



# Service Standard 4.2.2 Fire Permits

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**Date of Issue** 29 October 2009

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**Version Number** 3.0

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## 1. Purpose

- 1.1 This Service Standard replaces Service Standard 4.2.2 Fire Permit v2.4.
- 1.2 The *Rural Fires Act 1997* (the Act) requires a person to obtain a fire permit when they propose to light:
  - (a) certain classes of fire (during a bush fire danger period); and
  - (b) a fire which will be lit in circumstances where it may be dangerous to a building (at any time).
- 1.3 This Service Standard provides information on how those permits are to be issued by the RFS.

## 2. Policy

- 2.1 Permits for fires which are proposed to be lit on land in a “fire district” may be issued by the Commissioner of NSW Fire Brigades or his or her delegate.
- 2.2 Permits for fires which are proposed to be lit on land in a “rural fire district” may only be issued by the RFS Commissioner or his or her delegate.
- 2.3 The Commissioner has delegated the power to issue permits to certain members of the RFS.
- 2.4 Fire permits may be issued by:
  - (a) The Fire Control Officer (FCO) - in relation to any part of the rural fire district to which he or she has been appointed;
  - (b) A Deputy Fire Control Officer (DFCO) - in relation to any part of the rural fire district to which he or she has been appointed;
  - (c) A member of the RFS who has been appointed as a Permit Issuing Officer (PIO) by a FCO - in relation to those parts of a rural fire district specified by the fire control officer from time to time.
- 2.5 A member of the RFS who has been delegated the power to issue permits must not issue a permit to:
  - (a) him or herself;
  - (b) a member of his or her immediate family;
  - (c) any of his or her employees; or
  - (d) in relation to any land which he or she owns or occupies.

## **2.6 Fire permits must be in writing**

Permits are to be issued in writing in the form, as found in the "*Guidelines for Permit Issuing Officers*".

## **2.7 Reporting requirements - Permit Issuing Officer appointments**

- (a) The FCO for each rural fire district must provide the Director Operational Services with the names of those members appointed as PIO's.
- (b) An annual list of appointments must generally be provided (within 10 working days of 30 June) to the Director Operational Services. Further appointments may be made at any time and the Director Operational Services must be advised within 10 working days.
- (c) The Commissioner or the FCO who appointed the member as a PIO may revoke that appointment at any time. If a FCO revokes an appointment he or she must inform the Director Operational Services of that revocation within 5 working days.
- (d) All appointments as a PIO will be deemed to have been revoked on 30 June of each year, unless that member is re-appointed by the FCO.

## **2.8 Reporting requirements – Details of fire permits issued**

- (a) Section 97 of the Act requires the RFS Commissioner to provide a report to the Bush Fire Co-ordinating Committee within two months after the end of the financial year detailing:
  - (i) bush fires lit pursuant to a fire permit, issued by and in, an area of an appropriate authority, and
  - (ii) action taken with respect to permits that is inconsistent with any Bush Fire Risk Management Plan applying to the area.
- (b) FCOs are responsible for submitting local reports on the numbers of fire permits issued, and in respect of the matters under section 97(2) of the Act to the Regional Manager by the 15<sup>th</sup> July each year.
- (c) The Regional Manager is responsible for submitting a relevant regional report to the Director Operational Services within one month of the end of each financial year.
- (d) The Director Operational Services is responsible for submitting the consolidated report to the Commissioner (which will be considered by the Bush Fire Coordinating Committee) within six weeks of the end of each financial year.

## **2.9 Who is not required to obtain a fire permit?**

Section 95 of the Act provides that a public authority or a person under the direction of a public authority is not required to obtain a fire permit.

## **2.10 Can fires be lit during a Total Fire Ban?**

No fires are permitted to be lit during a Total Fire Ban, except for those classes of fires specified in the Schedules to the Declarations of the Total Fire Ban.

- 2.11 RFS members appointed as PIOs must apply the provisions of the *Guidelines for Permit Issuing Officers*.

## 4. Links

- [Guidelines for Permit Issuing Officers](#)
- [Rural Fires Act 1997](#)
- [Rural Fires Regulation 2013](#)

## 5. Who is responsible for implementing the Service Standard?

Director Operational Services

## 6. Amendments

- Updates version 2.4 to align with the *Rural Fires Amendment Act 2009*, including updating position titles.
- Replaces *Guidelines for Permit Issuing Officers v.3.4* and provides a link to new version 3.5.
- Updates references in the *Guidelines for Permit Issuing Officers* to align with *Rural Fires Amendment Act 2009*, and the introduction of the *National Fire Danger Ratings (FDR)* arising from the 2009 Victorian Bushfires Royal Commission including:
  - the introduction of the Severe and Catastrophic FDR;
  - the increased Penalty Notice amounts for certain fire related offences; and
  - the notification required when intending to burn off or burn fire breaks (specifically clause 2.4 of the Guidelines).
- Clause 2.8(b) (formerly clause 2.8)
  - Specifies reporting timeframes for local reports to the Regional Manager.
- Clause 2.8(d) (formerly clause 2.9)
  - Changes the reporting timeframe for the consolidated reports to the Commissioner.