

[Act 1998 No 19]



New South Wales

Fire Services Legislation Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Fire Services Joint Standing Committee Bill 1998*.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Fire Brigades Act 1989* to require the Commissioner of New South Wales Fire Brigades to have regard to principles of ecologically sustainable development in carrying out any function that affects the environment, and
 - (b) to amend the *Rural Fires Act 1997*:
 - (i) to require a Bush Fire Management Committee to be established for the area of a local authority that is constituted as a fire district under that Act if there is a reasonable risk of bush fires in that area, and
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- (ii) to extend the period within which a Bush Fire Management Committee is required to prepare and submit draft bush fire management plans to the Bush Fire Co-ordinating Committee, and
- (iii) for the purpose of effecting statute law revision.

Outline of provisions

Clause 1 sets out the name (also called 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 amendment to the *Fire Brigades Act 1989* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Rural Fires Act 1997* set out in Schedule 2.

Schedule 1 Amendment of Fire Brigades Act 1989

Schedule 1 inserts new section 10A in the *Fire Brigades Act 1989*, which requires the Commissioner of New South Wales Fire Brigades to have regard to principles of ecologically sustainable development described in 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

Bush Fire Management Committees

At present, section 50 of the *Rural Fires Act 1997* allows the Bush Fire Co-ordinating Committee to constitute a Bush Fire Management Committee for the area of a local authority that is constituted solely as a fire district.

Schedule 2 [1] amends section 50 to require a Bush Fire Management Committee to be established for the area of a local authority that is constituted as a fire district if there is a reasonable risk of bush fires in that area. **Schedule 2 [2]** is a consequential amendment.

Schedule 2 [3] extends the period within which the first bush fire management plans must be submitted by a Bush Fire Management Committee from 3 months to 12 months after the Committee is constituted.

Minor amendments

At present, sections 67 and 68 of the *Rural Fires Act 1997* impose certain functions on the fire control officer for a local authority in connection with bush fire hazard reduction work. Not all local authorities appoint fire control officers. **Schedule 2 [4]–[8]** amend sections 67 and 68 to confer on local authorities the functions that are presently imposed on fire control officers. The amendments permit local authorities to delegate those functions to a fire control officer or an officer or member of a fire brigade.

Schedule 2 [12] and **[13]** make minor amendments for the purpose of clarifying the definitions of *bush fire hazard reduction work* and *local authority* in the *Rural Fires Act 1997*.

Savings and transitional provisions

Schedule 2 [11] inserts savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 2 [9] and **[10]** allow the regulations to make provisions of a savings and transitional nature consequent on the enactment of the proposed Act.