

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION TO THE FIRE PREVENTION OFFICERS UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Fire Prevention Officer Delegates by Title:
 - GI: General Inspector
 - MRS: Manager, Regulatory Services

| Provision | Item Delegated by Council to the Fire Prevention Officers | Delegate |
|------------------|--|-----------------|
| 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. | GI, MRS |
| 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. | GI, MRS |
| 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') | GI, MRS |

Head delegations reviewed and confirmed by Council at its Annual Review on 21 May 2019

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| s94(3) | <p>3. Failure by a Council to Exercise Statutory Powers</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Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.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> | GI, MRS |
| s 94(4) | <p>3. Failure by a Council to Exercise Statutory Powers</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> | GI, MRS |
| s94(5) | <p>3. Failure by a Council to Exercise Statutory Powers</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> | GI, MRS |