



Fact sheet

AUTHORISED PERSON

May 2017

What is an authorised person?

Authorised person is a term used in the new Fire and Emergency New Zealand legislation to assign functions, duties and powers to personnel.

Officers and firefighters get their powers to fight fires and deal with other incident types by being authorised persons.

What are duties, functions and powers?

A duty or function is something that you are required to do under legislation (i.e. an obligation). The word "must" in the legislation usually means that there is a duty or function associated e.g. "an authorised person must...".

A power is something that you are enabled to do under legislation. The word "may" in the legislation usually means that there is a power associated e.g. "an authorised person may...".

Who will be authorised?

For Day One all operational personnel (officers and qualified firefighters) will be authorised to exercise powers to respond to all emergency types.

What are the key duties, functions and powers of an authorised person?

The details are set out in the new legislation under "Functions, duties, and powers in emergencies", but at a summary level they include:

- Responding to alarm of fire or any fire reported
- Responding to hazardous substance emergency
- Responding to emergency that does not involve fire or hazardous substance
- Control and direct other people
- Powers in relation to land, building, or structure
- Powers in relation to vegetation
- Other powers (e.g. closing roads, moving people, disconnecting fuel supply)
- Destroy or dispose of any by-product

Will people be authorised to respond to emergencies they haven't received the training or equipment for?	<p>Personnel shouldn't take any action that they haven't been trained to do safely, or that they don't have the right equipment for.</p> <p>All personnel must put safety, health and well-being first and use the tools at their disposal such as the Safe Person Concept, and regularly undertake the dynamic risk assessment process.</p>
How will people be authorised?	<p>Each station, brigade and fire force will receive a Notice of Authorisation before 1 July. The notice will set out all of the duties, functions and powers of an authorised person and list the names of all of the operational personnel in the station, brigade or fire force who are authorised persons.</p> <p>Officers within the station, brigade or fire force will ensure that all firefighters and officers:</p> <ul style="list-style-type: none"> • have the Notice of Authorisation explained to them • understand the duties, functions and powers • are clear on which powers they should and shouldn't exercise
What happens if someone's name is missed off the Notice of Authorisation?	<p>When the notices are distributed there will be instructions on how to make corrections and changes. In the meantime, a firefighter who hasn't been authorised can still ride on the truck and exercise the powers under the direction of an authorised person. So long as there is at least one person at an incident who is an authorised person they can use the power to "control and direct" other firefighters in attendance.</p>
Will the Notice of Authorisation need to be kept up to date?	<p>Yes. When the notices are distributed there will be instructions on how to make changes if someone leaves or joins.</p> <p>After 1 July this process will be streamlined to make things easier to keep up to date.</p>
Will people only be authorised to act within their district?	<p>No. The authorisation applies to any location except defence areas.</p>
Can authorised persons use these powers at any time?	<p>No. These powers can only be used while responding to an emergency.</p>

What is the difference between an authorised person and a Chief Fire Officer?

Under the Fire Service Act the main fire and emergency response powers and duties were those of a Chief Fire Officer. This cascaded down through the rank structure to the Deputy Chief Fire Officer, and then to the person “for the time being in charge” of the brigade.

The Fire and Emergency New Zealand legislation doesn't work like that. Individual people need to be authorised in writing, and this authority can't be delegated.

What is the difference between an authorised person and a Rural Fire Officer?

Under the Forest and Rural Fires Act the main fire response powers and duties were those of a Principal Rural Fire Officer (PRFO) and Rural Fire Officers (RFOs). They could also arrange for a deputy to exercise the response powers. RFOs were also warranted to exercise a range of powers that could be beyond responding to emergencies e.g. issuing fire permits.

The Fire and Emergency New Zealand legislation doesn't work like that. Authorised person powers are for exercising powers at emergencies, and this authority can't be delegated. Other powers such as issuing fire permits will be through statutory delegations.
