

Appendices

Queensland Fire and Emergency Services Regulator Performance Framework 2018–19 Annual Performance Report

Queensland Fire and Emergency Services' (QFES) regulatory activities include enforcing compliance with legislated fire safety standards and processing applications for advice on building work assessable against the *Building Act 1975*. Business entities regulated include small and medium businesses across retail, tourism, construction, hospitality, accommodation and agriculture.

QFES provides critical fire safety advice to building certifiers on both the technical and practical components of building fire safety, which facilitates the installation of appropriate fire safety installations. Building certifiers are required to seek QFES advice as part of the building approval process detailed in the *Planning Act 2016* and *Building Act 1975* for certain building fire safety matters. Advice includes the assessment of building plans prior to construction for the

suitability of fire safety installations and onsite inspections to ensure compliance and correct installation to the agreed design upon completion of the building.

QFES conducts regular building inspections to ensure legislated fire safety systems are maintained and routinely serviced throughout the lifecycle of the building. Appropriate enforcement action is initiated where deficiencies are identified.

The Better Regulation Strategy, which includes the Regulator Performance Framework, recognises the actions and performance of regulators in implementing, administering and enforcing regulations plays a significant role in achieving the policy objective of regulation, as well as reducing the regulatory burden on businesses, including small business and the community.

To maximise the effectiveness of the framework, commencing in 2018-19, regulators are required to report annually the extent to which they are implementing the model practices in the framework and to outline plans for future improvements of their business practices.

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden.

- » A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions.
- » Regulations do not unnecessarily impose on regulated entities.
- » Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk.

Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2018–19.

- » QFES works collaboratively with all stakeholders including government agencies, industry providers and the public to provide information and education to ensure the highest level of fire safety is achieved in Queensland buildings.
- » QFES conducts both random and scheduled fire safety inspections of high-risk buildings to ensure the owner/occupiers of those buildings are meeting their fire safety legislative obligations.
- » The percentage of building premises inspected and deemed compliant at first inspection with building fire safety regulations (*Fire and Emergency Services Act 1990*, *Building Act 1975* and *Building Fire Safety Regulation 2008*) and fire safety procedures in 2018–19 is 55.8 per cent.
- » During 2018–19, QFES prosecuted four entities in the Magistrates Court for building fire safety offences, resulting in a total of \$227,610 in fines being imposed.
- » Additional enforcement activities include:
 - 130 Notices by Commissioner issued to rectify fire safety breaches
 - 27 Requisitions by Commissioner to rectify fire safety breaches
 - 41 Infringement Notices issued totaling \$121,450.

Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2018-19 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

- » Under the *Building Act 1975*, budget accommodation buildings (BABs) are required to have fire safety mechanisms in place such as fire safety management plans, emergency lighting and early warning systems. QFES officers conduct joint inspections with local government to identify buildings operating as BABs.
- » The QFES Compliance and Prosecution Unit manages all enforcement and prosecution action against operators of BABs that do not meet the minimum fire safety standard requirements.
- » The Compliance and Prosecution Unit also assists regions with covert surveillance and targeted inspections where illegal and unsafe accommodation practices are suspected.
- » During 2018-19, six successful prosecution cases against five individuals and one company in relation to offences detected at one building resulted in \$46,038 in fines imposed by the courts.
- » At 30 June 2019, there are an additional two prosecution matters progressing in relation to BAB activities conducted during 2018-19.

Actions taken in 2018-19, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

- » QFES has provided guidance to other government agencies as part of their legislative review programs. For example, in June 2019, QFES was engaged by Queensland's Building Codes Committee to review amendments to the *Building and Construction Commission Act 1991* with regards to licensing and registration of contractors.
- » QFES is a member of the Ministerial Construction Council Subcommittee – Fire Protection Licensing and Compliance. This committee ensures industry bodies are registered and provide consistent service to the community. Newly formed in May 2019 the subcommittee is set to meet regularly between July – November 2019.
- » Building fire safety activities for the period 1 July 2018 to 30 June 2019 include:
 - fire investigation inspections (580 structures)
 - Building Approval Officer assessments (1,967) and inspections (1,765)
 - structure inspections by Safety Assessment Officers (958).
- » During 2018-19, QFES conducted 373 inspections of 189 premises suspected of operating as illegal and unsafe BABs. These activities resulted in:
 - 82 Requisitions by Commissioner issued to reduce the risk
 - 25 Notices by Commissioner issued to improve fire safety within the premises
 - 30 Infringement Notices issued for breaches of fire safety, totalling \$43,018 in fines.

2. Consult and engage meaningfully with stakeholders.

- » Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and government decision-making circumstances.
- » Engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities.
- » Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.

Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2018–19.

- » QFES facilitated an industry smoke alarm 'Think Tank' in March 2019 to provide stakeholders including government agencies, industry service providers and relevant associations an opportunity to engage with QFES' community education strategies. Sub groups are being formed to provide an opportunity for interested members to 'champion' and take forward individual pieces of work.
- » QFES' website provides detailed information for the public to access all aspects of legislative requirements for the staged implementation of the smoke alarm requirements which commenced on 1 January 2017. (www.qfes.qld.gov.au/community-safety/smokealarms)
- » Where required and appropriate, QFES challenges building industry professionals regarding adherence to regulatory requirements, through the Queensland Building and Construction Commission (QBCC) complaints process which may include Planning and Environment Court or the Development Tribunal process.
- » QFES regularly engages with a variety of peak industry groups and government stakeholders including, but not limited to, Australasian Fire and Emergency Service Authorities Council (AFAC); the Fire Protection Association Australia; the National Fire Industry Association; the Australian Institute of Building Surveyors; the Institution of Fire Engineers; the Society of Fire Safety; the Department of Housing and Public Works; and the QBCC. Engagement with these groups is at a strategic level and deals with matters of national significance such as: public and emergency service workers' safety, community resilience, risk to the community, built environment, fire service operations and capabilities, developing industry doctrine, pursuing innovation and advancements in technology, sharing knowledge and influencing strategic direction, and future evolution of regulatory building codes and Australian Standards.
- » QFES has close links with key regulators, such as the Department of Housing and Public Works and the QBCC, which provides QFES with the ability to refer matters to the relevant regulatory body, as appropriate.

Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2018–19 aligned with the regulator model practices, or indicated where business practices could be enhanced in line with the model practices.

- » Targeted external engagement has been integral to legislative changes progressed by QFES that allow specific assessment fees to be levied against building applications regarding building rectification works.

Actions taken in 2018–19, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

- » Under the *Fire and Emergency Services Act 1990*, QFES charges for attendance at unwanted alarms to encourage building owners or occupiers to be continually proactive in managing fire alarm systems.

To reduce instances where building owners are charged for QFES' attendance at unwanted alarms, QFES works extensively with the building industry and building owners and occupiers to further reduce the number of false/unwanted automatic fire alarms, especially those with high numbers of automatic alarm call-outs. Increased awareness is being achieved through a combination of pre and post construction activities with building designers and owners/occupiers; direct advice to owners of those buildings identified as having a high alarm frequency; the development of the pragmatic test that involves practical cooking and hot shower simulations to prove the strategies outlined in the QFES guidelines work to minimise or eliminate unwanted alarms with 173 pragmatic tests conducted on 108 buildings with a pass rate on first testing of 89 per cent.

As at 30 June 2019, QFES had 7,640 installed alarm connections and responded to 17,514 unwanted alarm activations from monitored fire alarms systems in 2018–19.

The total number of incidents attended by QFES in 2018–19 was 73,363, this means that 24 per cent of all incidents were unwanted alarms. Unwanted alarms have a negative impact on firefighters and the wider community by increasing safety concerns for fire crews and the public, disrupting the community and industry, creating complacency and imposing unnecessary costs to attend these incidents. Reducing unwanted alarm activations ensures that the department can more effectively manage priority emergency responses and resources.

This ongoing work with the building industry has resulted in a continued reduction in the number of false/unwanted automatic fire alarms per Alarm Signalling Equipment connection from 3.7 in 2005–06 to 2.3 in 2018–19.

- » QFES is part of a Horticulture Workers Interagency Group where representatives of agencies attend horticultural worker information sessions in seasonal worker localities. QFES officers provide accommodation fire safety information and advice to the typically transient workers at these information sessions.

3. Provide appropriate information and support to assist compliance.

- » Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience.
- » Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance.
- » Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (for example small business) or require specialist advice.

Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2018–19.

- » The QFES Cladding Support Unit forms part of the Non-Conforming Building Products Audit Taskforce established in July 2017 following the fatal Grenfell Tower fire in London (June 2017) and the Melbourne Lacrosse Tower fire (November 2014).

As of 1 October 2018, new laws applied in Queensland that require all building owners in Queensland that are a class 2-9 building (refer the Building Code of Australia), of a type A or B construction, to register their building and complete a combustible cladding checklist.

The taskforce is conducting a statewide review into all class 2-9 buildings in Queensland that possibly have Aluminium Composite Panel (ACP) cladding fitted, ranging from unit blocks to hospitals and healthcare facilities.

If an in-scope building is fixed with ACP cladding, the building owner is required to register the building on the Safer Buildings website (www.saferbuildings.qld.gov.au). From information supplied by the building owner, the Cladding Support Unit coordinates the appropriate region to undertake an Operational Risk Audit and works with the building owner and building management to develop minimisation strategies including upgraded QFES operational response and building evacuation plans.

- » QFES has developed and published industry policy regarding building cladding which is available on the QFES website. The policy provides information and advice to building owners and industry stakeholders wishing to submit a building application for a building that contains cladding materials.
- » QFES has regulatory timeframes under legislation to provide fire safety advice to building certifiers within 15 days. In 2018–19, of the 3,758 applications received 3,416 activities were completed within the timeframe – a 91 per cent achievement.
- » QFES has provided an external facing portal to reduce the use of paper and allow clients 24-hour access to the QFES building approval lodgement process.
- » The QFES website provides the community with legislative and general advice on all fire safety issues including building fire safety with a series of guidelines, interpretations, fee calculator and links to additional information to assist build a safer Queensland (www.qfes.qld.gov.au).
- » QFES is in the process of updating the QFES Guide to the Referral of Performance Solutions which will clearly communicate QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement with stakeholders. The guide is expected to be published by September 2019.

Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2018-19 aligned with the regulator model practices, or indicated where business practices could be enhanced in line with the model practices.

- » As part of QFES' ongoing commitment to work collaboratively with industry, QFES introduced the QFES Scope Reduction Initiative in 2015. The initiative offers industry the opportunity to reduce costs under specific circumstances, such as building work involving fire hydrant coverage via a single street hydrant. Detailed information for industry stakeholders is available on the QFES website (www.qfes.qld.gov.au/buildingsafety/referral-agency-advice/Pages/sri.aspx).

4. Commit to continuous improvement.

- » Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators, to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving outcomes.
- » To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community.
- » Staff have the necessary training and support to effectively, efficiently and consistently perform their duties

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- » On 8 April 2019, QFES moved to a new organisational model which is place based and focused on enhancing operational capability, improving efficiency and providing more autonomy to regionally-based QFES personnel to make locally appropriate decisions in the context of community safety activities.
The model sees regional leaders for the Fire and Rescue Service (FRS), Rural Fire Service (RFS) and State Emergency Service (SES) and Business Operations report directly to a regional Assistant Commissioner. State-based Assistant Commissioners and their support staff for FRS, RFS and SES will continue to play an important role in providing strategic oversight and guidance to ensure support and consistency across the state.
- » QFES has a Memorandum of Understanding (MoU) with the University of Queensland (UQ). Under the banner of the MoU, UQ and QFES have developed a Graduate Certificate in Fire Safety course for QFES Building Approval Officers (BAOs). This course satisfies academic requirements for progression to BAO2 level.

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- » The Cladding Support Unit has completed training of regional Safety Assessment Officers to allow Operational Risk Audits of identified cladding affected buildings to be carried out by regional staff. The Cladding Support Unit still retains oversight of the finished Operational Risk Audit report which is passed to the regional leadership team for action regarding operation response upgrades.
- » The QFES Community Infrastructure Branch has established a number of working groups such as the Technical Reference Working Group to build consistency across QFES when providing industry advice.
- » QFES has transitioned fire investigation training for QFES officers to a nationally accredited Advanced Diploma qualification with the Canberra Institute of Technology, which will further improve service standards of QFES officers. Current qualified fire investigation staff will continue to work with their current qualification. However, a transition program will be offered to staff who opt to upgrade their qualification to the new advanced diploma level.

5. Be transparent and accountable in actions.

- » Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders.
- » Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.
- » Indicators of regulator performance are publicly available.

Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2018–19.

- » Detailed information pertaining to building owner and occupier responsibilities is published on the QFES website.
- » QFES has developed and published the Fire Safety Management Tool for Owner/Occupier to assist owners/occupiers in proactively managing compliance with legislative requirements. The management tool is available on the QFES website.
- » The Cladding Support Unit has contributed to the Guideline for assessing buildings with combustible cladding. The guideline, which is available on the Queensland Government Safer Buildings website, assists building owners and building industry professionals to understand the function of the self- assessment audit process (www.saferbuildings.qld.gov.au).
- » QFES is updating the QFES Guide to the Referral of Performance Solutions. The guide will clearly communicate QFES' expectations for referred Performance Solutions thereby facilitating effective engagement and providing increased certainty for stakeholders. The updated guide is anticipated to be available on the QFES website in September 2019.