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## Annual Fire Safety Statements - FAQ

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### 1. I've never prepared an Annual Fire Safety Statement before, where do I start?

Most property owners already have regular servicing of their essential fire safety measures being performed by a contractor or suitably qualified person, but may be unaware of their responsibility to submit an Annual Fire Safety Statement. If this is the case, notify your contractor that you are required to supply Council with an Annual Fire Safety Statement and they will provide you with the necessary certification documentation to enable you to properly prepare the Statement.

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### 2. What if I don't have a contractor or know a suitably qualified person - what is one and where do I find one?

Currently there is no regulation governing the accreditation of fire safety maintenance contractors, so it comes down to a consumer choice of who you're satisfied with that is competent enough to perform your fire safety maintenance. When deciding on the right person, remember that you are potentially dealing with a matter of life and death in relation to proper functioning of fire safety measures, so be sure to enquire about the persons or company's credentials before you select them - ask for information about any technical qualifications they possess; any industry licences they hold; any industry associations they are a member of; their industry experience and how long they've been in business for; and whether there have been any complaints against them. For example, you can call NSW Department of Fair Trading to find out about misconduct regarding an industry service provider.

This type of research will give you confidence in selecting the right person in order to protect your interests or liability.

To locate suitably qualified persons, the best place to start is to look up a listing of fire safety contractors on [www.yellowpages.com.au](http://www.yellowpages.com.au) under the category of "Fire Protection Equipment and Consultants (Maintenance service)".

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### 3. When is my Annual Fire Safety Statement due?

Council has allocated the submission date for each property that will closely align with the date on which the fire services have been assessed or the date on which an occupation certificate has been issued for the building.

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### 4. What if the timing of when the Annual Fire Safety Statement is due does not match with my contractor's maintenance cycle?

Your chosen contractor may have to attend your property at different times of the year, as certain fire safety measures require a greater frequency of testing. However you are only required to supply Council with an Annual Fire Safety Statement once a year, so as long as your contractor has attended the site within 3 months of when the Statement is due, then certification will be able to be provided.

Please note that the assessment/inspection date of fire safety measures and the date of when the next Statement is issued, must not be more than 3 months apart.

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#### **5. What happens if I have multiple contractors servicing my fire safety measures?**

Ideally if you can locate one company to service all your measures then it makes certification much more simplified, as the company can then supply just one piece of documentation and you may also benefit from cost savings. However many people choose to use individual contractors who specialise in specific items. For example, you may engage an electrical contractor to service smoke alarm systems, emergency lighting and exit signs; then select a fire door specialist to inspect fire doors and solid-core doors; and then engage a different technician to assess fire extinguishers, fire blankets and fire hose reels.

So in the end you may have several contractors engaged, in which case you obtain individual certification details from each of them in relation to each respective measure they've attended to, and your job is then to collectively transfer all that information and consolidate it onto one Annual Fire Safety Statement document.

Multiple individual certificates don't count as an Annual Fire Safety Statement so Council won't accept a submission of individual certification alone - it must all appear in the format of one fully completed Annual Fire Safety Statement form.

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#### **6. My contractor has sent me some kind of test report or invoice that does not look the same as you Annual Fire Safety Statement form - will you accept this?**

A test report, invoice or similar document is usually only a receipt given by the maintenance contractor which indicates nothing more than they've visited the site or that you've paid for a service. This type of paperwork is not a substitute for an Annual Fire Safety Statement and will not be accepted by Council. What you should be seeking from your contractor is correspondence which specifically lists what fire safety measures they've attended to, together with nomination of what Standard of Performance those measures are meeting. This is the kind of supporting documentation you should be obtaining to assist in proper preparation of an Annual Fire Safety Statement.

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#### **7. My contractor has prepared their own version, and not the Department of Planning and Environment's version, of an Annual Fire Safety Statement form - will you accept this?**

An Annual Fire Safety Statement document must appear in the correct statutory format, containing all certification details and featuring certain compulsory wording as prescribed by legislation. If a contractor's format looks different to Department of Planning and Environment's, you should copy the information across to one of Department of Planning and Environment's blank forms and then submit that instead.

## **8. I notice that an Annual Fire Safety Statement can also be referred to as a Supplementary Fire Safety Statement - what's the difference?**

A Supplementary Fire Safety Statement is used to certify critical fire safety measures only. A critical fire safety measure is one that's important enough to warrant certification on a more regular basis, and therefore a Supplementary Fire Safety Statement is prepared and may need to be supplied to Council at monthly, quarterly or 6-monthly intervals. If Council identifies that a measure qualifies to be known as a critical fire safety measure, then Council will nominate this as part of a Development Consent, Construction Certificate or Fire Safety Order, and Council will also specify the frequency of how often a Supplementary Fire Safety Statement is required.

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## **9. What is a Standard of Performance?**

This is something that the operational capacity and effectiveness of a fire safety measure is measured against, and is usually a standard that specifies how a measure is to be designed and installed, and/or a standard that expects a measure to perform in a certain way. A standard of performance may be either a particular Australian Standard, or a particular clause within a reference document such as the BCA, or in many cases, it may be both.

The applicable standard is specified by Council within the latest Fire Safety Schedule issued for the building, or in the absence of a Fire Safety Schedule, the standard is deemed to be the one that existed at the time that a measure or system was originally designed and implemented.

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## **10. I've heard there is a performance standard for maintenance and also for design and installation - which is the correct one to outline on the Annual Fire Safety Statement?**

Council will not accept documentation that references maintenance standards only, as this is not recognised by legislation. A fire safety measure is required to be assessed in accordance with the standard of design and installation that was applicable at the time the measure was first implemented, as this is the correct level of compliance that the measure is continually expected to adhere to, and brought into conformity if necessary.

A maintenance standard only considers the condition of repair of a fire safety measure, and does not consider adequacy with other compliance criteria as it doesn't concentrate on design installation standards.

Both historic and current legislative provisions relating to fire safety measures have always required systems to perform to their "required level of performance", not to "how" the systems have been maintained.

So in effect, what you need to be declaring to Council is that a fire safety measure will be capable of continuing to operate to a design and installation standard, and the Annual Fire Safety Statement is confirmation that this standard is being achieved.

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## **11. What is a Fire Safety Schedule?**

A Fire Safety Schedule is a document specifying the fire safety measures (both existing and proposed) that should be implemented into a building, and the document is issued in any of the following circumstances:

- When Council grants Development Consent for a change of building use in a situation in which no building work is proposed and no building work is required by Council, or
  - When Council issues a Complying Development Certificate for the erection of a building or for a change of building use with building work involved, or
  - When Council issues a Construction Certificate for proposed building work, or
  - When Council gives a Fire Safety Order in relation to a building
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## **12. Are Annual Fire Safety Statements compulsory?**

The preparation and issue of Annual Fire Safety Statements is a compulsory activity for all buildings that are required to submit a Statement, except for single-use dwellings (ie Class 1a or Class 10 buildings as defined by the BCA). The buildings that are required to submit a Statement are those ones that were constructed after 1st July 1988 or have had additions/alterations carried out after that date, and are the subject of a Fire Safety Schedule. However, if the building was constructed before 1988 - Council will accept the lodgement of an Annual Fire Safety Statement in lieu of undertaking a fire safety upgrade inspection - which may incur considerable cost to the building owner.

The significance of the date of 1st July 1988 is the date that Part 59 (Maintenance of Fire and Other Safety Measures) of Ordinance No. 70 commenced, which was the NSW state technical building law that applied at the time.

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## **13. My lease agreements require the tenants to assume full responsibility on maintenance. Can I get them to submit the Annual Fire Safety Statement?**

You may do this but you must remember that the legislation puts full onus onto a building owner to ensure that an Annual Fire Safety Statement gets submitted on time. Your tenant may become your "agent" for the purposes of supplying a Statement to Council, but if you rely on your tenant to perform this function and they don't fulfil this task, then the legislative provisions still punish the building owner for not meeting this obligation.

Issues caused by tenants have no bearing on ultimate responsibility, as building owners will still receive a penalty for failure to comply.

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## **14. I am the owner of just one unit in a strata title property, how do I manage the Annual Fire Safety Statement process?**

With a strata title property, one Annual Fire Safety Statement must cover the entire building, so individual unit owners are not required to supply a Statement just for the portion that belongs to them. In this instance, the Executive Committee of the Owners Corporation (or Body Corporate) are responsible for arranging the assessment of all fire safety measures that exist within individual units and in common property such as carparks or common area hallways/corridors. The Owners Corporation then prepares and submits one complete Annual Fire Safety Statement for the whole of the premises.

The Owners Corporation may engage a strata manager to carry out the functions of the committee including the executive positions, so if this is the agreement then responsibility of co-ordinating the Annual Fire Safety Statement process becomes that of the strata manager, who then also becomes liable if the process isn't attended to and fines become applicable.

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## **15. What are my legal responsibilities?**

It is an offence to make a false statement or provide misleading information when preparing certification. Further, you may be liable under common law if you do not ensure that the person/s that you rely on for inspecting fire safety measures are acting within their level of competency, or if you fail to maintain the essential fire safety measures and it can be shown that this has led to an injury, death or loss.

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## **16. How do I submit an Annual Fire Safety Statement to Council?**

Council will accept submission of an Annual Fire Safety Statement in any of the following ways:

- Delivered in person to Council's main administration building, located at Cnr Morrow & Baylis Streets Wagga Wagga
- Sent by mail to PO BOX 20 WAGGA WAGGA NSW 2650
- Sent via email to [council@wagga.nsw.gov.au](mailto:council@wagga.nsw.gov.au) (credit card details must be supplied for payment)

All submissions must be accompanied by a form of payment (Cash, Cheque or Credit card details).

It is important to remember that a copy of an Annual Fire Safety Statement must also be forwarded to the Commissioner of the NSW Fire Brigades C/- LOCKED BAG 12, GREENACRE NSW 2190, and a further copy must also be displayed in a prominent location within the building.