Building Fire Safety Committee

Terms of Reference

Establishment

The Council Building Fire Safety Committee (the Committee) is established in accordance with these Terms of Reference and pursuant to Section 157(17) of the Planning, Development and Infrastructure Act 2016.

The Committee will be established and become operative from the time a resolution of the Council is passed.

Objective

The key objective of the Building Fire Safety Committee is to act as the "appropriate authority" (as 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 15 of the *Acts Interpretation Act, 1915).*

The Committee will assess the ongoing safety of building occupiers and users through the provisions of the PDI Act and determine if building owners are maintaining proper levels of safety in their buildings for the protection of all users.

1. Functions of the Committee:

1. At any reasonable time, enter and inspect any building for the purpose of determining whether the fire safety of a building is adequate.
2. Conduct an inspection of a building under subsection (1) at the request of an appropriate authority or a fire authority.
3. If satisfied that the fire safety of a building is not adequate, may cause a notice to be served on the owner of the building.

2. Membership

The Committee will consist of:

1. A person who holds prescribed qualifications in building surveying appointed by the Council; and
2. An 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, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
3. A person with expertise in the area of fire safety appointed by the Council; and
4. If so determined ty the Councill, a person selected by the Council (member of the Council).
5. Proxy members may be appointed to the Committee.

3. Term of Office

1. The term of office for a member of the Committee will be for the term of the current Council, concluding on 9 April 2027.
2. A member of the Committee may resign from the Committee by giving written notice to the Council.
3. At the expiration of a term of appointment, a member is eligible for reappointment. Council may reappoint or decide to call for nominations for positions as its sole discretion.
4. The Chief Executive Officer of the Council will allocate administrative support to ensure that reports, agendas, notice of meetings and minutes of the BFSC are recorded and maintained in accordance with legislative requirements.

4. Appointment of Members:

1. Council retains, at its full discretion, the power to appoint and remove members of the Committee in accordance with the Act.
2. The appointment of a member to the Building Fire Safety Committee does not create in anyway an employer and employee relationship.

5. Conduct of Members:

1. A member of the Building Fire Safety Committee who has a personal interest or a direct or indirect interest in any matter of the Building Fire Safety Committee (other than an indirect interest which exists in common with a substantial class of persons) must not take part in any deliberation or decision of the Building Fire Safety Committee in relation to that matter.
2. A member of the Building Fire Safety Committee must disclose his or her interest to the Committee as soon as he or she becomes aware of that interest.
3. A disclosure of a direct or indirect interest in any matter of the Building Fire Safety Committee must be recorded in the minutes.

6. Vacancy of Office:

1. The office of a member of Committee will become vacant if the member:
    a. Dies; or
    b. Completes a term of office and is not reappointed; or
    c. Resigns by written notice addressed to the Council; or
    d. Is removed from office by the Council for any reasonable cause
2. Upon the office of a member becoming vacant or upon the removal of the member from the office Council will make every endeavour to appoint a new member at the next ordinary meeting (or in the circumstance that the Committee cannot enact a quorum, a special meeting) of the Council.
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. Conduct of Meeting:

1. The Building Fire Safety Committee shall appoint a Presiding Member from the members of the Building Fire Safety Committee.
2. Each member of the Building Fire Safety Committee present at the meeting must, subject to that person having an interest in the matter, vote on a question arising for a decision at the meeting.
3. All decisions of the Building Fire Safety Committee shall be made on the basis of a majority decision of the members present. In the event of an equality of votes the Presiding Member shall have a casting vote in addition to deliberation vote.
4. The Building Fire Safety Committee shall meet at such places as the Building Fire Safety Committee may determine with a minimum of two ordinary meetings every calendar year.
5. At all meetings the Building Fire Safety Committee a quorum must be present.
6. A quorum of the Building Fire Safety Committee shall be three (3) persons, one of whom must be a person nominated by the Chief Officer of the South Australian Country Fie Service.
7. Committee members can participate in meetings by electronic means provided that members of the public present in the meeting room can hear the discussion between all Committee members present at the meeting, whether in person or by electronic means.

8. Calling of Meetings:

1. The Presiding Member of the Committee gives notice to other members of at least three (3) clear working days prior to the time of the meeting.
2. Where a member of the Committee is unable to attend a meeting, their place and voting rights may be taken up by a proxy member who has been appointed by the Council or by the Country Fire Service.

9. Delivery of Agendas and Minutes:

1. Council will distribute agenda to Building Fire Safety Committee at least three (3) clear days prior to the scheduled meeting.
2. The minutes of the proceedings of a meeting must be submitted for confirmation at the next meeting of the Building Fire Safety Committee.

10. Liability of the Committee:

1. No liability attaches to a Committee Member of the Committee for an honest act or omission by that Committee Member in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.

11. Reporting

1. The Committee will provide an annual report to Council highlighting the activities of the Committee.

12. Amendments to Terms of Reference:

1. The Council may change these Terms of Reference of the Committee in part or in whole at any time as it sees fit by successful resolution at an ordinary or special meeting of Council (subject to any such changes being consistent with the Act).
2. Council will review Terms of Reference at least once during the term of Council.

13. Adoption of Terms of Reference:

The Terms of Reference was adopted at the meeting of Council held on 23 May 2023, resolution number 2023-109.
The Terms of Reference was amended by Council on 20 October 2026.