



New South Wales

Fire Brigades Amendment (Community Fire Units) Bill 2005

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Fire Brigades Act 1989* (the **Principal Act**) to provide a legislative framework for the community fire unit program. The Bill provides for the following:

- (a) the establishment of community fire units by the Commissioner of NSW Fire Brigades for areas determined by the Commissioner,
- (b) the appointment of members of community fire units,
- (c) the objects and functions of community fire units (the functions include fire prevention work, assisting fire fighters during a bush fire, assisting with recovery operations after a bush fire and fire safety education),
- (d) the provision of training and equipment to community fire units.

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 the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts a definition of *community fire unit* in the Principal Act.

Schedule 1 [2] contains a consequential amendment.

Schedule 1 [3] amends the Principal Act to confirm that damage caused by a member of a community fire unit in the exercise in good faith of certain functions under the Principal Act is to be considered damage by fire for the purposes of any insurance policy against fire damage.

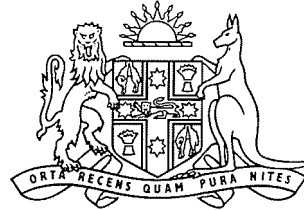
Schedule 1 [4] inserts proposed sections 74A–74E into the Principal Act, having the effect described above in paragraphs (a)–(d) of the overview.

At present, section 78 of the Principal Act provides that any matters or things done, by certain persons including members of a fire brigade, do not subject those persons or the Crown to any liability provided the matters or things were done in good faith for the purposes of executing the Principal Act or any other Act. **Schedule 1 [5]** amends this section to clarify that this protection also covers omissions and **Schedule 1 [6]** extends the protection from liability to members of community fire units. This is consistent with similar provisions in the *Rural Fires Act 1997* and the *State Emergency and Rescue Management Act 1989*.

Schedule 1 [7] allows regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [8] provides that community fire units established before the commencement of the proposed Act are taken to have been established under proposed section 74B and members of those units appointed before that commencement are taken to have been appointed under proposed section 74D.

First print



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Fire Brigades Amendment (Community Fire Units) Bill 2005

No. , 2005

A Bill for

An Act to amend the *Fire Brigades Act 1989* to provide a legislative framework for the establishment and operation of community fire units; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Fire Brigades Amendment (Community Fire Units) Act 2005</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Fire Brigades Act 1989 No 192	7
The <i>Fire Brigades Act 1989</i> is amended as set out in Schedule 1.	8

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 3 Definitions	3
	Insert in alphabetical order in section 3 (1):	4
	<i>community fire unit</i> means a community fire unit established under section 74B.	5 6
[2]	Section 3 (3)	7
	Insert after section 3 (2):	8
	(3) Notes included in this Act (Schedule 1 excepted) do not form part of this Act.	9 10
[3]	Section 38 Certain damage to be covered by insurance	11
	Omit “or any member of a fire brigade (including an interstate fire brigade within the meaning of section 26)” from section 38 (1).	12 13
	Insert instead “, any member of a fire brigade (including an interstate fire brigade within the meaning of section 26) or any member of a community fire unit”.	14 15 16
[4]	Part 6, Division 2A	17
	Insert after Division 2:	18
	Division 2A Community fire units	19
74A	Definitions	20
	In this Division:	21
	<i>bush fire</i> has the same meaning as in the <i>Rural Fires Act 1997</i> .	22
	<i>bush fire danger period</i> has the same meaning as in the <i>Rural Fires Act 1997</i> .	23 24
	<i>fire fighter</i> means a member of a fire brigade appointed under this Act or a volunteer rural fire fighter as defined in section 8 (3) of the <i>Rural Fires Act 1997</i> .	25 26 27
74B	Establishment of community fire units	28
	(1) The Commissioner may establish a community fire unit for any geographical area within a fire district.	29 30
	(2) The Commissioner is to determine the geographical area for which a community fire unit is established.	31 32

(3)	A community fire unit is to consist of such persons as the Commissioner appoints as members of the community fire unit under this Division.	1 2 3
(4)	The Commissioner may at any time disband a community fire unit.	4 5
74C	Objects and functions of community fire units	6
(1)	The objects of a community fire unit are to assist with the defensive protection of homes during bush fires and to carry out other fire protection work under the direction of the Commissioner.	7 8 9 10
(2)	The functions of a community fire unit are as follows:	11
(a)	to undertake fire prevention work by encouraging the preparation of properties in advance of the bush fire danger period and assisting with hazard reduction work such as clearing and pile burning,	12 13 14 15
(b)	to assist fire fighters during a bush fire, particularly through the defensive protection of homes from spot fires and ember attacks before fire fighters arrive or while fire fighters are working at the main fire fronts,	16 17 18 19
(c)	to assist with recovery operations after a bush fire such as bushland regeneration and removal of debris that could pose a future bush fire hazard,	20 21 22
(d)	to educate members of the community in relation to fire safety and the prevention of bush fires.	23 24
(3)	The functions of a community fire unit may be exercised only in the geographical area for which the unit is established.	25 26
(4)	The functions of a community fire unit may be exercised by any member of the community fire unit.	27 28
(5)	A member of a community fire unit is, in the exercise of his or her functions as a member of a community fire unit:	29 30
(a)	subject to the direction and control of the Commissioner, and	31 32
(b)	subject to the operational guidelines of the Commissioner.	33
74D	Appointment of members	34
(1)	The Commissioner may, by instrument in writing, appoint any person as a member of a community fire unit.	35 36
	Note. Members are generally volunteers who reside in a bushland area for which a community fire unit is established.	37 38

(2)	The Commissioner may terminate the appointment of a member of a community fire unit at any time in accordance with guidelines established by the Commissioner.	1 2 3
74E	Training and equipment for community fire units	4
	The Commissioner is to provide each community fire unit with such training and equipment as the Commissioner considers necessary to enable the community fire unit to exercise its functions.	5 6 7 8
[5]	Section 78 Protection from liability	9
	Insert “, or omitted to be done,” after “done” wherever occurring.	10
[6]	Section 78	11
	Insert “, any member of a community fire unit” after “fire brigade”.	12
[7]	Schedule 4 Savings and transitional provisions	13
	Insert at the end of clause 2 (1):	14
	<i>the Fire Brigades Amendment (Community Fire Units) Act 2005</i>	15
[8]	Schedule 4, Part 8	16
	Insert after Part 7:	17
Part 8	Provisions relating to the Fire Brigades Amendment (Community Fire Units) Act 2005	18 19
28	Definition	20
	In this Part:	21
	<i>amending Act</i> means the <i>Fire Brigades Amendment (Community Fire Units) Act 2005</i> .	22 23
29	Existing community fire units	24
(1)	A community fire unit established by the Commissioner before the commencement of the amending Act and not disbanded before that commencement is taken, on that commencement, to have been established under section 74B as inserted by the amending Act.	25 26 27 28 29

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Schedule 1 Amendments

- (2) A person appointed by the Commissioner as a member of such a community fire unit before the commencement of the amending Act and who continued to be a member of the unit immediately before that commencement is taken, on that commencement, to have been appointed as a member of the unit under section 74D as inserted by the amending Act. 1
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