

KNOW YOUR RISK

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The hospitality industry is a unique sector within the built environment. Unlike other property sectors where occupants are aware and trained in emergency procedures and fire safety equipment installations, the hospitality sector must consider the diversity of their occupants and building use. Guests may not be aware of the procedures and what to do in an emergency. Due to the diverse nature of the occupants, the risk of fire or emergency is greater, and can pose a greater threat to guest safety, property and brand reputation.

Owners, managers and others responsible for a facility within the built environment have a constant challenge to uphold system maintenance and compliance requirements. Now more than ever, managers have a common law duty of care to ensure buildings are safe, maintained and compliant to the relevant requirements. It is imperative to have a base-level comprehension of requirements as every Australian State has varied legislative requirements and regulations.

Recently, there have been significant changes to regulations, in particular in New South Wales. These changes have impacted how Annual Fire Safety Statements (AFSS) are issued for buildings, and has pushed more onus and obligations onto building owners throughout the annual certification process. One of the biggest amendments introduced was for the requirement of a Competent Fire Safety Practitioner (CFSP), this replaced the term “properly qualified person”.

The following is a state by state summary of essential services maintenance requirements, the required annual compliance sign-off and the correct way to document and retain your maintenance records. This helps ensure that your maintenance contractor is completing the correct tasks and providing compliant documentation. This will assist the building to be verified for compliance certification annually.

STATE AND TERRITORY DEFINED REGULATIONS AND LEGISLATION

The building blocks of the state based defined maintenance regulations are in order of the following hierarchy.

Act – An Act of Parliament, a law or primary legislation

Regulation – This is authorised by an Act and prescribes the methodology and onus of responsibility to fulfil the Act, noting any applicable penalties to enforce compliance.

Building Code of Australia (BCA) – This is referenced by Commonwealth, State and Territory legislation, setting minimum technical requirements, references to other codes and standards.

Australian Standards – Required by law if referenced in regulations or through state authority e.g. AS1851.2012 Routine service of fire protection equipment.

There is also a common law obligation, which has been promoted by the Fire Protection Association in support of the national adoption of AS1851.2012. In addition to statutory law provisions (Acts/Regulations, codes and standards) it is likely that an individual or a responsible entity (such as the owner, occupier, employer or manager of a building) will have a common law duty of care to maintain fire protection systems and equipment, and to be able to demonstrate that they have met their responsibility.

STATE-BASED OVERVIEWS

NSW

Act: Environmental Planning and Assessment Act 1979 (EPA)

Regulation: Environmental Planning and Assessment Regulations 2000

Compliance Certificate: Annual Fire Safety Statement (AFSS) by “Competent Fire Safety Practitioner (CFSP)”

Defined Term: Essential Fire Safety Measures

Maintenance Documentation Retention: The requirement of records is not specifically referenced in the EPA Regulations; although from a risk management perspective to cover the onus of the manager, owner and occupier of a building, retaining maintenance documents and logging egress and passive structure inspections fulfils EPA Regulations.

ACT

Act: Building Act 2004. Emergencies Act 2004

Regulation: Building Regulations 2008

Compliance Certificate: Fire safety policies currently under review

Defined Term: previously Essential Services

Maintenance Documentation Retention: Recommend that an Annual Fire Safety Statement be kept onsite.

QLD

Act: Fire & Rescue Services Act 1990

Regulation: Building Fire Safety Regulation 2008 & Queensland Development Code MP6.1

Compliance Certificate: Occupier Statement

Defined Term: Fire Safety Installations

Maintenance Documentation Retention: Section 55 of the Building Fire Safety Regulation 2008 specifies mandatory requirements for keeping records of maintenance.

NT

Act: Northern Territory Building Act, Fire and Emergency Act

Regulation: Northern Territory Building Regulations, Fire and Emergency Regulations

Compliance Certificate: No specific document, reliance on yearly condition report as per AS1851-2012

Defined Term: Building Fire Safety Measures



Maintenance Documentation Retention: Applicable maintenance service records shall be available onsite. Yearly condition report be kept onsite.

VIC

Act: Building Act 1993

Regulation: Building Regulations 2018

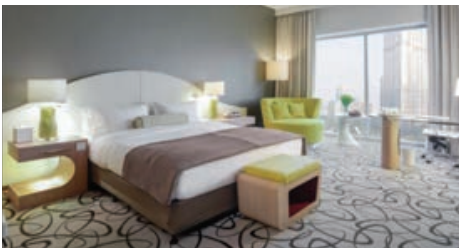
Compliance Certificate: Annual Essential Safety Measures Report (AESMR)

Defined Term: Essential Safety Measures (ESM)



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