

Selecting an accredited practitioner (fire safety)

A guide for building owners who must issue fire safety statements

April 2022



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Introduction

The *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (the Regulation) sets out various requirements about building matters, including provisions relating to fire safety measures and building fire safety offences related to safe escape in the event of a fire (see Parts 10 -16 of the Regulation).

Since a fire can occur at any time, owners of buildings served by fire safety measures are obliged to ensure that those measures are always in working order. These measures are commonly found in Class 1b - 9 buildings as classified under the Building Code of Australia (BCA) and can be located within the building or externally on the site.

The fire safety statement process

The Regulation requires certain building owners (or someone the owner authorises to act on their behalf) to verify they are meeting their fire safety obligations by issuing an annual fire safety statement. However, for some buildings supplementary statements may also be required.

Before a fire safety statement can be issued, an assessment of the fire safety measures must be carried out. The intent is to ascertain whether the fire safety measures can perform to required standards. For annual fire safety statements, the building must also be inspected for any exit system compliance breaches. These assessments and inspections must be undertaken by an accredited practitioner (fire safety). Copies of the fire safety statements must be sent to the local council and to Fire and Rescue NSW. A copy must also be displayed in a prominent position in the building alongside a copy of the building's fire safety schedule.

Generally, a building's fire safety measures are listed on the building's fire safety schedule. Typical fire safety measures often found in buildings include fire sprinkler systems, fire hose reel systems, fire hydrant systems, portable fire extinguishers, illuminated exit signs, emergency lighting systems, fire detection and alarm systems, building occupant warning systems, smoke control systems, emergency lifts, fire-resistant building elements of lightweight construction, and fire safety strategies.

The kinds of buildings that will have a fire safety schedule include commercial, industrial, multi-unit residential, and institutional buildings. They do not include houses. Owners of affected buildings should keep a copy of this schedule. Copies of the schedule can be obtained from the relevant local council.

Accredited practitioner (fire safety)

In 2017, the NSW Government made changes to the *Environmental Planning and Assessment Regulation 2000* to strengthen the fire safety certification in new and existing buildings. These changes included requiring certain fire safety functions be undertaken by a 'competent fire safety practitioner'. Following the commencement of the *Building and Development and Certifiers Act 2018* on 1 July 2020, a competent fire safety practitioner is currently known as an 'accredited practitioner (fire safety)'.

To issue a fire safety statement, a building owner must select an accredited practitioner (fire safety) to assess a building's fire safety measures and inspect the building for fire exit system compliance breaches. These practitioners are required to be accredited under a recognised industry accreditation scheme to perform this function. This helps ensure that building owners can select from a register of practitioners that have been found to have the knowledge, skills and experience necessary to undertake the assessment.

However, in certain circumstances there may not be a practitioner accredited under a recognised industry accreditation scheme. In these cases, the building owner will need to determine that the person selected is 'competent' to undertake this work, which is similar to the role undertaken by building owners previously.

Purpose

This guide is designed to assist building owners in selecting an accredited practitioner (fire safety) for the purpose of issuing a fire safety statement.

This guide also provides information for building owners that are required to determine and document that the person selected is 'competent' to undertake this work (because there is no practitioner accredited under a recognised industry accreditation scheme). The guide sets out three basic steps that could be followed by building owners during the fire safety statement process and provides suggestions on what type of information might be needed when forming an opinion of the fire safety practitioner's competence. The guide also offers advice on how the building owner can make and keep records about this process.

Selecting an accredited practitioner (fire safety)

Before selecting an accredited practitioner (fire safety), a building owner should obtain a copy of the current fire safety schedule to understand what essential and/or critical fire safety measures apply to the building. The schedule contains a list of these measures which can be readily compared to a practitioner's accreditation (where there is a practitioner accredited under a recognised industry accreditation scheme) to determine if a practitioner is available, and will assist in the selection process.

It is important to note that due to the broad range of fire safety measures that may be encountered, a building owner may be required to select more than one accredited practitioner (fire safety) to undertake the assessments and inspections for a building.

The only people who can do the work of an accredited practitioner (fire safety) in relation to a fire safety statement are:

- Practitioners accredited under an approved industry accreditation scheme (for the functions covered by that scheme), and
- Where the Commissioner for Fair Trading is satisfied there is no person accredited to carry out the assessment of a particular fire safety measure, a person deemed by the building owner to be competent to carry out the work in accordance with clause 65 of the *Building Development and Certifiers Regulation 2020*.

Industry accreditation schemes

The first industry accreditation scheme for accredited practitioners (fire safety) commenced on 1 July 2020.

This accreditation scheme covers the statutory (common) fire safety measures found in a building (as detailed in section 79(4) of the Regulation) and the inspection of a building's exit systems. Some non-statutory fire safety measures are also covered.

Further information about the approved industry accreditation schemes can be found on the 'Fire safety practitioners' page of the NSW Fair Trading website at www.fairtrading.nsw.gov.au.

Selecting a practitioner accredited under an approved industry accreditation scheme

When selecting an accredited practitioner (fire safety), a building owner must first determine whether there are persons accredited under an approved industry accreditation scheme to assess each fire safety measure and inspect the exit systems in a building. Where a practitioner is accredited to perform the required assessment or inspection, the building owner must select one of those accredited practitioners.

It is important that building owners ensure that the practitioner selected to undertake an assessment or inspection has the relevant accreditation to perform each function. For example, a practitioner may be accredited under an approved industry accreditation scheme to assess the illuminated exit signs serving a building, however, may not be accredited to inspect the building's exit system for compliance breaches. Before selecting an accredited practitioner (fire safety), it is recommended that a building owner check the register of the relevant accreditation scheme to determine what type of accreditation each practitioner holds. A building owner or their agent should not rely solely on a statement or declaration from a practitioner or another party relating to the status of the accreditation of any practitioners selected.

When a building owner must determine that a practitioner is 'competent'

As stated above, in some cases, there may be no practitioners accredited to assess a specific fire safety measure. In these circumstances the building owner is required to determine that the person selected to assess the measure is competent in accordance with clause 65 of the *Building Development and Certifiers Regulation 2020*.

For this to occur, the Commissioner of Fair Trading must be satisfied there is no person accredited to assess a specific fire safety measure. The Commissioner may then authorise the building owner to determine and document that the practitioner selected to assess the measure is competent. This role is similar to that undertaken by building owners previously in issuing fire safety statements.

A building owner may only appoint an accredited practitioner (fire safety) when authorised to do so by way of a notice issued in the Government Gazette or in writing by the Commissioner of Fair Trading. Once authorised, a building owner must form an opinion that the person is competent to carry out the work and then record this opinion in writing before any work is carried out.

For further information about the circumstances when an owner must determine a practitioner competent, please visit the [Fire safety practitioners](#) page on the NSW Fair Trading website at www.fairtrading.nsw.gov.au.

Assessing the competence of a practitioner

While assessing the competence of a practitioner can be undertaken in several ways, it is suggested that building owners could follow these basic steps:

1. Identify the fire safety measure to be assessed
2. Consider the fire safety practitioner's competence to perform the assessment, including any relevant knowledge, skills and experience
3. Establish and record an opinion of the practitioner's competence.

Step 1 – Identify the fire safety measure to be assessed

The fire safety measures for which an owner will need to assess the competence of the practitioner will often be bespoke or tailored to a particular building. These are non-statutory fire safety measures and could include those prescribed in performance solutions as a method of demonstrating compliance with the BCA. There may also be other non-statutory fire safety measures applied during the design and approval stages of a building. These measures could apply to the whole or part of a building.

Before considering the competence of a practitioner, building owners should identify the fire safety measure that needs to be assessed. For a person to be recognised as 'competent' to assess a non-statutory fire safety measure they should have sufficient knowledge, skills and experience to assess the specific fire safety measure for its ability to perform to the specified standard.

Appendix A provides guidance to building owners on what knowledge, skills and experience to look out for when selecting an accredited practitioner (fire safety) to undertake an assessment of a non-statutory fire safety measure.

Step 2 – Consider the competence of the practitioner

Once the fire safety measure has been identified and described, the next step is for the building owner to consider the practitioner's competence, including whether they have sufficient knowledge, skills and experience to perform the assessment identified in Step 1.

Note: In assessing competence there is a need to make a distinction between those who maintain fire safety measures by conducting routine servicing, and those who assess and, if needed, test measures for the purposes of enabling the issue of the annual or supplementary fire safety statement.

Appendix A provides an example of a form that can be used by a practitioner to demonstrate:

- sufficient technical knowledge relevant to the assessment of the specific fire safety measure
- knowledge of relevant laws and statutory responsibilities around building fire safety
- skills to perform the assessment and communicate the outcomes
- industry experience relevant to the assessment.

Documentation

A fire safety practitioner should provide adequate documentation to building owners to demonstrate their competence to undertake an assessment of a fire safety measure. This should include evidence of relevant knowledge, skills and experience.

Knowledge and skills can be demonstrated through qualifications. A qualification is an official record that a person has completed a course of education or training. Examples of qualifications may include a degree, diploma, certificate or other official record. The qualification should be in a discipline relevant to the task that would be performed. It should be complemented by demonstration of suitable experience.

Where a person has no relevant qualifications, they may be able to demonstrate competence by other means such as a relevant licence, accreditation, or suitable professional membership bound by a code of conduct. This should be complemented by more extensive suitable experience than would be expected if they had possessed a formal qualification.

Step 3 – Establish and record opinion

Based on the assessment of a practitioner's knowledge, skills and experience, the final step is to determine whether the person is competent to undertake the assessment of the particular fire safety measure.

A building owner must record in writing that in their opinion the person or persons selected are competent to perform the necessary fire safety assessment.

An example of a way to record this opinion in writing is provided in **Appendix B**.

Appendix A – Request form

For a building owner to determine a person competent as an accredited practitioner (fire safety) [example]

Part 1 - Practitioner's details

Title:		Given name:		Family name:	
Business name:					
Property no:		Street:			
Suburb:				Postcode:	
Work phone:			Mobile:		
Email:					

Part 2 - Practitioner's experience

Relevant experience

Detailed description of relevant experience in (at least) the last five years*	No. of years' experience

* Provide an attachment if this form does not provide sufficient space

Part 3 - Practitioner’s knowledge

I know and understand:

Technical	✓
the features of the design, construction, and operation of the essential fire safety measures	
what constitutes a satisfactory assessment of essential fire safety measures	
fire safety performance solutions	
what constitutes a satisfactory assessment of fire safety performance solutions	

Regulations	✓
the regulations relevant to that task, including my responsibilities under those regulations	

Part 4 - Practitioner’s skills

Note: Entries must align with task(s) to be performed (see Part 2 of this form)

I have the ability to:	✓
determine the standard or performance required of the measures	
locate and interpret relevant documentation	
assess whether the measures can still perform to their respective standards	
assess a fire safety performance solution	
clearly record and communicate the outcomes of my assessment or inspection	

Part 5 - Practitioner’s qualifications

The information provided under this Part must describe relevance to competence to perform task(s) nominated under Part 2 and support the claims made under Parts 3 and 4.

Qualification	Relevance to competence to perform task(s)

Note: Attach copies of qualifications if requested

Part 6 – Other documentary evidence of competence

The information provided under this Part must describe relevance to competence to perform task(s) nominated under Part 2 and support the claims made under Parts 3 and 4.

Accreditation / Registration / Licence	Relevance to competence to perform task(s)

Note: Attach copy of document evidencing possession of accreditation, registration, license if requested

Practitioner’s name (print)

Practitioner’s signature

Date

Appendix B – Record of opinion

Determination of competence of accredited practitioner (fire safety) [example]

Clause 65 of the Design and Building Practitioners Regulation 2020

I, _____ (insert full name), being the owner of the building at _____ (insert address of the building to which the fire safety statement relates) consider that _____ (insert full name of person deemed competent) is competent to assess the following fire safety measures for the purposes of *Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*:

(Complete the following table)

✓	Fire safety measure

Note: List each of the fire safety measures for which the building owner is determining the competence of the practitioner

I made this determination based on the following documentation:

(Insert details of documentation relied upon)

Signature

Date