



Service Standard 1.3.2

Powers of Officers

Date of Issue 19 March 2013

Version Number 3.2

1. Purpose

- 1.1** This Service Standard updates and replaces Service Standard 1.3.2 Powers of Officers version 3.1
- 1.2** Section 22(1) of the *Rural Fires Act 1997* (the Act) provides that an officer of a rural fire brigade or group of rural fire brigades of a rank designated by the Commissioner may:
- (a) exercise any function conferred on the officer by or under the Act; or
 - (b) take any other action that is reasonably necessary or incidental to the effective exercise of such a function.
- 1.3** Exercising such functions and taking such actions may only be for the purpose of:
- (a) controlling or suppressing a fire; or
 - (b) protecting persons, property or the environment from an existing or imminent danger arising out of:
 - i. a fire;
 - ii. an incident;
 - iii. or other emergency.
- 1.4** The Commissioner has determined that a Brigade or group officer of the rank of deputy captain or above may exercise any function conferred on the officer or take any action authorised by or under the Act¹.
- 1.5** Section 22(2A) of the Act provides that any function that may be exercised, or action that may be taken, by a brigade or group officer may be exercised or taken by the Commissioner.
- 1.6** Pursuant to the provisions of s14 of the Act the Commissioner has delegated the functions conferred upon him by section 22(2A) to those officers of the NSW RFS of and above the rank of Officer Level 1.

¹ A function conferred on an officer or an action authorised by the Service Standards is a function conferred or an action authorised under the Act.

- 1.7** Sections 23 to 32 of the Act list, by way of example, some of the ways in which the functions referred to in section 22 may be exercised. These provisions do not limit the generality of section 22.
- 1.8** Section 22(2) of the Act provides that an officer may exercise a function or take any action authorised by section 22(1) with such other persons as the officer considers necessary for the purpose.

2. Policy

Powers of officers of a rural fire brigade and groups of rural fire brigades

2.1 The following provisions are examples of the way in which the functions referred to in clause 1.2 of this Service Standard may be exercised. These examples are not exclusive nor are they intended to limit the generality of the powers conferred upon an Officer by the Act.

2.2 An Officer may:

- (a)** enter any premises (refer to definition of “premises” in clause 2.15) for the purpose of exercising any function conferred or imposed on the Officer by or under the Act;
- (b)** if he or she is the officer in charge of a brigade or group of brigades, close any street or public place in the vicinity of a fire, incident or other emergency to traffic;
- (c)** if persons are, or property or the environment is, endangered or likely to be endangered by a fire, incident or other emergency:
 - i. pull down, cut and remove fences on any land;
 - ii. destroy, pull down or remove any buildings or structures on any land;
 - iii. destroy or remove any living or dead vegetation on any land; and
 - iv. establish firebreaks on any land;
- (d)** for the purpose of controlling or suppressing a fire:
 - i. take and use any water from any source on any land; or
 - ii. use any hydrant or water reticulation system vested in or under the management or control of any water supply authority, public authority or body;
- (e)** light a fire for the purpose of back burning;
- (f)** shut off or disconnect any gas or electricity supply;
- (g)** move any vehicle, vessel or other object; and/or
- (h)** remove a person from any land or building or restrain a person from entering or re-entering any land or building.

2.3 Before entering or taking any action in relation to Country Rail Infrastructure Authority or Railcorp NSW land or property, permission

must first be obtained from the Authority or Corporation. Refer to OP 1.2.3 Working in the Rail Corridor.

- 2.4** Before taking action of the sort listed in clause 2.2 of this Service Standard an Officer must, if practicable:
- (a)** ensure that the action is taken in a way that minimises damage to property;
 - (b)** consult with the owners or occupiers of the property before taking action; and
 - (c)** take into consideration environmental, heritage, cultural and historical conservation concerns.
- 2.5** If practicable, action involving:
- (a)** the closure of any street or public place or traffic control; or
 - (b)** the removal or restraint of a person;
- should be taken by a member of the NSW Police Force.
- 2.6** Before removing or destroying any building or structure the Officer should, if practicable:
- (a)** isolate or cordon off the building or structure concerned;
 - (b)** obtain technical advice from an engineer or local authority as to whether or not the building or structure can be made temporarily safe or, if it must be removed or destroyed, the preferred method of removing or destroying the building;
 - (c)** remove or destroy only that part of the building or structure that is, in the Officer's opinion, necessary to render the area safe; and
 - (d)** utilise personnel with specialist engineering or demolition skills.
- 2.7** If practicable the owner of any vehicle, vessel or other object should be given the opportunity to move the vehicle, vessel or other object.
- 2.8** Before disconnecting any water, electricity, gas supply or other service the Officer must first:
- (a)** determine whether the supply can be safely disconnected without further endangering life and property; and
 - (b)** if practicable:
 - i. seek the assistance of the relevant supply authority;
 - ii. utilise competent personnel to disconnect the supply;
 - iii. advise those persons effected by the disconnection; and
 - iv. where possible minimise the extent to which services are disconnected.

Entry of Premises

- 2.9** An Officer may enter any premises for the purpose of exercising any function conferred or imposed on the Officer under the Act if reasonable notice is given to the owner or occupier of an intention to enter.
- 2.10** An Officer may enter any premises for the purpose of exercising any function conferred or imposed on the Officer under the Act without notice:
- (a)** with the consent of the owner or occupier;
 - (b)** if the part of the premises on which entry is made is open to the public; or
 - (c)** if entry is required urgently for the purpose of:
 - i. controlling or suppressing a fire;
 - ii. protecting persons, property or the environment from an existing or imminent danger arising out of:
 - a fire;
 - an incident; or
 - other emergency;
 - iii. determining if there is a fire on or near the premises; or
 - iv. investigating the cause and origin of a fire.
- 2.11** An Officer may use reasonable force to enter premises if he or she is of the opinion:
- (a)** that it is necessary to use force to enter premises: and
 - (b)** it is necessary for the purpose of:
 - i. controlling or suppressing a fire;
 - ii. protecting persons, property or the environment from an existing or imminent danger arising out of:
 - a fire;
 - an incident; or
 - other emergency;
 - determining if there is a fire on or near the premises; or
 - investigating the cause and origin of a fire.
- 2.12** If the owner or occupier of any premises
- (a)** actively prevents access; and
 - (b)** a member of the NSW Police Force is not present
- force should only be used if the Officer is of the opinion that delay may place a person's safety at risk.
- 2.13** If an Officer uses force to enter premises he or she must, as soon as practicable, inform the Commissioner by reporting the incident to a District Manager or Fire Control Centre.

- 2.14** When entering premises or taking action on premises an Officer must be in possession of an Authority Card issued in accordance with SOP 1.3.2-1 Authority Cards.
- 2.15** Premises are defined in the Act to include both buildings and land. Premises do not include “managed land” (land occupied by the Department of Premier and Cabinet, Department of Trade and Investment, Regional Infrastructure and Services, Railcorp NSW, Transport Construction Authority, Country Rail Infrastructure Authority) and land within the catchment area of a water supply authority.
- 2.16** An Officer may direct a member of the NSW RFS to:
- (a)** exercise any function conferred on a brigade or group Officer by or under the Act, or
 - (b)** take any action that is reasonably necessary or incidental to the effective exercise of such a function, for the purpose of protecting persons, property or the environment from an existing or imminent danger arising out of a fire, incident or other emergency notwithstanding the fact that the officer is not physically present at the place where the function is to be exercised.
- The Officer may give the direction by radio, telephone or any other form of communication.
- 2.17** Where such a direction is given by an officer, he or she must endeavour to ensure that an officer attends the scene where the function is to be exercised as soon as is practicable after the direction has been given.

Authority Cards

- 2.18** An Authority Card must be issued to:
- (a)** officers of rural fire brigades;
 - (b)** officers of groups of rural fire brigades;
 - (c)** officers of or above the rank of Officer Level 1; and
 - (d)** the Commissioner.
- 2.19** Authority Cards are to be issued in accordance with SOP 1.3.2 - 1.
- 2.20** An Authority Card remains the property of the NSW RFS at all times.
- 2.21** An Authority Card is deemed to have been cancelled and must be returned to the Issuing Authority immediately upon the person to whom it is issued:
- (a)** ceasing to occupy the position in respect of which the Authority Card was issued; or
 - (b)** receiving a letter from the Commissioner or the Issuing Authority requiring the return of the Authority Card.

3. Links

- *Rural Fires Act 1997*
- SS 1.3.2A Powers of Officers (Jervis Bay Territory)
- SS 1.1.7 Code of Conduct and Ethics
- SS 1.3.1 Delegations
- OP 1.2.3 Working in the Rail Corridor

4. Who is responsible for implementing the Service Standard?

- Director Regional and Infrastructure Services

5. Amendments

- Updated to reflect current practices

19 March 2013



NSW Rural Fire Service

AUTHORITY TO ENTER PREMISES WITHOUT NOTICE PURSUANT TO THE PROVISIONS OF SECTION 29(1) OF THE RURAL FIRES ACT 1997

Pursuant to the provisions of section 29(1) of the *Rural Fires Act 1997*, I Shane Fitzsimmons, Commissioner of the NSW Rural Fire Service, hereby authorise any officer of the rank of Deputy Captain or above to enter any premises without notice for the purpose of:

1. controlling or suppressing a fire;
2. protecting persons, property or the environment from an existing or imminent danger arising out of:
 - (a) a fire;
 - (b) an incident; or
 - (c) other emergency;
3. determining if there is a fire on or near the premises; or
4. investigating the cause and origin of a fire.

Shane Fitzsimmons AFSM
Commissioner

DATED this day of March 2013



NSW Rural Fire Service

AUTHORITY TO USE FORCE TO ENTER PREMISES PURSUANT TO THE PROVISIONS OF SECTION 31(1) OF THE RURAL FIRES ACT 1997

In accordance with the provisions of section 31(1)(b) of the *Rural Fires Act 1997*, I Shane Fitzsimmons, Commissioner of the NSW Rural Fire Service, hereby authorise any officer of the rank of Deputy Captain or above to use reasonable force for the purpose of gaining entry to premises where, in the opinion of the officer, one or more of the following circumstances exist:

1. it is necessary for the purpose of controlling or suppressing a fire;
2. it is necessary for the purpose of protecting persons, property or the environment from an existing or imminent danger arising out of:
 - (a) a fire;
 - (b) an incident; or
 - (c) other emergency;
3. it is necessary for the purpose of determining if there is a fire on or near the premises; or
4. it is necessary for the purpose of investigating the cause and origin of a fire and the officer is of the opinion that is necessary to use force to gain entry to the premises.

Shane Fitzsimmons AFSM
Commissioner

DATED this day of March 2013



NSW Rural Fire Service

DETERMINATION PURSUANT TO SECTION 22(1) OF THE RURAL FIRES ACT 1997

In accordance with the provisions of section 22(1) of the *Rural Fires Act 1997*, I Shane Fitzsimmons, Commissioner of the NSW Rural Fire Service, hereby determine that for the purpose of controlling or suppressing a fire or protecting persons or property from an existing or imminent danger arising out of a fire, incident or other emergency, an officer of a rural fire brigade or group of rural fire brigades of the rank of Deputy Captain or above, may:

1. exercise any function conferred on the officer by or under the Rural Fires Act; or
2. take any other action that is reasonably necessary or incidental to the effective exercise of such a function.

Shane Fitzsimmons AFSM
Commissioner

DATED this day of March 2013



NSW Rural Fire Service

AUTHORITY TO ENTER PREMISES WITHOUT NOTICE PURSUANT TO THE PROVISIONS OF SECTION 74D(3) OF THE RURAL FIRES ACT 1997

Pursuant to the provisions of section 74D(3) of the *Rural Fires Act 1997*, I, Shane Fitzsimmons, Commissioner of the NSW Rural Fire Service, hereby authorise:

1. fire control officers;
2. district/team/zone managers;
3. deputy fire control officers; and
4. members of staff of the NSW RFS who are assigned functions in relation to hazard complaints and mitigation works

to enter during the day time any part of land (other than a dwelling-house) that is the subject of a bushfire hazard complaint where, in the opinion of the person so authorised, it is necessary to inspect the land in order to form an opinion as to whether a bushfire hazard exists on the land.

Shane Fitzsimmons AFSM
Commissioner

DATED this day of March 2013



SOP 1.3.2-1 Authority Cards

This SOP forms part of Service Standard 1.3.2 Powers of Officers

Related forms ▪ None

1. Purpose

- 1.1 This SOP outlines the description to be used for Authority Cards and provides the criteria for issuing Authority Cards to relevant members.

2. Procedures

- 2.1 Authority Cards may be issued by:

- (a) the Commissioner;
- (b) Regional Managers; and
- (c) a District Manager who has been authorised to do so by a Regional Manager;

who are referred to in this SOP as the Issuing Authority.

- 2.2 The front of the Authority Card must bear the words:

**NSW Rural Fire Service
Rural Fires Act 1997
Authority to Enter Premises**

This Authority is issued to:

Name:

Rank:

Expiry Date:

- 2.3 The back of the Authority Card must bear the following words:

"This Authority is issued pursuant to sections 29 and 31 of the *Rural Fires Act 1997*.

The bearer is authorised to:

- (a) Enter any premises without notice in the circumstances specified in Service Standard 1.3.2;
- (b) Use reasonable force to enter any premises in the circumstances specified in Service Standard 1.3.2; and
- (c) While on any premises, exercise the powers conferred upon the bearer by sections 22 to 31 of the Rural Fires Act and Service Standard 1.3.2."

- 2.4** An Authority Card issued to officers of rural fires brigades must also bear the name of the:
- (a) rural fire brigade; and
 - (b) rural fire district, team or zone in which the rural fire brigade is situated.
- 2.5** An Authority Card issued to officers of groups of rural fire brigades and members of the staff of the Service who are attached to a particular rural fire district, zone or team must also bear the name of the:
- (a) rural fire district, team or zone in which the group is situated: or
 - (b) rural fire district, zone or team to which the member of the staff is assigned.
- 2.6** The expiry date may be a date up to 3 years after the date of issue.
- 2.7** The following is a sample of the front and back of an authority card:

Front:

NSW RURAL FIRE SERVICE

Rural Fires Act 1997
Authority to Enter Premises



This Authority is issued to:

Name of Member

Capt. SDC, DC
Brigade Name

Fire Control Centre / FCD
Zone / Team Name

Expiry Date:



The bearer is appointed with the powers conferred under the Rural Fires Act 1997 and is also authorised to enter premises under the Act. (see over for details)

Shane Fitzsimmons, AFSM
NSW RFS Commissioner

Back:

This Authority is issued pursuant to Section 29 and 31 of the Rural Fires Act 1997.

The bearer is authorised to:

- (a) Enter any premises without notice in circumstances specified in Service Standard 1.3.2;
- (b) Use reasonable force to enter any premises in the circumstances specified in Service Stand 1.3.2 and;
- (c) While on the premises exercise the powers conferred upon the bearer by sections 22 to 31 of the Rural Fires Act and Service Standard 1.3.2.

This card remains the property of NSW Rural Fire Service, if found, please return to Locked Mail Bag 17, GRANVILLE NSW 2142