



ACT Rural Fire Service  
Standard Operating Procedure 3.9  
**Powers of Members**

**3.9**  
Operational  
Management

**Purpose**

Define the powers of ACT Rural Fire Service members and provide guidance in the use of these powers.

To facilitate members of the Service undertake the functions of the Service, certain powers under the *Emergencies Act 2004* have been delegated by the Chief Officer (see attached).

At all times members must execute the powers delegated to them in a responsible manner and in accordance with the standard operating procedures, guidelines and instructions of the Service. Execution of these powers must be justified in line with the intent of the *Emergencies Act 2004* and all subordinate legislation. Members are reminded that any abuse or misuse of these powers will subject the member to disciplinary action which may result in suspension or dismissal from the Service.

The level of the power delegated is dependent on the rank held by a member. Each rank has a different pathway to be followed for an individual to be nominated. Members must receive the endorsement of the Chief Officer before any rank and associated powers are granted.

Once endorsed by the Chief Officer, members will receive an authority card stating their rank and delegations that will be valid for a period of 12 months unless otherwise stated.

**Powers of members**

The following powers have been delegated to all members of the Service by the Chief Officer or by instrument within legislation.

***Emergencies Act 2004***

Section 34 – General Powers of the Chief Officer (excluding parts (1) (f) (g) (k) + (l))

Section 59D – Casual volunteers

Section 196 – Authorised person's power to require name and address



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## **Powers of Office Holders**

In addition to the above, the following powers have been delegated to all members of the Service with the rank of Deputy Captain or higher<sup>1</sup> by the Chief Officer or by instrument within legislation.

### ***Emergencies Act 2004***

Section 34 – General Powers of the Chief Officer (Part (1) (f) (g) (k) + (l))

Section 35 – Direction by the Chief Officer to service members

Section 68 – Fires in rural areas

Section 69 – Securing the area at or after fire

**Maintained By:** Manager, Operations

**Approved By:** Andrew Stark

**Position:** Chief Officer RFS

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**Signature:**

**Date:** 15/02/2011

**Cross Reference SOP/s:** SOP 1.21 Rank, Insignia & Helmets

**Amendments:**

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<sup>1</sup> See SOP 1.21 Rank, Insignia & Helmets.



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***Emergencies Act 2004***

**Section 34 – General Powers of the Chief Officer**

- (1) The chief officer of an emergency service may, for the protection or preservation of life, property or the environment—
  - (a) With any necessary assistance and force, enter land; or
  - (b) Close a street or road to traffic; or
  - (c) Bring equipment onto land or into a structure or vehicle; or
  - (d) Open a container, or dismantle equipment, using any necessary or reasonable force; or
  - (e) Remove, dismantle, demolish or destroy a structure or vehicle; or
  - (f) Contain an animal or substance; or
  - (g) Remove or destroy an animal, a substance or vegetation; or
  - (h) Turn off, disconnect or shut down a motor or equipment; or
  - (i) Control, shut off or disconnect a supply of fuel, gas, electricity, Water or anything else; or
  - (j) Use a supply of water without charge; or
  - (k) Give directions to regulate or prohibit the movement of people, animals or vehicles; or
  - (l) Evacuate people or animals from an area to another place; or
  - (m) Require a person to give reasonable assistance to a member of an emergency service.
- (2) A power under this section must, if practicable, be exercised in accordance with the commissioner's guidelines.
- (3) In this section:

*Equipment* includes a vehicle.

*Land* includes any structure or vehicle on the land.

**Section 35 – Direction by chief officer to service members**

- (1) The chief officer of an emergency service may, in the exercise of the chief officer's functions, give directions to emergency service members or any entity acting for the service.
- (2) A direction by the chief officer (ambulance service) may be about the provision of medical treatment (a ***medical treatment direction***).
- (3) A direction by the chief officer of an emergency service (other than a medical treatment direction) must, if practicable, be in accordance with any direction of the commissioner and the commissioner's guidelines.



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- (4) A medical treatment direction must, if practicable, be in accordance with the medical treatment standards.

### 59D Casual volunteers

- (1) A person in charge of an activity that is part of an operation in which an emergency service is taking part may—
- (a) Ask someone else to take part in the activity without remuneration or reward; or
  - (b) Agree to someone else taking part in the activity without remuneration or reward.
- (2) A person who takes part in an activity under this section is a **casual volunteer** for this Act.
- (3) Subsection (2) does not apply to a member of an emergency service or a member of a support unit or a specialist acting under a cooperative arrangement.
- (4) The Legislation Act, part 19.3 does not apply in relation to a casual volunteer.
- (5) In this section: **specialists**—see section 175. **Support unit**—see section 175.

### Section 68 – Fires in rural areas

- (1) This section applies in relation to a fire in a rural area.
- (2) For the purpose of extinguishing or preventing the spread of the fire, the chief officer (rural fire service) may—
- (a) Control and direct members of an emergency service; and
  - (b) Direct a person to leave any land or premises on fire or near the fire; and
  - (c) Remove to any place the chief officer considers appropriate anything the chief officer considers is interfering with, or may interfere with, the fire control operation; and
  - (d) Do anything else the chief officer considers appropriate, for example—
    - (i) Severing or pulling down a fence; or
    - (ii) Burning grass or other vegetation.



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- (3) Subsection (2) is in addition to anything the chief officer (rural fire service) may do under section 34 (1) (general powers of chief officers) or another territory law.
- (4) The chief officer (rural fire service) may do anything mentioned in subsection (2) at, immediately after, or in anticipation of the spread of, the fire.
- (5) If the chief officer (rural fire service) removes stock from land, the chief officer must, as soon as practicable, tell the owner of the land about the removal.
- (6) If the chief officer (rural fire service) severs or pulls down a fence on land, the chief officer must, as soon as practicable—
- (a) Temporarily repair the fence; and
  - (b) Tell the owner of the land about the temporary repair.
- (7) For the protection of life or property or to control or extinguish the fire, a member of the rural fire service, a member of the fire brigade or a police officer may do anything the chief officer (rural fire service) may do under an applicable provision or another territory law without being directed or given authority by the chief officer, if—
- (a) The thing is done in accordance with the commissioner's guidelines for the rural fire service; or
  - (b) It is not practicable for a direction or authority to be obtained.
- (8) For the application of subsection (7) to a member of the rural fire service, a member of the fire brigade or a police officer in relation an applicable provision or another territory law, the law applies to the member or police officer as if a reference to the chief officer (rural fire service) were a reference to the member or police officer.
- (9) In this section: **applicable provision** means—
- (a) this section; or
  - (b) section 34 (1) (General powers of chief officers); or
  - (c) section 69 (Securing area at or after fire).

**Fire** includes a fire that the chief officer (rural fire service) has reasonable grounds for believing may exist.

**Section 69 – Securing area at or after fire**

- (2) The chief officer (rural fire service) may do anything the chief officer considers necessary to make premises safe at or immediately after a fire



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in a rural area, other than a fire that is in a building if a member of the fire brigade is present.

**Section 196 - Authorised person's power to require name and address**

- (1) An authorised person may require a person to state the person's name and home address if the authorised person suspects, on reasonable grounds, that the person is committing, is about to commit, or has just committed, an offence against this Act.
- (2) If an authorised person makes a requirement of a person under subsection (1), the authorised person must—
  - (a) tell the person the reasons for the requirement; and
  - (b) as soon as practicable, record those reasons.
- (4) However, a person is not required to comply with a requirement under subsection (1) if, when asked by the person, the authorised person does not produce, for inspection by the person—
  - (a) his or her identity card; or
  - (b) if the authorised person is the territory controller or a person authorised by the controller—evidence of his or her appointment or authorisation.
- (5) Subsection (4) does not apply in relation to an authorised person who is a member of an emergency service, or a police officer, in uniform.
- (7) In this section: **authorised person** means the commissioner, the territory controller, a member of an emergency service, an inspector, an investigator, a police officer or someone else authorised in writing by the territory controller for this section.