

CITY OF PLAYFORD – DELEGATIONS TO FIRE PREVENTION OFFICER
INSTRUMENT OF DELEGATION TO FIRE PREVENTION OFFICER(S) UNDER THE FIRE AND
EMERGENCY SERVICES ACT 2005



Introduction

On 23 April 2019, City of Playford conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the *Local Government Act 1999*.

As per Council Resolution No. 3530, the Council revoked previous delegations to the Chief Executive Officer and issued new delegations as per Attachment 1 'Delegations Register' of Item 14.1 of the Ordinary Council Agenda – "Annual Review of Council Delegations".

Delegations to the Chief Executive Officer

Under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005*, certain provisions are delegated to the Chief Executive Officer which can be viewed in the 'Delegations Register', Attachment 1 of Item 14.1 of the Ordinary Council Agenda – "Annual Review of Council Delegations".

Delegations to the Fire Prevention Officer

Contained within this Instrument are provisions that can only be delegated to a designated Fire Prevention Officer. These provisions only apply to councils that have an Urban Bushfire Risk; City of Playford is one of such councils. On 23 April 2019, the Council delegated powers contained in this instrument to its Fire Prevention Officer as per Resolution No. 3530, subject to the conditions and limitations contained within.

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| Fire and Emergency Services Act 2005 | | |
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| Provision | Item Delegated | Conditions and Limitations |
| s81(14) | 1. Permit to Light and Maintain Fire The power pursuant to Section 81(14) 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. | Not delegated to the Chief Executive Officer |
| s87(1) | 2. Removal of Debris from Roads 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. | Not delegated to the Chief Executive Officer |
| s87(2) | 2. Removal of Debris from Roads 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 - 2.2.1 burn or remove the flammable debris; and 2.2.2 recover the cost of doing so as a debt due to the Council from the person in default. (Note: only applies in relation to a road in the 'country') | Not delegated to the Chief Executive Officer |
| s94(3) | 3. Failure by a Council to Exercise Statutory Powers 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. | Not delegated to the Chief Executive Officer |
| s 94(4) | 3. Failure by a Council to Exercise Statutory Powers 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: 3.2.1 make written submissions to the Minister in relation to the matter; and 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. | Not delegated to the Chief Executive Officer |
| s94(5) | 3. Failure by a Council to Exercise Statutory Powers 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. | Not delegated to the Chief Executive Officer |

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