be assigned to it by or under this or any other Act, or by the State Emergency Operations Controller or the Minister,
- (j) to do anything necessary for, or incidental to, the exercise of its functions.

[3] Section 14 Delegation by Commissioner

Omit “section 79BA” from section 14 (2) (c). Insert instead “section 4.14”.

[4] Section 14 (2) (d)

Omit “section 146”. Insert instead “section 10.3”.

[5] Section 18 Area of operations and officers of rural fire brigades

Insert at the end of the section:

- (2) The Commissioner may appoint officers for the rural fire brigade if the body or person that forms the brigade fails to do so within the period prescribed by the regulations after being requested to do so by the Commissioner.

[6] Section 44 Commissioner’s responsibility

Omit section 44 (2).

[7] Section 45A

Insert after section 45:

45A Delegation of functions under Division

- (1) The Commissioner may delegate the Commissioner’s functions under this Division (other than this power of delegation) to any person including an officer or member of a rural fire brigade, a person employed in Fire and Rescue NSW, a person employed in the Department of Industry or a person employed in the Office of Environment and Heritage.
- (2) A delegate may subdelegate any function delegated to the delegate by the Commissioner, if authorised to do so by the Commissioner, by instrument in writing.
- (3) A delegate cannot subdelegate a function to a person if the Commissioner does not have the power to delegate that function to the person.
- (4) If the Commissioner delegates functions subject to conditions or limitations, any subdelegation by the delegate is taken to be subject to the same conditions and limitations, and any further conditions or limitations imposed by the delegate.

[8] Section 64 Occupiers to extinguish fires or notify fire fighting authorities

Omit section 64 (1) (b). Insert instead:

- (b) if the occupier is unable without assistance to extinguish the fire and any practicable means of communication are available, ensure that the fire is reported immediately to the 000 emergency telephone number.

[9] Section 64 (2)

Omit the subsection.

[10] Section 82

Omit the section. Insert instead:

82 Local bush fire danger period

- (1) The Commissioner may modify, in respect of all or part of a local government area, the bush fire danger period set out in section 81 by order published in the Gazette declaring:
 - (a) that there is no bush fire danger period in the area or part, or
 - (b) that a different period is the bush fire danger period for the area or part.
- (2) An order may also be published in any other manner approved in writing by the Minister.
- (3) An order may be made on the Commissioner's own initiative or on the recommendation of a Bush Fire Management Committee for the area.
- (4) An order remains in force until whichever of the following occurs first:
 - (a) the end of the period specified in the order as the period for which it is in force,
 - (b) the revocation of the order by the Commissioner.

[11] Section 90 Duration of permits

Omit "direction prohibiting the lighting of fires" from section 90 (2).

Insert instead "total fire ban order".

[12] Section 91 Cancellation or suspension of permits

Omit "bushfires" wherever occurring in section 91 (2). Insert instead "bush fires".

[13] Section 91 (3)

Omit "(including, if no other means are practicable, by broadcast by a television or radio station transmitting to the area in which the land to which the permit relates is situated)".

[14] Section 99

Omit the section. Insert instead:

99 Total fire ban orders

- (1) The Minister may, if the Minister is of the opinion that it is necessary or expedient in the interests of public safety to do so, by written order (a *total fire ban order*):
 - (a) prohibit the lighting, maintenance or use of any fire or class of fire in the open air for the period or periods specified in the order, and

- (b) require persons or classes of persons to take action specified in the order for the purposes of preventing the outbreak or the spread of any bush fire or for controlling or suppressing any bush fire.
- (2) A total fire ban order is to identify the part or parts of the State to which the order applies (the *total fire ban area*) and, without limiting the manner in which the total fire ban area may be identified, the area may be identified by reference to a zone defined by the regulations.
- (3) The Minister may grant exemptions from the requirements of a total fire ban order by:
 - (a) setting out the exemptions in the order, or
 - (b) by reference (in the order) to one or more standard exemptions that the Minister has caused to be published in the Gazette.
- (4) The Commissioner may also grant a person an exemption from the requirements of a total fire ban order by written notice to the person.
- (5) An exemption by the Commissioner may be granted in relation to a specified total fire ban order or to all total fire ban orders having effect during a specified period.
- (6) The Commissioner may modify, suspend or revoke an exemption granted by the Commissioner at any time:
 - (a) by written notice to the person, or
 - (b) if the Commissioner is of the opinion that the weather conditions are conducive to the outbreak or spread of bush fires or that conditions conducive to the outbreak or spread of bush fires are imminent—orally or in such other manner as the Commissioner considers appropriate.
- (7) An exemption under this section may be granted unconditionally or subject to conditions.
- (8) As soon as practicable after making a total fire ban order, the Minister is:
 - (a) to cause notice of the order to be broadcast by a television or radio station transmitting to the total fire ban area, and
 - (b) to cause a copy of the order to be published in the Gazette.
- (9) The Minister may cause notice of the order to be published in any other manner approved by the Minister.
- (10) The Minister may delegate any of the Minister's functions under this section, other than this power of delegation, to:
 - (a) the Commissioner, or
 - (b) a senior executive officer of the NSW Rural Fire Service.
- (11) A person who fails to comply with a total fire ban order is guilty of an offence. Maximum penalty: imprisonment for 12 months or 50 penalty units (or both).
- (12) The provisions of this section have effect despite any other provision of this Act or any other Act or law.

[15] Section 100A Definitions

Omit the definition of *excluded land* from section 100A (1). Insert instead:

excluded land means the following:

- (a) land in the coastal wetlands and littoral rainforests area within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*,
- (b) any other land prescribed by the regulations.

[16] Section 100C Carrying out bush fire hazard reduction work

Omit “an approval, consent or other authorisation for the work made by the *Native Vegetation Act 2003*, the *Threatened Species Conservation Act 1995*” from section 100C (4).

Insert instead “a licence, approval, consent or other authorisation for the work made by the *Biodiversity Conservation Act 2016*”.

[17] Section 100J Commissioner may prepare draft codes

Omit “section 111” from section 100J (3) (b). Insert instead “section 5.5”.

[18] Section 100R Carrying out vegetation clearing work

Omit “an approval, consent or other authorisation for the work made by the *Native Vegetation Act 2003*” from section 100R (3).

Insert instead “a licence, approval, consent or other authorisation for the work made by the *Biodiversity Conservation Act 2016*”.

[19] Section 124A Application of Environmental Planning and Assessment Act 1979

Omit “An order under Division 2A or 3 of Part 6 of” from section 124A (3).

Insert instead “A development control order within the meaning of”.

[20] Section 124B Application of National Parks and Wildlife Act 1974

Omit section 124B (3).

[21] Section 124D Application of Biodiversity Conservation Act 2016 and Part 5A of Local Land Services Act 2013

Insert after section 124D (1):

- (1A) Division 2 (Stop work orders) of Part 11 of the *Biodiversity Conservation Act 2016* does not apply to, or in respect of, the doing of any emergency fire fighting act.

[22] Section 136 Repeal of Bush Fires Act 1949

Omit the section.

[23] Section 139 Review of Act

Omit the section.

Schedule 3 Amendment of Fire Brigades Act 1989 No 192

[1] Long title

Omit “volunteer fire brigades”. Insert instead “retained fire brigades”.

[2] Section 1 Name of Act

Omit “*Fire Brigades*”. Insert instead “*Fire and Rescue NSW*”.

[3] Section 3 Definitions

Omit the definition of *volunteer fire brigade* from section 3 (1). Insert in alphabetical order:
retained fire brigade means an association of persons for which an approval as a retained fire brigade is in force under section 9, but does not include a rural fire brigade.

[4] Sections 3 (1) (definitions of “fire brigade” and “officer in charge”), 9, 10, 31 (1) (a) and (1A) (a), 71 (2) and 72 (2)

Omit “volunteer fire brigade” wherever occurring. Insert instead “retained fire brigade”.

[5] Section 5A

Insert after section 5:

5A General functions of Commissioner

- (1) It is the duty of the Commissioner to take all practicable measures for preventing and extinguishing fires and protecting and saving life and property in case of fire in any fire district.
- (2) It is the duty of the Commissioner to take all practicable measures:
 - (a) for protecting and saving life and property endangered by hazardous material incidents, and
 - (b) for confining or ending such an incident, and
 - (c) for rendering the site of such an incident safe.
- (3) The Commissioner is authorised to take measures anywhere in the State for protecting persons from injury or death and property from damage, whether or not fire or a hazardous material incident is involved and, in the case of a fire, it does not matter whether or not the persons are, or the property is, within a fire district.
- (4) The Commissioner is also authorised to:
 - (a) as directed by the State Emergency Operations Controller, deal with an emergency where no other agency has lawful authority to assume command of the emergency operation, and
 - (b) carry out, by accredited brigades, rescue operations allocated by the State Rescue Board, and
 - (c) assist the State Emergency Operations Controller to carry out emergency management functions relating to the prevention of, preparation for and response to, and to assist the State Emergency Recovery Controller to carry out emergency management functions relating to the recovery from, emergencies, in accordance with the *State Emergency and Rescue Management Act 1989*, and
 - (d) assist, at their request, members of the NSW Police Force, the NSW Rural Fire Service, the NSW State Emergency Service or the

Ambulance Service of NSW in dealing with any incident or emergency,
and

- (e) maintain effective liaison with all emergency services organisations,
and
- (f) carry out such other functions as may be assigned to the Commissioner
by or under this or any other Act, or by the State Emergency Operations
Controller or the Minister.

[6] Sections 6 and 7

Omit the sections.

[7] Sections 8 (a), (b) and (d), 70 (1) and (2) (a), 71 (1) (b), 72 (1), 74 (1) and 85 (2) (d)

Omit “volunteer fire brigades” wherever occurring. Insert instead “retained fire brigades”.

[8] Sections 9 (1) (a) and 31 (1A)

Omit “section 6 (2)” wherever occurring. Insert instead “section 5A (2)”.

[9] Section 15 Use of water etc

Omit section 15 (a). Insert instead:

- (a) take and use any water from any source on any land, and

[10] Section 39

Omit the section. Insert instead:

39 Use of water for training and demonstration

The Commissioner may, by arrangement with the owner or occupier or other person having control or management of land containing a water source, take and use, free of charge, water from that source for the purpose of training or demonstration by a fire brigade.

[11] Section 42 Charges for other services

Insert “or, if no amount is so prescribed, of such amount as the Commissioner thinks fit” after “in respect of the service performed” in section 42 (1).

Schedule 4 Amendment of State Emergency Service Act 1989 No 164

[1] Section 3 Definitions

Omit the definitions of *local controller*, *region*, *region controller* and *unit controller* from section 3 (1).

Insert in alphabetical order:

local commander means a commander of SES units in a local government area appointed under section 17.

unit commander means a commander of an SES unit appointed under section 17A.

zone means a zone established under section 14.

zone commander means the commander appointed under section 16 for SES units in a zone.

[2] Section 14 Service zones

Omit “regions”. Insert instead “zones”.

[3] Sections 16, 17 (3), 17A (2), 17C (1)–(3), 17D (2) and (3), 18AA (1) (b) and (4) (b), 21 (1) and 24ZA (1) (d)

Omit “region controller” wherever occurring. Insert instead “zone commander”.

[4] Sections 16 (1) and 17D (1)

Omit “for a region” wherever occurring. Insert instead “for a zone”.

[5] Sections 16 (2) and 17C (1) and (2)

Omit “relevant region” wherever occurring. Insert instead “relevant zone”.

[6] Sections 17 (1) and (3)–(5), 17A (2) and (3), 17B, 17C (1) and (4), 18AA (1) (b) and (4) (b), 21 (1) and 24ZA (1) (d)

Omit “local controller” wherever occurring. Insert instead “local commander”.

[7] Sections 17A, 17B, 17C (2) and (4), 18AA (1) (b) and (4) (b), 18A (definition of “senior emergency officer”), 24ZA (1) (d) and 28A (1)

Omit “unit controller” wherever occurring. Insert instead “unit commander”.

[8] Section 17D Zone headquarters unit

Omit “a *region headquarters unit*” from section 17D (2).

Insert instead “a *zone headquarters unit*”.

[9] Section 17D (2) (a)

Omit “for the region”. Insert instead “for the zone”.

[10] Section 17D (3)

Omit “a region headquarters unit”. Insert instead “a zone headquarters unit”.

Schedule 5 Consequential amendment of other Acts and instruments

5.1 Amendments to update references to Fire Brigades Act 1989

References to Fire Brigades Act 1989

Omit “*Fire Brigades Act 1989*” wherever occurring in any provision of an Act or instrument set out in the table to this Subschedule.

Insert instead “*Fire and Rescue NSW Act 1989*”.

Act or instrument	Provision
<i>Building Products (Safety) Act 2017</i> No 69	section 75 (1) (e)
<i>Coroners Act 2009</i> No 41	section 32 (8), definition of authorised public official
<i>Crimes Act 1900</i> No 40	section 203D, definition of firefighter
<i>Emergency Services Levy Act 2017</i> No 32	sections 3 (1), definition of former emergency services funding scheme and 23 (a)
<i>Emergency Services Levy Insurance Monitor Act 2016</i> No 23	sections 3 (1), definitions of emergency services funding scheme and emergency services levy winding up arrangements , 31C (4) (a) and 71 (1)
<i>Environmental Planning and Assessment Act 1979</i> No 203	section 9.35 (1) (d)
<i>Environmentally Hazardous Chemicals Act 1985</i> No 14	clause 2 (g) of Schedule 1
<i>Fire and Emergency Services Levy Act 2017</i> No 9	section 37 (b)
<i>Fire Brigades Regulation 2014</i>	clause 3 (1), definition of the Act
<i>Fire Services Joint Standing Committee Act 1998</i> No 18	section 5 (2), definition of fire district
<i>First State Superannuation Act 1992</i> No 100	section 14 (5), definition of firefighter
<i>Government Sector Employment Act 2013</i> No 40	Part 2 of Schedule 1
<i>Heavy Vehicle (Adoption of National Law) Act 2013</i> No 42	section 203A (2) (b) in Schedule 1.2 [4] and section 265 (2) (b) in Schedule 1.2 [8]
<i>Law Enforcement (Powers and Responsibilities) Act 2002</i> No 103	Schedule 2
<i>Local Government Act 1993</i> No 30	note to section 22
<i>National Parks and Wildlife Act 1974</i> No 80	section 139 (1)
<i>Rural Fires Act 1997</i> No 65	notes to Part 1 and section 6 (2), sections 33D (3) and 66 (6) (a) and the definitions of fire brigade and fire district in the Dictionary
<i>State Authorities Non-contributory Superannuation Act 1987</i> No 212	section 27AE, definition of firefighter
<i>State Authorities Superannuation Act 1987</i> No 211	section 46AF, definition of firefighter
<i>Taxation Administration Act 1996</i> No 97	note to section 4

Act or instrument	Provision
<i>Valuation of Land Act 1916</i> No 2	section 67
<i>Water Management Act 2000</i> No 92	section 392 (4) (a)
<i>Work Health and Safety Regulation 2017</i>	clause 702 (j)
<i>Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987</i> No 83	section 18 (1), definition of <i>fire district</i>
<i>Workplace Injury Management and Workers Compensation Act 1998</i> No 86	clause 13 (1) (a) of Schedule 1

5.2 First State Superannuation Act 1992 No 100

Section 14 Trust deed to continue previous firefighter disability arrangements

Omit “volunteer fire brigade” from paragraph (b) of the definition of *firefighter* in section 14 (5).

Insert instead “retained fire brigade”.

5.3 Heavy Vehicle (Adoption of National Law) Act 2013 No 42

[1] Schedule 1.2 [4]

Omit “volunteer fire brigade” from section 203A (2) (b).

Insert instead “retained fire brigade”.

[2] Schedule 1.2 [8]

Omit “volunteer fire brigade” from section 265 (2) (b).

Insert instead “retained fire brigade”.

5.4 Local Government Act 1993 No 30

Section 22 Other functions

Omit “local controller” from the note. Insert instead “local commander”.

5.5 State Authorities Non-contributory Superannuation Act 1987 No 212

Section 27AE Definitions

Omit “volunteer fire brigade” from paragraph (b) of the definition of *firefighter*.

Insert instead “retained fire brigade”.

5.6 State Authorities Superannuation Act 1987 No 211

Section 46AF Definitions

Omit “volunteer fire brigade” from paragraph (b) of the definition of *firefighter*.

Insert instead “retained fire brigade”.

**5.7 Workplace Injury Management and Workers Compensation Act 1998
No 86**

Schedule 1 Deemed employment of workers

Omit “volunteer fire brigade” from clause 13 (1) (a) (i).

Insert instead “retained fire brigade”.