

Maintenance of fire safety installations in buildings

This fact sheet provides information about the new Queensland Development Code MP 6.1—Maintenance of fire safety installations, which takes effect from 1 January 2009.

The code provides for the maintenance and record requirements for fire safety installations in buildings.

Fire safety installations must be capable of performing to a standard no less than that which they were originally required to achieve.

If you are an owner or occupier of a building it is important to understand how you can identify if your building has prescribed fire safety installations and what your obligations are to maintain these.

The code has been designed to set clear performance criteria for the maintenance of fire safety installations, allowing for a broad range of compliance methods to be used.

What buildings are covered by the code?

The new maintenance code applies to all buildings (including existing buildings) other than class 1a (e.g. detached houses and townhouses) and class 10 buildings (e.g. domestic sheds and garages).

How will the code affect me?

Legislation relating to the maintenance of building fire safety installations was introduced in Queensland in 1992. The new code is largely a transfer of regulation from the Building Fire Safety Regulation 2008 to the new maintenance code. The penalties for failure to comply with the maintenance code remain in the Building Fire Safety Regulation 2008 and penalties can be up to \$3000.

If you have a prescribed fire safety installation in your building, you must comply with the code. A list of fire safety installations covered by the code is included in the code, which can be viewed at www.dip.qld.gov.au.

The new maintenance code requires the building occupant to provide a yearly statement to the Commissioner of the Queensland Fire and Rescue Service (QFRS) which confirms that the building's fire safety installations have been maintained in accordance with a relevant standard or recommendation. Where there is no occupier, the building owner is required to sign the statement.

When a building is occupied by a tenant, the tenant is responsible for the maintenance and where a building is occupied by the owner of the building, the owner is responsible to ensure that maintenance is carried out.

QFRS officers have powers to audit and issue on-the-spot fines to occupiers who do not comply with the maintenance requirements of the QDC.

Body corporate obligations

The new code does not just apply to offices, schools and the like, but it also applies to class 2 (residential apartments) and 3 buildings (such as holiday/business accommodation).

It is recommended that members of a body corporate determine who is authorised to sign the yearly occupier's statement on behalf of the body corporate. The occupier's statement form is included in the code.

Once the statement is completed, you will need to send it through to your local QFRS office. Postal addresses and fax numbers for regional offices can be found at www.fire.qld.gov.au. The occupier statement can also be emailed to occupierstatement@emergency.qld.gov.au

Suggested actions that the body corporate take to ensure the building is maintained include:

- determining who is authorised to sign the occupier's statement on behalf of the body corporate
- confirming the date of when the building was approved for construction
- entering into a maintenance contract with an appropriately licensed person to ensure ongoing periodic maintenance is carried out
- confirming dates of maintenance inspections where entry into individual units may be required, such as for the inspection of unit entry doors that are fire doors
- Keeping records of all maintenance for two years with the building's fire safety management plan.

Buildings with several tenancies

There may be instances where there are various occupiers in one building, such as a shopping complex that consists of various tenancies. Each occupier typically has responsibility for fire safety installations within their own tenancy and the building manager has responsibility for the maintenance of all other installations which are in the common areas or outside the building.

An example of this could be where a restaurant has fire extinguishers in the kitchen within the tenancy, but the hydrant for the restaurant is in the common area to be used by several shops. In this instance, the restaurant tenant (being the occupier) would ensure periodic maintenance is carried out on extinguishers and would coordinate the hydrant maintenance with other tenants. The agreed method of maintenance could, for example, be through the building manager or through a tenancy contract.

For further information

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