

CITY OF WEST TORRENS



**CITY OF WEST TORRENS**  
**Terms of Reference**

**BUILDING FIRE SAFETY COMMITTEE**

**1. PREAMBLE**

- 1.1. Pursuant to section 157 (16) and (17) of the *Planning, Development and Infrastructure Act 2016* (PDI Act), the Council may establish a Building Fire Safety Committee for the purpose of acting as an "appropriate authority" as that term is defined in the relevant Act.
- 1.2. These Terms of Reference detail the operating parameters of Council's Building Fire Safety Committee (referred to in these Terms of Reference as "the Committee").

**2. ESTABLISHMENT**

- 2.1. Pursuant to section 157 (16) and (17) of the PDI Act the Council establishes a Building Fire Safety Committee to be known as the City of West Torrens Building Fire Safety Committee for the purpose of acting as the "appropriate authority" in respect of all building fire safety matters arising under the PDI Act.
- 2.2. This document constitutes the Terms of Reference for the Committee.
- 2.3. All meetings of the Committee will be held under the provisions of the PDI Act.

**3. OBJECTIVE**

- 3.1. The primary objective of the committee is to act as the appropriate authority for all matters arising under section 157 of the PDI Act which are of a building fire safety nature.

**4. FUNCTIONS AND RESPONSIBILITIES**

- 4.1. The functions of the Committee are as follows:

- 4.1.1. scrutinise the fire safety of buildings that have been identified as having inadequate fire safety provisions;
  - 4.1.2. issue Notices of Fire Safety Defects to building owners;
  - 4.1.3. forward advice on fire safety notices to the Council Administration for inclusion in section 7 Search of the *Land and Business (Sale and Conveyancing) Act 1994* enquiries;
  - 4.1.4. negotiate cost effective performance solutions with a building owner to reduce fire safety risk to an acceptable level;
  - 4.1.5. issue Notices of Building Work Required, which schedule prescribed building work that must be carried out in order to bring the building fire safety to an acceptable level of safety;
  - 4.1.6. initiate enforcement proceedings or other action to ensure a building owner complies with a Notice of Building Work Required;
  - 4.1.7. revoke or vary fire safety notices when appropriate; and
  - 4.1.8. undertake other actions which the Committee elects to do.
- 4.2. The Committee must act, at all times, in strict accordance with relevant legislation (being the relevant Act and Regulations) including any relevant code of conduct under the relevant Act and/or Regulations which are relevant to the Committee in the performance of its functions.

## 5. MEMBERSHIP

- 5.1. Membership of the Committee shall consist of four (4) members:
- 5.1.1. a person who holds prescribed qualifications in building surveying appointed by the Council; and
  - 5.1.2. authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act 2005* who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
  - 5.1.3. a person with expertise in the area of fire safety appointed by the Council; and
  - 5.1.4. if so determined by the Council - a person selected by the Council.
- 5.2. The Council will appoint the members identified in clause 5.1.3 above.
- 5.3. The Chief Officer of the South Australian Metropolitan Fire Service will approve the member (and any deputy members) identified in clause 5.1.2 above.
- 5.4. The Council will delegate the appointment of the members (and any deputy members) identified in clause 5.1.1 and 5.1.4 above to the Chief Executive Officer (CEO).

- 5.5. The Council will appoint the Presiding Member of the Committee.
- 5.6. The Committee will appoint the Deputy Presiding Member.
- 5.7. Members of the Committee shall hold their positions for a period not exceeding three (3) years determined by the Council (other than the member identified in clause 5.1.2).
- 5.8. A member of the Committee is eligible for reappointment for a further term, upon the expiry of their current term.

## **6. PRESIDING MEMBER**

- 6.1. The role of the Presiding Member is to:
  - 6.1.1. call a meeting of the Committee in accordance with the procedure set out in the Terms of Reference;
  - 6.1.2. oversee and facilitate the conduct of meetings;
  - 6.1.3. ensure that the Terms of Reference are observed and that all Committee members have an opportunity to participate in discussions in an open and responsible manner;
  - 6.1.4. call the meeting to order and move the debate towards finalisation when a matter has been debated significantly and no new information is being discussed; and
  - 6.1.5. keep, or arrange to keep, minutes of every meeting of the Committee in accordance with the Terms of Reference.

## **7. VACANCY OF OFFICER**

- 7.1. A member of the Committee becomes vacant if the member:
  - 7.1.1. dies; or
  - 7.1.2. completes a term of office and is not reappointed; or
  - 7.1.3. resigns by written notice addressed to the Council; or
  - 7.1.4. is removed from office by the Council for any reasonable cause.
- 7.2. Should a vacancy in membership of the Committee occur at any time then the vacancy shall be filled at the earliest opportunity in accordance with clause 5.
- 7.3. The vacancy of office of a single member of the Committee will not invalidate the decision making of the remaining members of the Committee.
- 7.4. Subject to giving a member an opportunity to be heard or to make a written submission, the Council may resolve to remove a member in accordance with clause 7.1.4.
- 7.5. The Council will delegate the ability to remove a member appointed pursuant to clauses 5.1.4 or 5.1.4 above to the CEO.

## **8. MEETINGS AND QUORUM**

- 8.1. The Committee shall meet generally every three (3) months, or alternatively, may hold a special meeting at any other time nominated by the Presiding Member.
- 8.2. The Committee shall meet at the offices of the City of West Torrens at 165 Sir Donald Bradman Drive, Hilton or at such place as the Presiding Member may determine (including via electronic platform).
- 8.3. All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 8.4. In the event of an equality of votes, the Presiding Member shall have a casting vote in addition to a deliberative vote.
- 8.5. Individuals such as the Chief Executive Officer, Executive Officer, authorised officers and other Council Administration with relevant responsibilities may attend any meeting as observers.
- 8.6. A quorum for a meeting of the Committee shall be three (3) persons, one of whom must be the South Australian Metropolitan Fire Service representative or deputy representative.
- 8.7. No business can be transacted at a meeting unless a quorum is present.
- 8.8. If both the Presiding Member or Deputy Presiding Member of the Committee are absent from a meeting of the Committee, a member of the Committee shall be chosen from those present to preside at the meeting.
- 8.9. The following provisions apply to the calling of a meeting:
  - 8.9.1. In the case of ordinary meetings, any member of the Committee can give written notice to other members at least three (3) clear days before the date of the meeting.
  - 8.9.2. In the case of special meetings, the Presiding Member must give written notice to other members at least twelve (12) hours' notice before the commencement of the meeting.
  - 8.9.3. Written notice shall include a meeting agenda detailing items of business including an inspection schedule.
- 8.10. The procedure to be observed at a meeting of the Committee insofar as the procedures are not prescribed by these Terms of Reference may be determined by the Committee.
- 8.11. Each member of the Committee present at a meeting must, subject to that person having an interest in the matter, vote on a question arising for the decision at the meeting.
- 8.12. The Council Administration will provide relevant resources and staff where necessary to support the operation of the Committee and provide general guidance.

## **9. OPERATIONAL MATTERS**

- 9.1. The Committee shall develop and implement a fire safety inspection schedule based on:
  - 9.1.1. Buildings identified as a high fire safety risk, including:
    - 9.1.1.1. Ensuring high risk buildings where life safety criteria are most important are inspected first i.e.: overnight accommodation for unrelated persons; and
    - 9.1.1.2. where large crowds congregate during operating hours i.e.: assembly buildings and shops;
  - 9.1.2. Inspections directed by the South Australian Metropolitan Fire Service;
  - 9.1.3. Receipt of complaints from the public;
  - 9.1.4. Audit basis;
  - 9.1.5. By request of Council Administration whom hold prescribed qualifications in Building Surveying;
  - 9.1.6. Any other building fire safety matter determined by the Committee.
- 9.2. The priority of inspections may be determined by the Committee.
- 9.3. The Building Fire Safety Committee is authorised to serve, vary or revoke the following notices where fire safety issues and public safety are deemed to be inadequate, pursuant to section 157 of the PDI Act:
  - 9.3.1. Notice of Fire Safety Defect; and
  - 9.3.2. Notice of Building Work Required.
- 9.4. Notices served by the Committee must be signed by at least two (2) members of the Committee.
- 9.5. When Notices are served, varied, revoked or complied with to the satisfaction of the committee, the Council Administration and the building owner must be notified as soon as practicable.
- 9.6. Fire Safety Notices must be detailed and issued in accordance with the PDI Act, and rights of appeal must be notified to the building owner.
- 9.7. Prior to serving a notice the Committee shall inspect a building to determine whether the fire safety of a building is adequate.

## **10. MINUTES**

- 10.1. The minutes of the proceedings and meetings of the Committee must include:
  - 10.1.1. The name of the members present;
  - 10.1.2. In relation to each member present, the time at which the person entered or left the meeting;

- 10.1.3. Site visits undertaken;
  - 10.1.4. Any disclosure of a personal interest or a direct or indirect pecuniary interest made by a member and the time the member left and returned to the meeting;
  - 10.1.5. Decisions of the Committee, and
  - 10.1.6. Any other matter required to be included in the minutes.
- 10.2. The minutes of the proceedings of a meeting must be submitted for confirmation at the next meeting of the Committee or, if that is omitted, at a subsequent meeting.

## **11. CONFIDENTIALITY**

- 11.1. Subject to compliance with any relevant law, all Committee proceedings shall generally be treated as confidential and shall not be made available to the public. In particular,
- 11.1.1. All meetings of the Committee are to be held in confidence unless otherwise determined by the Committee;
  - 11.1.2. All documentation provided to the Committee by external parties engaged by, directed or confided in by the Committee, shall be treated as confidential;
  - 11.1.3. No Committee related document, advice or proceeding shall be distributed outside of the Council (unless required by any relevant law), without the consent of the Council or its delegate; and
  - 11.1.4. If a document, advice or proceeding is distributed with the consent of the Council, that distribution is to be limited to the party/s authorised to receive it.
- 11.2. Notwithstanding paragraph 11.1, the Committee may permit a person to attend at a meeting of the Committee as an observer or to provide a report or briefing to the Committee.

## **12. REPORTING TO COUNCIL**

- 12.1. The Committee may make whatever recommendations to the Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

## **13. DISCLOSURES OF INTEREST**

- 13.1. The following procedures apply to conflicts of interest:
- 13.1.1. Members of the Committee who have a personal interest or a direct or indirect pecuniary interest in any matter of the Committee (other than an indirect interest which exists in common with a substantial class of persons) must not take part or be in the vicinity in any deliberation or decision of the Committee in relation to that matter.

- 13.1.2. Without limiting the effect of clause 13.1.1, a member of the Committee will have an interest in a matter if a person closely related to the member has an interest in the matter.
- 13.1.3. A member of the Committee must disclose his or her interest to the Presiding Member as soon as they become aware of that interest, at the time of the agenda item addressing conflicts of interest, or in the case where the Presiding Member has a conflict to the Deputy Presiding Member as soon as they become aware and at the time of the agenda item addressing conflicts of interest.

#### **14. LIABILITY**

- 14.1. A member of the Committee incurs no liability for an honest act done in the exercise or performance, or purported exercise or performance, of powers or functions conferred by the Council on the Committee. A liability that would, but for this indemnity, attach to a member of the Committee attaches instead to the Council.

#### **15. REMUNERATION**

- 15.1. Independent professionals that are Committee members appointed in accordance with clause 5.1.3 above may be remunerated for the reasonable time and costs incurred in attending to Committee business.