



# SERVICE STANDARD 1.3.1

## OPERATIONAL DELEGATIONS AND AUTHORISATIONS

ITEM	DESCRIPTION
Version Number	3.7
SOPs	None
Owner	Deputy Commissioner Field Operations
Contact	Deputy Commissioner Field Operations
Approved Date	7 June 2022
Effective Date	24 June 2022
Next Review	24 June 2027
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### 1 Purpose

- 1.1 Management efficiency is maximised when tasks are delegated to the lowest appropriate level within an organisation.
- 1.2 Statutory powers within the Rural Fires Act 1997 (the Act) are vested in the Commissioner, local authorities, Fire Control Officers (FCOs), and officers of brigades and groups of brigades.
- 1.3 This Service Standard establishes:
  - a. delegations under sections 14 and 45A of the Act;
  - b. authorisations under section 39 of the Act;
  - c. delegations of the Commissioner under section 44 of the Act in relation to coordinated bush fire fighting;
  - d. delegation of the Minister under section 99 of the Act in relation to total fire ban orders;
  - e. delegations under section 2.29 of the *Environmental Planning and Assessment Act 1979*; and
  - f. delegation under section 60H of the *State Emergency and Rescue Management Act 1989*.

### 2 Policy

- 2.1 Operational command responsibilities of the NSW RFS are to be generally exercised at the District (local government area) level by the District Manager, ranked staff members of the NSW RFS and officers of rural fire brigades and groups of rural fire brigades.
- 2.2 Operational co-ordination responsibilities of the NSW RFS on an inter-district basis are generally exercised by District, Area Commands and State Operations.

- 2.3 Liaison and administrative responsibilities of the NSW RFS are also exercised at District, Area Command and State level.
- 2.4 All operational intelligence and command responsibilities of the Commissioner are generally exercised through the State Operations Centre.
- 2.5 The Commissioner may delegate responsibilities by virtue of section 14 and section 39 of the Act, and for coordinated bush fire fighting activities relating to incidents under section 45A of the Act.

**Note:** Only functions clearly identified in the Act as belonging to the Commissioner are delegated in the Instruments of Delegation. Normal command arrangements do not require formal delegation and operate through the chain of command in accordance with established procedures.

### 3 Related documents

- [Rural Fires Act 1997](#)
- [Rural Fires Regulation 2022](#)
- [Service Standard 1.2.1 NSW RFS Ranking and Rank Insignia](#)
- [Service Standard 4.2.2 Fire Permits](#)
- [Policy P6.1.3 Environmental Assessment for Bush Fire Hazard Reduction Works](#)

### 4 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
1 September 1999	1.0	Initial release
21 May 2001	1.1	Instrument of Delegation 22(2A)
1 July 2001	1.2	Instrument of Delegation re. Service Level Agreement
1 August 2002	1.3	Instrument of Delegation re Permits
26 September 2002	1.4	Instrument of Delegation
1 November 2002	1.5	Instrument of Delegation table p.5.
April 2003	2.0	Service Standard revised
23 December 2003	2.1	Instrument of Delegation p.8
27 May 2005	2.2	Instrument of Delegation Reg. 9
5 March 2007	2.3	<ul style="list-style-type: none"> <li>➤ Instrument of Delegation Reg. 9 and Reg. 40</li> <li>➤ Instrument of Delegation s62A, s68, s69(1), s69(2) &amp; (3) s70, s70(3), s73, s74, s74C, s74D, s74E(a), s74E(b), s74G s74H, s100B, s100F</li> <li>➤ Instrument of Delegation pertaining to Section 79BA of the Environmental Planning and Assessment Act, 1979</li> <li>➤ All references to Executive Director Risk Management updated to Executive Director Community Safety</li> <li>➤ References to Phil Koperberg, Commissioner updated to Rob Rogers, Acting Commissioner</li> </ul>
21 January 2009	3.0	<ul style="list-style-type: none"> <li>➤ Update titles and delegations post realignment</li> <li>➤ Incorporates SS 1.1.3A Supplementary Delegations – Unincorporated Area of NSW v1.2</li> </ul>

AMENDMENT DATE	VERSION NO	DESCRIPTION
29 October 2009	3.1	➤ Instruments of Delegations updated to reflect current practice and changes arising from the Rural Fires Amendment Act 2009
14 December 2010	3.2	➤ Updated to reflect current practice and position titles
19 December 2011	3.3	➤ Reviewed to ensure recent delegations relating to NSPs are in place
6 November 2012	3.4	➤ New delegation for DOS to delegate inspection and other NSP activities
19 March 2013	3.5	➤ New delegation for ranked officer Level 1 and above as a result of the 2012 rank review
22 November 2013	3.6	➤ Instrument of Delegation for certification of participation in emergency operations
7 June 2022	3.7	<ul style="list-style-type: none"> <li>➤ Repeals and remakes SS1.3.1 v3.6</li> <li>➤ Changed title from “Delegations and Authorisations” to “Operational Delegations and Authorisations”</li> <li>➤ Complete review to align with Area Management Model and HQ functional realignment</li> </ul>

# INSTRUMENT OF DELEGATION

I, **ROB ROGERS**, Commissioner of the NSW Rural Fire Service, pursuant to the provisions of sections 14, 39, and 45A of the *Rural Fires Act 1997* (the Act) extend the delegations listed below, whether in a permanent or acting capacity (such acting capacity having been formally authorised):

REFERENCE	OFFICER	DELEGATION
<a href="#">s9</a> (1) (a1)	Deputy Commissioner Director State Operations State Operations Controller	To issue public warnings about bush fires and bush fire threats in the State for the purpose of protecting life and property.
<a href="#">s12</a> (2)	Deputy Commissioner Field Operations	Determination and allocation of duties for positions attached to the State Operations Centre.
<a href="#">s15</a> *	<i>Not delegated – remains with Commissioner</i>	Decision to form an operational rural fire brigade.
<a href="#">s15</a> *	Deputy Commissioner Field Operations Director Area Operations Area Commander	Decision to form an operational support rural fire brigade.
<a href="#">s17(1)</a> *	<i>Not delegated – remains with Commissioner</i>	Decision to disband an operational rural fire brigade.
<a href="#">s17(1)</a> *	Deputy Commissioner Field Operations Director Area Operations Area Commander	Decision to disband an operational support rural fire brigade.
<a href="#">s18</a> *	Director Area Operations Area Commander District Manager	Determine territory of a rural fire brigade and appoint officers.
<a href="#">S20</a> *	District Manager	Maintain and ensure accurate register of members of rural fire brigade using approved organisational systems.
<a href="#">s22</a> (2A)	All officers of the Service of and above the rank of Officer Level 1	Powers and functions conferred on the Commissioner by section 22(2A) of the Act.
<a href="#">s29</a>	All officers of the Service of and above the rank of Officer Level 3	Authorise entry of premises without giving notice in a particular case.
<a href="#">s31</a>	All officers of the Service of and above the rank of Officer Level 3	Authorise use of force to enter premises in a particular case and give notice in accordance with s31(3) of the Act.
<a href="#">s33B</a>	Any member of the NSW RFS approved by the Deputy Commissioner Field Operations	Enter and inspect any land for the purposes of investigating the cause or origin of any fire.
<a href="#">s33C</a>	Deputy Commissioner Field Operations Director State Operations	Apply to an authorised officer for a search warrant for any land for the purposes of the investigation of the cause or origin of any fire.
<a href="#">s35</a>	Deputy Commissioner Field Operations	Appoint acting Fire Control Officer.
<a href="#">s37(4)</a>	Deputy Commissioner Preparedness and Capability	Approve standard of facilities and accommodation.
<a href="#">s44</a>	Deputy Commissioner Field Operations (only in the absence of Commissioner)	In the Commissioner's absence, take charge of bush fire fighting operations and prevention measures in the conditions defined in this section.
<a href="#">s62A</a>	Deputy Commissioner Field Operations Director Operations Support	Conduct performance audit of bush fire management plans. Make enquiries to determine whether or not bush fire hazard reduction work has been carried out in accordance with any bush fire risk management plan.
<a href="#">s62C</a> - <a href="#">s62H</a> inclusive	Deputy Commissioner	Designation, inspection, removal of designation and other activities associated with Neighbourhood Safer Places.

REFERENCE	OFFICER	DELEGATION
<a href="#">s62C - s62H</a> inclusive	Any member of the NSW RFS approved by the Deputy Commissioner Preparedness and Capability	Inspection and other activities with neighbourhood safer places.
<a href="#">s62L – s62ZQ</a>	Deputy Commissioner Field Operations	Provide for the establishment, maintenance, protection, certification and registration of fire trails (whether existing or new) and for associated purposes.
<a href="#">s65A</a>	Deputy Commissioner Any member of the NSW RFS approved by the Deputy Commissioner Field Operations	Perform nominated duties as a hazard management officer under s65A of the Act.
<a href="#">s68</a>	Deputy Commissioner Director Operations Support Director Community Risk	Determine appeals lodged pursuant to s68 of the Act.
<a href="#">s70</a>	Deputy Commissioner Field Operations Director Area Operations Area Commander	Carry out bush fire hazard reduction work in default of compliance with a notice issued pursuant to s70 of the Act.
<a href="#">s70(3)</a>	Deputy Commissioner Director Area Operations Director Operations Support	Authorise the commencement of proceedings to recover expenses of carrying out bush fire hazard reduction work.
<a href="#">s73</a>	Deputy Commissioner Field Operations Director Area Operations	Carry out bush fire hazard reduction work pursuant to s73 of the Act.
<a href="#">s74 *</a>	Director Operations Support Area Commander District Manager	Prepare bush fire hazard reduction reports.
<a href="#">s74C</a>	Deputy Commissioner Director Community Risk Director Area Operations Director Operations Support Area Commanders Manager Strategic Hazards Management District Manager	Receive bush fire hazard complaints and provide notice in accordance with s74C(4) of the Act.
<a href="#">s74CA</a>	Deputy Commissioner Director Community Risk Director Area Operations Director Operations Support Area Commander Manager Strategic Hazards Management	Receive misdirected bush fire hazard complaints in accordance with S74CA of the Act.
<a href="#">s74D</a>	Deputy Commissioner Director Community Risk Director Area Operations Director Operations Support Area Commanders Manager Strategic Hazards Management District Managers Hazard Management Officer (HMO)	Investigate and determine bush fire hazard complaints. Authorise entry on to land to investigate complaint.
<a href="#">s74E(1)</a>	Deputy Commissioner Director Community Risk Director Area Operations Director Operations Support	Direct Hazard Management Officer to issue and serve notice pursuant to provisions of s66 of the Act.

REFERENCE	OFFICER	DELEGATION
	Area Commander Manager, Strategic Hazards Management	
<a href="#">s74F</a>	Deputy Commissioner Manager Strategic Hazards Management District Manager Area Commander Director Area Operations Director Operations Support	Notify complainant of action taken in relation to bush fire hazard complaint.
<a href="#">s82</a>	Deputy Commissioner Field Operations	Vary bush fire danger period.
<a href="#">s89</a>	Deputy Commissioner Field Operations Director Area Operations Area Commander District Manager Permit Issuing Officer appointed in accordance with provisions of Service Standard 4.2.2	Issue fire permit.
<a href="#">s91</a>	Deputy Commissioner Field Operations Director Area Operations Area Commander District Manager Permit Issuing Officer appointed in accordance with provisions of Service Standard 4.2.2	Cancel or suspend fire permit.
<a href="#">s93</a>	Deputy Commissioner Field Operations Director Area Operations Area Commander District manager Permit Issuing Officer appointed in accordance with provisions of Service Standard 4.2.2	Refuse to issue fire permit.
<a href="#">s94</a>	Deputy Commissioner Field Operations Director Area Operations Area Commander District Manager Permit Issuing Officer appointed in accordance with provisions of Service Standard 4.2.2	Give notice in relation to fire permit.
<a href="#">s100B</a>	Deputy Commissioner Preparedness and Capability Director Built and Natural Environment Manager Development Assessment and Planning Manager Planning and Environment Services	Issue bush fire safety authority.
<a href="#">s100B</a>	Deputy Commissioner Preparedness and Capability	Refuse to issue bush fire safety authority (s100B).
<a href="#">s100F</a>	Staff members certified in accordance with the provisions of Policy P6.1.3	Determine application for issue of bush fire hazard reduction certificate.
<a href="#">s100G</a>	Director Built and Natural Environment Manager Environment Services Staff members certified in accordance with the provisions of Policy P6.1.3	Determine application for issue of bush fire hazard reduction certificate.

REFERENCE	OFFICER	DELEGATION
<a href="#">s119(6)</a>	Deputy Commissioner State Operations Controller State Duty Operations Officer Major Incident Coordinator Director Area Operations Area Commanders District Manager Shift Coordinator Operational Communications Centre District Duty Operations Officer	Use fire fighting equipment outside the area of the council in which the equipment is vested.
<a href="#">Reg. 6(1)(b*)</a>	Deputy Commissioner Executive Director People and Strategy	Determine requirements for attaining membership of a rural fire brigade.
<a href="#">Reg. 7(1) *</a>	District Manager	Vary probationary period.
<a href="#">Reg. 7(2) *</a>	District Manager	Remove name from brigade register.
<a href="#">Reg. 8(1) *</a>	District Manager	Remove name from brigade register.
<a href="#">Reg. 8(2) *</a>	Area Commander Director Area Operations	Remove name from brigade register.
<a href="#">Reg. 8(3) *</a>	Deputy Commissioner Executive Director People and Strategy Director Area Operations Area Commander District Manager	Form opinion as to whether a person is no longer a fit and proper person to be a member of a rural fire brigade in circumstances set out in regulation 8(3) and remove that person's name from brigade register.
<a href="#">Reg. 8(4) *</a>	Director Area Operations Area Commander District Manager	Give notice prior to removing a person's name from brigade register.
<a href="#">Reg. 9</a>	Any member of the NSW RFS appointed by the Commissioner	Conduct and determine appeals relating to membership in circumstances where the Commissioner is the appropriate appeal authority.
<a href="#">Reg 11 (2)(3)*</a>	Deputy Commissioner Executive Director	Determine appeals concerning disciplinary action.
<a href="#">Reg. 33 *</a>	District Manager Manager, Strategic Hazards Management Director Area Operations Area Commander	Provide copy of bush fire hazard reduction notice to designated entities.
<a href="#">Reg 35 #</a>	District Manager	Give notice of issue of fire permit.
<a href="#">Reg. Schedule 2 cl 3</a>	Any member of the NSW RFS approved by the Deputy Commissioner Field Operations and accredited by the NSW Infringement Processing Bureau	Issue penalty notices pursuant to Schedule 2 of the Rural Fires Regulation 2022 – Penalty Notice offences
RFDSA Clause 9.1(d)	Director Area Operations Area Commander	Approve nomination of RFS staff member as member of the Liaison Committee.
RFDSA Clause 12.1	Area Commander District Manager	Submission of an annual report (against the RFDSA) to the Council/s.
<a href="#">SS 2.1.2</a> Clause 2.8	Area Commander	Exceptional Circumstances provisions within SS 2.1.2 Brigade Constitution to maintain RFB business.

## NOTES

1. The delegations extended in relation to those sections of the Act marked with an asterisk (\*) only have effect where the relevant local authority and the Commissioner have agreed in accordance with the provisions of

section 12A of the Act that the function specified should be exercised by the Commissioner on behalf of the local authority.

2. The delegations extended in relation to those sections of the Act marked with a hash (#) refer to functions which may, depending upon the particular circumstances, be exercised by either a local authority or the Commissioner. In as far as those occasions when the function may be exercised by a local authority are concerned, the delegation will only have effect where the relevant local authority and the Commissioner have agreed in accordance with the provisions of section 12A of the Act that the function specified should be exercised by the Commissioner on behalf of the local authority.
3. For the purpose of this Service Standard and related documents District Manager includes a Team or Zone Manager.
4. A reference to a District Manager in this delegation refers to the District Manager for the relevant rural fire district.
5. A reference to a Fire Control Officer (FCO) in this Service Standard and related documents refers to a District Manager.

  
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Rob Rogers AFSM  
Commissioner

DATED this 7 day of June 2022



# INSTRUMENT OF DELEGATION

I, **ROB ROGERS**, Commissioner of the NSW Rural Fire Service, pursuant to the provisions of section 2.29 of the *Environmental Planning and Assessment Act 1979* extend the delegations listed below to the persons holding the offices as listed below, whether in a permanent or acting capacity (such acting capacity having been formally authorised by the immediate superior of the officer holder):

REFERENCE	OFFICER	DELEGATION
<a href="#">Section 4.14</a> Consultation and development consent—certain bush fire prone land	Deputy Commissioner Director Built and Natural Environment Manager Development Assessment and Planning Manager Planning and Environment Services Team Leader Development Assessment	Provide advice concerning measures to be taken with respect to a development on bush fire prone land to protect persons, property and the environment from bush fire.
<a href="#">Section 5.5</a>	Deputy Commissioner	Act as determining authority of REFs (Review of Environmental Factors).
<a href="#">Section 10.3</a>	Deputy Commissioner	Designation of land within an area of Council, to be bush fire prone land having regard to the Bush Fire Risk Management Plan, and Certification of Bush Fire Prone Land map.

  
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Rob Rogers AFSM  
Commissioner

DATED this 7 day of June 2022

# INSTRUMENT OF DELEGATION

I, **ROB ROGERS**, Commissioner of the NSW Rural Fire Service, pursuant to the provisions of section 60H of the *State Emergency and Rescue Management Act 1989* extend the delegation listed below to the persons holding the offices as listed below, whether in a permanent, acting or operational capacity (such acting capacity having been formally authorised by the immediate superior of the officer holder):

REFERENCE	OFFICER	DELEGATION
<u>Section 60H</u> Certificate evidence that employee took part in emergency operations	Director State Operations Director Area Operations Area Commanders District Manager Incident Controller State Operations Controller	Issue a certificate to the effect that a NSW Rural Fire Service member took part in particular emergency operations carried out by the NSW Rural Fire Service in respect of that emergency.



Rob Rogers AFSM  
Commissioner

DATED this 7 day of June 2022

# INSTRUMENT OF DELEGATION

I, **Steph Cooke MP**, Minister for Emergency Services and Resilience and Minister for Flood Recovery, pursuant to the provisions of section 99 of the *Rural Fires Act 1997*, extend the delegation listed below to the persons holding the offices as listed below, whether in a permanent, acting or operational capacity (such acting capacity having been formally authorised by the immediate superior of the officer holder):

REFERENCE	OFFICER	DELEGATION
<u>Section 99</u> Total fire bans	Commissioner Deputy Commissioner (In the absence of the Commissioner only)	Declare a total fire ban for part or parts of the State as specified in the declaration, if it is necessary or expedient in the interests of public safety to do so.



Hon Steph Cooke MP  
**Minister for Emergency Services and Resilience**  
**Minister for Flood Recovery**

DATED this 22 day of June. 2022

# TABLE OF SCHEDULES

REFERENCE	OFFICER	Tasks of Delegation	AREA OF RESPONSIBILITY
<a href="#">s33B</a>	Fire Investigators	Officers trained in Fire Investigation	Deputy Commissioner Field Operations
<a href="#">s65A</a> & <a href="#">s67</a>	Officers trained in Hazard Management for the purposes of enacting S65A in Division 2 of Part 4.	<p>Hazard Management Officers (HMO) appointed under s65A:</p> <p>Level 1: An officer appointed as a Level 1 HMO can recommend a notice be issued under s66 but is not authorised to issue such a notice. A Level 1 HMO cannot deal with an objection to notices under s67;</p> <p>Level 2: An officer appointed as a Level 2 HMO can issue a notice under s66 for private lands but can only recommend a notice be issued for public lands. A Level 2 HMO cannot deal with an objection to notices under s67 relating to public lands;</p> <p>Level 3: An officer appointed as a level 3 HMO can issue a notice under s66 for private or public lands. A Level 3 HMO can deal with any objection to notices under s67;</p>	Deputy Commissioner Field Operations
<a href="#">Reg Schedule 2 cl 3</a>	Penalty Notice Officers	Officers trained in issuing penalty notices	Deputy Commissioner Field Operations

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 Rob Rogers AFSM

Commissioner

DATED this 7 day of June 2022