



Building Fire Safety Committee

TERMS OF REFERENCE

January 2024

1. COMMITTEE NAME:

The name of the Council Committee shall be the 'Building Fire Safety Committee' (in these Terms of Reference referred to as "the Committee").

2. ESTABLISHMENT

- 2.1 The District Council of Robe Building Fire Safety Committee is established under Section 41 of the *Local Government Act 1999*).
- 2.2 The Committee was established by resolution of Council meeting held on 13 January 2024 Ordinary Council Meeting (Res. 213/2024).
- 2.3 The Council has designated the Building Fire Safety Committee as an Appropriate Authority pursuant to section 157(16) of the Planning Development and infrastructure Act 2016.

3. OBJECTIVE OF THE BUILDING FIRE SAFETY COMMITTEE

The purpose of the District Council of Building Fire Safety Committee is the appropriate authority responsible for investigating whether commercial building owners are maintaining a proper level of building fire safety for the protection of all occupants of their buildings.

4. ROLE OF THE COMMITTEE

- 4.1 At any reasonable time, enter and inspect any building for the purpose of determining whether the fire safety of a building is adequate.
- 4.2 Conduct an inspection of a building under subsection 4.1 at the request of an appropriate authority or a fire authority.
- 4.3 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.

5. MEMBERSHIP

- 5.1 The District Council of Robe Building Fire Safety Committee will comprise:
 - 5.1.1 one (1) person who holds prescribed qualifications in building surveying appointed by the Council (**Building Surveyor**);,
 - 5.1.2 one (1) 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 BFSC Member of the Appropriate Authority (**SAMFS Representative and/or SA CFS Representative**);
 - 5.1.3 one (1) person with expertise in the area of fire safety appointed by the Council (**Technical Expert**); and
- 5.2 The Presiding Member will be appointed by the Committee at it's first meeting and must be a member of the Committee.
- 5.3 If the Presiding Member is absent from a meeting, the Committee members present will appoint a person to act as Chairperson for that meeting.
- 5.4 If a Committee Member is absent for three or more consecutive committee meetings without seeking leave of the Committee prior, a motion will be sought from the Council for that Member to be removed from office on the grounds that they have been absent without notice.
- 5.5 Expressions of interest for Representative vacancies (excluding Council Representatives) will sought via advertisements of a vacancy.

- 5.6 Upon completion of the advertising period, the Committee will provide a recommendation to the Council of the preferred applicant/s.
- 5.7 Appointments to the Committee will be until the next Local Government general election or as amended by Council.
- 5.8 In the event of a representative member vacancy of the Building Fire Safety Committee, the appointment of another person will be on the same basis as, and for the balance of the term of the original appointment.
- 5.9 Representative Members (excluding Council Representative) whose tenure has expired will be eligible to re-apply.
- 5.10 A Committee Member may resign from the Committee at any time; however such resignation will not take effect until the Presiding Member and Council have received written notice of the resignation.
- 5.11 The Chief Executive Officer, Management and other employees as directed by the CEO may attend any meeting as observers or as responsible officers in preparing reports and papers for the Committee.
- 5.12 Council Members who are not members of the Building Fire Safety Committee are non-voting observers only and may not participate in the meeting proceedings.

6. QUORUM

The quorum required for the transaction of business at a meeting of the *Building Fire Safety Committee* is 50% of the total members of the Committee plus one member. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all requirements of the Committee.

7. MEETINGS OF THE COMMITTEE

- 7.1 The Committee will meet a minimum of two (2) times per year as determined by the Committee or as requested by Council.
- 7.2 Meetings will be conducted at the District Council of Robe Principle Office, 3 Royal Circus Robe SA.
- 7.3 The Presiding Member, in consultation with the Chief Executive Officer may cancel or reschedule a meeting of the Committee eg, in the event that the agenda would contain a lack of business items
- 7.4 A Special Meeting of the Committee may be called in accordance with the Local Government Act 1999.
- 7.5 The Presiding Member will ensure that the proceedings of the meeting and resolutions, are minuted and that all requirements meet the Local Government (Procedure at Meetings) Regulations 2013.

8. ATTENDANCE AT MEETINGS BY TELEPHONE OR OTHER ELECTONIC MEANS

A Committee Member may participate, and is considered as being present at a meeting if using telephone or other electronic means so long as:

- 8.1 the Committee Member has advised the Chief Executive Officer a minimum of 24 hours prior to the commencement of the meeting.
- 8.2 no more than two consecutive meetings may be attended via telephone or other electronic mean
- 8.3 all Committee Members must be able to hear each other whilst a Committee Member is participating by telephone or other electronic means.

- 8.4 should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member.
- 8.5 if a confidential matter be presented, Members using the telephone or other electronic means must ensure they are not able to be overheard and their screen cannot be seen.

9. VOTING

- 9.1 Each Member of the Building Fire Safety Committee present at a meeting has one vote
- 9.2 Members present at the meeting must vote on all matters that are before the Committee unless subject to the provision of the Local Government Act 1999 to the contrary
- 9.3 The Presiding Member will have a deliberative vote but does not in the event of an equality of votes, have a casting vote
- 9.4 In the event of a tied vote, the matter will be referred to the next meeting of Council for deliberation
- 9.5 Proxy votes are not permitted
- 9.6 If a Committee Member is participating in the meeting via telephone or other electronic means they must verbalise their vote to enable the Presiding Member to clarify and record the vote
- 9.7 The Presiding Member may participate in the meeting via video conference if unable to attend in person but may not participate via telephone.
- 9.8 If the Presiding Member is required to leave the meeting due to e.g. conflict of interest, the Deputy Presiding Member will chair the meeting during their absence and may preside over the meeting electronically.

10. PROCEDURES AT MEETINGS

Procedures at meetings will be in accordance with the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013.

11. DELEGATION

The Committee has no direct decision-making power and will provide recommendations to the Council on matters for consideration.

12. REPORTING RESPONSIBILITIES

- 12.1 The Building Fire Safety Committee will provide a report to Council after each meeting summarising the work of the Committee during the period preceding the meeting and the outcomes of the meeting
- 12.2 Council's Chief Executive Officer will provide resources to ensure a report is provided to Council in accordance with 12.1
- 12.3 Minutes of the Building Fire Safety Committee will be published on Council's website and provided electronically to all Committee Members within five (5) days of a meeting.

13. ADMINISTRATIVE

- 13.1 The Chief Executive Officer will provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions
- 13.2 The Council will approve a budget allocation sufficient for the proposed activities of the Committee

14. DEFINITIONS

For the purposes of these Terms of Reference, unless inconsistent with the subjectmatter of context:

"Committee"	means the Committee of Council established pursuant to clause 2
"Committee Member"	means the persons appointed by the Council to the Committee pursuant to clause 5
"Commencement Date"	means the date on which the Committee is established and becomes operative pursuant to clause 2
"Council"	means the District Council of Robe that established the Committee and to which the Committee reports
"Presiding Member"	means the person appointed to that position
"Observers"	means those persons attending any meeting of the Committee of Council, who is not a member of the Committee.

- 14.1 Any words, phrases or terms used in these Terms of Reference that are defined in the Local Government Act 1999 shall have the same meaning as are given in the Local Government Act 1999.
- 14.2 A reference in these Terms of Reference to a "singular" includes a reference to the "plural" and a reference to a "plural" includes a reference to the "singular".
- 14.3 These Terms of Reference shall be interpreted in line with the provisions of the Local Government Act 1999.

Document History

Version 1.0	Adopted by Council at August 2021 Council Meeting (Res 59/2022)	August 2021
Version 2.0	Draft for Council Consideration	January 2024
Version 2.0	Adopted by Council at January 2024 Council Meeting (Res 213/2024)	January 2024