

# Terms of Reference

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<b>Approval Date</b>	21 December 2020 (CNC229/20-21)
<b>Classification</b>	Terms of Reference
<b>Responsible Officer</b>	Group Manager Corporate Services
<b>Relevant Legislation</b>	Planning, Development and Infrastructure Act 2016 Fire and Emergency Services Act 2005

**Last Reviewed** 29/09/2020

**Next Review** 29/10/2023

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## 1. Establishment

1.1 Pursuant to section 157(17) of the *Planning, Development and Infrastructure Act 2016* (PDI Act), the Council establishes a body to be known as the Walkerville and Prospect Councils Building Fire Safety Committee (BFSC) for the purpose of acting as an 'appropriate authority' as that term is defined in the PDI Act.

1.2 The Committee was initially formally established on 23 April 2013

## 2. Functions

The Building Fire Safety Committee is charged with responsibility for all matters arising under section 157 of the PDI Act and associated regulations.

## 3. Role of the Committee

3.1 The roles of the BFSC is as follows:

3.1.1 develop appropriate building fire safety inspection policies

3.1.2 examine the adequacy of fire safety provisions in buildings

3.1.3 issue Notices of Fire Safety Defect to building owners, which identify fire safety provisions that need to be upgraded to an extent that provides a reasonable level of safety for occupants.

3.1.4 where appropriate, negotiating a cost effective performance solution with a building owner to reduce fire safety risks to an acceptable level.

3.1.5 issuing Notices of Building Work Required, which schedule prescribed building work that must be carried out in order to raise the building fire safety to a reasonable level of safety.

# Terms of Reference

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- 3.1.6 initiating enforcement or other action to ensure a building owner complies with a Notice of Building Work Required.
- 3.1.7 revoking or varying fire safety notices when required.

## 4. Authority

- 4.1 The Councils delegate the appointment of the members (and any deputy members) as identified in clauses 5.1.1, 5.1.3, 5.14 and 5.2.1 to the Chief Executive Officers of the Councils.
- 4.2 The Committee will have no standing financial delegations. If required for a specific purpose, these will be sought from Council at the time or where appropriate, through the Chief Executive Officer's delegation.

## 5. Membership

- 5.1 Membership of the Building Fire Safety Committee shall consist of four (4) members taking into account the requirements of section 157 of the PDI Act comprising:
  - 5.1.1 a person who holds prescribed qualifications in building surveying appointed by the Councils
  - 5.1.2 an authorised officer under section 86 of the *Fire and Emergency Services Act 2005* as identified by the Chief Officer of the South Australian Metropolitan Fire Service.
  - 5.1.3 a person with expertise in the area of fire safety appointed by the Councils.
  - 5.1.4 if so determined by the Councils —a person selected by the Councils.
- 5.2 Persons shall be appointed as deputy members to the positions as follows:
  - 5.2.1 a person appointed by the Councils who holds prescribed qualifications in building surveying or expertise in the area of fire safety.
  - 5.2.3 a person nominated by the South Australian Metropolitan Fire Service.
- 5.3 All members of the Building Fire Safety Committee are appointed for a term not exceeding two (2) years.
- 5.4 The office of a member of the BFSC will become vacant if the member:
  - 5.4.1 dies
  - 5.4.2 completes a term of office and is not reappointed.

# Terms of Reference

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5.4.3 resigns by written notice addressed to the Council.

5.4.4 removed from office by either Council for any reasonable cause.

5.5 Members of the Committee may resign their position at any time by giving notice of their intention in writing to the Chief Executive Officer of either Council.

5.6 The role of the Presiding Member is to:

5.5.1 Call meetings of the Committee in accordance with clause 6 of this Terms of Reference

5.5.2 oversee and facilitate the conduct of the meetings

5.7 No Deputy Presiding Member will be elected and an Acting Presiding Member will be nominated at the meeting should the Presiding Member be unable to attend.

## 6. Meetings

6.1 The Committee will meet at least once each quarter of the financial year and as business needs arise or as decided by the Presiding Member from time to time.

6.2 Meetings will be held at the Town of Walkerville Civic and Community Centre and at Payinthe City of Prospect or such other location as determined by the Presiding Member.

6.3 The following provisions apply to the calling of meetings:

6.3.1 In the case of an ordinary meeting of the BFSC, the Presiding Member must give each member of the BFSC notice of a meeting at least three (3) clear days before the date of the meeting.

6.3.2 In the case of a special meeting of the BFSC, the Presiding Member must give each member of the BFSC notice of the meeting at least four (4) hours before the commencement of the meeting.

6.3.3 In the absence of the Presiding Member either Chief Executive Officer may call a special meeting of the BFSC.

6.3.3 Notice of meetings will be provided to a member of the BFSC by email.

## 7. Voting

7.1 Each member of the Committee at a meeting will have one vote.

7.2 In instances where the vote is tied the Presiding Member will have not have a casting vote in addition to a deliberative vote.

# Terms of Reference

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7.3 Each member of the BFSC present at a meeting must, subject to that person having an interest in the matter, vote on a question arising for decision at that meeting.

7.4 All decisions of the BFSC shall be made on the basis of a majority decision of the members present

## **8. Quorum**

8.1 A quorum for a meeting of the BFSC shall be two (2) persons, one of whom shall be the person nominated by the Chief Officer of the Metropolitan Fire Service.

## **9. Disclosure of Interests**

9.1 A member of the BFSC who has a direct or indirect personal or pecuniary interest in a matter before the BFSC (other than an interest which exists in common with a substantial class of persons) must not take part in any deliberations or decisions of the BFSC in relation to that matter.

9.2 The member must remove themselves from the room where the Committee is considering the matter and cannot re-enter the room until consideration of that matter has concluded.

9.3 A member of the Committee may not act as a third party before the Committee in relation to a matter on which they have declared an interest.

## **10. Access to Meeting Documents**

10.1 The Chief Executive Officers will allocate appropriate administrative support to ensure that reports, agendas, notice of meetings and minutes of the Committee are recorded and managed in accordance with legislative compliance requirements.

10.2 The Presiding Member of the BFSC must keep, or arrange to be kept, minutes of every meeting of the BFSC. The minutes of the proceedings and meetings must include:

- the names of the members present
- in relation to each member present, the time at which the person entered or left the meeting
- all motions and amendments, and the names of the mover and seconder
- whether a motion or amendment is carried or lost
- any disclosure of interest made by a member
- any other matter required to be included in the minutes by direction of the Councils.

## **11. Review**

11.1 The Committee shall review its own performance and Terms of Reference annually to ensure that it is operating at maximum effectiveness.

# Terms of Reference

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11.2 The Committee shall provide a regular report, not less than annually, to the Councils outlining its activities.

11.3 The Councils may at any time vary these Terms of Reference, or the Committee may recommend variations to the Terms of Reference to the Councils.

## **12. Sitting Fees**

12.1 Sitting fees are not applicable.

## **13. Liabilities of Members**

13.1 No civil liability attaches to a member of the Committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the Member's or Committees powers, functions or duties, Such a liability is attached instead to the Council.