

Building Fire Safety Committee

1. Background

- 1.1 Pursuant to Section 157 of the Planning, Development and Infrastructure Act 2016 the Council establishes a Building Fire Safety Committee for the purpose of acting as the appropriate authority in respect of all building fire safety matters.
- 1.2 These terms of Reference will be interpreted subject to the provisions of the Act and its supporting Regulations.
- 1.3 The Committee shall act at all times in strict accordance with relevant legislation (being the Act and the Regulations)
- 1.4 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 in relation to any matter that falls within Part 11, Division 6 of the Act.
- 1.5 The New Town of Gawler Building Fire Safety Committee won't meet until after the 'go live' date of the Planning, Development and Infrastructure Act 2016. It's anticipated that the 'go live' date for Section 157 of the Planning, Development and Infrastructure Act 2016 shall occur on 19 March 2021. Until then, the current town of Building Fire Safety Committee remains in existence.

2. Interpretation

- 2.1. "The Act" means the Planning, Development and Infrastructure Act 2016
- 2.2. "The Council" means the Town of Gawler
- 2.3. "Committee" means the Building Fire Safety Committee
- 2.4. Appropriate Authority refers to this Building Fire Safety Committee

3. Objectives

Section 157 of the Act outlines the powers given to an *appropriate authority* to investigate whether or not building owners are maintaining adequate levels of fire safety in their buildings for the protection of all occupants.

4. Function of the Building Fire Safety Committee

The functions of the Committee are to act as an appropriate authority of the Council in accordance with the requirements of the Act:

- 4.1 Scrutinise the fire safety of buildings that have been identified as having inadequate fire safety provisions or have been identified on an inspection list developed by the Committee;
- 4.2 Issuing Notices of Fire Safety Defects to building owners;
- 4.3 Forward advice on Section 157 fire safety notices to the Council administration for inclusion in Section 7 of the Land and Business (Sale and Conveyancing) Act 1994 enquiries

- 4.4 Negotiate solutions with a building owner to reduce fire safety risk to an acceptable level;
- 4.5 Issue a Notice of Building Work required, as appropriate which details prescribed work that must be carried out in order to bring the building fire safety to an acceptable level;
- 4.6 Initiate enforcement proceedings or other action to ensure a building owner complies with a Notice of Building Work required;
- 4.7 Revoke or vary fire safety notices when appropriate; and
- 4.8 Undertake other actions which the BFSC elects to do.
- 4.9 Develop building fire safety inspection guidelines as noted in Part 5 below.

5. Inspections

- 5.1 Inspections will be undertaken in the following order of priority;
 - 1. At the request of an appropriate authority or a fire authority
 - 2. Upon receipt of a justifiable written complaint.
 - 3. Other inspections as outlined by an inspection policy adopted by the committee.
- 5.2 Building types to inspect;
 - Public accommodation for vulnerable people.
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.
 - 5.2.1 Public accommodation.
Includes hotel, motel, boarding house, guest house, hostel, lodging house, backpackers, workplace accommodation, short term holiday accommodation, caravan park.
 - 5.2.2 Public assembly buildings (licensed premises)
Includes hotel, clubrooms, nightclub, social club, entertainment venue
 - 5.2.3 Public assembly buildings (halls, cinemas, recreation centres)
Public hall, town hall, theatre, cinema, church, airport, school assembly buildings and theatres, sports stadium, library
 - 5.2.4 Shopping Centres / Other Commercial Buildings.
Includes warehouses, factories, offices, shops, restaurant, laboratory, carpark, health care building (no accommodation), school and university classrooms and administration

6. Membership

- 6.1 The Establishment of the Committee shall consist of three (3) members appointed by the Council taking into account the requirements of the Act, under Section 157, comprising:
- 6.1.1 a person who holds prescribed qualifications in building surveying appointed by the council or councils and;
 - 6.1.2 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 or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
 - 6.1.3 a person with expertise in the area of fire safety appointed by the council or councils; and
 - 6.1.4 if so determined by the council or councils—a person selected by the council or councils;
- 6.2 Members of the Committee shall hold their positions for a period not exceeding three (3) years before re-nominations are to occur.

7. Responsibilities of the Presiding Member

The role of the Committee's Presiding Member will include, but is not limited to:

- 7.1 The conduct of the business of the Committee at meetings and during site inspections, ensuring appropriate meeting procedures are followed, including matters related to the Terms of Reference.
- 7.2 Ensuring the Committee properly conducts its business as defined under the Act.
- 7.3 Ensuring the Committee continues to monitor and maintain an appropriate level of fire safety as determined by the Committee Terms of Reference.
- 7.4 Ensuring correspondence and/or Notices are served on buildings, which the Committee believes lack an appropriate level of fire safety.
- 7.5 Report to Council with a recommendation to initiate enforcement or other action to ensure the building owner complies with a Final Notice.
- 7.6 The conduct of any appeals against a Notice of Fire Safety Defect or Notice of building work required.

8. Responsibilities of the Members

The role of Committee Members will include, but is not limited to:

- 8.1 Undertaking inspections in accordance with these Terms of Reference with a high level of professionalism.
- 8.2 Providing advice and recommendations to the Presiding Member of the Committee.
- 8.3 Assisting the Presiding Member in serving Notices on buildings that the Committee believes lack an appropriate level of fire safety. The Committee Members shall assist the Presiding Member in revoking or varying notices as appropriate.
- 8.4 Assisting in providing reports to Council and the CEO on the work undertaken by the Committee on a regular basis.
- 8.5 Maintaining appropriate skills and qualification for the position held on the Committee.

- 8.6 Where appropriate, the Committee Members shall assist the Presiding Member in negotiating solutions with the building owner to reduce fire safety risk to an acceptable level.
- 8.7 Ensuring information is provided on Section 157 fire safety notices to Council administration in relation to Section 7 enquiries.

9. Vacancy of Office

- 9.1. A member of the Committee becomes vacant if the member:
 - 9.1.1 Dies; or
 - 9.1.2 Completes a term of office and is not reappointed; or
 - 9.1.3 Resigns by written notice addressed to the Council; or
 - 9.1.4 Is removed from office by the Council for any reasonable cause.
- 9.2 Should a vacancy in membership of the Committee occur at any time then the Council shall fill that vacancy at the earliest opportunity.
- 9.3 The vacancy of office of a single member of the Committee will not invalidate the decision making of the remaining members of the Committee.

10. Disclosure of Interests

The following procedures apply to conflicts of interest:

- 10.1. Members of the Committee who have a personal interest or a direct or indirect interest in any matter of the Committee (other than an indirect interest which exist 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;
- 10.2 Without limiting the effect of paragraph 11.1, a member of the Committee will have an interest in a matter if an associate of the member has an interest in the matter;
- 10.3 A member of the Committee must disclose his or her interest to the Committee as soon as they become aware of that interest;
- 10.4 A disclosure of a direct or indirect interest in any matter of the Committee must be recorded in the minutes, and the time the member left and returned to the meeting.

11. Meetings and Quorums

- 11.1 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.
- 11.2 The Committee shall meet a minimum of three times a year at the offices of the Town of Gawler 43 High Street Gawler East or at such place as the Committee may determine.
- 11.3 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

- 11.4 A quorum for a meeting of the Committee shall be two (2) persons, one of whom must be the Metropolitan Fire Service representative.
- 11.5 If the Presiding Member of the Committee is absent from a meeting of the Committee, the members present shall nominate a person to preside at the meeting.
- 11.6 The following provisions apply to the calling of a meeting:
 - 11.6.1 In the case of special meetings, the presiding member must give notice to other members at least two working days before the date of the meeting.
 - 11.6.2 In the case of ordinary meetings, the presiding member must give notice to other members at least ten working days before the date of the meeting.
 - 11.6.3 Notice of a meeting must be provided in writing except in the case of an emergency meeting when notice may be given by telephone.
- 11.7 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 11.8 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.

12. Minutes

The presiding member of the Committee must keep, or arrange to keep, minutes of every meeting of the Committee. The minutes of the proceedings and meetings of the Committee must include:

- 12.1 The name of the members present;
- 12.2 In relation to each member present, the time at which the person entered or left the meeting;
- 11.2 Any disclosure of interest made by a member;
- 11.2 Decisions of the Committee, and
- 11.2 Any other matter required to be included in the minutes for direction of the Council.