



Walkerville and Prospect Fire Safety Committee

Terms of Reference

1. Name

The name of the committee is the Walkerville and Prospect Fire Safety Committee.

2. Establishment

Pursuant to Section 71 (18) of the Development Act (1993) by virtue of resolutions made by the Corporation of the Town of Walkerville on 18 March 2013 and City of Prospect on 23 April 2013, the Walkerville and Prospect Fire Safety Committee was formally established on 23 April 2013.

The current term of the Walkerville and Prospect Fire Safety Committee will be from 1 July 2014 until 30 July 2016 inclusive.

3. Interpretation

In these Terms of Reference:

- 3.1 "The Act" means the Development Act 1993.
- 3.2 "The Councils" mean the Corporation of the Town of Walkerville and City of Prospect.
- 3.3 "Committee" means the Walkerville and Prospect Fire Safety Committee.
- 3.4 The term "Appropriate Authority" refers to the Walkerville and Prospect Fire Safety Committee.
- 3.5 The "Current Term" for the Committee means the period commencing 1 July 2014 until 1 July 2016.

These Terms of Reference will be interpreted in connection with the provisions of the Act and its supporting Regulations.

4. Objects

The Walkerville and Prospect Fire Safety Committee is not legislatively required to have any formal Terms of Reference, but operates under the powers delegated by the Councils pursuant to Section 71 of the Development Act 1993 (refer **Appendix 1**).

Section 71 of the Act outlines the Councils' powers to investigate whether building owners are maintaining adequate fire safety provisions in their buildings for the protection of all occupants. The Councils have delegated their responsibility under Section 71 of the Act to the Walkerville and Prospect Fire Safety Committee.

5. Functions and Duties

In fulfilling its objects, the Committee is responsible for determining:

- Appropriate action to take following a fire safety inspection;
- Whether upgrading works outlined in a fire safety report submitted by an owner are appropriate;
- Negotiating and agreeing appropriate performance solutions with building owners;
- Issuing, varying or lifting fire safety notices;
- Monitoring progress and checking if owners are complying with fire safety notices; and
- Instigation of prosecution and/or enforcement action.

Further, the Committee must:

- Hold regular meetings in relation to Building Fire Safety.
- Develop a Fire Safety inspection schedule;
- Consider matters raised by the public and/or the Councils in regards to Building Fire Safety;
- Evaluate the findings of routine inspections, and where it is determined that the fire safety of a building is inadequate, take action in accordance with Section 71 of the Act to achieve (in the following priority order):
 1. a reasonable standard of fire safety for the occupiers of the relevant building;
 2. the minimal spread of fire and smoke; and
 3. an acceptable firefighting environment.

Decisions made by the Committee shall be in accordance with the fire safety objectives and performance criteria of the Building Code of Australia.

Authorised officers of each Council will undertake fire safety inspections of buildings in its area as directed by the Committee or the Councils' delegates and those authorised officers will forward fire safety reports to the Committee at each regular meeting.

6. Membership

6.1 The Committee shall comprise the following members:

- 6.1.1 A person who holds prescribed qualifications in building surveying appointed by the Chief Executive Officers of the Councils in accordance with resolutions made by Corporation of the Town of Walkerville on 18 March 2013 and the City of Prospect on 23 April 2013 (see Annexures A and B);
 - 6.1.2 A person nominated by the Chief Officer the South Australian Metropolitan Fire Service;
 - 6.1.3 A person with expertise in the area of fire safety appointed by the Councils;
 - 6.1.4 If so determined by the Councils – a person selected by the Councils.
- 6.2 The Manager Planning and Infrastructure of the Corporation of the Town of Walkerville will be the Executive Officer of the Walkerville and Prospect Fire Safety Committee.

- 6.3 The Committee must elect one of its members to be its Presiding Member.
- 6.4 Administration support – the Executive Officer of the Walkerville and Prospect Fire Safety Committee will allocate appropriate human resources to ensure that reports, agendas, notice of meetings and minutes of the committee are recorded and managed in accordance with legislative compliance requirements. Other professional human resources will be allocated as required. Any staff attending Committee meetings will have no voting rights and will not be considered as part of the Committee membership.
- 6.5 The term of office of a member of the Committee will be a period not exceeding three years.
- 6.6 The Councils may appoint deputy members in accordance with the provisions of Section 71 of the Act.
- 6.7 The power to appoint a member of the Committee has been delegated to the persons occupying the offices of Chief Executive Officer.
- 6.8 The authorised officers appointed for the purpose of the Current Term of the Committee are the Development Officer – Building from City of Prospect, and the Building Officer from the Corporation of the Town of Walkerville.
- 7 **Vacancy of Office**The office of a member of the Committee will become vacant if the member:
- o Dies; or
 - o Completes a term of office and is not reappointed; or
 - o Resigns by written notice addressed to the Councils; or
 - o Is removed from office by the Councils for any reasonable cause (including discontinuation of employment by the Councils).
- 8 **Quorum**The quorum for the transaction of business at a Committee meeting is determined by dividing the current number of members of the Committee by two and adding one (ignoring any fraction and unfilled positions).
- 9 **Voting**Each member of the Committee present at the meeting shall have one vote.
- 9.2 In the event of an equality of votes the Presiding Member shall have a casting vote – with a deliberative vote.
10. **Meetings**
- 10.1 The Committee will meet in the months of January, April, July and October in each calendar year and may meet at other times as necessary or as determined by the Committee.
- 10.2 Subject to approval from the Executive Officer of the Committee, the Presiding Member may cancel a meeting due to lack of business.
- 10.3 The Committee meetings are informal, and may be conducted by the Presiding Member as he or she sees fit.

10.4 Meetings shall be held at a time and location as determined by the Committee in consultation with the Executive Officer of the Committee.

10A Meeting Procedures

Upon establishment, an initial meeting will set out:

- A list of appropriate buildings that require an inspection from a fire safety perspective;
- A schedule of inspections to be undertaken prior to the next meeting.

Thereon, meeting agendas will include:

- Reports from authorised officers to result from inspections undertaken in accordance with the inspection schedule as originally agreed in the initial meeting;
- A requirement for the Committee to determine actions that should be taken as a result of these inspections.

11 Resource Sharing

11.1 Given that the Corporation of the Town of Walkerville and the City of Prospect have resolved to create a joint Committee, the following shall apply in respect of the operation and administration of the Committee:

11.1.1 As a general rule, meetings should span no longer than one hour;

11.1.2 Administrative support for the Committee will be provided by the Corporation of the Town of Walkerville, including agenda preparation and minute production;

11.1.3 Meeting venues for the Committee will alternate between the Civic Centre's of each Council; and

11.1.4 The cost associated with the payment of members independent of the Councils will be shared equally between the Councils on a proportionate basis.

12. Disclosure of Interests

Committee members shall disclose any direct or indirect personal or pecuniary interest in a matter being considered by the Committee.

13. Review

These Terms of Reference will be reviewed at the expiration of the term of office of the Committee or otherwise as determined by the Executive Officer of the Committee.

14. Endorsement

These Terms of Reference are hereby endorsed by the Chief Executive Officers of the Corporation of the Town of Walkerville and City of Prospect:

Signed:

Signed:

Kiki Magro
Chief Executive Officer

Mark Goldstone
Chief Executive Officer

Dated:

Dated:

Appendix 1

Section 71 of the Development Act 1993 states that:

71. Fire Safety

- (1) An authorised officer who holds prescribed qualifications or a member of an appropriate authority may, at any reasonable time, enter and inspect any building for the purpose of determining whether the fire safety of a building is adequate.
 - (a) An authorised officer who holds prescribed qualifications must conduct an inspection of a building under subsection (1) at the request of an appropriate authority or a fire authority.
- (2) If an appropriate authority is satisfied that the fire safety of a building is not adequate, the appropriate authority may cause a notice to be served on the owner of the building.
- (3) A notice under subsection (2) may –
 - (a) require the owner to report to the appropriate authority on the work or other measures necessary to ensure that the fire safety of the building is adequate; or
 - (b) in the case of an emergency –
 - (i) require the owner to carry out a programme of work, or to take any other measure, to overcome any fire hazard; or
 - (ii) require the evacuation of the building; or
 - (iii) prohibit the occupation or use of the building or a part of the building until the appropriate authority is satisfied that the fire hazard no longer exists; or
 - (iv) require the owner to take such other action prescribed by the regulations
- (4) A report under subsection 3(a) must be provided to the appropriate authority within two months, or within such longer period as appropriate authority may allow.

Penalty: Division 7 fine.

- (5) The owner may, during the period referred to in subsection (4), make representations to the appropriate authority about the fire safety of the building and the work or other measures to be carried out or taken.
- (6) An appropriate authority may, after receiving a report under subsection (3) (or in the event of a failure to provide a report in accordance with this section), by notice given to the owner of the building –
 - (a) require the owner to seek an appropriate development authorisation under this Act and, if granted, to carry out a programme of work to take other measures to ensure that the fire safety of the building is adequate; or

- (b) Prohibit the occupation or use of the building or a part of the building until the appropriate authority is satisfied that any fire hazard no longer exists; or
 - (c) Require the owner to take such other action prescribed by the regulations
- (10) On completion of any work required to be carried out by a notice under this section, the owner must notify the appropriate authority in writing.

Penalty: Division 7 fine

- (11) An appropriate authority may, at the request of the owner, vary a notice under this section or may, on its own initiative, revoke a notice if satisfied that it is appropriate to do so.
- (12) An appeal against a notice under this section must be commenced within 14 days after the notice is given unless the court allows longer time for the commencement of the appeal.
- (13) Subject to any order of the Court to the contrary, the operation of a notice under this section is not suspended pending the determination of an appeal.
- (14) A person who contravenes or fails to comply with a notice under a subsection (3)(b) or (6) is guilty of an offence.
- Penalty: Division 5 fine
 - Default Penalty: \$50.00
- (15) This section does not authorise any action inconsistent with the Heritage Act 1993 or a provision of the relevant Development Plan that relates to heritage.
- (16) Any action taken under this section should seek to achieve, in the following order of priority –
- (a) firstly, a reasonable standard of fire safety for the occupiers of the relevant building;
 - (b) secondly, the minimal spread of fire and smoke;
 - (c) thirdly, an acceptable fire fighting environment,
- in accordance with the fire safety objectives and performance criteria of the Building Code Australia.
- (17) No matter or thing done or omitted to be done by an appropriate authority in good faith in connection with the operation of this section subjects the authority to any liability.
- (18) For the purposes of this section, an appropriate authority is a body established by a Council, or by two or more Councils, under subsection (19) and designated by the Council or Councils as an appropriate authority under this section.
- (19) The following provisions apply with respect to the establishment of an appropriate authority:
- (a) the appropriate authority will be constituted of –
 - (i) a person who holds a prescribed qualification in building surveying appointed by the council or councils; and

- (ii) a person nominated by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the Country Fire Service (determined by the council or councils after taking into account the nature of its area or their areas); and
 - (iii) a person with expertise in the area of fire safety appointed by the council or councils; and
 - (iv) if so determined by the council or councils – a person selected by the council or councils;
 - (b) the term of office of a member of the appropriate authority will be a period not exceeding three years determined by the council or councils;
 - (c) the office of a member of the appropriate authority will become vacant if the member –
 - (i) dies; or
 - (ii) completes a term of office and is not reappointed; or
 - (iii) resigns by written notice addressed to the council or councils; or
 - (iv) is removed from office by the council or councils for any reasonable cause;
 - (d) deputy members be appointed;
 - (e) subject to a determination of the council or councils – the appropriate authority may determine its own procedures (including as to quorum)
- (20) A member of an appropriate authority who has a personal interest or a direct or indirect pecuniary interest in any matter before the appropriate authority (other than an indirect interest that exists in common with a substantial class of persons) must not take part in any deliberations or decision of the authority in relation to that matter.