

BUILDING FIRE SAFETY AMENDMENT REGULATION (NO. 1) 2014

Explanatory notes for SL 2014 No. 296

made under the

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

General Outline

Short title

Building Fire Safety Amendment Regulation (No. 1) 2014

Authorising law

*Section 154E of the Fire and Emergency Services Act 1990; and
Section 261 of the Building Act 1975*

Policy objectives and the reasons for them

The policy objectives of the Regulation are to:

- reduce the regulatory burden imposed by compliance with the *Building Fire Safety Regulation 2008* (the Regulation);
- enhance safety in the event of an evacuation; and
- improve the clarity of compliance obligations.

Achievement of policy objectives

The Amendment Regulation achieves its objective by:

Reduction in regulatory burden

- removing the role of 'evacuation coordinator' from the Regulation. This role adds to the compliance burden on occupiers however serves no tangible fire safety purpose. Its removal will not impact on evacuation procedures or evacuation from buildings as these functions continue to be attributed to 'the person responsible for evacuation procedures' which is retained in the regulation;
- removing the requirement for Fire and Evacuation Plans to be stored in a way not likely to be damaged by fire. The current requirement for a copy of the plans to be stored on other premises is deemed sufficient to enable one copy to survive for inspection in the event of a fire. Occupiers will therefore no longer be required to purchase specific receptacles for the purpose;

- exempting buildings smaller than 300m² from the requirement to display evacuation signage. Entry and exit points of such buildings are readily identifiable without reference to a sign. Removing this obligation will reduce start-up costs for occupiers of smaller buildings; and
- limiting the right of access to Fire and Evacuation Plans to those with a demonstrable interest. This interest will be determined by the occupier having regard to whether the stated reason for viewing the plans is in keeping with their intended purpose. The current requirement that occupiers allow access to any person is unnecessarily wide and imposes an unnecessary burden on occupiers attempting to comply.

Enhance safety in the event of an evacuation

- Introducing a requirement that evacuation diagrams be oriented in the direction of egress from a building. Such orientation is required to expedite rapid exit from buildings in the event of fire.

Clarity of compliance obligations

- Clarifying timeframes for compliance by removing the words '*as soon as practicable but*' from a number of obligation provisions. The wording provides an unanticipated degree of uncertainty as to when compliance need occur. Removing the phrase to state only the time within which compliance must occur will enhance clarity of these obligations.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objects of the *Fire and Emergency Services Act 1990* by enhancing fire safety and ensuring compliance obligations are effective and readily understood.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Implementation of the proposed amendments supports government commitment to a reduction in regulatory burden.

Occupiers of buildings smaller than 300m² will be saved the cost of producing and displaying evacuation signage.

All occupiers of buildings will be saved the cost of purchasing fire resistant receptacles for the storage of Fire and Evacuation Plans.

All occupiers will be saved the time of attempting to fulfil the role of evacuation coordinator and providing access to Fire and Evacuation Plans to persons other than those with a legitimate interest.

A small number of buildings will incur a cost in replacing evacuation signs not already in compliance with the new provision regarding direction of egress. Most buildings are believed, however, to already be compliant as a result of Queensland Fire and Emergency Service long standing advice that they be prepared in this way. Such costs will only be incurred if an occupier elects to have signs professionally produced which is not a requirement of the regulation.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. The Office of Queensland Parliamentary Counsel has approved its contents.

Consultation

Consultation has been undertaken with the Department of the Premier and Cabinet, Queensland Treasury and Trade and the Department of Housing and Public Works. Those consulted have expressed support for the amending regulation.

The Office of Best Practice Regulation has advised that the proposed amendments have been granted an exemption from the Regulatory Impact Statement process.