

Queensland



Subordinate Legislation 1991 No. 187

Fire Service Act 1990 and Building Act 1975

BUILDING FIRE SAFETY REGULATION 1991

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PART 1— PRELIMINARY

Short title

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

Commencement

2. This regulation commences on 1 January 1992.

Repeal

3. The *Fire Safety Regulations 1976* are repealed.

Definitions

4. In this regulation—

“**approved form**” means the form approved by the Commissioner under section 7;

“**Australian Standard**” means a standard issued by the Standards Association of Australia;

“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 Act;

“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;

“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;

“special fire service” has the meaning given in the *Standard Building By-law 1991*;

“test” includes inspect with or without further test.

Prescribed exit

5.(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.

Fees

6. The prescribed fee for a matter specified in Schedule 3 is the fee set out in the schedule that relates to the matter.

Commissioner to approve forms

7.(1) If the 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 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 Commissioner to give to the person a document setting out an approved form.

(4) The Commissioner must promptly comply with the request.

Approved forms to be used

8. A person making—

- (a) an application to be issued a certificate of compliance under section 104I of the Act; or
- (b) an objection under section 104L of the Act;

must do so in the approved form.

PART 2—BUILDING FIRE SAFETY

Means of escape

9.(1) In this section—

“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;

“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.

(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 2 metres.

(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 an exit door leading out of a building is not constructed so as to permit it to swing open in the direction of egress, the occupier of the building is to ensure that it is fixed in the fully open position at any time that it affords a means of exit for a person within the building.

(7) 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.

(8) 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.

Limitation of the number of persons using a building

10.(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 in compliance with 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.

Fire and evacuation plans

11.(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.

Record of fire instruction

12.(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.

Further requirements regarding fire and evacuation plans for some buildings

13.(1) This section applies only to an occupier of a building mentioned in Schedule 5 of the 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.

Residential units to have signs

14.(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.

Testing of special fire services

15.(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 Commissioner within 12 months of the day of the earliest test recorded in it.

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 under this section must produce it, on demand, to an authorised fire officer.

Maximum penalty—5 penalty units.

Testing of other prescribed fire safety installations

16.(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.

(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 under this section must produce it, on demand, to an authorised fire officer.

Maximum penalty—5 penalty units.

Mechanical ventilation

17. 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

Records to be kept up to date and safely stored

18. 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.

Offences

19. 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.

False or misleading record

20. 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.

Search as to whether notice to comply has been given

21.(1) A person may—

- (a) inquire of the Commissioner whether the Commissioner has given to a person a notice under section 104G of the 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 prescribed fee for an inquiry or request under

this section.

PART 4— FEES FOR INSPECTION OF SPECIAL FIRE SERVICES

Definitions

22. In this Part—

“**charity**” means a charity registered under the *Collections Act 1966*;

“**religious denomination**” has the meaning given in the *Collections Act 1966*.

Applicants to pay fees

23.(1) An applicant for approval to carry out building work that is required under the *Standard Building By-law 1991* to be provided with a special fire service must pay the prescribed fee for each assessment or inspection of the special fire service carried out under the by-law.

(2) The prescribed fee must be paid to—

- (a) a Local Authority; or
- (b) the Commissioner of Fire Service;

as required under clause 4.1(2) of the *Standard Building By-law 1991*.

Assessment or inspection fee

24. The prescribed fee for the assessment or inspection of a special fire service to be installed, or installed, in building work is—

- (a) in the case of building work owned by a charity or religious denomination— the amount set out in Part A of Schedule 2; or
- (b) in any other case— the amount set out in Part B of Schedule 2;

according to the floor area of the building work.

SCHEDULE 1

section 7

**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 Act****1.(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.

Objection under section 104L of the Act**2.(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

section 24

FEES FOR ASSESSMENT OR INSPECTION OF SPECIAL FIRE SERVICES
Part A— Concessional Fees
Floor Area

not more than 500m ²	\$100.75
more than 500m ² but not more than 1500m ²	\$20.15 for each 100m ² (or part of 100m ²)
more than 1500m ² but not more than 2000m ²	\$302.25 plus \$10.00 for each 100m ² (or part of 100m ²) over 1500m ²
more than 2000m ²	\$352.25 plus \$3.50 for each 100m ² (or part of 100m ²) over 2000m ²

Part B— General Fees
Floor Area

not more than 500m ²	\$201.50
more than 500m ² but not more than 1500m ²	\$40.30 for each 100m ² (or part of 100m ²)
more than 1500m ² but not more than 2000m ²	\$604.50 plus \$20.15 for each 100m ² (or part of 100m ²) over 1500m ²
more than 2000m ²	

\$705.25 plus \$7.00 for each 100m²
(or part of 100m²) over 2000m²

SCHEDULE 3

section 6

MISCELLANEOUS FEES

1. Inquiry or request mentioned in section 21

\$22.00

ENDNOTES

1. Made by the Governor in Council on 19 December 1991.
2. Published in the Gazette on 21 December 1991.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Bureau of Emergency Services.