

# Building Fire Safety Regulation

Fact sheet for building owners on new fire safety requirements

August 2017

## Introduction

This factsheet outlines how recent changes to the *Environmental Planning and Assessment Regulation 2000* (the regulations) that commence on 1 October 2017, will affect building owners responsible for issuing fire safety statements.

The changes form part of a wider package of fire safety reforms to improve fire safety in new and existing buildings. The new regulations and an associated Planning Circular explaining the wider package of reforms can be found here: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Building-Regulation-and-Certification-Reform>

## Fire safety statements- the current system

Many building owners are required to ensure the fire safety measures serving their buildings are kept in working order. It is critical that these measures work as expected if a fire eventuates. These owners are also required to verify they are fulfilling this responsibility by routinely issuing fire safety statements.

The fire safety statement must be issued by the owner or the owner's agent. The fire safety statement is usually required to be issued at least once each year. These are referred to as annual fire safety statements. In some cases, there is a requirement to issue additional statements. These are referred to as supplementary fire safety statements.

The building owner or their agent must submit a copy of these documents to their local council and Fire and Rescue NSW. A copy must also be displayed in a prominent location in the building that it applies to, with a copy of the fire safety schedule. If you do not have a copy of the fire safety schedule you can get one from your local council.

The fire safety statement is a declaration that the existing essential fire safety measures serving the building have been assessed and are capable of performing to the standard required. It also declares that the building has been inspected and no fire exit breaches were observed.

The essential fire safety measures for a building are listed in the fire safety schedule. The fire safety schedule also specifies the required standard of performance for each measure listed.

The current regulation states assessments and inspections must be completed by *properly qualified persons*, as chosen by the building owner.

The current regulations do not currently describe the attributes of a *properly qualified person*, leaving building owners to determine this on a case by case basis. If the necessary checks are not taken building owners may inadvertently select the services of someone who is not properly qualified. In this case, there is no guarantee the owner's obligations under the regulations are being met, which could result in the building being unsafe.

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## Changes to the current system

Changes to the regulations will eventually provide building owners with greater clarity and certainty on how to identify a person or persons competent to undertake fire safety statement assessments and inspections.

The changes will come into effect on 1 October 2017. From this date, building owners will need to select a *competent fire safety practitioner* to undertake the necessary assessments and inspections before an annual fire safety statement or supplementary fire safety statement is issued.

In cases where a range of fire safety measures serve a building, more than one *competent fire safety practitioner* may be needed.

## Accreditation of competent fire safety practitioners

The Department of Finance, Services and Innovation is currently developing an accreditation framework for recognising industry schemes that will accredit individuals as *competent fire safety practitioners*.

Once the accreditation system is established, building owners must select persons from a register of recognised *competent fire safety practitioners*.

Until then, owners remain responsible for being satisfied that the persons they engage to perform fire safety statement assessments and inspections are competent.

## Guide for Building Owners

The Department of Planning and Environment (the Department) will soon publish a 'Guide for Building Owners' to assist owners prior to the establishment of the accreditation framework and accreditation of *competent fire safety practitioners*.

The Guide will help building owners' in determining if a person is a *competent fire safety practitioner*.

## Changes relevant to the fire safety statement and fire safety certificate

In addition to what information is currently required to be in a fire safety statement, from October 1, the fire safety statement will need building owners to include details of the *competent fire safety practitioner(s)* who completed the assessments and inspections.

New changes now allow the Secretary of the Department to prescribe standard forms for fire safety statements and certificates. The standard forms will be published on the Department's website once finalised, and must be used when they become available.

These changes will help improve consistency, accountability and building safety.

## Further Information

More information on building regulation reform can be found on the *Building Regulation and Certification Reform* page on our website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

For further information please contact us on 1300 305 695.