



New Fire Legislation

New legislation, Building Fire Safety Regulations 2008, was introduced in July, 2008 all buildings have until 1st July, 2009 to comply. The legislation has been introduced by the Queensland Fire & Rescue Service (QFRS) with the Department of Emergency Services. Other legislation that this incorporates includes – Fire & Rescue Services Act 1990, Maintenance Standards, Queensland Development Code, Building Code of Australia, The Building Act 1975 and many others.

Who is affected?

The new legislation only applies to buildings in Queensland. The type of buildings affected is based on the buildings *Certificate of Classification*. All buildings built after 1975 are issued with a Certificate of Classification as part of the building/development process. If you are unsure on the Classification of one of your Buildings the Body Corporate Manager should have this amongst their records. Alternatively, copies can be ordered from the local council.

- Classifications 1b – 9 are effected by this new legislation, these include units, apartments, hospitals, nursing homes, shopping centres, jails, hotels, motels, budget accommodation, commercial buildings, offices etc. Properties that are short term letting (holiday let) are included only if they fall with in the 1b – 9 Classification.
- Classifications 1a (houses, townhouses, terrace, row, villas, duplexes – that are not located above or below another dwelling) are not effected.
- Class 10 buildings (non habitable structures - garages, sheds, carport etc) are also not effected by the new legislation.

What are the requirements of the new legislation?

1. Maintain Fire Safety Installations

All buildings must comply with the Fire regulations that applied to the time at which they were approved and built. Buildings do not have to install the “latest and greatest” equipment unless they feel the need to, however they do need to ensure that what they do have is working and maintained regularly and as per the Maintenance Standards and Queensland Development Code. All maintenance must be carried out by a qualified person and records of all maintenance must be kept. If major refurbishment work is carried out then there may be a requirement for the fire equipment to be upgraded also. Fire Safety Installations do not just include “obvious” equipment such as extinguishes hoses, sprinkler systems, fire alarms etc. Walls, floors, doors, emergency elevators, emergency lighting etc also form part of Fire Safety – units are specifically designed to trap a fire inside so it does not spread to neighbouring units or up or down the building. Things like fire collars around pipe work between floors, fire walls and fire doors may not be obvious but still play an important role in preventing the spread of fire.

2. Evacuation Routes

These include paths of travel, door handles and locks. All evacuation routes must be kept free of obstruction at all times. Doors between units and the final exit must have a lever handle or “panic bar” – this is to ensure an easy exit in an emergency. This door must also not be kept open as it is designed to trap the fire inside, not allow it to escape outside. All evacuation routes should not have any lockable doors throughout it.

3. Maintain a Fire & Evacuation Plan

Every building must develop a fire and evacuation plan which needs to include:

- Emergency coordination procedures;
- Evacuation instructions;
- Other procedures (eg mobility-impaired persons) and contact details

This must be reviewed every 12 months. A copy should also be issued to every occupier and copies placed at entrances and exits of the building, including emergency exits. It is the lot owners responsibility to pass on the plan to their Property Manager so that it can be included in the lease agreement.



4. Evacuation Signs & Diagrams

Each plan must be individualised to its location and include “you are here” details, path of travel from sign to the exit, location of fire fighting equipment, assembly areas. Signs must be displayed on each evacuation route, minimum of A3 size, printed in colour. Signs are updated every year so they can be laminated to reduce costs. If placed in the elements they can be placed behind Perspex to reduce fading.

5. Appoint an Evacuation Coordinator

Every building must appoint an Evacuation Coordinator. It is preferred that this person lives onsite but they do not have to be onsite in the case of fire, otherwise they would never be able to leave. They are the point of contact for the Fire department and their details need to be included in the Evacuation Coordination. Because of this they are required to keep a copy of all records regarding fire equipment, fire drills, evacuation plans etc. Some training must be completed for this role however it can be completed via CD ROM or over the internet. It is possible for any lot owner or even the On Site Manager to be able to fulfil this role.

6. Training & Evacuation Practice

A fire drill must be held at least once during a 12 month period. A false alarm is not classed as a fire drill. A record must be kept for each fire drill.

7. Submit the Occupiers Statement

This statement must be completed at least every 12 months and submitted to the QLD Fire & Rescue Service and include a statement that all fire equipment has been maintained. The statement must be signed by the Occupier of the building (the Body Corporate signs under the Common Seal).

What is a High Occupancy Building?

- A High Occupancy Building is classed as any building over 25 metres high (above ground level at its lowest point). We have been advised that any building over 9 storeys should be considered as a High Occupancy Building.
- For commercial buildings it is calculated based on the number of employees. If they have more than 30 employees (total on the payroll, do not have to all be in the building at any one time) they must comply with this new legislation.
- “At risk” buildings eg nightclubs.

What are the additional requirements for a High Occupancy Building?

High Occupancy Buildings must fulfil all of the requirements of the new legislation plus; they must appoint a Fire Safety Advisor. The Fire Safety Advisor gives ongoing advice to the Body Corporate on fire safety.

- The Fire Safety Advisor does not need to be a lot owner or live at the property.
- They do need to be qualified. It is unlikely that an On Site Manager or Body Corporate Manager would have this qualification or training.
- They can be Fire Advisors for more than one building.

Commercial buildings also have additional responsibilities such as providing fire training to new employees etc. Due to space I have not included these – if you have a commercial building greater than 300m², please contact Club Body Corporate and we will be happy to discuss these additional responsibilities with you.



FAQ

What if the complex is small and all the lots have tenants in them? Who will be the Evacuation Coordinator?

The QFRS has reviewed this situation and have advised that if there are no owner-occupiers on site and no tenant will take on this responsibility then any member of the Body Corporate (any lot owner) can fill this position. A Body Corporate Manager is not a lot owner and therefore they can not fill this position. It is not necessary for the Evacuation Coordinator to be on site in the case of a fire. They are simply the person the Fire Department would want to speak to so that they can obtain all necessary info within 24 hours of an incident occurring. It is possible for the Evacuation Coordinator to be in another state to where the property is located. The Evacuation Coordinator does need to complete some training; this can be completed via CD ROM or over the internet. The QFRS classes a small complex to be 9 lots or less.

Can a Body Corporate complete their own assessment, evacuation plan etc?

Yes. A Fire Safety Management Tool for Owner/Occupiers is available from the QFRS, this is a checklist that can be completed for each building, it also comes with Advisory Notes to assist with each question and examples of Evacuation Plans.

A Body Corporate does not have to appoint a company to do this for them, however, if they or the Committee are concerned about liability, insurance, lack of knowledge about the new legislation or simply do not have the time to do this there are a number of companies around that can do this on their behalf. At this stage the person does not need to be licensed, but this will be changing in about 18 months time when they need to be licensed under the Building Services Authority (BSA). The Body Corporate is still responsible for signing the plan (under the Common Seal) and submitting it to the QFRS.

Do occupiers and/or tenants require special training?

No, only workers in commercial buildings require specific fire training when they first commence employment in that building. Tenants and occupiers must be issued with copies of the evacuation plan and instructions.

How do I ensure my tenant receives a copy of the evacuation plan?

Send the plan onto your Property Manager (keep a copy for yourself and a record that you sent it to the Property Manager) and instruct them to attach it to every lease for your property (including new tenants and lease renewals). When you receive copies of the leases from your Property Manager, check that the plan is included.

What if we do not comply?

The QFRS can fine the owners of buildings for not complying with the legislation. If a death occurs the fine is \$20,000 and 3 years jail. For a company (eg a Body Corporate) the fine is \$1,000,000 and 2 years jail. Not just the Committee can be held responsible – all lot owners can be fined. Also, many insurance companies include clauses in their policies regarding complying with all federal, state and local legislation. If a claim is made and the insurer discovers that the insured have not complied they may not pay the claim – even if it is not fire related. In the current climate many insurance companies are being much more thorough in their investigations prior to paying out claims.