

WHITE PAPER



Australian Standard AS1851: 2005 Maintenance of Fire Protection Systems and Equipment, the New Australian Standard

What does it mean for Owners,
Occupiers and Service Providers?

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Fire Protection Systems and Equipment are required to be ready to operate at all times, or a substantial threat to occupants and property may exist. However they may only be required to operate infrequently over the life of a building and therefore their reliability in a building is critical. Regular maintenance of fire protection systems and equipment for continuing operational efficiency is an important part of every building owner's responsibility.

Introduction

There is a need for property owners and managers, corporate property trusts, insurers, facility managers, corporate risk managers and many others to understand the business impact of the new AS1851 maintenance¹ standard for fire safety.

FPA Australia and Standards Australia have held a series of national seminars in September/October 2005 around Australia that were largely focused on the technical aspects of the significantly updated AS1851-2005. However, there are many legislative and regulatory issues, OH&S, insurance impacts, costs and other matters that lie beyond the technical aspects that affect the decision making of business leaders and property professionals.

These non-technical issues vary from state to state because of the different regulatory frameworks and approaches to adoption of the new AS1851 series.

1. In this information sheet the term 'maintenance' includes "Inspection, test, preventive maintenance and survey at specific intervals and rectification of defects, which is necessary to ensure the continuing reliability of fire protection systems and equipment" (Clause 1.5.6 of AS1851-2005).

Regulatory and Technical Issues

Building Regulations in Australia

Throughout Australia control of the requirements to construct and maintain buildings is regulated by each State and Territory. These regulations include adoption of technical documents such as the Building Code of Australia (BCA) and Australian Standards. For new buildings (and sometimes major alterations or change of use of existing buildings), the relevant fire safety provisions are contained within the BCA, adopted by the relevant state or territory building legislation. Building regulations are not usually retrospective, that is, they do not require upgrading of existing buildings to present day fire safety requirements except in special circumstances, or where building work, a change of use, or subdivision or consolidation is also proposed.

Even where existing buildings are recycled or refurbished, compliance with present day requirements (usually the BCA) is not automatically required. The *"Guidelines for achieving fire safety when recycling a building"* published by the Australian Uniform Building Regulations Co-ordinating Council (now the Australian Building Codes Board who also publish the BCA'05) states;

"it should not automatically be a cause for concern if a re-cycled building exhibits a level of fire safety somewhat lower or different from that which would arise from a full application of all BCA requirements".

It is therefore likely that buildings throughout the community will be subject to varying levels of compliance with present day legislation, including the BCA and Australian Standards. This will also apply to the fire safety systems within those buildings and therefore also to the level of maintenance, survey, audit and rectification required of those systems.

Maintenance of Fire Protection Systems and Equipment

Fire Protection Systems and Equipment are nominated safety equipment, fittings, systems or management measures provided in, or for, a building and required in the event of fire or other emergency to protect against loss of life or property (for example, fire sprinklers, smoke control systems, and exits). Each state's legislative and regulatory framework refers to Fire Protection Systems and Equipment by a different name. The table below lists the names found in each State and Territory for Fire Protection Systems and Equipment. Some specific provisions have been included in Part I1 of the BCA since May 2004 and are now called 'safety measures', however no specific technical maintenance standards are nominated in the BCA.

| Item | State or Territory | Defined term for Fire Protection Systems and Equipment |
|------|---|--|
| 1 | Australia – (Commonwealth - Building Code of Australia) | Safety Measures |
| 2 | Australian Capital Territory | Active Fire Safety Systems |
| 3 | New South Wales | Essential Fire Safety Measures |
| 4 | Northern Territory | Safety Measures |
| 5 | Queensland | Fire Safety Installations |
| 6 | South Australia | Essential Safety Provisions |
| 7 | Tasmania | Essential Safety and Health Features / Measures |
| 8 | Victoria | Essential Safety Measures |
| 9 | Western Australia | (No defined term) |

Fire Protection Systems and Equipment are required to be ready to operate at all times, or a substantial threat to occupants and property may exist. However they may only be required to operate infrequently over the life of a building and therefore their reliability in a building is critical. Regular maintenance of fire protection systems and equipment for continuing operational efficiency is an important part of every building owner’s responsibility. For example, the Guide to the BCA states that the performance requirements of Part I1 of the BCA are to ensure that “all building measures related to people safety continue to perform as originally intended”.

The statutory requirements to maintain, upgrade and certify the suitability of existing buildings may also be included in relevant State or Territory legislation. For example, the provisions for ‘maintenance of safety measures’ vary significantly dependent on which State or Territory the building is located in, and range from highly building specific technical and administrative procedures (such as in Victoria, South Australia and New South Wales) to no specific regulatory provisions (such as in Western Australia).

Australian Standards for Maintenance of Fire Protection Systems and Equipment

AS1851 is the Australian Standard for maintenance of fire protection systems and equipment in buildings and a comprehensive revision of this standard has been released as AS1851-2005. Australian standards are published by Standards Australia after significant industry and community consultation and consensus, and this revision represents the latest ‘state-of-the-art’ information and technical standards available to the building industry and the public generally.

Technical changes to AS 1851

The new Standard consolidates the previous sixteen standards into one document with consistent procedures, terminology and reporting. Important changes in AS 1851-2005 include:

- Provision of clear ground rules and detailed procedures for testing and preventive maintenance aimed at minimizing missed tests and ensuring that all tasks are completed thoroughly,
- Requirements for more rigorous recording and reporting regimes to ensure that proper maintenance documentation is available,

- Standardized test frequencies and move to monthly sprinkler and pump testing,
- Introduction of a new building fire systems interface test to help building owners with proof of overall functionality for annual compliance – plus greater protection against liability,
- Introduction of a requirement for annual survey, together with a Statement of Compliance that the safety measures are capable of performing to their design standards,
- Reduced water consumption for system testing in line with general community requirements to conserve water.

Statutory law obligations in relation to compliance with AS 1851-2005

In some States or Territories, compliance with AS1851 will be mandatory and the new standard (AS1851-2005) will apply immediately. In other States or Territories adoption of AS1851-2005 will require amendment of the BCA (for example NT currently adopts the previous versions of AS1851) or will require amendment of the specific Occupancy Certificate / Permit for the building (for example in Victoria, where for new buildings, specific essential services are nominated by the approval authority on the Occupancy Permit for the building).

Where a State or Territory only adopts non-specific provisions (for example in Victoria, the owner of a building built before July 1994 must “ensure that any essential safety measure required in relation to that building is maintained in a state which enables the essential safety measure to fulfil its purpose”) then AS1851-2005 may be able to be used immediately.

Common law obligations in relation to maintenance standards

If AS1851-2005 is not used immediately, the owner, occupier or service provider may have to satisfy themselves that they have a sound reason for not adopting latest standards. One piece of legal advice provided to FPAA suggests that Owners, Occupiers and Service Providers will also have a common law ‘duty of care’ to consider current ‘state-of-the-art’ technology such as AS1851-2005 and included the text for the following two paragraphs:

“The recent release of the new standard for Maintenance of Fire Protection Systems and Equipment AS 1851 – 2005 raises the need for building owners, building occupiers and essential service providers to assess and consider the applicability of this new standard to their particular circumstances. This consideration must take into account the relationship between these parties in a contractual sense as well as in tort and other legislative requirements. In a greater sense the building owners, occupiers and essential service providers must also consider their relationship with the community and the obligations owed to ensure adequate protection of property and life as required specifically by the Building Code of Australia and the common law.

This new Australian Standard must be considered to be the most recent benchmark for maintenance of Fire Safety Protection Systems and Equipment. As such the building owner, building occupier and essential service provider must determine whether by not adopting the new standard they may be considered to be negligent. Building owners and occupiers must consider adoption of this new standard, as the most up to date and recent Australian Standard, will be necessary to comply with community standards. Such consideration will require considered legal opinion as to whether AS 1851–2005 should not be adopted in each particular situation. Although Australian Standards are not a Legislative Regulation, they are often considered “quasi regulations” and can be persuasive in a court of law as they can be taken

to connote industry and community standards. As fire protection is a matter of public necessity, it is incumbent on building owners and occupier to determine whether in their particular circumstances they can perform both their public duties as well as legislative requirements without adopting AS 1851 – 2005.”

Enforcement of Statutory non-compliance

Generally, where statutory requirements exist for maintenance of fire protection systems and equipment, enforcement is by specific regulatory offence provisions. Where no such provisions exist enforcement will be via provisions (usually Act provisions), which give powers to specified authorities (most often local government or the fire brigade) to take prescribed action where a building is ‘unsafe’ or ‘not in compliance with technical standards’.

Statutory law obligations in relation to compliance with AS 1851-2005

Australian Capital Territory

In the Australian Capital Territory maintenance of essential services is controlled by the ACT Fire Brigade. Building legislation is controlled by the Planning and Land Authority who administer the **Building Act 2004** and the **Building Regulations 2004**. Specific administrative and technical provisions are contained in Part 11 of the BCA for new buildings. Provisions are also included in other legislation, for example the ACT Fire Brigades Act 1957 requires active fire safety systems to be maintained to the satisfaction of the of the ACT Fire Commissioner and the ACTFB has published a policy document FS-05 requiring compliance with AS1851. The PLA can be contacted on (02) 6205-0615.

New South Wales

In New South Wales maintenance of essential service is controlled by the Department of Planning who administer the **Environmental Planning & Assessment Act 1979** and the **Environmental Planning & Assessment Regulations 2000**. For new buildings NSW excludes application of Part 11 of the BCA and substitutes compliance with these state provisions. An Annual Fire Safety Statement is required for all buildings. For further information, contact the Department of Planning on (02) 9228-6404.

Victoria

In Victoria maintenance of fire protection systems and equipment is controlled by the Building Commission who administers the **Building Act 1993** and the **Building (Interim) Regulations 2005**. Part 12 of the Building (Interim) Regulations 2005 prescribe the specific administrative provisions. A new set of Building Regulations are required by June 2006 due to the automatic ‘sun setting’ of the existing Building Regulations. The new regulations will be subject to a Regulatory Impact Statement proposed for public comment in late 2005. For further details contact the Commission on (03) 9285-6422.

Queensland

In Queensland maintenance of essential services is controlled by the Queensland fire and rescue service under Section 104D of the **Fire & Rescue Service Act 1990** and the Regulations 15 & 16 of the **Fire & Rescue Service Regulations 1991**. This legislation requires that a “fire safety installation in a building is tested from time to time by a

competent person; if there is an Australian Standard that relates to the testing of the special fire service—in compliance with the Australian Standard”. This would be AS 1851-2005.

Building Regulations are controlled by Local Government and Planning, Building Codes Queensland who administer the **Building Act 1975** and the **Standard Building Regulation 1993**. Specific technical provisions are included in Part I1 of the BCA for new buildings. BCQ can be contacted on (07) 3237-0368.

Tasmania

In Tasmania maintenance of essential services is controlled by the Department of Infrastructure, Energy and Resources, Workplace Standards Tasmania, who administer the **Building Act 2000** and the **Building Regulations 2004**. The specific administrative procedures are described in the regulations. DIER can be contacted on (03) 6233 7657.

South Australia

In South Australia, maintenance of essential services is controlled by Planning SA, who administer the **Development Act 1993** and the **Development Regulations 1993**. The specific technical and administrative provisions are included in Part I1 of the BCA for new buildings, including a SA Appendix which adopts Regulation 76 of the Development Regulations 1993 and Ministers Specification SA76 which adopts AS1851. Planning SA is considering adoption of the new AS1851-2005 in the near future. For further details contact Planning SA on (08)8303-0600.

Western Australia

In Western Australia there are no specific essential services provisions other than those described in Part I1 of the BCA, for new buildings. General building control matters are regulated by the Building Codes and Regulations Branch of the Department of Housing and Works who administer the **Local Government (Miscellaneous Provisions) Act 1960** and the **Building Regulations 1989**. A ‘discussion paper’ on Maintenance of Essential Services is proposed to be released by DHW for public and industry comment by April 2006. For further information they can be contacted on (08) 9222-4563.

Northern Territory

In the Northern Territory, maintenance of Essential Services is controlled by the Department of Infrastructure Building Advisory Services Branch who administer the **Building Act** and the **Building Regulations**. Part I1 of the BCA applies for new buildings, including a NT Appendix which adopts AS1851 parts 1-8 & 10. For further information the BASB can be contacted on (08) 8999-8964

Other Enforcement Mechanisms

Some buildings will also be subject to statutory or funding requirements, which trigger maintenance of fire protection systems and equipment. These include annual registration of hospitals, accreditation of nursing homes, schools and other publicly accessed or funded buildings. Additionally, Occupational Health and Safety Legislation at State, Territory and Federal level is beginning to have a significant impact on the requirements for maintenance of fire protection systems and equipment.

Conclusion

AS1851-2005 represents a significant step forward for the codification and standardisation of consistent maintenance of safety measures in buildings and, anecdotally, there is strong support amongst industry and professional practitioners who have considered and reviewed the new standard.

It is clear that building owners, occupiers and service providers each need to carefully consider their own individual situations in relation to their statutory and public safety duties and responsibilities.

Bodies such as FPAA and Standards Australia can provide advice to those in the building and construction industry about the new standard and its application.

Fire Protection Association Australia is Australia's major technical and educational fire safety organisation aiming to achieve continual improvement in fire safety through active membership and a range of activities. Contact FPA Australia on 1300 731 922 or visit www.fpaa.com.au.



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