

## **INSTRUMENT OF DELEGATION TO FIRE PREVENTION OFFICER(S) UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005**

### **Preamble**

#### **NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.
3. In this instrument the following abbreviations have the following meaning:  
'SACFS' means the South Australian Country Fire Service.

### **Delegation Sources**

- Fire and Emergency Services Act 2005

### **Titles**

- Chief Executive Officer

## Instrument of Delegation to Fire Prevention Officer(S) under the Fire and Emergency Services Act 2005

Fire and Emergency Services Act 2005			
Provision	Item Delegated	Delegate	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.	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.	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')	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Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.	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.	Chief Executive Officer	

<b>Fire and Emergency Services Act 2005</b>			
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.	Chief Executive Officer	

**Document history and version control**

<b>Date</b>	<b>Council/Chief Executive Officer</b>	<b>Comment</b>
27/6/2017	Full annual review adopted at the Council meeting of 27 June 2017	