



Building Fire Safety Committee

Terms of Reference

1. Establishment

1.1 The Victor Harbor Building Fire Safety Committee (the Committee) is established under Section 157 (17) of the *Planning, Development and Infrastructure Act 2016*, as the appropriate authority (as defined in the *Planning, Development and Infrastructure Act 2016*) to administer the fire safety legislation.

2. Purpose

2.1 The purpose of the Committee is to act as the appropriate authority to ensure the safety of building occupants and users by performing inspections to ensure building owners are maintaining appropriate fire safety standards within their buildings.

2.2 Specifically, the role of the Committee is to:

- 2.2.1 Develop appropriate building fire safety inspection policies based on the likely fire safety risks that could arise based on building use and occupant characteristics;
- 2.2.2 Scrutinise the fire safety of buildings that have been identified as having inadequate fire safety provisions;
- 2.2.3 Issue Notices of Fire Safety Defect to building owners identifying inadequacies that need to be addressed or rectified to an extent that will provide an adequate level of safety for occupants;
- 2.2.4 Forward information on Section 157 fire safety notices issued by the Building Fire Safety Committee to council administration for Section 7 enquiries.
- 2.2.5 Where appropriate, negotiate a cost effective solution with a building owner that will reduce fire safety risks to an acceptable level and meet the required fire safety performance;
- 2.2.6 Issue Notices that schedule rectification work that must be carried out in order to raise the building fire safety to a reasonable level of safety or in high risk situations issue notices that prohibit the occupation or use of a building until a fire hazard no longer exists
- 2.2.7 Initiate enforcement or other action to ensure a building owner complies with a Section 157 notice; and
- 2.2.8 Revoke or vary fire safety notices when appropriate.

3. Membership

- 3.1 The membership of the Committee shall consist of a maximum of five members comprising of:
- 3.1.1 A person who holds prescribed qualifications in building surveying appointed by Council.
 - 3.1.2 A person nominated by the Chief Officer of the South Australian Country Fire Service.
 - 3.1.3 A person nominated by the Chief Officer of the South Australian Metropolitan Fire Service;
 - 3.1.4 A person with expertise in the area of fire safety appointed by the Council.
 - 3.1.5 An optional member who is considered appropriate, may be nominated.
- 3.2 A Deputy Member (to be known as the proxy) may be appointed by the South Australian Country Fire Service and South Australian Metropolitan Fire Service as an Authorised Officer under Section 85 of the *Fire and Emergency Services Act 2005*.
- 3.3 Current Committee Membership is as per schedule 1 to the Terms of Reference.

3.4 Appointment, role and term of Chairperson

- 3.4.1 The Committee shall appoint a Chairperson of the Committee
- 3.4.2 In the absence of the Chair, the Committee shall appoint a Deputy Chairperson.

3.5 Administrative support

The role of the administrative support is to:

- 3.5.1 Prepare and issue correspondence and notices;
- 3.5.2 Co-ordinate information for Section 7 enquiries;
- 3.5.3 Track progress of actions; and
- 3.5.4 File, store and retrieve records.

3.6 Term of Office

- 3.6.1 Members of the Committee shall be appointed for a period not exceeding three years or as determined by Council.
- 3.6.2 A Member of the committee is eligible to be reappointed for a further term.

3.7 Vacancies

- 3.7.1 The office of a member of the Committee will become vacant if the member:
 - 3.7.1.1 Dies; or
 - 3.7.1.2 Completes a term of office and is not reappointed; or
 - 3.7.1.3 Resigns by written notice addressed to the Council; or
 - 3.7.1.4 Is removed from office by Council for any reasonable cause.

4 Role of the Committee Members

- 4.1 The role of the Committee members will include, but not limited to:
 - 4.1.1 Taking appropriate action following a fire safety inspection;
 - 4.1.2 Determining whether upgrading works outlined in a fire safety report submitted by an owner are appropriate;
 - 4.1.3 Negotiating and agreeing appropriate performance solutions with building owners;
 - 4.1.4 Issuing, varying or lifting fire safety notices;
 - 4.1.5 Monitoring progress and checking if owners are complying with fire safety notices; and
 - 4.1.6 Determining procedures for instigating prosecution and/or enforcement action.

5. Meetings

5.1 Ordinary Meetings

- 5.1.1 A minimum of two meetings are to be held per annum, however it is anticipated that the Committees shall meet at least four times a year.
- 5.1.2 Additional meetings may be convened if deemed necessary by the Committee.

5.2 Special Meetings

- 5.2.1 Special meetings may be called by the Chair or at least two members of the committee at any time in accordance with the conditions of the Terms of Reference.

5.3 Meeting Procedures

- 5.3.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 5.3.2 In the event of an equality of votes the Chairperson shall have a casting vote in addition to a deliberate vote.

5.4 Quorum

- 5.4.1 A quorum of the committee shall be three and one of those members shall be the person nominated by the Chief Officer of the SA Country Fire Service or Metropolitan Fire Service.

5.5 Notice of Meeting

- 5.5.1 A notice of meeting is to be provided to each Member of the committee in writing, setting out the date, time and location of the meeting; and be accompanied by an Agenda.
- 5.5.2 The agenda for the ordinary meetings of the Committee shall be forwarded to members of the Committee electronically (where possible and at least three (3) clear days prior to the meeting).

- 5.5.3 Due to the sensitive nature of matters included, a copy of the agenda and minutes of meetings will not be published on Council's website.

5.6 Minutes

- 5.6.1 Minutes shall be kept of all meetings of the Committee and must include:
- 5.6.1.1 The name of the members present
 - 5.6.1.2 In relation to each member present, the time at which the person entered or left the meeting;
 - 5.6.1.3 All decisions;
 - 5.6.1.4 Any disclosure of interest made by a member; and
- 5.6.2 Each Committee member shall receive a copy of the minutes.
- 5.6.3 The minutes shall be confirmed at the next ordinary meeting with or without amendments.

6. Conflict of Interest

- 6.1 In accordance with the *Section 157(18) of the Planning, Development and Infrastructure Act 2016*, a member of the Committee 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.

7. Inspection Process

- 7.1 Members appointed to the Committee are authorised under Section 157 of the *Planning, Development and Infrastructure Act 2016*, to exercise powers under the Section. The members have powers under this section to enter and inspect any building, at any reasonable time for the purpose of determining whether the fire safety of the building is adequate.
- 7.2 The Committee will generally arrange an appropriate time with the building owner in writing to inspect the premises, with the owner or delegate. In cases where a matter requires an urgent inspection or pre-arranged inspections are not appropriate, the Committee or its delegate will visit the site and undertake the required inspection.
- 7.3 Follow up inspections may be required to be undertaken by the Committee and, except in extreme circumstances, the Committee will arrange these inspections with the building owner or delegate.
- 7.4 All correspondence and documentation is to be appropriately recorded in the Council's Records Management System.

8. Inspection Policy

- 8.1 The Committee shall develop a broad inspection policy that sets out the basis for undertaking inspections. Inspections must be carried out at the requests of the South

Australian Country Fire Services and Metropolitan Fire services and may also include the following:

- 8.1.1 When a complaint is received;
- 8.1.2 On an audit basis; or
- 8.1.3 On a targeted high risk basis

9. Fire Safety Notice Process

- 9.1 Following an inspection or follow up inspection by the Committee, the Committee will meet to determine if the building has appropriate level of fire safety.
- 9.2 If the Committee has determined the level of safety is appropriate the Committee will advise the building owner or delegate in writing.
- 9.3 If the Committee determines the level of safety is inadequate, the Committee may issue either a notice of fire safety defect or a notice of building work required.
- 9.4 The Committee may if it deems appropriate seek legal advice before issuing a notice to ensure technical and procedural soundness and avoid any exposure to actions in relation to due process
- 9.5 The Committee can vary or revoke a fire safety notice at any time if it is satisfied that it is appropriate to do so.
- 9.6 Any notice issued by the Committee should be signed by at least two members in order to reduce exposure to criticism or legal challenge.
- 9.7 Where necessary the Committee may apply to the Environment Resources District Court for an enforcement order and/ or apply for a summons to be issued for the defendant to appear at a prosecution hearing.

10. Delegations

- 10.1 In accordance with the delegations conferred by the Council, the Committee is delegated with the responsibility for all matters arising from Section 157 (16) of the *Planning, Development and Infrastructure Act 2016* and relevant provisions of the *Planning, Development and Infrastructure (General) Regulations 2017*.

11. Media Protocol

- 11.1 Members are not to speak to media in their capacity as Committee Members.
- 11.2 In accordance with Council's Media Policy, the Mayor and the CEO are the principle spokespersons for the Council.

12. Amendments to Terms of Reference

- 12.1 Council may, at any time, either on its own initiative or at the request of the Committee, alter, delete or add to the provisions of these Terms of Reference.

13. Document History

Version	Issue Date	Resolution No.	Description
1.0	11 May 2017	CEO	Endorsed Terms of Reference.
2.0	27 April 2020	OC2182020 OC2192020 OC2202020	Reviewed Terms of Reference and Membership Appointment.
3.0	22 February 2021	OC642021	Reviewed Terms of Reference in line with the implementation of the Planning, Development and Infrastructure Act 2016.
4.0	06 July 2023	CEO	Membership Appointment.
5.0	25 July 2023	CEO	Membership Appointment.

SCHEDULE 1

Building Fire Safety Committee

Committee Membership

Member	Representative	Appointed	Expires
A person who holds prescribed qualifications in building surveying.	Simon Singleton	17 April 2023	30 June 2026
Expertise in the area of fire safety having the prescribed qualifications	Peter Harmer	1 July 2023	30 June 2026
South Australian Country Fire Services	Colin Paton Julian Aggiss (proxy)	1 July 2023	30 June 2026
South Australian Metropolitan Fire Services	Peter Hillhorst Andrew Sharrad (Proxy)	1 July 2023	30 June 2026
An officer with relevant qualifications and/or experience	Scott Shaw	17 April 2023	30 June 2026

Office Bearers

Chairperson	Peter Harmer
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