



Association of Australian Certifiers
GPO Box 5090 Sydney NSW 2001
T 1300 735 935
E hello@aacertifiers.com.au
aacertifiers.com.au

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Helen Ting
Policy Manager
Department of Customer Service
E: helen.ting@customerservice.nsw.gov.au

Dear Helen

Roundtable invitation: Fire Safety regulation

On behalf of the Association of Australian Certifiers (AAC), I am writing to invite you to take part in a roundtable on the impacts of fire safety regulations that require an Annual Fire Safety Statement to be completed every six months for large office and retail buildings undergoing upgrades.

As the peak body representing registered certifiers in NSW, both in private practice and in local government, the AAC is concerned about a change in interpretation of the existing regulation, which imposes an unnecessary burden on the property sector.

Change in interpretation of the EP&A (Development Certification and Fire Safety) Regulation

For many decades it has been industry practice for a Final Fire-Safety Certificate ("FFSC") addressing fit out or alteration works in a building to only address those of the Fire-safety Measures in a building that have actually been altered in the course of those works undertaken.

Clauses 74 and 83/84 of the *EP&A (Development Certification and Fire Safety) Regulation* effectively requires an Annual Fire Safety Statement (AFSS) to have been issued within the last six (6) months to permit certain exemptions. It is not clear why these clauses introduce this six-month time limit given that the validity of an AFSS is in fact 12 months.

Recently, Fair Trading has confirmed that it is a fineable offence if the FFSC for a tenancy is issued where the AFSS is more than 6 months old.

If this view is taken, then it would in effect impose a de facto requirement for an AFSS to be obtained every six months in large office or retail buildings, which experience multiple ongoing fit out and alteration projects throughout the year.

The AAC is of the view that Fair Trading's interpretation of the regulation is not workable, and should not be applied to large retail and office buildings that experience multiple fit out and alteration works throughout the year.

We note that undertaking an Annual Fire-Safety Audit of all fire-safety systems leading to the issue of an AFSS is a time consuming and expensive undertaking, and that the regulations implicitly acknowledge that a 12 month interval is an appropriate balance of risk, cost and safety.

Requiring these more frequently would add more red tape, cost and administrative burden on building owners and managers.

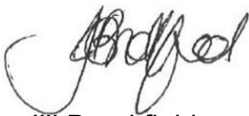
The AAC strongly considers it appropriate that the wording of clauses 74(5)(d), 83 and 84(4)(b) be amended as appropriate to be clear that an AFSS need only be current (e.g. less than 12 months old) for the exemptions to apply.

To that end, the AAC would like to convene a meeting of the representatives of the FPAA, Property Council, Department of Customer Service and the Department of Planning with a view to canvass the relevant issues and progress a change to the regulations as requested above.

We suggest that the meeting be held online on Tuesday, 1 August at 10:00am to discuss this issue in more depth. To that end if you could confirm availability and the names and email addresses of attendees that would be appreciated.

Alternatively, if you wish to discuss further, please contact me on 0431 082 259 or email jbrookfield@aacertifiers.com.au.

Yours sincerely



Jill Brookfield
Chief Executive Officer