Queensland

*Building Act 1975*
*Fire and Emergency Services Act 1990*

# Building Fire Safety Regulation 2008

**Current as at 1 July 2016**

Queensland

# Building Fire Safety Regulation 2008

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# Building Fire Safety Regulation 2008

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Building Fire Safety Regulation 2008*.

### 2 Commencement

This regulation commences on 1 July 2008.

### 3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

### 4 Main objects of regulation

The main objects of this regulation are—

(a) to ensure persons can evacuate buildings safely and quickly if a fire or hazardous materials emergency happens; and

(b) to ensure prescribed fire safety installations for buildings are maintained.



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# Part 2 Means of escape from buildings

## Division 1 Interpretation

### 5 Meaning of *evacuation route*

(1) An ***evacuation route***, in relation to a building, means—

(a) for division 4—a path of travel from any place in the building, through a final exit of the building, to a place of safety outside the building; or

(b) otherwise—a path of travel from a common area of the building, through a final exit of the building, to a place of safety outside the building.

(2) An ***evacuation route*** includes the space above a path of travel.

### 6 Meaning of *common area*

(1) A ***common area*** of a building means a part of a building that is designed or constructed to be used as a thoroughfare.

*Examples of a common area—*

a hallway, corridor, passageway, landing, stairway or ramp

(2) However, a ***common area*** of a building does not include a part of a building that is—

(a) used entirely or mainly as a residence; and

(b) occupied by a person who owns, or is a tenant of, the part of the building.



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## Division 2 Keeping evacuation routes free from obstruction—general

### 7 Person not to obstruct an evacuation route

(1) A person must not—

(a) place a thing—

(i) within 2m of a final exit outside a building; or

(ii) in another place on an evacuation route of a building if the thing would be likely to unduly restrict, hinder or delay a person (an ***affected person***), if the affected person were using the evacuation route in the event of a fire or hazardous materials emergency; or

(b) otherwise obstruct an evacuation route of a building.

*Example for paragraph (b)—*

persons gathering outside a final exit of a building in a way that would be likely to unduly hinder the passage of persons leaving the building in the event of a fire

Maximum penalty—30 penalty units.

(2) For deciding if a thing on an evacuation route would be likely to unduly restrict, hinder or delay a person under subsection (1)(a)(ii), regard must be had to—

(a) the number, mobility and other relevant characteristics of persons who would be likely to use the evacuation route in the event of a fire or hazardous materials emergency; and

*Example of another relevant characteristic for paragraph (a)—*

a person with special needs

(b) whether the thing would be likely to be displaced by a person using the evacuation route in the event of a fire or hazardous materials emergency.



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## 8 Occupier not to allow evacuation route to be obstructed

(1) The occupier of a building must not allow a thing to be placed or to remain—

(a) within 2m of a final exit outside the building; or

(b) in another place on an evacuation route of the building, if the thing would be likely to unduly restrict, hinder or delay a person, if the person were using the evacuation route in the event of a fire or hazardous materials emergency.

Maximum penalty—30 penalty units.

(2) For deciding if a thing on an evacuation route would be likely to unduly restrict, hinder or delay a person under subsection (1)(b), regard must be had to—

(a) the number, mobility and other relevant characteristics of persons who would be likely to use the evacuation route in the event of a fire or hazardous materials emergency; and

(b) whether the thing would be likely to be displaced by a person using the evacuation route in the event of a fire or hazardous materials emergency.

(3) Also, the occupier of a building must take reasonable steps to ensure that a person does not obstruct an evacuation route of the building.

*Example of a reasonable step for subsection (3)—*

The occupier erects a rope or other temporary barrier outside a final exit of the building that allows persons to queue to enter the building in a way that would not be likely to unduly hinder the passage of persons leaving the building in the event of fire.

Maximum penalty—30 penalty units.

## 9 Occupier not to allow final exit of adjoining building to be obstructed

(1) This section applies to the occupier of premises that adjoin a final exit of a building (the ***adjoining building***).



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(2) The occupier must not allow a thing to be placed, or to remain—

(a) within 2m of a final exit outside the adjoining building; or

(b) in another place where the thing would be likely to unduly restrict, hinder or delay a person, if the person were using a final exit of the adjoining building in the event of a fire or hazardous materials emergency.

*Examples for subsection (2)—*

- the occupier of a shop in a food court allowing its rubbish bins to remain within 2m of the final exit of an adjoining shop
- the occupier of a carpark allowing vehicles to be parked so that persons leaving an adjoining building are unduly restricted in accessing the carpark or an adjacent road

Maximum penalty—30 penalty units.

## Division 3 Keeping evacuation routes free from obstruction—locking doors

### 10 Meaning of *locking* a door

(1) A reference to ***locking*** a door is a reference to locking the door in a closed position.

(2) ***Locking*** a door includes fastening the door or otherwise interfering with its ability to be opened.

(3) However, a door on an evacuation route of a building is not locked if it can be opened—

(a) from the internal side using 1 device that can be operated by 1 downward or pushing action using 1 hand; or

*Examples of devices—*

- a handle, lever or panic bar
- a device consisting of a button or switch that can be operated to allow a door to open electronically and



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automatically allows the door to be opened if the door fails to open electronically

(b) in another way that complies with the Building Code of Australia.

## 11 General obligations about locking doors

(1) A person must not lock a door on an evacuation route of a building if the person knows, or reasonably ought to know, that another person is within the building on the internal side of the door.

Maximum penalty—30 penalty units.

(2) The occupier of a building must ensure that a door on an evacuation route of the building is not locked, if the occupier knows, or reasonably ought to know, that a person is within the building on the internal side of the door.

Maximum penalty—30 penalty units.

(3) This section does not apply if section 12 applies.

## 12 Locking doors—children in education and care service premises or QEC approved services or persons in custody

(1) This section applies if—

(a) a child (an ***occupant***) is in a building being used for conducting a centre based education and care service or QEC approved service; or

(b) a person (also an ***occupant***) is being held in lawful custody in a building.

(2) If the occupant is within the building on the internal side of a door on an evacuation route of the building, a person must not lock the door in a way that would be likely to unduly restrict, hinder or delay a custodian for the occupant in opening the door.

Maximum penalty—30 penalty units.



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(3) The occupier of the building must ensure that a door on an evacuation route of the building can not be locked in a way that would be likely to unduly restrict, hinder or delay a custodian for the occupant in opening the door.

Maximum penalty—30 penalty units.

(4) In this section—

***centre based education and care service*** means an approved education and care service, other than a family day care service, under the Education and Care Services National Law (Queensland).

***custodian***, for an occupant, means—

(a) if the occupant is a child in a building being used for conducting a centre based education and care service—a person providing education and care as part of the service; or

(b) if the occupant is a child in a building being used for conducting a QEC approved service—a person providing regulated education and care as part of a QEC approved service; or

(c) if the occupant is being held in lawful custody in a building—a person who controls the movement of the occupant within the building.

***QEC approved service*** see the *Education and Care Services Act 2013*, schedule 1.

## Division 4 Keeping evacuation routes free from obstruction—air space

### 13 Evacuation routes to be kept isolated

(1) A person must not install or alter a mechanical ventilation or air conditioning system in a building in a way that, in the event of a fire or hazardous materials emergency, may allow air to flow onto an evacuation route of the building from



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another space in the building, including, for example, a fire-isolated compartment.

Maximum penalty—30 penalty units.

(2) A person must not do an act, other than an act mentioned in subsection (1), that, in the event of a fire or hazardous materials emergency, may allow air to flow onto an evacuation route of a building from another space in the building, including, for example, a fire-isolated compartment.

*Examples of doing an act for subsection (2)—*

- penetrating a wall on the perimeter of a fire-isolated compartment
- failing to seal a hole in a wall on the perimeter of a fire-isolated compartment
- chocking open a door on the perimeter of a fire-isolated compartment

Maximum penalty—30 penalty units.

(3) However, subsection (2) does not apply if the act is authorised or required for building work under a building development approval.

(4) The owner or occupier of a building must ensure that a person does not—

(a) install or alter a mechanical ventilation or air conditioning system in the building in contravention of subsection (1); or

(b) do another act in contravention of subsection (2).

Maximum penalty—30 penalty units.

(5) It is a defence in a proceeding against a person for an offence under subsection (4) for the person to prove that—

(a) the person took reasonable precautions and exercised proper diligence to prevent the contravention; or

(b) the contravention was due to causes over which the person had no control.

(6) In this section—

***doing an act*** includes omitting to do an act.



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***fire-isolated compartment*** means a compartment in a building that is designed and constructed to prevent the spread of fire or flow of smoke from the compartment into another part of the building.

# Part 3 Occupancy limits for buildings

## 14 Meaning of *occupancy safety factors*

(1) The ***occupancy safety factors*** for a building are the following—

(a) the building's characteristics, including—

(i) the number and location of exits in the building; and

(ii) the clear floor surface areas in the building; and

(iii) the flammability of the fixtures and fittings in the building; and

(iv) the prescribed fire safety installations for the building; and

(v) whether occupants of the building can exit directly into open space or another place of safety;

(b) how the building is used, including its classification under the Building Code of Australia;

(c) the number of persons who use, or are likely to use, the building at any given time;

(d) the mobility and other characteristics of the persons who use, or are likely to use, the building;

(e) any fire safety system for the building.

(2) In this section—

***clear floor surface area*** see schedule 6 of the Fire Service Act.



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## 15 General obligation about the number of persons in a building

(1) This section does not apply to the occupier of a building if an occupancy notice is in force for the building.

(2) The occupier of a building must ensure that the number of persons in the building at any one time does not present an unreasonable risk to the safety of a person in the building.

Maximum penalty—30 penalty units.

(3) For subsection (2), in deciding whether or not the number of persons in a building presents an unreasonable risk to the safety of a person in the building, regard must be had to the occupancy safety factors for the building.

## 16 Limits on the number of persons in a building

(1) The occupier of a building must ensure that the number of persons in the building at any 1 time is not more than the maximum number that may be accommodated under—

(a) for a budget accommodation building to which the *Building Act 1975*, chapter 7, part 3 applies—the Queensland Development Code, MP 2.1, performance criteria P3 and acceptable solution A3; or

(b) for a building used for conducting a residential service—the Queensland Development Code, MP 5.7, items P3, A3, P4 and A4; or

(c) otherwise—the Building Code of Australia, part D1.13.

Maximum penalty—30 penalty units.

(2) Also, the occupier of a building must ensure that the number of persons in the building at any 1 time is not more than the maximum number that allows compliance with the Building Code of Australia, part D1.6.

Maximum penalty—30 penalty units.



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# Part 4 Evacuation planning, instruction and practice

## Division 1 Preliminary

### Subdivision 1 Interpretation

#### 17 Meaning of *evacuation coordination procedures*

The ***evacuation coordination procedures*** for a building in the event of a fire or hazardous materials emergency are the procedures for—

(a) alerting, and communicating with, persons in the building; and

*Examples of procedures for paragraph (a)—*

procedures for using intercommunication devices, public address systems and messengers to alert and communicate with persons

(b) alerting the service, including using manually operated fire alarms; and

(c) arranging the evacuation of persons with special needs, members of the public and other persons in the building, to a designated assembly area for the building; and

(d) checking whether all persons have been evacuated from the building; and

*Examples of procedures for paragraph (d)—*

- taking a rollcall of known occupants of the building or a part of the building
- asking members of the public evacuated from a building about the number and identity of persons who were in the building and have not been accounted for

(e) meeting the fire officers attending the building in response to the fire or emergency at a suitable place



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stated in the fire and evacuation plan for the building; and

(f) informing the fire officers of—

(i) the number of persons evacuated; and

(ii) the number and identity of any persons not accounted for.

## 18 Meaning of *evacuation diagram*

(1) An ***evacuation diagram***, for a building, means a diagram, in an understandable form, of the building showing the following (the ***fire safety reference points***)—

(a) the place that corresponds to the place in the building where the diagram is displayed;

*Example for paragraph (a)—*

An evacuation diagram in a building shows an arrow pointing to a red spot that corresponds to the place in the building where the diagram is displayed. The words 'You are here' are stated in bold text near the arrow.

(b) the route from the place mentioned in paragraph (a) to the nearest exit of the building;

(c) each exit of the building;

(d) any intercommunication devices in the common areas of the building;

(e) the manually operated fire alarms in the building;

(f) the firefighting equipment in the building;

(g) each designated assembly area for the building;

(h) the route from each exit shown on the diagram to a designated assembly area.

(2) For subsection (1), the fire safety reference points under subsection (1)(a) to (f) and (1)(g) and (h) may be shown on separate diagrams.

(3) An ***evacuation diagram***, for a part of a building, means a diagram, in an understandable form, of the part of the building



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showing the following (also the ***fire safety reference points***)—

(a) the place that corresponds to the place in the part of the building where the diagram is displayed;

(b) each exit that is reasonably accessible from the part of the building;

(c) the route from the part of the building to each exit shown on the diagram;

(d) any intercommunication devices in the common areas that are reasonably accessible from the part of the building;

(e) the manually operated fire alarms that are reasonably accessible from the part of the building;

(f) the firefighting equipment that is reasonably accessible from the part of the building;

(g) a designated assembly area for the part of the building;

(h) the route from each exit shown on the diagram to a designated assembly area.

(4) For subsection (3), the fire safety reference points under subsection (3)(a) to (f) and (3)(g) and (h) may be shown on separate diagrams.

(5) In this section—

***understandable form***, for an evacuation diagram, means a form that would be easily understandable by a person who would be likely to be reading the diagram, if the person were reading the diagram in the event of a fire or hazardous materials emergency.

*Examples of matters that may be relevant for understanding a diagram—*

- whether the diagram is in a reasonable scale
- whether the diagram includes a legend clearly showing different parts of a building



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### 19 Meaning of *person with special needs*

For arranging the evacuation of persons from a building, a ***person with special needs*** is a person for whom it is reasonable to make different arrangements from other persons because of—

(a) a characteristic of the person; or

*Examples of a characteristic of a person—*

1 The person has a disability.

2 The person is a child.

3 The person is affected by liquor.

(b) a matter relating to the person's presence in the building.

*Examples of a matter for paragraph (b)—*

1 The person is in lawful custody in the building.

2 The person works in an area of a building in which access or egress is restricted, including, for example, a basement.

3 The person works in a hazardous area of a building, including, for example, an area in which there are hazardous materials.

## Subdivision 2 Application of particular divisions

### 20 Application of divs 2, 3, 5 and 6

Divisions 2, 3, 5 and 6 do not apply to—

(a) the occupier of a budget accommodation building for which a fire safety management plan is required under section 27 of the Building Act or section 104FA of the Fire Service Act; or

(b) the occupier of a building used for conducting a residential service.

*Note—*

See also section 79 about compliance with division 2.



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# Division 2 Fire and evacuation plans

## Subdivision 1 Keeping fire and evacuation plans in specified form

### 21 General requirements

(1) This section is subject to sections 22 and 23.

(2) The occupier of a building must ensure the fire and evacuation plan for the building—

(a) is kept in written form; and

(b) states the matters mentioned in subsection (3); and

(c) includes—

(i) the evacuation diagram of the building; and

(ii) if an evacuation diagram has been made for a part of the building—the evacuation diagram of the part of the building.

Maximum penalty—30 penalty units.

(3) A fire and evacuation plan for a building must state each of the following—

(a) the name, if any, and address of the building;

(b) the name, address, telephone number and electronic contact details of the owner and occupier of the building;

(c) the evacuation coordination procedures for the building;

(d) instructions for evacuating the building safely in accordance with the evacuation coordination procedures for the building in the event of a fire or hazardous materials emergency;

(e) the method of operation of firefighting equipment and manually operated fire alarms in the building;



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(f) the procedures for giving fire and evacuation instructions under this part to persons working in the building and ensuring the instructions are given;

*Examples of procedures for paragraph (f)—*

- procedures for giving general and first-response evacuation instructions to new workers during their induction
- procedures for giving general evacuation instructions to workers in an electronic form and confirming the workers receive the instructions

(g) if the building is a high occupancy building—

(i) the name, telephone number and electronic contact details of the fire safety adviser appointed for the building; and

(ii) a description of the building fire safety qualification held by the fire safety adviser; and

(iii) the name of the registered training organisation that issued the qualification; and

(iv) the date the qualification was issued;

*Note—*

See also section 83 about compliance with paragraph (g).

(h) the name, telephone number and electronic contact details of each person responsible for carrying out the evacuation coordination procedures and the date each person became responsible for carrying out the procedures;

(i) the names, telephone numbers and electronic contact details of the persons responsible for the following matters—

(i) giving the fire and evacuation instructions under paragraph (f);

(ii) developing, changing and reviewing the plan.

(4) If a fire safety adviser has not been appointed because of section 34(3) and (4), subsection (3)(g) does not apply until the appointment.



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## 22 Requirements for managing entities

(1) This section applies to the managing entity of a multi-occupancy building for keeping the fire and evacuation plan for the building under this subdivision.

(2) The managing entity must ensure the fire and evacuation plan takes into account the evacuation coordination procedures stated in the fire and evacuation plans for all parts of the building occupied by secondary occupiers.

*Example of operation of subsection (2)—*

The fire and evacuation plan for a shop in a shopping centre provides for persons in the shop to assemble at a point (***point 'A'***) outside an exit of the shop in the general access area to await further instructions. The fire and evacuation plan kept by centre management for the shopping centre provides for evacuating persons from point 'A'.

Maximum penalty—30 penalty units.

## 23 Requirements for secondary occupiers

(1) This section applies to the secondary occupier of a part of a multi-occupancy building for keeping the fire and evacuation plan for the part of the building under this subdivision.

(2) The occupier must ensure the fire and evacuation plan for the part of the building complements the evacuation coordination procedures under the fire and evacuation plan kept by the managing entity for the building.

*Example of operation of subsection (2)—*

The fire and evacuation plan for part of an office block mentions the same designated assembly area mentioned in the fire and evacuation plan kept by the managing entity of the building.

Maximum penalty—30 penalty units.

## 24 Fire and evacuation plan to include and reflect fire safety management procedure

(1) Subsection (2) applies if building work for a building involved an alternative solution for a relevant performance requirement



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that includes a fire safety management procedure as a condition of the occupation and use of the building.

*Examples of fire safety management procedures—*

- a limitation on the use of finishes with fire hazard properties as defined under the BCA
- a prohibition on storing hazardous materials above a stated height
- a limitation on storing or using stated materials
- a requirement that all of a building's final exit doors be unlocked before it is occupied on the start of any day
- a requirement to implement stated evacuation strategies or procedures
- a restriction on the number and the distribution of a building's occupants
- a requirement that evacuation routes be kept clear of fittings and furnishings or be kept sterile
- a prohibition on carrying out any hazardous processes or storage mentioned in BCA, part E1.5, table E1.5, note 3, paragraph (a)

(2) The occupier of the building must ensure that—

(a) a record of the fire safety management procedure is included in the building's fire and evacuation plan; and

(b) the plan adequately reflects the procedure.

Maximum penalty—20 penalty units.

## 25 Relevant approval documents to be obtained and kept with fire and evacuation plan

(1) The occupier of a building must take reasonable steps to obtain the relevant approval documents for the building.

*Examples of a reasonable step for subsection (1)—*

asking the relevant local government, building certifier, building owner or manager for a copy of the relevant approval documents

Maximum penalty—20 penalty units.

(2) The occupier of a building must keep a relevant approval document for the building, or a copy of the document, with the building's fire and evacuation plan.



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Maximum penalty—20 penalty units.

(3) Despite subsections (1) and (2), the secondary occupier of a part of a multi-occupancy building is not required to take reasonable steps to obtain, or keep, a relevant approval document for the part of the building if the managing entity of the building has obtained the document.

(4) In this section—

***relevant approval document***, for a building, means an approval document for a building development application for the building that is relevant to a matter included in the fire and evacuation plan for the building.

*Examples of relevant approval documents for a building—*

- a list of required fire safety installations for the building and required special fire services applying to the building work
- a statement under the Building Act, section 68A or other supporting document for a building development application, about an alternative solution that includes a condition for occupation and use of the building

## Subdivision 2 Other matters relating to keeping fire and evacuation plans

### 26 Accessing a fire and evacuation plan

(1) The occupier of a building must—

(a) ensure the fire and evacuation plan for the building is made available for inspection in the building during its normal business hours; and

(b) allow an interested person to inspect the fire and evacuation plan free of charge.

Maximum penalty—20 penalty units.

(2) The occupier of a high occupancy building must allow the fire safety adviser for the building to—

(a) inspect the fire and evacuation plan for the building at any reasonable time; and



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(b) copy the plan.

Maximum penalty—20 penalty units.

(3) In this section—

***interested person***, in relation to the fire and evacuation plan for a building, means—

(a) a person the occupier of the building considers has a sufficient interest in the plan; or

(b) a person who is authorised by law to inspect the plan.

## 27 Changing a fire and evacuation plan

(1) The occupier of a building must change the fire and evacuation plan for the building no later than 1 month after a change in circumstances affecting—

(a) the plan's compliance with the requirements under section 21, 22, 23 or 24; or

(b) the implementation of the plan.

*Examples of a change in circumstances—*

- a person starting or ceasing to be responsible for carrying out evacuation coordination procedures in the building
- refurbishment or a change in the use of the building

Maximum penalty—30 penalty units.

(2) If the managing entity of a multi-occupancy building changes the fire and evacuation plan for the building under subsection (1), the entity must, no later than 1 month after the change, give a written notice about the change to—

(a) each secondary occupier in the building; and

(b) if the building is a high occupancy building—the fire safety adviser for the building.

Maximum penalty—20 penalty units.

(3) For subsection (2)(a), if 2 or more secondary occupiers jointly occupy a part of a building, the managing entity complies with



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the requirement to give the notice to the occupiers by giving the notice to 1 of the occupiers.

(4) If the secondary occupier of a part of a multi-occupancy building changes the fire and evacuation plan for the part of the building under subsection (1), the occupier must, no later than 1 month after the change, give a written notice about the change to—

(a) the managing entity of the building; and

(b) if the building is a high occupancy building—the fire safety adviser for the building.

Maximum penalty—20 penalty units.

### 28 Reviewing a fire and evacuation plan

(1) The occupier of a building must carry out a review of the fire and evacuation plan for the building at intervals of not more than 1 year.

Maximum penalty—20 penalty units.

(2) The occupier must—

(a) keep a written record of the review; and

(b) if the building is a high occupancy building—give a copy of the record to the fire safety adviser for the building within 1 month after the review.

Maximum penalty—20 penalty units.

## Division 3 Evacuation signs and diagrams

### 29 References to an *evacuation sign*

(1) An ***evacuation sign***, for a building, means a sign stating the procedures for safely evacuating the building, or the part of the building in which the sign is displayed, in the event of a fire or hazardous materials emergency.



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(2) A reference to an ***evacuation sign*** includes a reference to an evacuation sign on which an evacuation diagram is shown.

### 30 Evacuation signs and diagrams to be displayed

(1) The occupier of a building must display evacuation signs and evacuation diagrams for the building in compliance with subsections (2) and (3).

Maximum penalty—30 penalty units.

(2) Evacuation signs and evacuation diagrams for a building must be appropriately located on each evacuation route of the building having regard to the number and location of exits in the building.

(3) Each evacuation sign and evacuation diagram must be—

(a) displayed in a conspicuous position; and

(b) orientated so the direction of the route shown on the sign or diagram from the place in the building where the sign or diagram is displayed to the nearest exit of the building corresponds with the actual direction of the route from the place to the exit; and

(c) securely attached to a wall or the internal side of a door.

(4) This section does not apply if the total floor area of the building is less than 300m$^2$.

## Division 4 Instructions for prescribed persons—Fire Service Act, s 104E

### 31 Prescribed time and period for prescribed persons

At any given time, a person is a ***prescribed person*** for section 104E of the Fire Service Act if, during the previous 3 months, there have been at least 2 weeks in which the person worked or resided in or visited the building for a total period, in each week, of at least 10 hours.



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## Division 5 Fire and evacuation instructions—buildings used for temporary events

### 32 Fire and evacuation instructions

(1) This section applies to the occupier of a building if—

(a) the occupier intends to use the building mainly for conducting an event that the occupier reasonably expects members of the public to attend; and

(b) the event is to be conducted for no longer than 3 months.

(2) Before a person starts to work in the building, the occupier must give the person general evacuation instructions and first-response evacuation instructions for the building.

Maximum penalty—30 penalty units.

(3) Before the building is used for conducting the event, the occupier must give the evacuation coordination instructions for the building to the persons responsible for carrying out the evacuation coordination procedures under the fire and evacuation plan for the building.

Maximum penalty—30 penalty units.

## Division 6 Fire and evacuation instructions—other buildings

## Subdivision 1 Preliminary

### 33 Application of div 6

This division applies to buildings other than buildings to which section 32 applies.



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## Subdivision 2 Fire safety advisers

### 34 Appointment of fire safety advisers for high occupancy buildings

(1) Subject to subsections (3) and (4), the occupier of a high occupancy building must appoint a person who holds a current building fire safety qualification as the fire safety adviser for the building.

Maximum penalty—30 penalty units.

(2) If the occupier is the occupier of 2 or more high occupancy buildings, the occupier may appoint the same person as the fire safety adviser for 2 or more of the buildings.

(3) Subsection (4) applies if an entity (also the ***occupier***) starts to occupy a high occupancy building.

(4) The occupier is not required to appoint a fire safety adviser for the building until 1 month after the occupier starts to occupy the building.

(5) A person's appointment as a fire safety adviser ends if the person no longer holds a current building fire safety qualification.

(6) In this section—

***current building fire safety qualification*** means a building fire safety qualification issued within the last 3 years.

*Note—*

See section 83 about compliance with subsections (1) to (4).

## Subdivision 3 General evacuation instructions

### 35 General evacuation instructions

(1) Subject to subsections (2) to (4), the occupier of a building must give general evacuation instructions for the building to each person working in the building at intervals of not more than 1 year.



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Maximum penalty—30 penalty units.

(2) The occupier must give general evacuation instructions for the building to a person who starts working in the building no later than 2 days after the person starts working in the building.

Maximum penalty—30 penalty units.

(3) Subsection (4) applies if there is a material change to—

(a) the location of a fire safety reference point for the building; or

(b) the procedures for evacuating the building safely in the event of a fire or hazardous materials emergency.

(4) The occupier must give the general evacuation instructions for the building, as changed, to each person working in the building no later than 1 month after the change.

Maximum penalty—30 penalty units.

## Subdivision 4 First-response evacuation instructions

### 36 General requirements

(1) Subject to subsections (2) to (4), the occupier of a building must give first-response evacuation instructions for the building to each person working in the building at intervals of not more than 2 years.

*Examples of ways in which first-response evacuation instructions may be given—*

by a CD or the internet

Maximum penalty—30 penalty units.

(2) The occupier must give first-response evacuation instructions for the building to a person who starts working in the building no later than 1 month after the person starts working in the building.



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Maximum penalty—30 penalty units.

(3) Subsection (4) applies if there is a material change to the method of operation of a manually operated fire alarm or firefighting equipment in the building.

(4) The occupier of the building must give the first-response evacuation instructions for the building, as changed, to each person working in the building no later than 1 month after the change.

Maximum penalty—30 penalty units.

### 37 Additional requirement for high occupancy buildings

(1) This section applies to the occupier of a high occupancy building for giving first-response evacuation instructions for the building under section 36.

(2) The occupier must ensure—

(a) the instructions are given by a registered training organisation; or

(b) the fire safety adviser for the building gives the instructions or arranges for the instructions to be given.

Maximum penalty—30 penalty units.

*Note—*

See section 83 about compliance with this section.

## Subdivision 5 Evacuation coordination instructions

### 38 General requirements

(1) The occupier of a building must give the evacuation coordination instructions for the building, at intervals of not more than 1 year, to the persons responsible for carrying out the evacuation coordination procedures under the building's fire and evacuation plan (the ***responsible persons***).



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Maximum penalty—30 penalty units.

(2) Subsection (1) is subject to subsections (3) and (4) and sections 39 and 40.

(3) Subsection (4) applies if there is a material change to an evacuation coordination procedure.

(4) The occupier must give the evacuation coordination instructions, as changed, to the responsible persons no later than 1 month after the change.

Maximum penalty—30 penalty units.

## 39 Requirements for instructing new persons

(1) This section applies if a person is to become responsible for carrying out an evacuation coordination procedure under the building's fire and evacuation plan.

(2) The occupier must give the evacuation coordination instructions to the person within 1 month before the person becomes responsible for carrying out the evacuation coordination procedure.

Maximum penalty—30 penalty units.

## 40 Requirements for new occupiers

(1) This section applies if an entity starts to occupy a building.

(2) The entity must, within 2 months after starting to occupy the building, give the evacuation coordination instructions for the building to the persons responsible for carrying out the evacuation coordination procedures under the building's fire and evacuation plan.

Maximum penalty—30 penalty units.



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### 41 Additional requirements for high occupancy buildings

(1) This section applies to the occupier of a high occupancy building for giving evacuation coordination instructions for the building under this subdivision.

(2) The occupier must ensure the fire safety adviser for the building—

(a) is familiar with the evacuation coordination procedures for the building; and

(b) gives the evacuation coordination instructions or arranges for the instructions to be given.

Maximum penalty—30 penalty units.

*Note—*

See section 83 about compliance with this section.

## Division 7 Evacuation practice

### 43 Evacuation practice—budget accommodation buildings

(1) This section applies to the occupier of a budget accommodation building.

(2) The occupier must ensure that an evacuation of the building is carried out in accordance with the building's fire and evacuation plan at intervals of not more than 1 year.

Maximum penalty—30 penalty units.

### 44 Evacuation practice—other buildings

(1) This section applies to the occupier of a building other than a budget accommodation building.

(2) The occupier of the building must ensure that an evacuation of the building is carried out—

(a) by an appropriate number of persons; and

(b) in an appropriate way; and



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(c) at intervals of not more than 1 year.

*Examples of operation of subsection (2)—*

1 A public hospital administrator responsible for the hospital's fire and evacuation plan considers that an evacuation practice for staff and patients of the hospital's intensive care unit would adversely affect the patients' health. For carrying out an evacuation of the intensive care unit for this section, the administrator arranges to run a computer program that simulates evacuation of the staff and patients from the unit.

2 The managing agent for an apartment block has made reasonable efforts to contact residents of the building to organise a practice evacuation but some residents are absent and others are sick. The agent arranges an evacuation at a time when most of the residents are present. The agent also arranges for some residents to evacuate from different parts of the building's general access area to simulate evacuation of the residents who live near those parts.

Maximum penalty—30 penalty units.

(3) In this section—

***appropriate number of persons***, for carrying out an evacuation of a building, means the number of persons that is appropriate for effectively implementing the building's fire and evacuation plan, having regard to the number, mobility and other relevant characteristics of persons who would be likely to need to be evacuated from the building in the event of a fire or hazardous materials emergency.

***appropriate way***, for carrying out an evacuation of a building, means a way that is appropriate for effectively implementing the building's fire and evacuation plan, having regard to the number, mobility and other relevant characteristics of persons who would be likely to need to be evacuated from the building in the event of a fire or hazardous materials emergency.

## Division 8 Records

### 45 Fire and evacuation instruction record

(1) The occupier of a building must keep a record (a ***fire and evacuation instruction record***), complying with



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subsection (2), for each occasion fire and evacuation instructions for the building are given to a person.

Maximum penalty—20 penalty units.

(2) The fire and evacuation instruction record must state the following—

(a) the name of each person who was given the instructions;

(b) the name of the person who gave the instructions;

(c) the date the instructions were given;

(d) a brief description of the instructions given.

### 46 Evacuation practice record

(1) The occupier of a building must keep a record (an ***evacuation practice record***), complying with subsection (2), of each evacuation of the building carried out under section 43 or 44.

Maximum penalty—20 penalty units.

(2) The evacuation practice record must state the following—

(a) the date of the evacuation;

(b) the times when the evacuation started and ended;

(c) any action to be taken as a result of the evacuation, including, for example, carrying out a review of the building's fire and evacuation plan or giving additional fire and evacuation instructions.

## Division 9 Obligation of owners of accommodation units

### 47 Meaning of *accommodation unit*

(1) In this division, an ***accommodation unit*** means an apartment, room or other part of a building, used for providing accommodation to a person.



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*Examples of an accommodation unit—*

- an apartment used by holidaymakers
- a serviced apartment
- a room in a guesthouse, hotel or motel used for accommodating guests

(2) However, an ***accommodation unit*** does not include a part of a building occupied by a person who owns, or is a tenant of, the part of the building.

## 48 Signs to be displayed in accommodation units

(1) The owner of an accommodation unit in a building must display in the unit a sign that—

(a) shows the location of—

(i) each route from the unit to a place of safety outside the building; and

(ii) firefighting equipment and manually operated fire alarms in and near to the unit; and

(b) states the procedures for safely evacuating the building in the event of a fire or hazardous materials emergency.

Maximum penalty—30 penalty units.

(2) The sign must be—

(a) displayed in a conspicuous place in the accommodation unit; and

(b) orientated so the direction of the route shown on the sign from the place in the building where the sign is displayed to the nearest exit of the building corresponds with the actual direction of the route from the place to the exit; and

(c) securely attached to a wall or the internal side of a door in the unit.

Maximum penalty—30 penalty units.



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# Part 5 Prescribed fire safety installations

## Division 1 Definition for pt 5

### 49 Meaning of *critical defect*

A defect in a prescribed fire safety installation for a building is a ***critical defect*** if—

(a) the defect is likely to render the installation inoperable; and

(b) the defect is reasonably likely to have a significant adverse impact on the safety of occupants of part or all of the building if a fire or hazardous materials emergency happens.

*Examples of critical defects—*

- a defect making a fire detection and alarm system inoperable
- a defect in a pump making the fire hydrants for a building inoperable

*Example of a defect that is not a critical defect—*

a defect that makes inoperable only 1 of several standard fire extinguishers in a part of a building

## Division 2 Obligations of persons maintaining prescribed fire safety installations

### 50 Maintenance of prescribed fire safety installations—QDC, part MP6.1

(1) This section applies to a person carrying out maintenance of a prescribed fire safety installation.

(2) The person must carry out the maintenance of the installation in compliance with QDC, part MP6.1.

Maximum penalty—30 penalty units.



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### 53 Notifying critical defects

(1) This section applies if a person who is carrying out, or has carried out, maintenance of a prescribed fire safety installation for a building, becomes aware, or ought reasonably to be aware, of a critical defect in the installation.

(2) The person must give the occupier of the building a notice about the defect in the approved form (a ***critical defect notice***) within 24 hours after the person carries out the maintenance of the installation.

Maximum penalty—30 penalty units.

*Note—*

Under QDC, part MP6.1, the occupier of the building must attach to the relevant occupier statement any critical defect notice given under this section.

## Division 3 Obligations of occupiers

### 54 Maintenance of prescribed fire safety installations

(1) The occupier of a building must ensure that maintenance of each prescribed fire safety installation for the building is carried out by an appropriately qualified person.

Maximum penalty—30 penalty units.

(2) The occupier of a building must ensure each prescribed fire safety installation for the building is inspected and tested at intervals in compliance with QDC, part MP6.1.

Maximum penalty—30 penalty units.

(3) Subsection (4) applies if the record of maintenance for a prescribed fire safety installation for a building shows that repair or other corrective action is required for the installation.

(4) The occupier of the building must ensure the repair is carried out or the corrective action is taken no later than 1 month after the maintenance of the installation was carried out, unless the occupier has a reasonable excuse.



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*Examples of a reasonable excuse—*

- No appropriately qualified person was available to attend the occupier's premises to carry out the repair or take the corrective action because of the remoteness of the building's location.
- The repair or corrective action was not able to be finished because of the complexity of the work involved or delay in obtaining parts required for the repair or corrective action.

Maximum penalty—30 penalty units.

## 55 Keeping record of maintenance

(1) The occupier of a building must keep a record of maintenance, in compliance with subsections (2) and (3), for the maintenance of each prescribed fire safety installation for the building.

Maximum penalty—20 penalty units.

(2) The record of maintenance must state each of the following—

(a) a description of the prescribed fire safety installation on which the maintenance was carried out;

(b) if the maintenance was carried out by an appropriately qualified person—the name and licence number of the person who carried out the maintenance;

(c) if the maintenance was not carried out personally by an appropriately qualified person—the name and licence number of the appropriately qualified person under whose personal supervision the maintenance was carried out;

(d) the date the maintenance was carried out (the ***maintenance date***);

(e) a brief description of the maintenance carried out;

(f) that the maintenance was carried out in compliance with QDC, part MP6.1;

(g) the results of the maintenance of the installation, including—



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(i) whether or not the person carrying out the maintenance considered the installation was in proper working order; and

(ii) the details of any repair or other corrective action the person considered was required for the installation; and

(iii) the details, including the date, of any repairs made to the installation or any other corrective action taken.

(3) Also, the record of maintenance must include—

(a) a statement, signed by the person who carried out the maintenance, certifying that the matters stated in the record of maintenance under subsection (2) are correct; and

(b) if the occupier has been given a critical defect notice relating to a prescribed fire safety installation mentioned in the record of maintenance—the notice.

## 55A Occupier statements

(1) The occupier of a building must, at intervals in compliance with QDC, part MP6.1, prepare a statement (an ***occupier statement***) that complies with the part about the maintenance of each prescribed fire safety installation for the building.

Maximum penalty—20 penalty units.

(2) The occupier must keep a copy of each occupier statement with the record of maintenance for 2 years after the statement is prepared.

Maximum penalty—20 penalty units.

(3) The occupier must, within 10 business days after the occupier is required to prepare an occupier statement, give the commissioner a copy of the statement.

Maximum penalty—20 penalty units.



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### 55B Record-keeping requirements for occupiers of particular buildings

(1) This section applies to the following—

(a) the occupier of a budget accommodation building for which a fire safety management plan is required under the Building Act, section 27, or the Fire Service Act, section 104FA;

(b) the occupier of a building used for conducting a residential service for which a fire safety management plan is required under the *Residential Services (Accreditation) Act 2002*, section 75.

(2) The occupier must keep with the fire safety management plan for the building—

(a) the record of maintenance for the building; and

(b) the occupier statements prepared under section 55A for the building.

Maximum penalty—20 penalty units.

# Part 6 Fees for assessment and inspection of required special fire services

## Division 1 Preliminary

### 56 Meaning of *special fire service fee*

The ***special fire service fee*** for a required special fire service stated in schedule 2, part 2, column 1, for stated building work, means the fee worked out using the formula—

**SFSF = BF x SFS%**

where—



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***SFSF*** means the special fire service fee for the required special fire service.

***BF*** means the base fee for the stated building work.

***SFS%*** means the percentage for the required special fire service stated in schedule 2, part 2, column 2, opposite the required special fire service.

## 57 Payment of fees and costs for assessment services

(1) The service may require an applicant for stated building work to pay a deposit on account of—

(a) a fee for a service (an ***assessment service***) to be provided under this part; or

(b) costs relating to an assessment service to be incurred under this part.

(2) A deposit under subsection (1) must be no more than 50% of the fee or costs estimated by the service.

(3) Subsection (4) applies if a fee for, or costs relating to, an assessment service are not paid, or are not paid in full, before the assessment service is provided.

(4) The applicant for whom the assessment service has been provided must pay the amount, or the balance, of the fee or costs within 14 days after the service gives the person a notice stating the amount payable.

(5) If the applicant does not pay the amount stated in a notice under subsection (4) within the 14-day period, the service may recover the amount from the applicant as a debt.



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## Division 2 Assessment and inspection of required special fire services—no fire engineering brief

### 58 Application of div 2

This division applies to an applicant for stated building work other than an applicant to whom division 3 applies.

### 59 Base fee for stated building work involving fitting out

(1) This section applies if—

(a) stated building work involves the fitting out of a building that has a special fire service installed; and

(b) the fitting out does not require the replacement or alteration of a special fire service; and

(c) the building does not require a BCA classification change.

(2) An applicant for the stated building work must pay the service the base fee for the stated building work.

### 60 Fees for assessing and inspecting required special fire services for other stated building work

(1) This section applies to an applicant for stated building work other than stated building work mentioned in section 59.

(2) The applicant must pay the service the following fees for assessment and inspection of the required special fire services for the stated building work—

(a) the base fee for the stated building work;

(b) the special fire service fee for each required special fire service for the stated building work.



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## Division 3 Assessment and inspection of required special fire services—fire engineering brief

### 61 Application of div 3

This division applies to an applicant for stated building work if the applicant asks the service to assess a fire engineering brief for the stated building work.

### 62 Fees for assessing and inspecting required special fire services

(1) An applicant for stated building work must pay the service the following fees—

(a) the assessment and inspection fee for the stated building work under subsection (2);

(b) the research fee stated in schedule 2, part 3, for evaluation of the number of subsystems relevant to the stated building work;

(c) the fire engineering brief consultation fee stated in schedule 2, part 3;

(d) the fire engineering brief meeting fee stated in schedule 2, part 3, for each fire engineering brief meeting attended by a representative of the service.

(2) The assessment and inspection fee for stated building work must be worked out using the formula—

**AIF = (BF + TSFSF) x 2**

where—

***AIF*** means the assessment and inspection fee for the stated building work.

***BF*** means the base fee for the stated building work.

***TSFSF*** means the total of the special fire service fees for the required special fire services for the stated building work.



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## 63 Minor performance meeting fee

(1) This section applies if—

(a) stated building work is under construction; and

(b) the applicant for the stated building work asks a representative of the service to attend a minor performance meeting in relation to the stated building work.

(2) The applicant must pay the service—

(a) the research fee for evaluation of 1 subsystem stated in schedule 2, part 3; and

(b) the minor performance meeting fee stated in schedule 2, part 3.

(3) In this section—

***minor performance meeting***, in relation to stated building work, means a meeting with the building certifier for the stated building work to consider and decide on a proposed alternative solution for the stated building work.

## 64 Costs for attending fire engineering brief meetings—travel and accommodation

(1) This section applies if—

(a) an applicant for stated building work asks a representative of the service to attend a fire engineering brief meeting about the stated building work; and

(b) the representative is required to travel more than 200km to attend the fire engineering brief meeting.

(2) The applicant must pay the service the reasonable travelling and accommodation costs of the representative attending the meeting.



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## Division 4 Other fees for assessment and inspection of required special fire services

### 65 Reassessment fee for amended plans

(1) This section applies if an applicant for stated building work asks the service to assess amended plans for the stated building work.

(2) The applicant must pay the service the reassessment fee stated in schedule 2, part 4, for assessing the amended plans.

### 66 Fee for interim inspection of required special fire service

(1) This section applies if an applicant for stated building work asks the service to carry out an interim inspection of a required special fire service for the stated building work.

(2) The applicant must pay the service the general inspection fee stated in schedule 2, part 4, for carrying out the interim inspection.

### 67 Fee for inspection of required special fire service for temporary building

(1) This section applies if the service carries out an inspection of a required special fire service for stated building work for giving a report under section 64(2) of the Building Act.

(2) The applicant for the stated building work must pay the service the general inspection fee stated in schedule 2, part 4, for carrying out the inspection.

### 68 Fee for additional inspection of required special fire service

(1) This section applies if—



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(a) the service has carried out an inspection, other than an interim inspection, of a required special fire service for stated building work; and

(b) the applicant for the stated building work asks the service to carry out another inspection (an ***additional inspection***) of the required special fire service for the stated building work.

(2) The applicant must pay the service the reinspection fee stated in schedule 2, part 4, for carrying out the additional inspection.

### 69 Fee for inspection of special fire service for approving BCA classification change

(1) This section applies if the service carries out an inspection of a special fire service in a building for giving a report under section 112(4) of the Building Act.

(2) The owner of the building must pay the service the general inspection fee stated in schedule 2, part 4, for carrying out the inspection.

# Part 7 Miscellaneous

## Division 1 Documents

### 70 False or misleading documents

(1) A person must not give an authorised fire officer a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—30 penalty units.

(2) Subsection (1) does not apply to a person, if the person, when giving the document—



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(a) tells the authorised fire officer, to the best of the person's ability, how it is false or misleading; and

(b) if the person has, or can reasonably obtain, the correct information, gives the correct information.

(3) In this section—

***document*** means—

(a) a prescribed document for a building; or

(b) a document about the maintenance of prescribed fire safety installations for a building, including, for example, a record required under an Australian Standard mentioned in QDC, part MP6.1.

## 71 Keeping plans and other particular documents

(1) This section applies to—

(a) the owner of a budget accommodation building for which a fire safety management plan is required under section 27 of the Building Act or section 104FA of the Fire Service Act; or

(b) the occupier of a building used for conducting a residential service for which a fire safety management plan is required under the *Residential Services (Accreditation) Act 2002*, section 75; or

(c) the occupier of a building who is required to keep—

(i) a fire and evacuation plan for the building under section 104E(1)(a) of the Fire Service Act; or

(ii) a prescribed document for the building under this regulation.

(2) The owner or occupier must keep a copy of the plan or document—

(a) in the building; and

(b) in a secure place in other premises.

Maximum penalty—20 penalty units.



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(3) For subsection (2), if a copy of a plan or document is kept in electronic form at a place, the information contained in the electronic form of the plan or document must be readily accessible at the place so as to be usable for subsequent reference.

## 72 Retention and transfer of prescribed documents

(1) This section applies to a person, other than a public authority, who is the occupier of a building.

(2) Subject to subsections (4) and (5), the occupier of a building must keep a prescribed document for the building—

(a) for at least 2 years after the document was made (the ***retention period***); or

(b) if the document includes entries for more than 1 day—for at least 2 years after the last day for which an entry was made in the document (also the ***retention period***).

Maximum penalty—20 penalty units.

(3) Subsection (2) applies whether the prescribed document or an entry in the document—

(a) was made before the person became the occupier of the building; or

(b) is made while the person is the occupier of the building.

(4) Subsection (5) applies if, during the retention period for a prescribed document for a building—

(a) the person who is the occupier of the building (the ***former occupier***) stops being the occupier of the building; and

(b) another person (the ***current occupier***) becomes the occupier of the building.

(5) The former occupier must give the prescribed document to the current occupier no later than 1 month after the former occupier stops being the occupier of the building.



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Maximum penalty—20 penalty units.

(6) In this section—

***public authority*** see the *Public Records Act 2002*, schedule 2.

## Division 2 Fees

### 74 Preliminary meeting fee for proposed building development application

(1) This section applies if a person who proposes to make a building development application asks a representative of the service to attend a meeting (a ***preliminary meeting***) to discuss the application.

(2) The person must pay the service the following fees—

(a) for attendance of the representative at the first preliminary meeting requested by the person—

(i) for the first hour of the meeting—nil; and

(ii) for each additional hour, or part of an hour, of the meeting—$568.20;

(b) for attendance of the representative at a later preliminary meeting—for each hour, or part of an hour, of the meeting—$568.20.

### 75 Fee for fire safety report for a building

(1) This section applies if a person with an interest in a building gives the service a written request for a fire safety report for the building.

*Example of a person with an interest in a building—*

a prospective purchaser of a building

(2) The request must be accompanied by a fee of $142.80.

(3) In this section—



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***fire safety report***, for a building, means a report about the safety of the building, including, for example, any of the following matters—

(a) whether a requisition relating to the building has been given under section 69 of the Fire Service Act, and, if so, whether the occupier of the building has complied with the requisition;

(b) whether the commissioner has given the occupier or owner of the building a notice under section 104G(1) of the Fire Service Act, and, if so, whether the occupier or owner has complied with the notice;

(c) whether the service has carried out an inspection of the building and, if so, the results of the inspection;

(d) whether a fire or hazardous materials emergency has happened in the building, and, if so, the results of an investigation by the service relating to the fire or emergency.

# Part 8 Repeal

## 76 Repeal of regulations

The following regulations are repealed—

- Building Fire Safety Regulation 1991 SL No. 187
- Building Fire Safety Amendment Regulation (No. 1) 1993 SL No. 200.



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# Part 9 Transitional provisions

## Division 1 Preliminary

### 77 Definitions for pt 9

In this part—

***commencement*** means the commencement of this section.

***repealed regulation*** means the repealed *Building Fire Safety Regulation 1991*.

## Division 2 Evacuation planning, instruction and practice

## Subdivision 1 Fire and evacuation plans and instructions

### 78 Application of sdiv 1

This subdivision applies to the occupier of a building if—

(a) the occupier—

(i) occupied the building immediately before the commencement and has continued to occupy the building since the commencement; and

(ii) has kept a fire and evacuation plan for the building; and

(b) the use of the building, including its classification under the Building Code of Australia, has not changed since the commencement.



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## 79 Compliance with particular requirements about fire and evacuation plans

The occupier of the building is not required to comply with part 4, division 2 until 1 year after the commencement.

## 80 Relevant former instructions may be given instead of general evacuation instructions

(1) This section applies to the occupier of the building for giving a person general evacuation instructions for the building under section 32(2) or 35(2) or (4).

(2) The occupier may give the person relevant former instructions for the building under section 32(2) or 35(2) or (4) instead of the general evacuation instructions.

(3) If, under subsection (2), the occupier gives a person relevant former instructions for the building the occupier is taken to have given the person general evacuation instructions for the building on the day the relevant former instructions were given.

(4) Subsection (2) stops applying 1 year after the commencement.

(5) In this section—

***relevant former instructions***, for a building, means instructions relating to the building about the matters mentioned in section 11(2)(a) and (b) of the repealed regulation.

## 81 Relevant former instructions may be given instead of first-response evacuation instructions

(1) This section applies to the occupier of the building for giving a person first-response evacuation instructions for the building under section 32(2) or 36(2) or (4).

(2) The occupier may give the person relevant former instructions for the building under section 32(2) or 36(2) or (4) instead of the first-response evacuation instructions.



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(3) If, under subsection (2), the occupier gives a person relevant former instructions for the building the occupier is taken to have given the person first-response evacuation instructions for the building on the day the relevant former instructions were given.

(4) Subsection (2) stops applying 1 year after the commencement.

(5) In this section—

***relevant former instructions***, for a building, means instructions relating to the building about the matters mentioned in section 11(2)(c) of the repealed regulation.

## 82 Relevant former instructions may be given instead of evacuation coordination instructions

(1) This section applies to the occupier of the building for giving a person evacuation coordination instructions for the building under section 32(3) or 38(4).

(2) The occupier may give relevant former instructions for the building under section 32(3) or 38(4) instead of the evacuation coordination instructions but only if the occupier gives the relevant former instructions to each person working in the building.

(3) If, under subsection (2), the occupier gives a person relevant former instructions for the building the occupier is taken to have given the person evacuation coordination instructions for the building on the day the relevant former instructions were given.

(4) Subsection (2) stops applying 1 year after the commencement.

(5) In this section—

***relevant former instructions***, for a building, means instructions relating to the building about the matters mentioned in section 11(2)(d) and (e) of the repealed regulation.



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## Subdivision 2 Fire safety advisers

### 83 Compliance with particular requirements about fire safety advisers

An entity that is the occupier of a high occupancy building is not required to comply with section 21(3)(g), 34(1) to (4), 37 or 41 within the following period—

(a) if the entity starts to occupy the building within 1 year after the commencement, the later of the following—

(i) 1 year after the commencement;

(ii) 1 month after the entity starts to occupy the building;

(b) if paragraph (a) does not apply—1 year after the commencement.

## Subdivision 3 Evacuation practice for particular buildings

### 84 Evacuation practice in continuously occupied budget accommodation buildings

(1) This section applies if—

(a) the occupier of a budget accommodation building occupied the building immediately before the commencement and has continued to occupy the building since the commencement; and

(b) the use of the building, including its classification under the Building Code of Australia, has not changed since the commencement.

(2) The occupier must ensure that an evacuation of the building under the building's fire and evacuation plan is carried out—

(a) if a former evacuation of the building was carried out within 1 year immediately before the



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commencement—within 1 year after the day the former evacuation was carried out; or

(b) otherwise—within 3 months after the commencement.

Maximum penalty—30 penalty units.

(3) In this section—

***former evacuation*** means an evacuation under section 13A(1) of the repealed regulation.

## Division 3 Maintenance of prescribed fire safety installations

### 85 Particular persons taken to be appropriately qualified persons

(1) This section applies to a person who holds a current certificate of accreditation, issued by the Fire Protection Industry Board, relating to a prescribed fire safety installation of a particular type.

(2) The person is taken to be an appropriately qualified person under section 54(1) for carrying out maintenance of a prescribed fire safety installation of that type.

(3) Subsection (2) applies until 1 January 2011.

(4) For subsection (1), a reference in a certificate of accreditation to the Fire Protection Contractors Registration Board of Queensland Inc. is taken to be a reference to the Fire Protection Industry Board.

## Division 4 Records

### 86 Keeping former records

(1) This section applies if, immediately before the commencement, the occupier of a building was required to keep a former record for the building.



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(2) Section 72 applies to the occupier of the building as if the former record were a prescribed document for the building.

(3) In this section—

***former record***, for a building, means any of the following—

(a) a record of fire instruction under section 12(1) of the repealed regulation;

(b) a record of an evacuation under section 13A(2) of the repealed regulation;

(c) a certificate of maintenance under section 15(2)(a) of the repealed regulation;

(d) a record of maintenance under section 16(2) of the repealed regulation.

## Division 5 Fees for assessment and inspection of special fire services

### 87 Relevant former reassessment fee

(1) This section applies if —

(a) before the commencement—

(i) a person submitted amended plans and specifications for stated building work for approval; and

(ii) the service did not finish reassessing the required special fire services for the stated building work under section 24(2) of the repealed regulation; and

(b) the person has not paid the relevant former reassessment fee for the reassessment.

(2) For reassessing, and paying the relevant former reassessment fee for, the required special fire services for the stated building work, section 24 of the repealed regulation, as it was in force on the day the service started the reassessment, continues to apply as if the section had not been amended or repealed.



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(3) In this section—

***relevant former reassessment fee***, for reassessment of required special fire services, means—

(a) if the reassessment started before 8 February 2008—the fee stated in section 24(5), definition *reassessment fee* of the repealed regulation, as it was in force on the day the reassessment started; or

(b) if the reassessment started on or after 8 February 2008—the reassessment fee stated in schedule 3 of the repealed regulation, as it was in force on that day.

## 88 Relevant former reinspection fee

(1) This section applies if—

(a) before the commencement—

(i) a person made a request under section 25(1)(b) or (2)(b) of the repealed regulation for the service to inspect special fire services; and

(ii) the service did not finish inspecting the special fire services; and

(b) the person has not paid the relevant former reinspection fee for the inspection.

(2) For inspecting, and paying the relevant former reinspection fee for, the special fire services, section 25 of the repealed regulation, as it was in force on the day the service started the inspection, continues to apply as if the section had not been amended or repealed.

(3) In this section—

***relevant former reinspection fee***, for inspection of required special fire services means—

(a) if the inspection started before 8 February 2008—the fee stated in section 25(5), definition *reinspection fee* of the repealed regulation, as it was in force on the day the inspection started; or



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(b) if the inspection started on or after 8 February 2008—the reinspection fee stated in schedule 3 of the repealed regulation, as it was in force on that day.

## 89 Relevant former alternative solution fee

(1) This section applies if—

(a) before the commencement—

(i) a meeting (the ***relevant alternative solution meeting***) under section 27(1)(b) of the repealed regulation was held for considering and deciding on a proposed alternative solution for stated building work; and

(ii) the service did not decide on the proposed alternative solution; and

(b) the applicant for the stated building work has not paid the relevant former alternative solution fee for considering, and deciding on, the proposed alternative solution.

(3) For considering and deciding on, and paying the relevant former alternative solution fee for, the proposed alternative solution for the stated building work, section 27 of the repealed regulation, as it was in force on the day the relevant alternative solution meeting was held, continues to apply as if the section had not been amended or repealed.

(4) In this section—

***relevant former alternative solution fee***, for a proposed alternative solution for stated building work, means the fee stated in section 27(2) of the repealed regulation, as it was in force on the day the relevant alternative solution meeting was held, for considering, and deciding on, the proposed alternative solution.

## 90 Fire engineering brief meeting fee

(1) This section applies if—



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(a) before the commencement—

(i) a person applied under section 28(1) of the repealed regulation for approval of a proposed fire engineering design brief for stated building work; and

(ii) an authorised representative of the service attended a former fire engineering brief meeting relating to the approval of the proposed fire engineering design brief; and

(iii) the service had not decided whether or not to approve the proposed fire engineering design brief; and

(b) the person has not paid the former fire engineering design brief meeting fee for the attendance of the representative of the service at the former fire engineering brief meeting.

(2) For assessing the fire engineering design brief for the stated building work—

(a) section 61 applies as if the reference to a fire engineering brief were a reference to the proposed fire engineering design brief; and

(b) section 62(1)(d) applies as if the reference to each fire engineering brief meeting included a reference to each former fire engineering brief meeting; and

(c) schedule 2, part 3, item 3 applies as if a reference to a meeting included a reference to a former fire engineering brief meeting.

(3) In this section—

***former fire engineering brief meeting*** means a fire engineering brief meeting under section 28(2)(d) of the repealed regulation.

***former fire engineering design brief meeting fee*** means the fire engineering design brief meeting fee stated in schedule 3 of the repealed regulation.



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# Schedule 2 Fees for assessment and inspection of required special fire services

sections 56, 59, 60, 62, 63 and 65 to 69

## Part 1 Base fee for stated building work

| | Area of stated building work | Base fee |
|---|---|---|
| | | $ |
| 1 | Base fee for stated building work that is to have a floor area of not more than 700m$^2$ | 1477.30 |
| 2 | Base fee for stated building work that is to have a floor area of more than 700m$^2$ but not more than 1100m$^2$ | 2660.70 |
| 3 | Base fee for stated building work that is to have a floor area of more than 1100m$^2$ but not more than 1500m$^2$ | 3254.85 |
| 4 | Base fee for stated building work that is to have a floor area of more than 1500m$^2$ but not more than 2000m$^2$ | 3564.95 |
| 5 | Base fee for stated building work that is to have a floor area of more than 2000m$^2$ | 3719.95 plus $28.25 for each 100m$^2$, or part of 100m$^2$, over 2000m$^2$ |



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# Part 2 Percentages for calculating special fire service fees

| | Column 1<br>Special fire service | Column 2<br>Percentage |
|---|---|---|
| 1 | fire mains (other than fire mains that connect only fire hose reels | 25% |
| 2 | fire hydrants | 10% |
| 3 | sprinklers (other than wall-wetting sprinklers) | 15% |
| 4 | wall-wetting sprinklers | 10% |
| 5 | special automatic fire suppression systems (including foam, deluge and gas flooding systems) | 10% |
| 6 | fire detection and alarm systems (other than stand-alone smoke alarms not required to be interconnected or connected to a fire indicator panel) | 40% |
| 7 | fire control centres | 10% |
| 8 | stairwell pressurisation systems | 40% |
| 9 | air-handling systems used for smoke control | 10% |
| 10 | smoke and heat venting systems | 10% |
| 11 | smoke exhaust systems | 40% |
| 12 | emergency warning and intercommunication systems | 20% |
| 13 | emergency lifts | 10% |
| 14 | vehicular access for large isolated buildings | 15% |
| 15 | services provided under conditions imposed under section 79 of the Building Act | 20% |
| 16 | services required under the BCA, clause E1.10 | 20% |



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# Part 3 Additional assessment and inspection fees for fire engineering briefs

| | | $ |
|---|---|---|
| 1 | Research fee— | |
| | (a) for evaluation of 1 subsystem | 1446.55 |
| | (b) for evaluation of 2 to 5 subsystems | 2376.50 |
| | (c) for evaluation of more than 5 subsystems | 4753.40 |
| 2 | Fire engineering brief consultation fee | 4546.70 |
| 3 | Fire engineering brief meeting fee— | |
| | (a) for attendance at not more than 3 fire engineering brief meetings | nil |
| | (b) for attendance at the fourth and each subsequent fire engineering brief meeting—for each hour, or part of an hour, of the meeting | 568.20 |
| 4 | Minor performance meeting fee | 1477.30 |

# Part 4 Other assessment and inspection fees

| | | $ |
|---|---|---|
| 1 | Reassessment fee for assessing amended plans—for each hour, or part of an hour, during which the service assesses amended plans | 568.20 |
| 2 | General inspection fee for an interim inspection or inspection—for each hour, or part of an hour, of the inspection | 568.20 |
| 3 | Reinspection fee for an additional inspection— | |



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| | | $ |
|---|---|---|
| (a) | for the first hour, or part of the first hour, of the inspection | 1136.50 |
| (b) | for each additional hour, or part of an additional hour, of the inspection | 568.20 |



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# Schedule 3 Dictionary

section 3

***accommodation unit*** see section 47.

***applicant***, for stated building work, means a person who has applied for building development approval for the stated building work.

***appropriately qualified person***, for carrying out maintenance of a prescribed fire safety installation of a particular type, means a person who holds a licence of a class or type, or with an endorsement—

(a) that is—

(i) if the installation is a water-based fire safety installation—

(A) stated in the *Plumbing and Drainage Regulation 2003*, schedule 2, items 4 to 6; or

(B) stated in the *Plumbing and Drainage Regulation 2003*, schedule 3, items 4 and 5; or

(C) stated in the *Queensland Building and Construction Commission Regulation 2003*, schedule 2A; or

(ii) otherwise—stated in the *Queensland Building and Construction Commission Regulation 2003*, schedule 2A; and

(b) for which the scope of work includes the maintenance of installations of that type.

***approved building fire safety course*** means a course that the chief executive is satisfied gives adequate instructions about safety and other procedures relating to fires and hazardous materials emergencies in or affecting buildings, including, for example, instructions about the following—



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(a) developing and keeping fire and evacuation plans;

(b) evacuation coordination procedures;

(c) the method of operation of firefighting equipment and manually operated fire alarms.

***base fee***, for stated building work, means the base fee for the stated building work stated in schedule 2, part 1.

***building*** see section 104A of the Fire Service Act.

***Building Act*** means the *Building Act 1975*.

***building fire safety qualification*** means a qualification issued by a registered training organisation to a person—

(a) who has successfully completed an approved building fire safety course; and

(b) whom the organisation is satisfied has attained the skills and knowledge required for the issue of the qualification.

***carry out***, in relation to maintenance for a prescribed fire safety installation, means—

(a) carry out the maintenance personally; or

(b) cause the maintenance to be carried out.

***common area*** see section 6.

***critical defect*** see section 49.

***critical defect notice*** see section 53(2).

***designated assembly area***, for a building or a part of a building, means a place of safety outside the building where persons evacuating the building or the part are expected to assemble under the building's fire and evacuation plan.

***door*** includes a gate.

***evacuation coordination instructions***, for a building, means instructions about carrying out the evacuation coordination procedures for the building.

***evacuation coordination procedures*** see section 17.

***evacuation diagram***—



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(a) for a building—see section 18(1); or

(b) for a part of a building—see section 18(3).

***evacuation practice record*** see section 46(1).

***evacuation route*** see section 5.

***evacuation sign*** see section 29.

***final exit***, of a building, means an exit—

(a) directly connecting a common area in the building and a place of safety outside the building; and

(b) to which any of the following applies—

(i) the exit is shown on an evacuation diagram for the building or a part of the building;

(ii) the exit was required, and has continued to be required, to be kept as an exit under a building development approval for the building;

(iii) the exit is indicated as an exit by a sign at, or adjacent to, the exit.

*Examples of types of final exit—*

a doorway, gateway, stairway or ramp

***final exit door*** means a door at a final exit of a building.

***fire and evacuation instruction record*** see section 45(1).

***fire and evacuation instructions***, for a building, means general evacuation instructions, first-response evacuation instructions or evacuation coordination instructions for the building.

***fire engineering brief*** means a brief prepared with reference to the fire safety engineering guidelines.

***fire engineering brief meeting***, in relation to stated building work, means a meeting about a fire engineering brief for the stated building work.

***fire safety adviser***, for a high occupancy building, means a person who is appointed by the occupier of the building under section 34.



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***fire safety engineering guidelines*** means the document, 'International Fire Engineering Guidelines, Edition 2005', published by the Australian Building Codes Board.

*Editor's note—*

On the day this regulation was notified in the gazette, a copy of the document was available for purchase from the Australian Building Codes Board, GPO Box 9839, Canberra ACT.

***fire safety management plan***, for a building used for conducting a residential service, other than a budget accommodation building, see the *Residential Services (Accreditation) Act 2002*, schedule 2.

***fire safety reference points***, for a building, see section 18(1) and (3).

***fire safety system*** see schedule 6 of the Fire Service Act.

***Fire Service Act*** means the *Fire and Emergency Services Act 1990.*

***first-response evacuation instructions***, for a building, means instructions about the method of operation of manually operated fire alarms and firefighting equipment in the building, including at least 1 of the following—

(a) training in the use of the fire alarms and firefighting equipment;

(b) a demonstration of the use of manually operated fire alarms and firefighting equipment that are identical, or at least similar to, the fire alarms and firefighting equipment in the building.

*Example of a demonstration for paragraph (b)—*

showing a video about the use of manually operated fire alarms and firefighting equipment

***general access area***, of a multi-occupancy building, means a common area of the building directly connecting a place of safety outside the building and a part of the building that is occupied by a secondary occupier.

***general evacuation instructions***, for a building, means instructions about—



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(a) the location of the fire safety reference points for the building; and

(b) the procedures for evacuating the building safely in the event of a fire or hazardous materials emergency.

***high occupancy building*** means any of the following buildings, other than a building to which section 32 applies—

(a) a class 2 or 3 building more than 25m high;

(b) a class 2, 3, 5, 6, 7b, 8, 9a, or 9b building that is a workplace—

(i) in the following industries—

(A) building and construction;

(B) community services;

(C) electricity, gas and water;

(D) financial, property and business services;

(E) manufacturing;

(F) public administration;

(G) recreational services, personal services and other services;

(H) retail and wholesale trade;

(I) transport and storage; and

(ii) 30 or more workers are normally employed at the workplace during the current year, or are likely to be employed at the workplace for a total of any 40 days during the year;

(c) a class 6 or 9b building that the commissioner has decided is an at risk licensed building under section 104KD of the Fire Service Act.

***intercommunication device*** means a device that may, in the event of a fire or hazardous materials emergency in a building, be used by persons inside and outside the building to communicate with each other.



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*Examples of intercommunication devices—*

intercommunication systems or telephones

***interim inspection***, for a required special fire service for stated building work, means an inspection of the special fire service carried out before the applicant for the stated building work informs the chief executive that the stated building work has been completed.

***internal side***, in relation to a door on an evacuation route of a building, means the side of the door that, if the door were closed, would be approached by a person going along the evacuation route towards a place of safety outside the building.

***locking***, in relation to a door on an evacuation route, see section 10.

***maintenance***, for a prescribed fire safety installation, means inspection and testing, or repair, of the installation necessary to ensure that it continues to operate at its original performance level and in accordance with any relevant Australian Standards.

***managing entity***, of a multi-occupancy building, means the entity that is the occupier of, or in control of, the general access areas of the building.

*Examples of entities that may be managing entities of buildings—*

- the body corporate of a community titles scheme identifying scheme land on which a building is situated
- the owner of a building

***manually operated fire alarm*** means an alarm or other equipment that is activated by a person to warn of a fire or hazardous materials emergency.

*Examples of manually operated fire alarms—*

- a manual call point
- an alarm that is activated by breaking the glass casing of the alarm

***multi-occupancy building*** means a building in which—

(a) an entity is the occupier of a part of the building; and



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(b) at least 1 other entity is the occupier of at least 1 other part of the building.

***obstruct***, in relation to an evacuation route, includes hindering a person's use of the evacuation route.

***occupancy safety factors*** see section 14.

***occupier statement*** see section 55A(1).

***person with special needs*** see section 19.

***place of safety***, outside a building, means—

(a) a public road outside the building; or

(b) a place outside the building that—

(i) is open to the sky; and

(ii) is directly connected with a public road; and

(iii) in the event of a fire or hazardous materials emergency threatening the building, is reasonably likely to be safe from the effects of the fire or emergency.

*Example for paragraph (b)—*

a private alleyway adjacent to an external wall of a building that is constructed to be resistant to fire

***placing*** a thing includes—

(a) installing a thing; and

(b) for a person who has caused a thing to be in a place—allowing it to remain there.

***prescribed document***, for a building, means any of the following for the building—

(a) a record of a review of a fire and evacuation plan;

(b) a fire and evacuation instruction record;

(c) an evacuation practice record;

(d) a record of maintenance.

***prescribed fire safety installation*** see 104A of the Fire Service Act.



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***public road*** means a road ordinarily used by the public.

***record of maintenance*** means a record of maintenance under section 55(1).

***registered training organisation*** see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

***required special fire service***, for stated building work, means a special fire service that is required to be installed as part of the stated building work by the assessment manager for the building development application to which the stated building work relates.

***residential service*** see the *Residential Services (Accreditation) Act 2002*, section 4.

***secondary occupier***, of a part of a multi-occupancy building, means the occupier of a part of the building other than the managing entity of the building.

***special fire service fee*** see section 56.

***stated building work*** means building work for which special fire services are required.

***tenant*** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 13.

***thing*** includes a vehicle, an animal, fixtures or fittings, goods or materials, but does not include a structure or other thing if installation of the structure or other thing required building work to be carried out.

***water-based fire safety installation***, for a building or structure, means a prescribed fire safety installation that consists of either of the following items for the building or structure—

(a) sprinklers (including wall-wetting sprinklers);

(b) fire hydrants (including hydrant boosters).

***working*** includes working on a voluntary basis.



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# 1 Index to endnotes

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# 2 Key

**Key to abbreviations in list of legislation and annotations**

| Key | | Explanation | Key | | Explanation |
|---|---|---|---|---|---|
| AIA | = | Acts Interpretation Act 1954 | (prev) | = | previously |
| amd | = | amended | proc | = | proclamation |
| amdt | = | amendment | prov | = | provision |
| ch | = | chapter | pt | = | part |
| def | = | definition | pubd | = | published |
| div | = | division | R[X] | = | Reprint No. [X] |
| exp | = | expires/expired | RA | = | Reprints Act 1992 |
| gaz | = | gazette | reloc | = | relocated |
| hdg | = | heading | renum | = | renumbered |
| ins | = | inserted | rep | = | repealed |
| lap | = | lapsed | (retro) | = | retrospectively |
| notfd | = | notified | rv | = | revised version |
| num | = | numbered | s | = | section |

| Key | | Explanation | Key | | Explanation |
|---|---|---|---|---|---|
| **o in c** | = | **order in council** | **sch** | = | **schedule** |
| **om** | = | **omitted** | **sdiv** | = | **subdivision** |
| **orig** | = | **original** | **SIA** | = | **Statutory Instruments Act 1992** |
| **p** | = | **page** | **SIR** | = | **Statutory Instruments Regulation 2012** |
| **para** | = | **paragraph** | **SL** | = | **subordinate legislation** |
| **prec** | = | **preceding** | **sub** | = | **substituted** |
| **pres** | = | **present** | **unnum** | = | **unnumbered** |
| **prev** | = | **previous** | | | |

# 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Reprint No. | Amendments included | Effective | Notes |
|---|---|---|---|
| 1 | none | 1 July 2008 | |
| 1A | 2008 SL No. 283 | 1 September 2008 | |

| Reprint No. | Amendments included | Effective | Notes |
|---|---|---|---|
| 1B | 2008 SL No. 413 | 1 January 2009 | |
| 1C | 2008 Act No. 73<br>2009 SL No. 111 | 1 July 2009 | |
| 1D | 2009 Act No. 24 | 1 December 2009 | |
| 1E | 2010 SL No. 117 | 1 July 2010 | R1E withdrawn, see R2 |
| 2 | — | 1 July 2010 | |
| 2A | 2011 SL No. 104 | 1 July 2011 | |
| 2B | 2011 SL No. 265 | 9 December 2011 | |
| 2C | 2011 SL No. 240<br>2011 SL No. 278 | 1 January 2012 | |
| 2D rv | 2012 SL No. 91 | 1 July 2012 | 2D rv withdrawn, see R3 |
| 3 | — | 1 July 2012 | |

| Current as at | Amendments included | Notes |
|---|---|---|
| 1 July 2013 | 2013 SL No. 110 | |
| 1 December 2013 | 2013 SL No. 224 | |
| 1 January 2014 | 2013 SL No. 265 | |
| 21 May 2014 | 2014 Act No. 17 | |
| 1 July 2014 | 2014 SL No. 77 2014 SL No. 103 | |
| 12 December 2014 | 2014 SL No. 296 | |
| 1 July 2015 | 2015 SL No. 56 | |
| 1 July 2016 | 2016 SL No. 73 | |

# 4 List of legislation

**Regulatory impact statements**

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

**Explanatory notes**

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

**Building Fire Safety Regulation 2008 SL No. 160**

made by the Governor in Council on 12 June 2008
notfd gaz 13 June 2008 pp 948–51
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2008 (see s 2)
exp 1 September 2018 (see SIA s 54)
Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
(2) A regulatory impact statement and explanatory note were prepared.
amending legislation—

**Workplace Health and Safety Regulation 2008 SL No. 283 ss 1–2, 377 sch 17**

notfd gaz 29 August 2008 pp 2831–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2008 (see s 2)
Note—Two regulatory impact statements and an explanatory note were prepared.

**Residential Tenancies and Rooming Accommodation Act 2008 No. 73 ss 1–2, 554 sch 1**

date of assent 11 December 2008
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2009 (2009 SL No. 40)

**Building Fire Safety and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 413 pts 1–2**

notfd gaz 12 December 2008 pp 2044–53
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)

**Building Fire Safety Amendment Regulation (No. 1) 2009 SL No. 111**

notfd gaz 26 June 2009 pp 831–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2009 (see s 2)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 3 pt 1**

date of assent 26 June 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Community Safety (Fees) Amendment Regulation (No. 1) 2010 SL No. 117 pts 1, 3**
notfd gaz 18 June 2010 pp 529–35
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)
Note—An explanatory note was prepared.

**Community Safety (Fees) Amendment Regulation (No. 1) 2011 SL No. 104 pts 1, 3**
notfd gaz 24 June 2011 pp 534–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2011 (see s 2)

**Work Health and Safety Regulation 2011 SL No. 240 ss 1, 2(4), ch 14 pt 14.1**
notfd gaz 25 November 2011 pp 603–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2012 on the commencement of s 277 of the Act (see s 2(4) and 2011 SL No. 238)

**Building and Other Legislation Amendment Regulation (No. 4) 2011 SL No. 265 s 1, pt 3**
notfd gaz 9 December 2011 pp 729–35
commenced on date of notification

**Education and Care Services National Law (Queensland) Regulation 2011 SL No. 278 pts 1, 3**
notfd gaz 9 December 2011 pp 729–35
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2012 (see s 2)

**Community Safety (Fees and Other Matters) Amendment Regulation (No. 1) 2012 SL No. 91 pts 1, 3**
notfd gaz 29 June 2012 pp 704–10
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2012 (see s 2)

**Community Safety Legislation Amendment Regulation (No. 1) 2013 SL No. 110 ss 1–2(1), pt 3**
notfd gaz 21 June 2013 pp 503–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2013 (see s 2(1))

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 224 pts 1, 3**
notfd <www.legislation.qld.gov.au> 15 November 2013
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2013 on the commencement of s 4 of the Queensland Building Services Authority Amendment Act 2013 (see s 2)

**Education and Care Services Regulation 2013 SL No. 265 ss 1–2, 81 sch 5 pt 2**
notfd <www.legislation.qld.gov.au> 6 December 2013
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2014 (see s 2)

**Public Safety Business Agency Act 2014 No. 17 ss 1, 184 sch 1 pt 2**
date of assent 21 May 2014
commenced on date of assent

**Fire and Rescue Service and Another Regulation Amendment Regulation (No. 1) 2014 SL No. 77 pts 1–2**
notfd <www.legislation.qld.gov.au> 30 May 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2014 (see s 2)

**Further Education and Training Regulation 2014 SL No. 103 pt 1, s 43 sch 2 pt 1**
notfd <www.legislation.qld.gov.au> 20 June 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2014 (see s 2)

**Building Fire Safety Amendment Regulation (No. 1) 2014 SL No. 296**
notfd <www.legislation.qld.gov.au> 12 December 2014
commenced on date of notification

**Public Safety Legislation Amendment Regulation (No. 1) 2015 SL No. 56 pts 1–2**
notfd <www.legislation.qld.gov.au> 26 June 2015
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2015 (see s 2)

**Public Safety Legislation Amendment Regulation (No. 1) 2016 SL No. 73 pts 1–2**
notfd <www.legislation.qld.gov.au> 17 June 2016
ss 1–2 commenced on date of notification
pt 2 commenced 1 July 2016 (see s 2)

# 5 List of annotations

**Person not to obstruct an evacuation route**
**s 7** amd 2009 SL No. 111 s 4

**Occupier not to allow evacuation route to be obstructed**
**s 8** amd 2009 SL No. 111 s 5

**Locking doors—children in education and care service premises or QEC approved services or persons in custody**
**s 12** amd 2011 SL No. 278 s 5; 2013 SL No. 265 s 81 sch 5 pt 2

**Meaning of evacuation coordination procedures**
**s 17** amd 2014 SL No. 296 s 3

**General requirements**
**s 21** amd 2014 SL No. 296 s 4

**Requirements for secondary occupiers**
**s 23** amd 2014 SL No. 296 s 5

**Accessing a fire and evacuation plan**
**s 26** amd 2014 SL No. 296 s 6

**Changing a fire and evacuation plan**
**s 27** amd 2014 SL No. 296 s 7

**Evacuation signs and diagrams to be displayed**
**s 30** amd 2014 SL No. 296 s 8

**Fire and evacuation instructions**
**s 32** amd 2014 SL No. 296 s 9

**General evacuation instructions**
**s 35** amd 2014 SL No. 296 s 10

**General requirements**
**s 36** amd 2014 SL No. 296 s 11

**General requirements**
**s 38** amd 2014 SL No. 296 s 12

**Requirements for instructing new persons**
**s 39** amd 2014 SL No. 296 s 13

**Requirements for new occupiers**
**s 40** amd 2014 SL No. 296 s 14

**Compliance by occupiers of particular low occupancy buildings**
**s 42** om 2014 SL No. 296 s 15

**Signs to be displayed in accommodation units**
**s 48** amd 2014 SL No. 296 s 16

**Maintenance of prescribed fire safety installations—QDC, part MP6.1**
**s 50** sub 2008 SL No. 413 s 4

**Maintenance of prescribed fire safety installations—relevant former AS**
**s 51** om 2008 SL No. 413 s 4

**Maintenance of prescribed fire safety installations—no relevant or appropriate AS**
**s 52** om 2008 SL No. 413 s 4

**Notifying critical defects**
**s 53** amd 2008 SL No. 413 s 5

**Maintenance of prescribed fire safety installations**
**s 54** amd 2008 SL No. 413 s 6

**Keeping record of maintenance**
**s 55** amd 2008 SL No. 413 s 7

**Occupier statements**
**s 55A** ins 2008 SL No. 413 s 8

**Record keeping requirements for occupiers of particular buildings**
**s 55B** ins 2008 SL No. 413 s 8

**False or misleading documents**
**s 70** amd 2008 SL No. 413 s 9

**Keeping plans and other particular documents**
**s 71** amd 2014 SL No. 296 s 17

**Retention and transfer of prescribed documents**
**s 72** amd 2014 SL No. 296 s 18

**Fee for an objection—Fire Service Act, s 104SB**
**s 73** om 2009 Act No. 24 s 96

**Preliminary meeting fee for proposed building development application**
**s 74** amd 2009 SL No. 111 s 6; 2010 SL No. 117 s 6; 2011 SL No. 104 s 6; 2012 SL No. 91 s 6; 2013 SL No. 110 s 6; 2014 SL No. 77 s 4; 2015 SL No. 56 s 4; 2016 SL No. 73 s 4

**Fee for fire safety report for a building**
**s 75** amd 2009 SL No. 111 s 7; 2010 SL No. 117 s 7; 2011 SL No. 104 s 7; 2012 SL No. 91 s 7; 2013 SL No. 110 s 7; 2014 SL No. 77 s 5; 2015 SL No. 56 s 5; 2016 SL No. 73 s 5

**Particular persons taken to be appropriately qualified persons**
**s 85** amd 2008 SL No. 413 s 10

**SCHEDULE 1—RELEVANT AUSTRALIAN STANDARDS FOR MAINTENANCE OF PARTICULAR PRESCRIBED FIRE SAFETY INSTALLATIONS**
om 2008 SL No. 413 s 11

**SCHEDULE 2—FEES FOR ASSESSMENT AND INSPECTION OF REQUIRED SPECIAL FIRE SERVICES**
amd 2009 SL No. 111 s 8; 2010 SL No. 117 s 8; 2011 SL No. 104 s 8; 2012 SL No. 91 s 8; 2013 SL No. 110 s 8; 2014 SL No. 77 s 6; 2015 SL No. 56 s 6; 2016 SL No. 73 s 6

**SCHEDULE 3—DICTIONARY**
def *appropriately qualified person* ins 2008 SL No. 413 s 12(2)
sub 2011 SL No. 265 s 16
amd 2013 SL No. 224 s 16
def *evacuation coordinator* om 2014 SL No. 296 s 19
def *Fire Service Act* amd 2014 Act No. 17 s 184 sch 1 pt 2
def *high occupancy building* amd 2008 SL No. 283 s 377 sch 17; 2011 SL No. 240 s 788
def *low occupancy building* om 2014 SL No. 296 s 19
def *occupier statement* ins 2008 SL No. 413 s 12(2)
def *registered training organisation* amd 2014 SL No. 103 s 43 sch 2 pt 1
def *relevant current standard* om 2008 SL No. 413 s 12(1)
def *relevant former standard* om 2008 SL No. 413 s 12(1)
def *tenant* sub 2008 Act No. 73 s 554 sch 1
def *water-based fire safety installation* ins 2011 SL No. 265 s 16(2)

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