

Frequently Asked Questions

○ New requirements for fire safety statements - for building owners and practitioners

Introduction

On 1 October 2017, changes to the Environmental Planning and Assessment Regulation 2000 were introduced to enhance requirements relating to the fire safety in new and existing buildings. The following information is designed to assist building owners and practitioners in applying the requirements of the Regulation relating to annual fire safety statements and to provide answers to some frequently asked questions.

Further information about the amended Regulation, including the new and changed responsibilities for building owners can be found at <http://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Building-Regulation-and-Certification-Reform>

Who do the requirements for annual fire safety statements apply to?

The requirements apply to the owners of buildings that contain essential fire safety measures and are required by the Regulation to issue an annual fire safety statement each year and provide a copy to the local council and Commissioner of Fire and Rescue NSW.

What is an annual fire safety statement? (cl. 175)

The annual fire safety statement is a document issued each year by the building owner or their agent. The statement documents the assessment and inspection of each existing essential fire safety measure and the exit systems serving the building. It also certifies that each of the measures is capable of performing to an appropriate standard (specified in the fire safety schedule for the building).

What is a fire safety schedule? (cl. 168)

A fire safety schedule specifies each of the essential fire safety measures that apply to the building premises, such as portable fire extinguishers, fire hydrants, fire sprinklers and smoke alarms. The essential fire safety measures installed will vary for each building.

The schedule also specifies the minimum standard of performance to which each of the measures must be designed, installed and capable of operating.

What is a competent fire safety practitioner? (cl. 167A)

A competent fire safety practitioner is a person who is competent to perform fire safety assessment functions required by the Regulations. The Department of Finance, Services and Innovation is currently developing a co-regulatory framework to recognise industry accreditation schemes for competent fire safety practitioners. Once the Secretary of the Department of Finance, Services and Innovation publishes a relevant order under the new regulations, a building owner will simply select a competent fire safety practitioner from a register of accredited practitioners. Further information about the accreditation of competent fire safety practitioners can be found on the [Fair Trading](#) website.

In the interim, it is the responsibility of the building owner to determine and document that a person is a competent fire safety practitioner. This is generally consistent with the owners obligations that existed previously. In making this determination, a building owner could rely on documentation indicating the knowledge, skills and experience of the practitioner relative to the task.

The Department has developed guidance material to assist building owners in this process. The guide titled *Selecting a competent fire safety practitioner – A guide for building owners who must issue annual fire safety statements* is located on the [Building Regulation and Certification Reform](#) page of the Department of Planning and Environment website.

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Can changes be made to the new annual fire safety statement form? (cl.181)

The Regulation requires that the annual fire safety statement be in the form approved by the Secretary, meaning that no changes can be made to the standard form published on the Department of Planning and Environment's website. This requirement is to ensure that a consistent form is used throughout NSW, which will help make the building regulation system easier to navigate.

A copy of the Fire Safety Statement form can be downloaded [here](#) under 'New standard forms'.

Can the owner's agent (who issues the statement) also be a competent fire safety practitioner for the purpose of assessing the performance of the measures in the building?

The Regulation allows an agent to issue the annual fire safety statement on behalf of the building owner. The agent who issues the statement may be a competent fire safety practitioner, however that person should not be involved in the assessment of any of the measures or the inspection of the building for the purposes of the statement. This is to ensure that any potential conflicts of interest are minimised.

Who should complete an annual fire safety statement? (cl. 175)

The Regulation requires that the building owner or their agent issue the annual fire safety statement. The owner or agent making the declaration in Section 7 of the form therefore needs to ensure that the information detailed in the statement is correct.

Is each competent fire safety practitioner required to sign the form? (cl.181)

The annual fire safety statement must contain details of each competent fire safety practitioner who endorsed the statement. In endorsing the statement, the competent fire safety practitioner could sign the form. Alternatively, the competent fire safety practitioner could attach a separate document that confirms their endorsement of the contents of the parts of the annual fire safety statement they have been involved in.

Who can sign the 'owner's authorisation' in Section 9 of the statement?

Section 9 (where applicable) is required to be completed by the owner of the property or a person who has the authority to sign as the owner of the property. A description of the authority should be provided (e.g. on behalf of an owner's corporation or as a company officer).

Notes

1. The Environmental Planning and Assessment Regulation 2000 is known as 'the Regulation' for the purpose of this document.