

Building newsflash number 415

Registration and licensing requirements for alternative solutions involving fire safety

Purpose

To advise building certifiers and other building practitioners about the requirements for registration and licensing when formulating or providing alternative solutions relating to fire safety in buildings.

Background

Under the *Building Act 1975* (BA), compliance with the Building Code of Australia (BCA) and Queensland Development Code (QDC) can be achieved by:

- meeting the deemed-to-satisfy provisions or acceptable solutions
- formulating an alternative solution that meets the performance requirements or is at least equivalent to the deemed-to-satisfy provisions or acceptable solutions
- a combination of the above.

A common use of alternative solutions in buildings involves requirements relating to fire safety. For example, alternative solutions may be used to demonstrate the performance requirements of the BCA are satisfied for extended travel distances to an exit or protecting an opening less than 3 m from a fire-source-feature. Any departure from the deemed-to-satisfy provisions or acceptable solutions requires the building certifier to consider whether the proposal meets the relevant BCA or QDC requirements and, particularly for fire safety matters, this may require the formulation of complex alternative solutions.

Legislation

Building Act 1975
Building Regulation 2006
Code of conduct for building certifiers
Building Code of Australia
Queensland Development Code
Queensland Building Services Authority Act 1991
Queensland Building Services Authority Regulation 2003
Professional Engineers Act 2002

Interpretation

Depending on the details of an alternative solution involving fire safety, a practitioner will be required to be either appropriately registered with the Board of Professional Engineers of Queensland (BPEQ) or, from 1 January 2011, licensed by the Queensland Building Services Authority (QBSA).

Generally, it is an offence under the provisions of the *Professional Engineers Act 2002* (PEA) for any person to carry out a professional engineering service unless they are a registered professional engineer. The PEA defines a professional engineering service as:

an engineering service that requires, or is based on, the application of engineering principles and data to a design, or to a construction or production activity, relating to engineering, and does not include an engineering service that is provided only in accordance with a prescriptive standard.



If a person formulates or provides an alternative solution involving fire safety which includes a professional engineering service, they must be registered with the BPEQ in the appropriate area of engineering, such as fire safety. However, if the work does not include a professional engineering service, from 1 January 2011, the person must hold the licence class of ‘fire safety professional’ under the Queensland Building Services Authority Regulation 2003 (QBSAR). The person must also hold this licence class if they inspect or report on buildings against the fire performance legislation, such as the BCA or if they certify, test or inspect a fire protection system. However, under section 5(1)(ze) of the QBSAR, this does not affect a building certifier undertaking a building certifying function.

The functions of a building certifier under the BA include the assessment, approval and inspection of building work. This building work may involve alternative solutions relating to fire safety. It is acceptable for a building certifier to assess alternative solutions within the limit of their level of competence and expertise, in line with the Code of conduct for building certifiers. However, the functions of a building certifier do not extend to the formulation or provision of an alternative solution involving fire safety.

If a building certifier formulates or provides an alternative solution relating to fire safety, they must have either the appropriate registration from the BPEQ or, from 1 January 2011, licence from the QBSA.

Building certifiers are reminded that formulating or providing an alternative solution for a building development application they are responsible for is likely to be a conflict of interest under the BA and would therefore be unlawful.

Contact for further information

Queensland Building Services Authority
Certification Branch

tel 1300 272 272
info@bsa.qld.gov.au

Board of Professional Engineers of Queensland

tel +61 7 3224 6032
admin@bpeq.qld.gov.au

Department of Community Safety
State Community Operations Branch
Queensland Fire and Rescue Service

tel +61 7 3635 8100
www.fire.qld.gov.au

Department of Infrastructure and Planning
Building Codes Queensland Division

tel +61 7 3239 6369
buildingcodes@dip.qld.gov.au

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