



Service Standard 1.3.1

Delegations and Authorisations

(Including supplementary delegations –
unincorporated area of NSW)

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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 (FCO)s, and officers of brigades and groups of brigades.
- 1.3 This Service Standard establishes:
 - (a) the delegations under section 14 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) delegations under the Act in relation to the Western Division Unincorporated Area;
 - (e) delegations under section 79BA of the *Environmental Planning and Assessment Act 1979*.

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 FCO, 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 at the regional level by Regional Managers.

- 2.3 Liaison and administrative responsibilities of the NSW RFS are also normally exercised at Regional level.
- 2.4 All operational intelligence and command responsibilities of the Commissioner are generally exercised through the State Operations Centre.
- 2.5 The Commissioner's may delegate responsibilities for coordinated bush fire fighting activities to persons appointed under section 44 of the Act.

Supplementary Delegations – unincorporated area of NSW

- 2.6 The Western Lands Commissioner has certain traditional responsibilities in relation to the Western Division of the State. In much of the Western Division, local councils have been established but the area known as the Unincorporated Area remains the sole responsibility of the Western Lands Commissioner as the Appropriate Authority under the Act.
- 2.7 By notification dated 27 March 1998 the Western Lands Commissioner has delegated functions pertaining to brigade administration to the Team Manager Far West Team and functions pertaining to bush fire prevention to the Commissioner.
- 2.8 For the purposes of Part 2 of the Act the Team Manager Far West Team is the Appropriate Authority for the Unincorporated Area.
- 2.9 For the purposes of Part 4 of the Act the Commissioner is the Appropriate Authority for the Unincorporated Area.

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.

3. Links

- *Rural Fires Act 1997*
- Policy P6.1.3 Environmental Assessment for Bush Fire Hazard Reduction Works
- Service Standard 4.2.2 Fire Permits
- Service Standard 1.2.1 NSW RFS Ranking and Rank Insignia
- Certificate of Participation in Emergency Operations template

4. Who is responsible for implementing this Standard?

- Director Operational Services
- Director Infrastructure Services
- Director Executive Services

5. Amendments

- Instrument of Delegation for certification of participation in emergency operations 22 November 2013



INSTRUMENT OF DELEGATION

I, **SHANE FITZSIMMONS**, Commissioner of the NSW Rural Fire Service, pursuant to the provisions of section 14 of the *Rural Fires Act 1997* (the Act) 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
s9 (1) (a1)	Director Operational Services Group Manager Response & Coordination 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,
s12 (2)	Director Operational Services	Determination and allocation of duties for positions attached to the State Operations Centre.
s15 *	District Manager	Decision to form a rural fire brigade.
s17(1) *	District Manager	Decision to disband a rural fire brigade.
s18 *	District Manager	Determine territory of a rural fire brigade and appoint officers.
s20 *	District Manager	Maintain register of members of rural fire brigades.
s22 (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
s29	District Manager	Authorise entry of premises without giving notice in a particular case.
s31	District Manager	Authorise use of force to enter premises in a particular case and give notice in accordance with s31(3) of the Act.
s33B	Any member of the NSW RFS approved by the Director Operational Services	Enter and inspect any land for the purposes of investigating the cause or origin of any fire.
S33C	Director Operational Services Operations Officer Fire Investigation Regional Operations Officer Fire Investigation	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.
s35	Director Regional and Infrastructure Services	Appoint acting FCO.
s37(4)	Director Regional and Infrastructure Services	Approve standard of facilities and accommodation.
s62A	Director Executive Services Chief Audit Executive	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.
S62c s62H inclusive	Director Operational Services	Designation, inspection, removal of designation and other activities associated with Neighbourhood Safer Places.
s62C – s62H inclusive	Any member of the NSW RFS approved by the Director Operational Services	Inspection and other activities associated with Neighbourhood Safer Places.
s65A	Any member of the NSW RFS	Nominate a member of the RFS as a hazard management officer

	approved by the Director Operational Services	under s65A of the Act.
s68	Director Operational Services	Determine appeals lodged pursuant to s68 of the Act.
s70	District Manager Group Manager Response and Coordination Manager Hazard Management Manager Emergency Management Liaison and Coordination	Carry out bush fire hazard reduction work in default of compliance with a notice issued pursuant to s70 of the Act.
s70(3)	Director Operational Services Group Manager Response and Coordination Manager Hazard Management Manager Emergency Management Liaison and Coordination	Authorise the commencement of proceedings to recover expenses of carrying out bush fire hazard reduction work.
s73	Director Operational Services Group Manager Response and Coordination Manager Hazard Management Manager Emergency Management Liaison and Coordination	Carry out bush fire hazard reduction work pursuant to s73 of the Act.
s74 *	District Manager Group Manager Co-ordinated Risk Management	Prepare bush fire hazard reduction reports.
s74C	District Manager Group Manager Response and Coordination Manager Hazard Management Manager Emergency Management Liaison and Coordination	Receive bush fire hazard complaints and provide notice in accordance with s74C(4) of the Act.
s74D	District Manager Group Manager Response and Coordination Manager Hazard Management Manager Emergency Management Liaison and Coordination	Investigate and determine bushfire hazard complaints. Authorise entry on to land to investigate complaint.
s74E(1)	Director Operational Services Group Manager Response and Coordination Manger Hazard Management Manager Emergency Management Liaison and Coordination	Direct hazard management officer to issue and serve notice pursuant to provisions of s66 of the Act.
s74F	District Manager Group Manager Response and Coordination Manager Hazard Management Manager Emergency Management Liaison and Coordination	Notify complainant of action taken in relation to bush fire hazard complaint.
s82	Director Operational Services	Vary bush fire danger period.
s89	District Manager Permit Issuing Officer appointed in accordance with the provisions of Service Standard 4.2.2	Issue fire permit.
s91	District Manager Permit Issuing Officer appointed in accordance with the provisions of Service Standard 4.2.2	Cancel or suspend fire permit.

s93	District Manager Permit Issuing Officer appointed in accordance with the provisions of Service Standard 4.2.2	Refuse to issue fire permit.
s94	District Manager Manager Hazard Management Permit Issuing Officer appointed in accordance with the provisions of Service Standard 4.2.2	Give notice in relation to fire permit.
s100B	Director Operational Services Group Manager Community Resilience Group Manager Customer Service Centres Manager Development Assessment & Planning Team Leader Development Assessment Manager Customer Service Centre (North) and (East)	Issue bush fire safety authority.
s100B	Director Operational Services	Refuse to issue bush fire safety authority (s100B)
s100F	Staff members certified in accordance with the provisions of Policy P6.1.3 Manager Community Planning Environment Officer	Determine application for issue of bush fire hazard reduction certificate.
s100G	Staff members certified in accordance with the provisions of Policy P6.1.3 Manager Community Planning Environment Officer	Determine application for issue of bush fire hazard reduction certificate.
s119(3)	Director Executive Services	Authorise the sale or disposal of fire fighting equipment.
s119(6)	Director Operational Services Group Manager Response and Coordination Regional Manager District Manager	Use fire fighting equipment outside the area of the council in which the equipment is vested.
Reg. 4 *	District Manager	Approve form of constitution for a rural fire brigade.
Reg. 5(1)(b*)	District Manager	Determine requirements for attaining membership of a rural fire brigade.
Reg. 6(1) *	District Manager	Vary probationary period.
Reg. 6(2) *	District Manager	Remove name from brigade register.
Reg. 7(1) *	District Manager	Remove name from brigade register.
Reg. 7(2) *	Regional Manager	Remove name from brigade register.
Reg. 7(3) *	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 7(3) and remove that person's name from brigade register.
Reg. 7(4) *	Regional Manager, District Manager	Give notice prior to removing a person's name from brigade register.
Reg. 8	Directors	Conduct and determine appeals relating to membership in circumstances where the Commissioner is the appropriate appeal authority.
Reg. 10 *	Regional Manager	Determine appeals concerning disciplinary action.
Reg. 32 *	District Manager Manager Hazard Management	Provide copy of bush fire hazard reduction notice to designated entities.

Reg 34 #	District Manager	Give notice of issue of fire permit.
Reg. 48(2)(b)	Any member of the NSW RFS approved by the Director Operational Services and accredited by the NSW Infringement Processing Bureau	Issue penalty notices pursuant to clause 48 of the Rural Fires Regulation 2008 – Penalty Notices.
RFDSA Clause 9.1(d)	Regional Manager	Approve nomination of RFS staff member as member of the Liaison Committee
RFDSA Clause 12.1	District Manager	Submission of an annual report (against the RFDSA) to the Council/s

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. Where a delegation is extended to a District Manager for a rural fire district which forms part of a number of rural fire districts that are managed by a team of members of the staff of the Service pursuant to a direction of the Commissioner, the delegation extends to the District Managers respectively of the other rural fire districts that form the team.
6. A reference to a Regional Manager in this delegation refers to the Regional Manager with responsibility for the relevant rural fire district.
7. A reference to a Fire Control Officer (FCO) in this Service Standard and related documents refers to a District Manager.

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Shane Fitzsimmons AFSM
Commissioner

DATED this day of March 2013



INSTRUMENT OF DELEGATION

I, **SHANE FITZSIMMONS**, Commissioner of the NSW Rural Fire Service, pursuant to the provisions of section 153A 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
Section 79BA Consultation and development consent—certain bush fire prone land	Director Operational Services Group Manager Community Resilience Group Manager Customer Service Centres Manager Development Assessment & Planning District Manager Manager Customer Service Centre (North) and (East) 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.
Section 111	Director Operational Services	Act as determining authority of REFs (Review of Environmental Factors)
Section 146	Director Operational Services	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

Shane Fitzsimmons AFSM
Commissioner

DATED this day of March 2013



INSTRUMENT OF DELEGATION

I, **SHANE FITZSIMMONS**, 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
Section 60H Certificate evidence that employee took part in emergency operations	District Manager Incident Controller Regional Major 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

Shane Fitzsimmons AFSM
Commissioner

DATED this day of November 2013