

Instrument of Delegation to Fire Prevention Officer(S) under the Fire and Emergency Services Act 2005

Fire and Emergency Services Act 2005			
Provision	Item Delegated	Conditions and Limitations	Sub-Delegate
s81(14)	<p>1. Permit to Light and Maintain Fire</p> <p>The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.</p>		Director Development & Regulation
s87(1)	<p>2. Removal of Debris from Roads</p> <p>2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.</p>		Director Development & Regulation
s87(2)	<p>2. Removal of Debris from Roads</p> <p>2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to -</p> <p>2.2.1 burn or remove the flammable debris; and</p> <p>2.2.2 recover the cost of doing so as a debt due to the Council from the person in default.</p> <p>(Note: only applies in relation to a road in the 'country')</p>		Fire Prevention Officer/General Inspector
s94(3)	<p>3. Failure by a Council to Exercise Statutory Powers</p> <p>3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to him or her making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.</p>		Director Development & Regulation
s 94(4)	<p>3. Failure by a Council to Exercise Statutory Powers</p> <p>3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to:</p> <p>3.2.1 make written submissions to the Minister in relation to the matter; and</p> <p>3.2.2 request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.</p>		Fire Prevention Officer/General Inspector

s94(5)	<p>3. Failure by a Council to Exercise Statutory Powers</p> <p>3.3 The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.</p>		Director Development & Regulation
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