



CITY OF  
MITCHAM

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE FIRE AND  
EMERGENCY SERVICES ACT 2005

28 OCTOBER 2022

## Delegation Sources

- Fire and Emergency Services 2005

## Positions

Abbreviation	Position	Name
Community Safety Officer - Bushfire Prevention and Preparedness	Community Safety Officer - Bushfire Prevention and Preparedness	
GM Development and Community Safety	General Manager Development and Community Safety	
Manager Environmental Services and Community Safety	Manager Environmental Services and Community Safety	
Team Leader Community Safety	Team Leader Community Safety	

## Instrument of Delegation under the Fire and Emergency Services Act 2005

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4A(3)	Participate in consultation with the South Australian Fires and Emergency Services Commission (SAFES Commission) regarding designation of an area of urban bushfire risk within council area	GM Development and Community Safety		council
section 71C	Enter an arrangement with the State Bushfire Coordination Committee for the use of council staff, equipment or facilities	GM Development and Community Safety		council
section 72D	Enter an arrangement with a bushfire management committee for the use of council staff, equipment or facilities	GM Development and Community Safety		council
section 87(1)	Require a person to remove flammable debris on or in the vicinity of, a road as a result of work carried on by that person	Community Safety Officer - Bushfire Prevention and Preparedness		rural council councils with a designated urban

## Fire and Emergency Services 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
				bushfire risk area
section 87(2)(a)	Burn or remove flammable debris left on road in contravention of a requirement under section 87(1)	Community Safety Officer - Bushfire Prevention and Preparedness		rural council councils with a designated urban bushfire risk area
section 87(2)(b)	Recover costs of burning or removing flammable debris left on road in contravention of a requirement under section 87(1)	Community Safety Officer - Bushfire Prevention and Preparedness		rural council councils with a designated urban bushfire risk area
section 94(3)	Participate in consultation with the SACFS Chief Officer with respect to a proposed withdrawal of council functions and powers	GM Development and Community Safety		rural council councils with a designated urban bushfire risk area
section 94(4)(a)	Make a written submission to the Minister in relation to a recommendation of the SACFS Chief Officer to withdraw council function and powers	GM Development and Community Safety		rural council councils with a designated urban

## Fire and Emergency Services 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
				bushfire risk area
section 103(1)	Request the SACFS Chief Officer to appoint a person as a fire control officer	GM Development and Community Safety, Manager Environmental Services and Community Safety		council
section 103(2)	Participate in consultation with the SACFS Chief Officer regarding proposed appointment of a fire control officer for a designated area of the State which includes the council area	GM Development and Community Safety, Manager Environmental Services and Community Safety		council
section 105A	Appoint an authorised person for the purposed of Part 4A of the Fire and Emergency Services Act	GM Development and Community Safety		council
section 105B(1)	Appoint a fire prevention officer by a rural council with a designated urban bushfire risk area	GM Development and Community Safety		council
section 105F(5)	Issue notice to owner of land who has failed to take reasonable steps to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire	GM Development and Community Safety, Manager Environmental Services and		authorised person

## Fire and Emergency Services 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	and minimise the threat to human life from fire on the land to remedy the default or protect the land or property	Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		
section 105F(9)(c)	Publish notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property on website or a newspaper and leaving a copy of notice on land	GM Development and Community Safety, Manager Environmental Services and Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		authorised person
section 105F(10)	Vary or revoke a notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property	GM Development and Community Safety, Manager Environmental Services and Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		authorised person

## Fire and Emergency Services 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 105G(5)	Participate in consultation with the Minister regarding a referral from the SACFS Chief Officer alleging a failure of the council to comply with section 105G(1)	GM Development and Community Safety		council
section 105J(1)(a)	Give notice of intended entry of land to the owner of land	GM Development and Community Safety, Manager Environmental Services and Community Safety		authorised person
section 105J(1)(b)	Use reasonable force to break into or open any part of, or anything on, the land with the authority of a warrant issued by a magistrate or if immediate action is required	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		authorised person
section 105J(4)(a)	Give directions with respect to stopping, securing or movement of a vehicle, plant, equipment or other thing	GM Development and Community Safety, Manager Environmental Services and		authorised person

## Fire and Emergency Services 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Community Safety, Team Leader Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		
section 105J(4)(b)	Take photographs, films, audio, video or other recordings	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		authorised person
section 105J(4)(a)	Give directions reasonably required in connection with the exercise of a power under Part 4A	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Community Safety, Community Safety Officer - Bushfire Prevention and		authorised person



## Fire and Emergency Services 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Preparedness		
section 105J(5)	Select assistants to accompany authorised person in exercise of power under Part 4A	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		authorised person
section 105J(6)	Carry out requirements of a notice under section 105F(5) if the owner of land fails to comply	GM Development and Community Safety, Manager Environmental Services and Community Safety		authorised person
section 105J(7)	Carry out requirements of a notice under section 105F(5) on behalf of an authorised person if the owner of land fails to comply	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Community Safety, Community Safety Officer -		council

## Fire and Emergency Services 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Bushfire Prevention and Preparedness		
section 105J(8)	Recover the reasonable costs and expenses incurred in taking action under section 105J(6)	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Community Safety		authorised person
section 129	Erect a siren for the purpose of giving warning of the outbreak or threat of fire or an emergency	GM Development and Community Safety, Manager Environmental Services and Community Safety, Community Safety Officer - Bushfire Prevention and Preparedness		council