

Fire Safety Standard Guidelines

Overview of Fire Safety Legislation



Queensland Government

Department of Local Government and Planning
Department of Emergency Services

Purpose

This guideline provides an overview of the new fire safety legislation for budget accommodation buildings.

This guideline is intended to assist building owners, local government officers, fire officers, consultants and designers in bringing budget accommodation buildings into compliance with the Fire Safety Standard.

Background

A Building Fire Safety Taskforce was formed to review building fire safety in budget accommodation following the Palace Backpackers Hostel fire in Childers on 23 June 2000. The Taskforce concluded there were inadequate fire safety provisions to protect the lives of occupants in many budget accommodation buildings.

Budget accommodation generally has a higher occupation density than other forms of accommodation and a large number of older buildings are being used for budget accommodation. Given the use of these buildings and the lack of fire safety facilities, fire risk is very high in a large proportion of these buildings.

Many budget accommodation buildings were built before the introduction of the *Building Act 1975* and only had to comply with the fire safety standards established by individual local governments at that time. Between 1976 and 1992, the Building Act contained only minimal fire safety standards for new buildings of this type. It was not until 1992, when the Building Code of Australia (BCA) commenced in Queensland, that new budget accommodation buildings were required to comply with contemporary fire safety standards. Building occupants and the community generally have an expectation that the buildings they use will be safe for everyday use and in emergency situations. This expectation applies throughout the life of a building.

Objectives

What is the objective of the legislation?

The main objective of the new legislation is to ensure the safe evacuation of occupants in all budget accommodation buildings, particularly those that were not approved under the Building Code of Australia. A further objective of the new legislation is for owners of new and existing budget accommodation buildings to prepare and implement a Fire Safety Management Plan (FSMP).

How is the safe evacuation of occupants achieved?

By ensuring these buildings comply with the prescribed Fire Safety Standard.

When must I comply with the Standard?

The most important aspect of safe evacuation, ie smoke alarms and emergency lighting will have to be installed by 1 July 2003. If further building work is required in order to comply with the required Standard, an extra two years are available to complete the work.

What is the legislative framework?

The State's building legislation provides a framework to achieve and maintain acceptable standards of structural sufficiency, safety (including safety from fire), health and amenity for the benefit of the community now and in the future.

Recent amendments to a number of Acts of Parliament introduced new requirements for budget accommodation buildings. The key features of the changes are outlined overleaf.



Firstly, the *Building Act 1975* now requires owners of budget accommodation buildings built or approved, or for which an application was made before 1 January 1992, to upgrade their buildings in accordance with a prescribed Fire Safety Standard. The Standard which is now called up by the *Standard Building Regulation 1993*, includes a range of solutions for owners to comply with, depending on the type of construction, the size and height of the building.

Secondly, if building work is necessary to make the building comply with the Standard, the owner must obtain a building permit from the local council. The building application must also be accompanied by a FSMP which will outline matters such as the number of occupants, maintenance schedules, and evacuation plans.

Thirdly, the *Fire and Rescue Service Act 1990* now requires owners and occupiers of all budget accommodation buildings to prepare and implement a FSMP. This plays an important role in the understanding of building owners and occupiers of their responsibilities and duty of care to their residents and guests. Occupiers are people who have a delegated responsibility for fire safety within a building, such as building managers.

Lastly, the *Local Government Act 1993* has extended the powers of entry for local government officers to include inspections of budget accommodation buildings to check for compliance with the Standard.

Definition of budget accommodation buildings

A budget accommodation building is a building that has shared bathroom and sanitary facilities (other than a laundry), provides accommodation for six or more people and includes the following types of buildings:

- boarding houses, backpacker hostels and the like;
- hotels; and
- accommodation for people who have an intellectual or physical disability and require full-time or part-time care.

Excluded from the definition are motels; correctional facilities; juvenile detention centres; aged care facilities (accredited under Commonwealth legislation); houses or townhouses; home units; and health care units.

If a building falls within such a description of a budget accommodation building, then the owner is legally obligated to comply with the new fire safety legislation.

Fire Safety Standard

The new fire safety legislation calls up the Fire Safety Standard as a legal document.

The Standard prescribes standards for ensuring the safe evacuation of occupants of a budget accommodation building in the event of a fire.

The Standard contains provisions regarding the maximum number of occupants and the implementation of fire safety systems such as early warning systems (hard-wired smoke alarms); emergency lighting; location of exits; features for extinguishing or containing a fire; and management programs for owners and staff about maintenance and inspection of the fire safety features of the building.

Requirements for pre-1992 budget accommodation buildings

Budget accommodation buildings built, or for which an approval was obtained, or for which an application for approval was made, prior to 1 January 1992 (when the BCA commenced in Queensland) must comply with the new minimum standards for the safe evacuation of occupants.

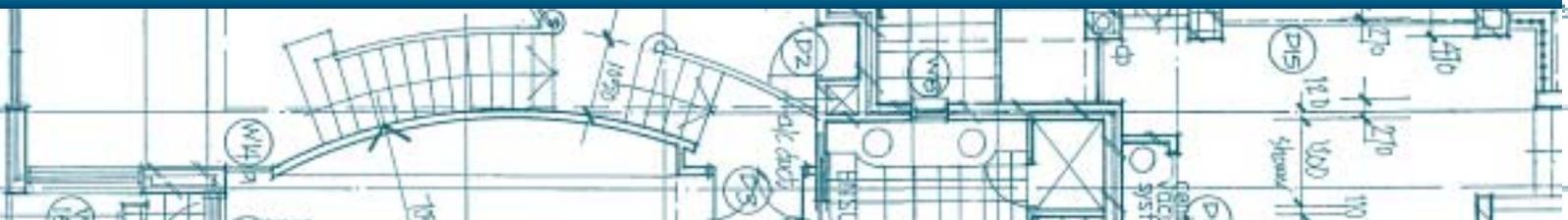
As a minimum requirement, building owners must install early warning systems (eg hard-wired smoke alarms) and emergency lighting in accordance with the Standard prior to 1 July 2003. The maximum penalty for non-compliance will be \$12,375.¹

In the case of installing early warning systems and emergency lighting, no development approval from the local government is needed (it is self-assessable development under the *Integrated Planning Act 1997* (IPA)).

However, many budget accommodation buildings will require further upgrade work to avert fire risk (eg adding emergency exits or stairways), and owners will be allowed an additional two year period (i.e. until July 2005) within which to make the improvements. Such upgrades will constitute 'building work' under the IPA and therefore need development approval from the relevant local government.

Extensions of time

An owner may seek an extension of time from the local government within which to comply. This can only be granted if the local government is satisfied that refusal



would cause undue hardship to the building's occupants. Examples may include, an accommodation facility facing closure through the inability to meet the expense of conforming within the prescribed timeframe and its occupants could not find alternative accommodation. The extension of time may be granted subject to reasonable conditions (eg a timetable of improvements to be made over the relevant time). If the owner does not adhere to the conditions, a maximum penalty of \$12,375¹ may be imposed. Refusal to agree to an extension is appealable to the Building and Development Tribunal.

Advice on conformance with the Standard

Owners can apply to the local government (i.e. the local council) for advice on whether their building complies with the Fire Safety Standard. Local governments may charge a fee for this service. The decision from the local government about whether the building complies or not must be made within 20 business days after receiving the application.

If it is determined that the building does not conform, the decision notice from local government must inform the owner of the reasons, rights of appeal, and what needs to be done to make the building conform. The owner must comply with that notice or face a penalty of up to \$12,375.¹ The decision can be appealed to the Building and Development Tribunal.

While the legislation requires the owners to work out whether their buildings comply with the Standard, owners may seek the advice of a suitably qualified person or fire engineering consultant as an alternative way of assessing whether their building complies with the Standard or whether further improvements are necessary.

Fire Safety Management Plans

All owners of existing budget accommodation buildings will have 12 months to prepare and implement a FSMP. The *Fire and Rescue Service Act 1990* and the *Building Fire Safety Regulation 1991* sets out the required contents of a FSMP. The contents of the FSMP will serve to achieve the safe evacuation of building occupants in the event of a fire and meet the Fire Safety Standard.

Included are matters such as the allowable number of occupants; evacuation plans that specify arrangements for occupants, particularly those with a disability; training programs for staff and occupants; a list of details of the prescribed fire safety installations; and the proposed

maintenance schedule. Suitable building plans showing where the fire safety installations are located must be held on the premises to allow building occupants and/or members of the public to view the plan. In preparing a FSMP, an owner must have regard to the information in the Fire Safety Standard guidelines and the Fire Safety Management Plan guidelines.

The owner must ensure that the FSMP is implemented or face a maximum penalty of \$7,500¹. The FSMP must be kept up-to-date and reflect any change in circumstances that affects its compliance with the Fire Safety Standard. The FSMP must also be accessible for free inspection at the premises, ensuring that potential guests or residents of the building can satisfy themselves that the owner has appropriate procedures and systems for safe evacuation in place.

In addition to the IPA's mandatory requirements for an application for development approval, a FSMP must accompany the application. If the local government is satisfied that:

- the development application does not comply with the Fire Safety Standard, or
- the FSMP does not comply with the Standard, or
- the FSMP is not in accordance with the *Fire and Rescue Service Act 1990*,

the application must be refused, unless compliance can be achieved by imposing reasonable conditions.

Monitoring and compliance

The *Fire and Rescue Service Act 1990* enables authorised fire officers to enter budget accommodation buildings to investigate whether or not fire safety measures and prevention measures, including the implementation of a FSMP, have been taken or are being maintained.

The amendments to the *Local Government Act 1993* enable local government officers to inspect records that owners of budget accommodation buildings will have to keep under the *Building Act 1975* and also allows the officers powers of entry under an 'approved inspection program' to monitor compliance with the Fire Safety Standard, FSMPs and the requirements of the *Building Act 1975*.

¹ Denotes maximum penalty. Penalty units are found in the *Building and Other Legislation Amendment Act 2002*, and currently set at \$75 each.



Queensland Heritage Act 1992

If a budget accommodation building has been registered as a place of heritage significance under the *Queensland Heritage Act 1992*, any proposed development must first be approved by the Queensland Heritage Council. Approval will not be given if the development may reduce or damage that heritage significance unless there is no prudent or feasible alternative to the development.

However, the Council may believe that improvements to the fire safety of a building may save the destruction of that heritage value by fire.

Use of guidelines

These guidelines are intended for use by:

- Building owners;
- Local governments;
- Building certifiers for acceptable solutions;
- Building certifiers with competence in fire safety for performance decisions; and
- Fire engineers, architects and building designers.

Associated guidelines

Other guidelines relating to fire safety in budget accommodation buildings provide specific guidance on various parts of the legislation, as well as illustrative examples using actual buildings as case studies.

The list of guidelines includes:

- How to Comply with the Fire Safety Standard
- Application of the Fire Safety Standard
- Budget Accommodation Buildings
- Smoke Alarms & Emergency Lighting
- Enforcement, appeals, extensions of time
- Inspection and Maintenance Options
- Fire Safety Audits
- Fire Safety Management Plans

Case studies on actual buildings include:

- Fully compliant building
- Large single storey building
- Small supported accommodation building
- Two storey timber hotel
- Three storey boarding house
- Two storey backpacker hostel

Guidelines and case studies are available on the Department's website:

www.dlgp.qld.gov.au

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