



Queensland

*Building Act 1975*  
*Fire and Rescue Service Act 1990*

# Building Fire Safety Regulation 1991

Reprinted as in force on 8 February 2008

Reprint No. 5C

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This regulation is reprinted as at 8 February 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

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# Building Fire Safety Regulation 1991

[as amended by all amendments that commenced on or before 8 February 2008]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Building Fire Safety Regulation 1991*.

### 2 Commencement

This regulation commences on 1 January 1992.

### 4 Definitions

In this regulation—

***approved form*** means the form approved by the chief commissioner under section 7.

***automatic-closing door*** means a door controlled by a device that automatically closes and latches the door on activation by a heat, smoke or fire sensing device.

***building*** has the meaning given in section 104A of the Fire Service Act.

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

***certificate of maintenance*** means a certificate of maintenance mentioned in section 15.

***competent person***, in relation to the testing of a prescribed fire safety installation, means a person who—

- (a) holds a current Certificate of Accreditation, issued by the Fire Protection Contractors Registration Board of Queensland Inc., that relates to the installation; or

- (b) has other appropriate qualifications and experience to properly test and maintain the installation.

***fail-safe***, in relation to a device for locking a door (including for example a control switch, latch or lock), means that the device is designed to ensure that the door will be unlocked if the device fails or is inoperative for any reason.

***Fire Service Act*** means the *Fire and Rescue Service Act 1990*.

***lock*** includes fasten.

***record of fire instruction*** means a record of fire instruction mentioned in section 12.

***record of maintenance*** means a record of maintenance mentioned in section 16.

***residential unit*** means a unit or room in a hotel, hostel, block of flats or other residential building.

***self-closing door*** means a door that automatically returns to the closed and latched position after each manual opening.

***service*** means the Queensland Fire and Rescue Service established under the Fire Service Act.

***special fire service*** has the meaning given in the Building Act.

***test*** includes inspect with or without further test.

## **5 Prescribed exit**

- (1) In this regulation, a reference to a prescribed exit in relation to a building is a reference to an exit that—
- (a) was at any time required to be maintained in the building under any Act, including as a prerequisite to the granting of an approval or the issue of a notice, certificate or instrument; and
- (b) was not at any time authorised under any Act to be no longer maintained.
- (2) For the purpose of this section—

***Act*** includes any Act and any statutory rule, whenever passed or made and whether or not it has ceased to exist.

## **7 Chief commissioner to approve forms**

- (1) If the Fire Service Act or this regulation allows or requires a person to—
  - (a) make an application or an objection; or
  - (b) keep a record; or
  - (c) give any other form;in the approved form, the chief commissioner must approve a form for that purpose.
- (2) Matters in respect of which information may be required under various approved forms are set out in schedule 1.
- (3) A person may request the chief commissioner to give to the person a document setting out an approved form.
- (4) The chief commissioner must promptly comply with the request.

## **8 Approved forms to be used**

A person making—

- (a) an application to be issued a certificate of compliance under section 104I of the Fire Service Act; or
  - (b) an objection under section 104L of the Fire Service Act;
- must do so in the approved form.

# **Part 2 Building fire safety**

## **9 Means of escape**

- (1) In this section—

*exit door* means a door—

  - (a) that is in the path of travel to an exit; or
  - (b) that affords a means of exit for persons from any part of the building.

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**object** includes a waste container and an item of equipment, furniture, goods or materials.

**path of travel to an exit**, in relation to a building, means any doorway, corridor, stairway, landing or passageway forming part of the path of travel to an exit from any place in the building.

- (2) The occupier of a building must, at all times, ensure that no object is placed or allowed to remain in the path of travel to an exit that would unduly restrict a person using the path of travel in the event of a fire, having regard to—
  - (a) whether the object could be displaced or knocked over by a person; and
  - (b) the number of persons that could be in that part of the building in the event of fire.
- (3) The occupier of a building must, at all times, ensure that—
  - (a) no object is placed or allowed to remain; and
  - (b) no vehicle is parked or allowed to stand;in the path of travel from an exit leading out of the building for a distance of 2m.
- (4) Subject to subsection (5), the occupier of a building must ensure that, while any person is within the building, every exit door can be easily and quickly opened from the side approached by a person seeking to exit from the building, even if it is locked.
- (5) If a person within a building is in the custody of another person, the duty imposed by subsection (4) is taken to be a duty to ensure that the exit door may be easily and quickly opened by the last person.
- (6) If anything other than a simple latch has to be operated by a person to open an exit door on leaving a building, the occupier of the building must ensure that adequate instructions on how to operate the latch are given to every person permanently working or residing in the building.
- (7) If an exit door is fitted with a fail-safe control switch or other fail-safe device, the occupier of the building must regularly



monitor the fail-safe operation of that control switch or other device.

Maximum penalty—30 penalty units.

## **10 Limitation of the number of persons using a building**

- (1) The occupier of a building must ensure that the number of persons present in the building at any one time, having regard to the matters specified in subsection (2)—
  - (a) does not cause overcrowding; and
  - (b) does not exceed the maximum number that may be accommodated under—
    - (i) for a budget accommodation building to which chapter 7, part 3 applies—the Queensland Development Code, part 2.1, performance criteria P3 and acceptable solution A3; or
    - (ii) otherwise—clause D 1.13 of the Building Code of Australia.

Maximum penalty—30 penalty units.

- (2) The matters to be considered in relation to a building are—
  - (a) its use; and
  - (b) the size of its floor area; and
  - (c) the number, location and dimensions of the exits; and
  - (d) the number, location and dimensions of the paths of travel to each exit; and
  - (e) whether persons in the building can exit directly onto an open space.
- (3) For the purpose of this section, if—
  - (a) premises are comprised of more than 1 building; and
  - (b) the buildings are unconnected or connected only by a covered walkway;

the number of persons permitted to be in a building at any one time is to be determined separately for each building.

- (4) A person who fails to comply with this section commits a continuing offence and is liable to a penalty of 30 penalty units for each day after conviction that the person commits the offence.
- (5) In this section—  
*Queensland Development Code* see the *Building Act 1975*, section 13.

## 11 Fire and evacuation plans

- (1) The occupier of a building must give to every person permanently working in the building instructions on the matters mentioned in subsection (2) within the periods of time mentioned in subsection (3).
- (2) The matters on which instructions must be given are—
  - (a) the procedure to be followed in the event of fire; and
  - (b) the means of escape from the building in the event of fire; and
  - (c) the location and method of operation of—
    - (i) fire fighting equipment; and
    - (ii) fire alarms or equipment for warning of fire; and
  - (d) if members of the public are ordinarily admitted to the building—the procedure for conducting them to an exit in the event of fire; and
  - (e) if a person working in the building has other persons in care or custody within the building—the procedure in the event of fire for—
    - (i) conducting the persons to an exit; and
    - (ii) marshalling the persons in a safe place; and
    - (iii) checking whether all the persons are present at the safe place; and
    - (iv) if any of the persons is not present at the safe place—reporting the fact to a person in charge of the building at the time.

- (3) The instructions must be given in the first instance as soon as is practicable and in any case—
- (a) within 6 months of the day of commencement of this section; or
  - (b) within 1 month of the day on which the person starts working in the building;

whichever is the later, and afterwards must be repeated at intervals of not more than 12 months while the person works in the building.

Maximum penalty—10 penalty units.

## **12 Record of fire instruction**

- (1) The occupier of a building must keep in the building a record of fire instruction, containing the following details in relation to each occasion that instructions were given to workers in the building under section 11—
- (a) the date;
  - (b) the instructor's name;
  - (c) a brief description of which workers were instructed, for example by reference to their occupation or location in the building;
  - (d) a brief description of the instructions given.
- (2) The occupier must produce the record for inspection if requested by an authorised fire officer.

Maximum penalty—5 penalty units.

## **13 Further requirements regarding fire and evacuation plans for some buildings**

- (1) This section applies only to an occupier of a building mentioned in schedule 5 of the Fire Service Act, in relation to the plan required to be maintained by the occupier under section 104E(a) of the Act.
- (2) The occupier must maintain a plan that includes—
- (a) the procedures to be followed in the event of fire; and

- (b) the persons (described by reference to the positions they hold or in any other suitable way) responsible for administering and ensuring compliance with the procedures mentioned in paragraph (a).
- (3) The occupier must produce the plan for inspection when requested by an authorised fire officer.

Maximum penalty—10 penalty units.

### **13A Evacuation training for budget accommodation buildings**

- (1) The occupier of a budget accommodation building must ensure an evacuation of the building under the fire and evacuation plan for the building is carried out at intervals of not more than 12 months.

Maximum penalty—10 penalty units.

- (2) The occupier must keep in the building, with the fire safety management plan for the building, a record of the evacuations containing the date and time of each evacuation.
- (3) The occupier must produce the record for inspection if requested by an authorised fire officer.

Maximum penalty—10 penalty units.

- (4) In this section—

*fire and evacuation plan* means a fire and evacuation plan maintained by the occupier under section 104E of the Fire Service Act.

### **14 Residential units to have signs**

- (1) This section does not apply in relation to a residential unit in which a person permanently resides.
- (2) The owner of a residential unit within a building must display conspicuously in the unit a sign indicating—
  - (a) the location of the building's exits and of the paths of travel from the unit to the exits; and
  - (b) the location of the nearest fire fighting equipment; and

- (c) the emergency procedures to be followed in the event of fire.

Maximum penalty—10 penalty units.

## **15 Testing of special fire services**

- (1) The occupier of a building must ensure that each prescribed fire safety installation in the building that is a special fire service is tested from time to time by a competent person—
  - (a) if there is an Australian Standard that relates to the testing of the special fire service—in compliance with the Australian Standard; and
  - (b) in any other case—at intervals and in a way that the competent person considers sufficient in the interests of safety.

Maximum penalty—30 penalty units.

- (2) The occupier must—
  - (a) record in a certificate of maintenance the details mentioned in subsection (3) of each test of a special fire service; and
  - (b) lodge the certificate with the chief commissioner within 12 months of the day of the earliest test recorded in it; and
  - (c) for a budget accommodation building—keep a copy of the certificate of maintenance with the fire safety management plan for the building.

Maximum penalty—5 penalty units.

- (3) The details to be recorded in a certificate of maintenance for each test are—
  - (a) the date of the test; and
  - (b) whether or not the special fire service was found by the competent person to be properly maintained; and
  - (c) the details of any repairs or maintenance undertaken.

- (4) An occupier who is required to keep a certificate of maintenance, or a copy of the certificate, under this section must produce it, on demand, to an authorised fire officer.

Maximum penalty—5 penalty units.

## **16 Testing of other prescribed fire safety installations**

- (1) The occupier of a building must ensure that each prescribed fire safety installation in the building, other than a special fire service, is tested by a competent person—
- (a) if there is an Australian Standard that relates to the testing of the installation—in compliance with the Australian Standard; and
  - (b) in any other case—at intervals and in a way that the competent person considers sufficient in the interests of safety.

Maximum penalty—30 penalty units.

- (2) The occupier must keep a record of maintenance—
- (a) containing the details mentioned in subsection (3) of each test of an installation; and
  - (b) in such a way that it may be inspected at any time on demand by an authorised fire officer.

Maximum penalty—5 penalty units.

- (2A) Also, if the building is a budget accommodation building, the occupier must keep a copy of the record of maintenance with the fire safety management plan for the building.
- (3) The details to be recorded in a record of maintenance for each test are—
- (a) the name and address of the person that conducted the test; and
  - (b) the date; and
  - (c) a brief description of the procedure carried out; and
  - (d) the results; and
  - (e) any corrective action required; and
  - (f) the date any required corrective action was taken.

- (4) An occupier who is required to keep a record of maintenance, or a copy of the record, under this section must produce it, on demand, to an authorised fire officer.

Maximum penalty—5 penalty units.

## **17 Mechanical ventilation**

A person must not install or modify a mechanical ventilation system or air conditioning system to operate in a building so that, in the event of fire, it is possible for air to flow into any space forming part of a means of escape from any other space in the building.

Maximum penalty—30 penalty units.

## **Part 3 Miscellaneous**

### **18 Records to be kept up to date and safely stored**

A person who is required under this regulation to keep a record of fire instruction, a certificate of maintenance or a record of maintenance must maintain the record or certificate up to date and in a way that will preserve it in the event of fire.

Maximum penalty—5 penalty units.

### **19 Offences**

A person must not—

- (a) lock or otherwise interfere with a door that is a prescribed exit or is situated in the path of travel to a prescribed exit, so that the door is rendered wholly or partially incapable of being operated in accordance with this regulation; or
- (b) obstruct any doorway that is a prescribed exit or is situated in the path of travel to a prescribed exit, so that

the doorway is rendered wholly or partially incapable of being used in the event of a fire.

Maximum penalty—30 penalty units.

## **20 False or misleading record**

A person, in response to a requirement to produce—

- (a) a record of fire instruction under section 12; or
- (b) a certificate of maintenance under section 15; or
- (c) a record of maintenance under section 16;

must not produce a record or certificate containing information that the person knows is false or misleading in a material particular without—

- (d) indicating that the record or certificate is false or misleading and the respect in which it is false or misleading; and
- (e) giving correct information if the person has, or can reasonably obtain, the correct information.

Maximum penalty—10 penalty units.

## **21 Search as to whether notice to comply has been given**

- (1) A person may—
  - (a) inquire of the service whether the chief commissioner has given to a person a notice under section 104G of the Fire Service Act in relation to a specified building; and
  - (b) if such a notice has been given—request a copy of the notice.
- (2) A person must pay the fee of \$47.53 for each inquiry or request under this section.



## Part 4                      Fees for assessment or inspection of special fire services for building work under Building Act

### 22            Definitions for pt 4

In this part—

**applicant**, for stated building work, means a person who has made application to the service for its approval for the applicant to carry out the stated building work.

**base fee**, relating to stated building work, means—

- (a) if the building work is to have a floor area of not more than 700m<sup>2</sup>—\$491.03; or
- (b) if the building work is to have a floor area of more than 700m<sup>2</sup> but not more than 1100m<sup>2</sup>—\$884.32; or
- (c) if the building work is to have a floor area of more than 1100m<sup>2</sup> but not more than 1500m<sup>2</sup>—\$1081.81; or
- (d) if the building work is to have a floor area of more than 1500m<sup>2</sup> but not more than 2000m<sup>2</sup>—\$1184.85; or
- (e) if the building work is to have a floor area of more than 2000m<sup>2</sup>—\$1236.40 plus \$9.46 for each 100m<sup>2</sup>, or part of 100m<sup>2</sup>, over 2000m<sup>2</sup>.

**floor area** has the meaning given by clause A1.1 of the Building Code of Australia.

**required special fire service**, for stated building work, means a special fire service required, under the Building Act, to be installed as part of the building work.

**special fire service fee**, for a required special fire service stated in schedule 2, column 1 for stated building work, means the fee calculated by multiplying the base fee relating to the stated building work by the percentage stated in schedule 2, column 2 shown opposite the required special fire service.

**stated building work** means building work required, under the Building Act, to be provided with a special fire service.

**23 Assessment and inspection fee**

- (1) An applicant for stated building work must, at the time of making the application, pay the service the total of the following fees for the assessment of the required special fire services for the stated building work—
  - (a) the base fee relating to the stated building work;
  - (b) the special fire service fee for each required special fire service for the stated building work.
- (2) Subsection (1) does not apply if—
  - (a) the stated building work involves the fitting out of a building; or
  - (b) the applicant applies for an approval under section 28.

**24 Reassessment fee**

- (1) This section applies if—
  - (a) a fee under section 23 has been paid in relation to stated building work; and
  - (b) the applicant for the stated building work submits amended plans and specifications, relating to the stated building work, for approval.
- (2) The applicant must pay the reassessment fee stated in schedule 3 to the service for the reassessment of the required special fire services for the stated building work.
- (3) The fee must be paid within 14 days after the service gives the applicant written notice of the fee.
- (4) If the amount of the fee is not paid by the applicant within the 14 day period, the service may recover the amount from the applicant as a debt.
- (5) In this section—

*fee under section 23* includes a fee paid under section 23, as in force immediately before the commencement of this section, for building work.

**24A Fee for interim inspection of required special fire service**

- (1) This section applies if an applicant for stated building work asks the service to perform 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 3 for performing the interim inspection.
- (3) In this section—

*interim inspection*, of 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.

**25 Fee for further inspections**

- (1) Subsection (3) applies if—
  - (a) an applicant for stated building work has been unsuccessful in obtaining the service's approval in relation to special fire services installed as part of the stated building work; and
  - (b) at the applicant's request, the service again inspects the special fire services.
- (2) Also, subsection (3) applies if an applicant for stated building work to which the Building Act, chapter 5, part 1, division 2, applies—
  - (a) has completed a stage of construction of the stated building work; and
  - (b) at the applicant's request, the service inspects the special fire services installed as part of the stage of construction.
- (3) The applicant must pay, to the service, the reinspection fee stated in schedule 3, for the inspection, within 14 days after the service gives the applicant written notice of the fee.
- (4) If the amount of the fee is not paid by the applicant within the 14 day period, the service may recover the amount from the applicant as a debt.

**26 Fitting out of building**

- (1) This section applies if stated building work involves the fitting out of a building that has special fire services installed.
- (2) If the fitting out does not require the replacement or alteration of the special fire services, an applicant for the stated building work must, at the time of making the application, pay the service the base fee relating to the stated building work for the assessment and inspection of the required special fire services for it.
- (3) Subsection (4) applies if the fitting out—
  - (a) requires the replacement or alteration of a special fire service; or
  - (b) will, under the *Building Act 1975*, result in a BCA classification change to the building.
- (4) An applicant for the stated building work must, at the time of making the application, pay the service the total of the following fees for the assessment and inspection of the required special fire services for the stated building work—
  - (a) the base fee relating to the stated building work;
  - (b) the special fire service fee for each required special fire service for the stated building work.

**27 Alternative solution meetings**

- (1) This section applies if—
  - (a) stated building work is in the course of construction; and
  - (b) a meeting is held between a building certifier and an authorised representative of the service to consider, and decide on, a proposed alternative solution for the stated building work.
- (2) The applicant for the stated building work must pay the service a fee of \$491.03 for considering, and deciding on, the proposed alternative solution.
- (3) The fee must be paid within 14 days after the service gives the applicant written notice of the fee.

- (4) If the amount of the fee is not paid by the applicant within the 14 day period, the service may recover the amount from the applicant as a debt.
- (5) In this section—  
*alternative solution* has the meaning given by clause A1.1 of the Building Code of Australia.  
*building certifier* see the Building Act, section 8.

## **28 Fire engineering design briefs**

- (1) This section applies if a person applies to the service for the approval of a proposed fire engineering design brief, for stated building work, prepared in accordance with the fire engineering guidelines.
- (2) The applicant must pay the service the total of the following fees—
  - (a) the research fee for the relevant level of fire engineering analysis, for the stated building work, as stated in the fire engineering guidelines;
  - (b) the assessment fee relating to the stated building work;
  - (c) the fire engineering design brief consultation fee stated in schedule 3;
  - (d) the fire engineering design brief meeting fee stated in schedule 3 for each fire engineering brief meeting attended by an authorised representative of the service.
- (3) If an authorised representative of the service is required by the applicant to travel a distance of more than 200km to consult with the applicant or applicant's nominee, the applicant must also pay the service the reasonable travelling and accommodation costs incurred by the representative.
- (4) A fee mentioned in subsection (2) or costs owing under subsection (3) must be paid within 14 days after the service gives the applicant written notice of the fee or costs.
- (5) If the amount of the fee or costs is not paid within the period mentioned in subsection (4), the service may recover the amount from the applicant as a debt.

(6) In this section—

*assessment fee*, relating to stated building work, means the amount worked out using the following formula—

$$2 \times (\mathbf{BF} + \mathbf{SFSF})$$

where—

*BF* means the base fee relating to the stated building work.

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

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

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

*Editor's note—*

A copy of the document is available for purchase from the Australian Building Codes Board, P.O. Box 279, Fyshwick ACT.

*research fee* means—

- (a) for a level 1 fire engineering analysis—\$480.82; or
- (b) for a level 2 fire engineering analysis—\$789.92; or
- (c) for a level 3 fire engineering analysis—\$1579.85.

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

- (1) This section applies if the service performs 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 3 for performing the inspection.

**30 Fee for inspection of special fire service for approving BCA classification change**

- (1) This section applies if the service performs 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 3 for performing the inspection.

## **Schedule 1      Matters in respect of which information may be required in approved forms**

section 7

### **1      Application to be issued a certificate of compliance under section 104I of the Fire Service Act**

- (1) In relation to the applicant—
  - (a) name;
  - (b) address.
- (2) In relation to the building for which the certificate is sought—
  - (a) address;
  - (b) real property description;
  - (c) use;
  - (d) number of storeys;
  - (e) arrangements for accommodating persons;
  - (f) owner;
  - (g) manager.

### **2      Objection under section 104L of the Fire Service Act**

- (1) In relation to the objector—
  - (a) name;
  - (b) address.
- (2) The notice in respect of which the objection is being made.
- (3) The building to which the notice relates.
- (4) The grounds of objection.



## Schedule 2 Percentages for calculating special fire service fees

section 22, definition *special fire service fee*

Column 1 Special fire services	Column 2 Percentage
1 Large isolated buildings . . . . .	15%
2 Fire fighting equipment that—	
(a) includes booster connections or fixed pumps sets; or	25%
(b) includes additional hydrant services . . . . .	10%
3 Sprinklers . . . . .	15%
4 Wall-wetting sprinklers . . . . .	10%
5 Special automatic fire suppression 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 Interconnected smoke alarms . . . . .	20%
8 Fire control centres or rooms . . . . .	10%
9 Provisions for special hazards . . . . .	20%
10 Smoke exhaust systems . . . . .	40%
11 Air-handling systems used for smoke control . . . . .	10%
12 Smoke and heat venting systems . . . . .	10%
13 Emergency lifts . . . . .	10%
14 Emergency warning and intercommunication systems .	20%
15 Prescribed buildings . . . . .	15%
16 Stairwell pressurisation systems . . . . .	40%

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## **Schedule 3      Fees**

sections 24(2), 24A(2), 25(3), 28(2), 29(2) and 30(2)

	\$
1    Reassessment fee—for each hour, or part of an hour, of the assessment . . . . .	188.93
2    General inspection fee—for each hour, or part of an hour, of the inspection. . . . .	188.93
3    Reinspection fee—	
(a) for the first hour, or part of the first hour, of the inspection. . . . .	377.79
(b) for each additional hour, or part of an additional hour, of the inspection. . . . .	188.93
4    Fire engineering design brief consultation fee . . . . .	1511.16
5    Fire engineering design brief meeting fee—	
(a) for attendance at not more than 3 meetings. . . . .	nil
(b) for attendance at the 4th and each subsequent meeting—for each hour, or part of an hour, of the meeting . . . . .	188.93

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 February 2008. Future amendments of the Building Fire Safety Regulation 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 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 edition
num	= numbered	s	= section
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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 January 1992	1 July 1992
2	1993 SL No. 200	11 June 1993	27 July 1993
2A	1996 SL No. 134	1 July 1996	23 August 1996
2B	1997 SL No. 139	1 July 1997	28 July 1997
3	1997 SL No. 139	1 July 1997	28 January 1998
3A	1998 SL No. 86	30 April 1998	5 May 1998
3B	1998 SL No. 183	1 July 1998	13 July 1998
3C	1999 SL No. 101	1 July 1999	2 July 1999
3D	2000 SL No. 186	1 July 2000	5 July 2000
4	2001 SL No. 102	1 July 2001	7 September 2001

Reprint No.	Amendments included	Effective	Notes
4A	2002 SL No. 151	1 July 2002	
4B rv	2003 SL No. 110	1 July 2003	
	2003 SL No. 150		
4C	2004 SL No. 76	1 July 2004	
4D	2005 SL No. 105	3 June 2005	
4E	2005 SL No. 105	1 July 2005	
4F	2006 SL No. 119	1 July 2006	
4G	2006 SL No. 227	1 September 2006	R4G withdrawn, see R5
5	—	1 September 2006	
5A	2007 SL No. 121	1 July 2007	
5B	2007 SL No. 326	14 December 2007	
5C	2008 SL No. 20	8 February 2008	

## 5 List of legislation

### **Building Fire Safety Regulation 1991 SL No 187**

made by the Governor in Council on 19 December 1991

pubd gaz 21 December 1991 pp 2534–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 1992 (see s 2)

exp 31 August 2008 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Building Fire Safety Amendment Regulation (No. 1) 1993 SL No. 200**

notfd gaz 11 June 1993 pp 874–7  
commenced on date of notification

**Fire Service Legislation Amendment Regulation (No. 1) 1995 SL No. 173 pts 1, 3**

notfd gaz 9 June 1995 pp 1165–71  
commenced on date of notification

**Fire Service Legislation Amendment Regulation (No. 1) 1996 SL No. 134 pts 1, 3**

notfd gaz 14 June 1996 pp 987–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1996 (see s 2)

**Fire Service Legislation Amendment Regulation (No. 1) 1997 SL No. 139 pts 1, 3**

notfd gaz 6 June 1997 pp 586–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1997 (see s 2)

**Building Legislation Amendment Regulation (No. 1) 1998 SL No. 86 ss 1, 2(2) pt 6**

notfd gaz 17 April 1998 pp 1616–18  
ss 1, 2(2) commenced on date of notification  
remaining provisions commenced 30 April 1998 (see s 2(2))

**Fire Legislation Amendment Regulation (No. 1) 1998 SL No. 183 pts 1, 3**

notfd gaz 12 June 1998 pp 894–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1998 (see s 2)

**Fire Legislation Amendment Regulation (No. 1) 1999 SL No. 101 pts 1–2**

notfd gaz 4 June 1999 pp 558–9  
ss 1–2 commence on date of notification  
remaining provisions commenced 1 July 1999 (see s 2)

**Building Fire Safety Amendment Regulation (No. 1) 2000 SL No. 186**

notfd gaz 30 June 2000 pp 736–48  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2000 (see s 2)

**Building Fire Safety Amendment Regulation (No. 1) 2001 SL No. 102**

notfd gaz 29 June 2001 pp 822–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2001 (see s 2)

**Building Fire Safety Amendment Regulation (No. 1) 2002 SL No. 151**

notfd gaz 21 June 2002 pp 783–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2002 (see s 2)

**Fire Legislation Amendment Regulation (No. 1) 2003 SL No. 110 pts 1–2**

notfd gaz 13 June 2003 pp 543–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2003 (see s 2)

**Pastoral Workers' Accommodation Regulation 2003 SL No. 150 ss 1–2, pt 8**

notfd gaz 27 June 2003 pp 749–56  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2003 (see s 2)

**Fire Legislation Amendment Regulation (No. 1) 2004 SL No. 76 pts 1–2**

notfd gaz 11 June 2004 pp 445–6  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2004 (see s 2)

**Emergency Services Legislation Amendment Regulation (No. 1) 2005 SL No. 105 pts 1, 3**

notfd gaz 3 June 2005 pp 415–19  
 ss 7–12 commenced 1 July 2005 (see s 2)  
 remaining provisions commenced on date of notification

**Emergency Services Legislation Amendment Regulation (No. 1) 2006 SL No. 119 pts 1–2**

notfd gaz 2 June 2006 pp 572–6  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2006 (see s 2)

**Building Regulation 2006 SL No. 227 ss 1–2, pt 10**

notfd gaz 18 August 2006 pp 1821–5  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 September 2006 immediately after the commencement of s 5 of the Building and Other Legislation Amendment Act 2006 No. 36 (see s 2 and 2006 SL No. 226)

**Emergency Services Legislation Amendment Regulation (No. 1) 2007 SL No. 121 pts 1–2**

notfd gaz 15 June 2007 pp 892–5  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2007 (see s 2)

**Building and Other Legislation Amendment Regulation (No. 3) 2007 SL No. 326 pts 1, 3**

notfd gaz 14 December 2007 pp 2131–5  
 commenced on date of notification

**Building Fire Safety Amendment Regulation (No. 1) 2008 SL No. 20**

notfd gaz 8 February 2008 pp 588–9  
 commenced on date of notification

## 6 List of annotations

**Repeal**

s 3 om R1 (see RA s 40)

**Definitions**

s 4 def “**approved form**” amd 2000 SL No. 186 s 4  
 def “**Australian Standard**” om 2002 SL No. 151 s 4(1)

def **“building”** amd 1993 SL No. 200 s 3  
 def **“Building Act”** ins 1993 SL No. 200 s 3  
 def **“Fire Service Act”** ins 1993 SL No. 200 s 3  
 amd 1998 SL No. 86 s 30(1); 2002 SL No. 151 s 4(2)  
 def **“service”** ins 2008 SL No. 20 s 3  
 def **“special fire service”** amd 1998 SL No. 86 s 30(2); 2006 SL No. 227 s 61

**Fees**

s 6 om 2008 SL No. 20 s 4

**Chief commissioner to approve forms**

prov hdg amd 2000 SL No. 186 s 5(1)  
 s 7 amd 1993 SL No. 200 s 4; 2000 SL No. 186 s 5(2)

**Approved forms to be used**

s 8 amd 1993 SL No. 200 s 5

**Means of escape**

s 9 amd 2005 SL No. 105 s 6

**Limitation of the number of persons using a building**

s 10 amd 2002 SL No. 151 s 5; 2003 SL No. 150 s 22; 2006 SL No. 227 s 62; 2007  
 SL No. 326 s 8

**Further requirements regarding fire and evacuation plans for some buildings**

s 13 amd 1993 SL No. 200 s 6

**Evacuation training for budget accommodation buildings**

s 13A ins 2002 SL No. 151 s 6

**Testing of special fire services**

s 15 amd 2000 SL No. 186 s 6; 2002 SL No. 151 s 7

**Testing of other prescribed fire safety installations**

s 16 amd 2002 SL No. 151 s 8

**Search as to whether notice to comply has been given**

s 21 amd 1993 SL No. 200 s 7; 2000 SL No. 186 s 7; 2008 SL No. 20 s 5

**PART 4—FEES FOR ASSESSMENT OR INSPECTION OF SPECIAL FIRE SERVICES FOR BUILDING WORK UNDER BUILDING ACT**

pt hdg sub 1993 SL No. 200 s 8; 2000 SL No. 186 s 8

**Definitions for pt 4**

s 22 sub 2000 SL No. 186 s 8  
 def **“applicant”** amd 2008 SL No. 20 s 6(2)  
 def **“authority”** om 2008 SL No. 20 s 6(1)  
 def **“base fee”** sub 2001 SL No. 102 s 4; 2003 SL No. 110 s 4; 2004 SL No.  
 76 s 4; 2005 SL No. 105 s 7; 2006 SL No. 119 s 4; 2007 SL No. 121 s 4  
 amd 2008 SL No. 20 s 6(3)–(8)  
 def **“required special fire service”** amd 2006 SL No. 227 s 61  
 def **“stated building work”** amd 2008 SL No. 20 s 6(9)

**Assessment and inspection fee**

- s 23 amd 1998 SL No. 86 s 31; 1999 SL No. 101 s 4  
sub 2000 SL No. 186 s 8  
amd 2008 SL No. 20 s 7

**Reassessment fee**

- s 24 amd 1999 SL No. 101 s 5  
sub 2000 SL No. 186 s 8  
amd 2001 SL No. 102 s 5; 2003 SL No. 110 s 5; 2004 SL No. 76 s 5; 2005 SL  
No. 105 s 8; 2006 SL No. 119 s 5; 2007 SL No. 121 s 5; 2008 SL No. 20 s 8

**Fee for interim inspection of required special fire service**

- s 24A ins 2008 SL No. 20 s 9

**Fee for further inspections**

- s 25 ins 2000 SL No. 186 s 8  
amd 2001 SL No. 102 s 6; 2003 SL No. 110 s 6; 2004 SL No. 76 s 6; 2005 SL  
No. 105 s 9; 2006 SL No. 119 s 6; 2006 SL No. 227 s 63; 2007 SL No. 121  
s 6; 2008 SL No. 20 s 10

**Fitting out of building**

- s 26 ins 2000 SL No. 186 s 8  
amd 2006 SL No. 227 s 64; 2008 SL No. 20 s 11

**Alternative solution meetings**

- s 27 ins 2000 SL No. 186 s 8  
amd 2001 SL No. 102 s 7; 2003 SL No. 110 s 7; 2004 SL No. 76 s 7; 2005 SL  
No. 105 s 10; 2006 SL No. 119 s 7; 2006 SL No. 227 s 65; 2007 SL No.  
121 s 7; 2008 SL No. 20 s 12

**Fire engineering design briefs**

- s 28 ins 2000 SL No. 186 s 8  
amd 2001 SL No. 102 s 8; 2003 SL No. 110 s 8; 2004 SL No. 76 s 8; 2005 SL  
No. 105 s 11; 2006 SL No. 119 s 8; 2007 SL No. 121 s 8; 2008 SL No. 20 s  
13

**Fee for inspection of required special fire service for temporary building**

- s 29 ins 2008 SL No. 20 s 14

**Fee for inspection of special fire service for approving BCA classification change**

- s 30 ins 2008 SL No. 20 s 14

**SCHEDULE 1—MATTERS IN RESPECT OF WHICH INFORMATION MAY BE  
REQUIRED IN APPROVED FORMS****Application to be issued a certificate of compliance under section 104I of the Fire  
Service Act**

- s 1 prov hdg amd 1993 SL No. 200 s 9

**Objection under section 104L of the Fire Service Act**

- s 2 prov hdg amd 1993 SL No. 200 s 9

**SCHEDULE 2—PERCENTAGES FOR CALCULATING SPECIAL FIRE  
SERVICE FEES**

- sub 1995 SL No. 173 s 8; 1996 SL No. 134 s 7; 1997 SL No. 139 s 11; 1998  
SL No. 183 s 6; 1999 SL No. 101 s 6; 2000 SL No. 186 s 9



**SCHEDULE 3—FEES**

sub 1995 SL No. 173 s 8; 1996 SL No. 134 s 7; 1997 SL No. 139 s 11; 1998  
SL No. 183 s 6; 1999 SL No. 101 s 6  
amd 2000 SL No. 186 s 10; 2001 SL No. 102 s 9; 2003 SL No. 110 s 9; 2004  
SL No. 76 s 9; 2005 SL No. 105 s 12; 2006 SL No 119 s 9; 2007 SL No.  
121 s 9  
sub 2008 SL No. 20 s 15