

FACT SHEET - FIRE SAFETY – YOUR RESPONSIBILITIES

What are the Building Owner's responsibilities?

Under current building laws the building owner must ensure that:

- ◆ All fire safety measures that are required to be installed in the building are maintained in good working condition at all times
- ◆ All fire safety measures are inspected by a competent fire safety practitioner to ensure they are being maintained to appropriate standards
- ◆ Required Fire Safety Notices are maintained in the approved form and displayed in a clearly visible position adjacent to exits
- ◆ All exits doors, hallways to exits or other paths of egress are kept clear of any obstructions and
- ◆ All exits doors are kept in good operating condition free from any obstruction.

These requirements exist to promote the prevention of fire and general fire safety awareness. Fire safety measures assist in reducing the spread of a fire and help save lives and property.

What is a fire safety measure?

A fire safety measure is any aspect of construction, a piece of equipment or emergency evacuation plan which is required to ensure the safety of people within a building in the event of a fire.

These measures may include fire rated construction, fire hose reels, smoke detection and alarm systems, evacuation plans or many other systems. Fire safety measures vary from building to building.

How do building owners prove to Council and Fire & Rescue NSW that they have met their responsibilities?

The owner of the building must submit to Council and Fire & Rescue NSW an Annual Fire Safety Statement every year. This is a legal requirement.

Lodging an Annual Fire Safety Statement is a commitment to fire safety

The Annual Fire Safety Statement must be submitted in the format compliant to the legislation.

The Annual Fire Safety Statement Form is available from Council's Customer Service Centre and our website www.georgesriver.nsw.gov.au.

By submitting an Annual Fire Safety Statement the owner is legally stating that all fire safety measures have been maintained to appropriate standards and that exits and exit paths allow for the safe passage of people through the premises in the event of a fire.

The owner must ensure a competent fire safety practitioner (CFSP) inspects each fire safety measure. It is the owner's responsibility to determine who is appropriately qualified. The owner of the building is accountable under law for the checking and maintenance of all fire safety measures. From the 1 July 2020, CFSP will be accredited under a scheme administered by Fire Protection Association Australia (FPAA).

Building owners may employ a registered certifier who is accredited under the Building and Development Certifiers Act 2018 (NSW) (B&DC Act 2018) to coordinate relevant inspections, carry out the required egress inspection and assist to produce the Annual Fire Safety Statement for the owner to sign.

How to find an Accredited Building Surveyor

Building registered and accredited certifiers / persons under the B&DC Act 2018 (NSW) are currently enforced by the Department of Fair Trading – Department of Customer Service (DCS).

The DCS and FPAA can provide building owners with advice on the category of accreditation required for fire safety inspections of various building types and sizes. Details of building registered certifiers who are members of an institute such as Australian Institute of Building Surveyors (AIBS) can also be found at:

AIBS: Phone: (02) 1300 312 427
Email: aibs@aibs.com.au

Do I need to submit to Council a certificate for each fire safety measure?

NO - The owner should organise the inspection, testing and certification of each fire safety measure. The owner should retain proof of every inspection or test of each fire safety measure and keep a copy of each Annual Fire Safety Statement.

The only form that needs to be lodged with Council and Fire & Rescue NSW is the "Annual Fire Safety Statement".

What will happen if the building owner does not submit an Annual Fire Safety Statement?

The outcomes will vary from fines to prosecution and imprisonment for more serious offences.

Council can issue fines (Penalty Infringement Notices) for numerous fire safety offences including:

- ◆ Failure to submit an Annual Fire Safety Statement
- ◆ Failure to display an Annual Fire Safety Statement in a prominent position in the building
- ◆ Failure to maintain fire safety measures (e.g. exit signs and emergency lighting)

- ◆ Obstruction of fire safety measures (i.e. inaccessible fire extinguisher)
- ◆ Failure to maintain the required Fire Safety Notice (i.e. warning signs near or on required exits)
- ◆ Obstruction of the fire exit or path to exit or the locking or obstruction of exit doors.

In more serious cases the court can issue fines exceeding \$1,100,000.00 or choose to imprison persons as these are criminal offences.

If you are found to be in breach of fire safety laws expect a fine to be issued.

Fines vary with the maximum on-the-spot fine exceeding \$4,000.00.

Further Information

Should you require any further information on fire safety measures, please contact our Building Registered Certifiers on 9330-6400 or visit Council's Customer Service Centre between 8.30am and 11.00am Monday to Friday.

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Note: There is no requirement to submit an Annual Fire Safety Statement for single dwelling houses classified 1a under the *Building Code of Australia*.

Typically Class 1a means - single dwelling houses, terraces or villa houses. Ask one of Council's Building Surveyors if you are not sure whether this classification applies to you.

Home owners must ensure they maintain their smoke alarms. Failure to do so may lead to prosecution or liability for any death or injury as the result of fire.

