

INSTRUMENT OF DELEGATION TO THE FIRE PREVENTION OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE FIRE AND EMERGENCY SERVICES DELEGATIONS 2005

PREAMBLE:

1. This delegation is for use in respect of Fire Prevention Officers of councils that are for the purposes of the Fire and Emergency Services Act 2005 ('the Act') 'rural' councils or have within their area a designated urban bushfire risk area.
2. Under the Act, a 'rural council' means a council whose area lies wholly or partially outside a fire district.
3. A 'designated urban bushfire risk area' is an area within a fire district designated by the South Australian Fire and Emergency Services Commission as an area of urban bushfire risk.
4. Councils should note that some powers under the Act may only be delegated to a fire prevention officer. Those powers that may only be delegated to fire prevention officers are contained in this instrument.
5. On the basis of the above, some councils may need one or more of the following delegations:
 - 5.1 Delegations to the chief executive officer; and
 - 5.2 Delegations to a fire prevention officer (this instrument).
6. In this instrument the following abbreviations have the following meaning: 'SACFS' means the South Australian Country Fire Service.

INSTRUMENT OF DELEGATION TO THE FIRE PREVENTION OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE FIRE AND EMERGENCY SERVICES DELEGATIONS 2005		DELEGATE	
PROVISION	Item delegated to the Fire Prevention Officer	Date of Delegation to FPO	Conditions and Limitations
s81(1)	<p>1. <u>Permit to Light and Maintain Fire</u> The power pursuant to Section 81(1) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.</p>	June 2018	
s87(1) s87(2)	<p>2. <u>Removal of Debris from Roads</u></p> <p>2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.</p> <p>2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to –</p> <p>2.2.1 burn or remove the flammable debris; and</p> <p>2.2.2 recover the cost of doing so as a debt due to the Council from the person in default.</p>	June 2018	
s94(3) s94(4) s94(6)	<p>3. <u>Failure by Council to Exercise Statutory Powers</u></p> <p>3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to him or her making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.</p> <p>3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to:</p> <p>3.2.1 make written submissions to the Minister in relation to the matter; and</p> <p>3.2.2 request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.</p> <p>3.3 The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.</p>	June 2018	

- Council's Fire Prevention Officer (FPO) is Council's Senior Development & Compliance Officer (SDCO)