

Passed by both Houses



New South Wales

Fire Brigades Amendment (Community Fire Units) Bill 2005

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fire Brigades Act 1989 No 192	2
Schedule 1 Amendments	3

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, , 2005*



New South Wales

Fire Brigades Amendment (Community Fire Units) Bill 2005

Act No , 2005

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.

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

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fire Brigades Amendment (Community Fire Units) Act 2005*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Fire Brigades Act 1989 No 192

The *Fire Brigades Act 1989* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

community fire unit means a community fire unit established under section 74B.

[2] Section 3 (3)

Insert after section 3 (2):

- (3) Notes included in this Act (Schedule 1 excepted) do not form part of this Act.

[3] Section 38 Certain damage to be covered by insurance

Omit “or any member of a fire brigade (including an interstate fire brigade within the meaning of section 26)” from section 38 (1).

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”.

[4] Part 6, Division 2A

Insert after Division 2:

Division 2A Community fire units

74A Definitions

In this Division:

bush fire has the same meaning as in the *Rural Fires Act 1997*.

bush fire danger period has the same meaning as in the *Rural Fires Act 1997*.

fire fighter 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 *Rural Fires Act 1997*.

74B Establishment of community fire units

- (1) The Commissioner may establish a community fire unit for any geographical area within a fire district.
- (2) The Commissioner is to determine the geographical area for which a community fire unit is established.

- (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.
- (4) The Commissioner may at any time disband a community fire unit.

74C Objects and functions of community fire units

- (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.
- (2) The functions of a community fire unit are as follows:
 - (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,
 - (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,
 - (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,
 - (d) to educate members of the community in relation to fire safety and the prevention of bush fires.
- (3) The functions of a community fire unit may be exercised only in the geographical area for which the unit is established.
- (4) The functions of a community fire unit may be exercised by any member of the community fire unit.
- (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:
 - (a) subject to the direction and control of the Commissioner, and
 - (b) subject to the operational guidelines of the Commissioner.

74D Appointment of members

- (1) The Commissioner may, by instrument in writing, appoint any person as a member of a community fire unit.
Note. Members are generally volunteers who reside in a bushland area for which a community fire unit is established.

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- (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.

74E Training and equipment for community fire units

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] Section 78 Protection from liability

Insert “, or omitted to be done,” after “done” wherever occurring.

[6] Section 78

Insert “, any member of a community fire unit” after “fire brigade”.

[7] Schedule 4 Savings and transitional provisions

Insert at the end of clause 2 (1):

the Fire Brigades Amendment (Community Fire Units) Act 2005

[8] Schedule 4, Part 8

Insert after Part 7:

Part 8 Provisions relating to the Fire Brigades Amendment (Community Fire Units) Act 2005

28 Definition

In this Part:

amending Act means the *Fire Brigades Amendment (Community Fire Units) Act 2005*.

29 Existing community fire units

- (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.

Fire Brigades Amendment (Community Fire Units) Bill 2005

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.