



District Council of Lower Eyre Peninsula

Working with our Rural and Coastal Communities

ADDENDUM – 18 JANUARY 2019

COUNCIL

C59 COUNCIL OFFICER REPORTS

CL/11/19 – AMENDMENT TO THE FIRE AND EMERGENCY SERVICES ACT 2005

A Parliamentary Select Committee has been established to consider amendments to the Fire and Emergency Services Act under a (Miscellaneous) Amendment Bill 2018.

Council has been invited to provide feedback on the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018 and to attend a public hearing in Port Lincoln on Thursday, January 31.

The Parliamentary Select Committee has the following terms of reference:

- “a) to examine Clause 23 – Amendment to Section 82 – Power to Direct; and
- b) to give consideration to the views of all relevant stakeholders.”

A number of amendments are proposed to both the *Fire and Emergency Services Act 2005* and *Emergency Management Act 2004*.

To assist Council in providing a response, the LGA has created a table summarizing the amendments.

(REFER FOLIO: CL19.01.08)

In summary the matter that will most relevant to the farming community will be the S 23 Amendment as follows: -

If an officer of the SACFS is satisfied: -

- (a) That a person proposes to carry on an activity of a kind prescribed by the regulations or any other activity that the officer is satisfied may cause a fire; and
 - (b) That because of weather conditions the fire, if caused by the activity, might get out of control,
- the officer may direct that person to refrain from carrying on the activity during a period specified in the direction.

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CL/11/19 – AMENDMENT TO THE FIRE AND EMERGENCY SERVICES ACT 2005

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This will commonly be in relation to harvesting activities, which has previously been dealt with under a voluntary code of conduct in association with local brigades.

Other matters dealt with in the Amendment Bill directly affecting Council include: -

- S 22 – each Council that is a rural council, and has within its area a designated urban bushfire risk area must appoint at least one person as an authorised officer for the purpose of issuing burning permits.
- S 127A – a person who is absent from employment on official duties as a member of an emergency services organisation, in conjunction with a fire or other emergency, is not liable to be dismissed or prejudiced in employment by reason of that absence.

These other matters do not reflect any unmanageable issue to Council, and in fact Council currently has authorised officers, and a policy in relation to employee participation with emergency services organisations.

Submissions to the Inquiry are due on Friday, February 1, 2019, noting that the LGA will prepare a response on Council's behalf if indicated by the responses it receives – in which case Council needs to provide feedback to the Katherine Russell, Senior Policy Officer at the LGA, by Friday, January 25.

Council staff have not at this time had opportunity to fully digest the changes, in particular in relation to harvesting activity. As such, to meet the time frames, the recommendation is that authority be delegated to the CEO to make a submission on behalf of Council after attending the Port Lincoln forum. Such a submission would be provided to Councillors for comment prior to being lodged.

RECOMMENDATION CEO

“That Council delegate the authority to the Chief Executive Officer to provide a submission to the Local Government Association of SA and the Parliamentary Select Committee following the public hearing on 31st January in Port Lincoln in relation to the proposed amendments of the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018, incorporating the following: -

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