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## TERMS OF REFERENCE BUILDING FIRE SAFETY COMMITTEE (BFSC)

### 1. ESTABLISHMENT AND STATUS OF THE BUILDING FIRE SAFETY COMMITTEE

- 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 Building Fire Safety Committee (BFSC).
- 1.2. The *BFSC* is established for the purpose of acting as the “*appropriate authority*” (as that term is defined in the PDI Act) in respect of all fire safety matters arising under the *PDI Act* (including those commenced under *Section 71 of the Development Act 1993* and which are treated as having been commenced under the *PDI Act* by virtue of *Section 33 of the Legislation Interpretation Act 2021*).

### 2. MEMBERSHIP

- 2.1. Membership of the *BFSC* shall consist of:
  - **Mr Peter Harmer**, being a person appointed by the Council and who holds prescribed qualifications in building surveying;
  - **MFS Representative** being an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005, and has been approved by the Chief Officer of the Metropolitan Fire Service;
  - **CFS Representative** being an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005, and has been approved by the Chief Officer of the South Australian Country Fire Service; and
  - **Mr Aidan Stock**, being a person appointed by the Council as a person with expertise in the area of fire safety.
- 2.2. The following persons are appointed as deputy members:
  - **CFS Deputy Member**, as appointed by the Chief Executive of the South Australian Country Fire Service; and
  - **MFS Deputy Member**, as appointed by the Chief Executive of the Metropolitan Fire Service.
- 2.3. The Council appoints Mr Peter Harmer as the Presiding Member of the *BFSC*.
- 2.4. The office of a member of the *BFSC* will become vacant if the member:
  - 2.4.1. dies;
  - 2.4.2. completes a term of office and is not reappointed;
  - 2.4.3. resigns by written notice addressed to the Council; or
  - 2.4.4. removed from office by the Council for any reasonable cause.

### 3. TERMS OF REFERENCE

The Terms of Reference for the *BFSC* are as follows:

- 3.1. The *BFSC* is charged with the responsibility for all matters arising under *Section 157(17)* of the *PDI Act*, which are of a building fire safety nature.
- 3.2. A quorum for a meeting of the *BFSC* shall be three (3) persons, one of whom shall be the person nominated by the Chief Officer of the Country Fire Service or the person nominated by the Chief Officer of the Metropolitan Fire Service.
- 3.3. Meetings are to be rescheduled where there is no quorum.
- 3.4. In the absence of the Presiding Member, the present members of the *BFSC* will appoint a Presiding Member for the purpose of chairing the meeting.
- 3.5. All decisions of the *BFSC* shall be made on the basis of a majority decision of the members present.
- 3.6. The *BFSC* shall meet at the Council's principle office at 51 Taylor Street, Kadina or at such other places as the *BFSC* may, from time to time, determine.
- 3.7. The *BFSC* shall meet on a day and at a time nominated by the Presiding Member, with a minimum of three ordinary meetings in each calendar year, and may hold a special meeting at any other time at the direction of the Presiding Member.
- 3.8. A member of the *BFSC* who has a personal interest or a direct or indirect pecuniary interest in any matter before the *BFSC* (other than an indirect 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.
- 3.9. The following provisions apply to the calling of meetings:
  - 3.9.1. 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.
  - 3.9.2. 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.
  - 3.9.3. Notice may be given to a member of the *BFSC*:
    - personally;
    - by posting to the person at their usual or last known place of business; or
    - by an email known to be used by the person.
- 3.10. 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.
- 3.11. 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; and
  - any other matter required to be included in the minutes by direction of the Council.

- 3.12. The procedure to be observed at a meeting of the *BFSC* insofar as the procedure is not prescribed by these Terms of Reference, may be determined by the Committee.
- 3.13. Meetings will be held in accordance with Council's Code of Conduct for Council Employees.

#### **4. PROCEDURE FOR THE EFFECTIVE OPERATION OF THE BUILDING FIRE SAFETY COMMITTEE**

The following procedure is to be adopted to ensure that all Officers are fully aware of their responsibilities when dealing with matters involving the *BFSC*:

- 4.1. Where a complaint is received regarding a matter which should be considered by the *BFSC*:
- 4.1.1. If the complaint is sufficiently detailed indicating that the problem complained of is complex or that the building is greater than 300m<sup>2</sup> or deemed necessary to be inspected, then the matter is forwarded directly to the *BFSC*.
- 4.1.2. If the complaint is not detailed and is not clear regarding the full context of the problem, the complaint will:
- Be allocated to an Authorised Officer for an inspection to take place; and
  - The Authorised Officer will inspect the site and if he/she determines that the building is greater than 300m<sup>2</sup> or deemed necessary to be further inspected, then it will be referred to the *BFSC*. If the building is within the limitations of the Act for the Authorised Officer and it appears that the defects are not major the Officer will undertake an inspection and submit a report to the *BFSC* to consider.
- 4.2. Following consideration of the Authorised Officer's report the *BFSC* may resolve to issue a notice to be served.
- 4.3. All items to be considered by the *BFSC* should be submitted at least three (3) days prior to the Committee's scheduled meetings, unless deemed to be urgent by the Presiding Member of the *BFSC*.
- 4.4. Minutes of all *BFSC* meetings shall be kept as a record of all resolutions of the Committee.
- 4.5. The minutes of the *BFSC* shall be confirmed at the next meeting of the Committee.
- 4.6. A copy of the complaint, any reports prepared for the *BFSC* by an Authorised Officer and the minute relating to the matter shall be registered to the Council *BFSC* file and the relevant property assessment.
- 4.7. The minutes of each meeting shall be registered to the Council *BFSC* file.
- 4.8. A report on the operations of the *BFSC* will be submitted to the Council annually via the corporate reporting system.

#### **5. INSPECTION GUIDELINES**

- 5.1. Priority 1- Complaint
- Where Council receives a complaint via the public or through CFS/MFS officers.

## 5.2. Priority 2- Accommodation

## 5.2.1. Accommodation – vulnerable patrons

- Includes aged care, nursing home, health care, private hospitals, day surgery, supported residential facilities, accommodation for aged, children or people with disabilities, school boarding houses, school and youth camps.
- Re-inspection of these premises should be considered every ten (10) years if regular audits by MFS or CFS or other body are being undertaken or every five (5) years otherwise.

## 5.2.2. Accommodation – public

- Includes hotel, motel, boarding house, guest house, hostel, lodging house, backpackers, workplace accommodation, short term holiday accommodation, caravan park.
- Reinspection of these premises should be considered every ten (10) years

## 5.3. Priority 3- Public Assembly Buildings

## 5.3.1. Public Assembly Buildings with liquor license or vulnerable patrons

- Includes hotel, clubrooms, nightclub, social club, entertainment venue

## 5.3.2. Public Assembly Buildings - Other

- Includes public hall, town hall, theatre, cinema, church, airport, school assembly buildings and theatres, sports stadium, library.
- Reinspection of these premises should be considered every ten (10) years.

## 5.4. Priority 4- Large Population / Large Fire Load

- Shopping Centres and Large / Multi-storey Shops
- Large Warehouses and Factories (ie >2000m2)

## 5.5. Priority 5- Other Commercial and Educational Premises

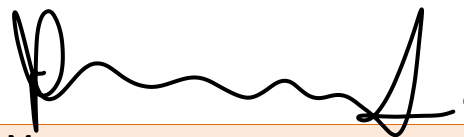
- Includes warehouses, factories, offices, shops, restaurant, laboratory, carpark, health care building (no accommodation), school and university classrooms and administration, farm buildings.

## 5.6. Priority 6- Aged or Disabled Independent Living

**6. AVAILABILITY OF TERMS OF REFERENCE**

The Terms of Reference for the BFSC will be available for inspection without charge at the Council's Principal Office during normal business hours, and on Council's website. A copy of this document may be obtained on payment of a nominated fee from Councils' principal office or may be downloaded from Councils' website.

Signed



Mayor



Chief Executive Officer

Date

5th October 2023