



Fire safety - a building owner's responsibilities

What are the building owner's responsibilities?

Under current building laws the building owner must ensure that:

- All fire safety measures that are required to be installed in the building are maintained in good working condition at all times.
- All fire safety measures are inspected by a properly qualified person or persons to ensure the measures are being maintained to appropriate standards.
- Required Fire Safety Notices are maintained in the approved form and displayed in a clearly visible position adjacent to exits.
- All exit doors, hallways to exits or other paths of egress are kept clear of any obstructions, and
- All exit doors are kept in good operating condition free from any obstruction.

What is a fire safety measure?

A fire safety measure is any aspect of construction, a piece of equipment, or emergency evacuation plan, which is required to ensure the safety of people within a building in the event of a fire.

These measures may include fire rated construction, fire hose reels, smoke detection and alarm systems, evacuation plans or many other systems. Fire safety measures vary from building to building.

How do building owners prove to Council & the NSW Fire Brigades that they have met their responsibilities?

The owner of the building must submit to Council and the NSW Fire Brigades an Annual Fire Safety Statement. This is a legal document.

Lodging an Annual Fire Safety Statement is a commitment to fire safety

The Annual Fire Safety Statement must be submitted in the form approved by Council and the law.

The Annual Fire Safety Statement Form is available from Council's offices.

By submitting an Annual Fire Safety Statement the owner is legally stating that all fire safety measures have been maintained to appropriate standards and that exits and exit paths allow for the safe passage of people through the premises in the event of a fire.

The owner must ensure an appropriately qualified person inspects each fire safety measure. It is the owner's responsibility to determine who is appropriately qualified. The owner of the building is accountable under law for the maintenance of all fire safety measures.

Building owners should employ a qualified tradesman to make relevant inspections, carry out work and produce the Annual Fire Safety Statement for the owner to sign. Where a building has more complex Fire Safety systems, an Accredited Fire Services organisation or Building Surveyor should be used.

How to find an accredited Building Surveyor

Appropriately qualified Building Surveyors are accredited by the Department of Infrastructure Planning & Natural Resources (DIPNR).

DIPNR can provide building owners with advice on the accreditation levels required for fire safety inspections of various building types and sizes.

DIPNR can be contacted by:

Phone: (02) 9762 8000
Fax: (02) 9762 8720

The Australian Institute of Building Surveyors may be able to assist with enquiries.

Phone: (02) 9712 8822
Fax: (02) 9712 8811
Email: aibsnsw@bigpond.com

Do I need to submit to Council a certificate for each fire safety measure?

NO – The owner should organise the inspection, testing and certification of each fire safety measure. The owner should retain proof of every inspection or test of each fire safety measure and keep a copy of each Annual Fire Safety Statement.

The only form that needs to be lodged with Council and the NSW Fire Brigades is the “Annual Fire Safety Statement”.

What will happen if the building owner does not submit an Annual Fire Safety Statement?

The outcomes will vary from fines to prosecution, and imprisonment for more serious offences.

Council can issue fines for numerous fire safety offences including:

- Failure to submit an Annual Fire Safety Statement
- Failure to display an Annual Fire Safety Statement in a prominent position in the building
- Failure to maintain the fire safety measures (e.g. exit signs and emergency lighting)
- Obstruction of fire safety measures (i.e. inaccessible fire extinguisher)
- Failure to maintain the required Fire Safety Notice (i.e. warning signs near required exits)
- Obstruction of the fire exit or path to exit or the locking or obstruction of exit doors.

In more serious cases of fire safety law breaches the Court can issue fines exceeding \$1,000,000 or issue sentences for criminal offences.

If you are found to be in breach of fire safety laws, expect a fine to be issued.

An on-the-spot fine exceeding \$1,500 can be issued.

Note

There is no requirement to submit an Annual Fire Safety Statement for single dwelling houses classified 1A under the Building Code of Australia.

Typically Class 1A means – single dwelling houses, terraces or villa houses. Ask Council’s Building Surveyor if you are not sure whether this classification applies to you.

Home owners must ensure they maintain their smoke alarms. Failure to do so may lead to prosecution or liability for any death or injury as the result of fire.

Further Information

Should you require any further information on fire safety measures, please contact our Building Surveyor on 6924 1277 or visit Council’s offices between 9.00 am and 4.00 pm Monday to Friday.

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