

Queensland Fire and Emergency Services Regulator Performance Framework 2021–22 Annual Performance Report

Introduction

Queensland Fire and Emergency Services (QFES) is the primary provider of fire and rescue, emergency services and disaster management capability services throughout Queensland. The department encompasses the Fire and Rescue Service (FRS), disaster management services, the Rural Fire Service (RFS) and State Emergency Service (SES).

The department works with community and partners to minimise the impacts and consequences of disasters and emergencies on persons, property and the environment. This is supported by assisting communities to understand their local hazards and ensuring they have the right knowledge, information and resources to strengthen their capability and resilience.

QFES also has a strong focus on prevention and preparedness to avert emergency incidents as well as response and recovery. These activities include community education; fire safety; hazard identification and risk assessment; and working with communities to plan for and mitigate disasters.

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*. Regulated business entities 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.

Impact of COVID-19

During 2021–22, the Queensland Government's ongoing response to COVID-19 continued to impact QFES' ability to undertake some business-as-usual activities and practices, including regulatory activities such as building inspections. This was due to COVIDSafe measures instigated for staff and community safety, and QFES' direct involvement in the disaster response during lockdown periods and assisting the Queensland Police Service with Queensland border entry checks.

As a department directly supporting the Queensland Government and local governments in response to COVID-19, QFES' operational requirements resulted in redeployment of some officers to bolster frontline operational roles as required. This directly impacted the number of regulatory building inspections conducted during the reporting period. Additionally, the reduction of seasonal workers because of COVID-19 restrictions affecting temporary visa holders resulted in the suspension of engagement with seasonal workers to educate them on Budget Accommodation Buildings (BABs) for the entire reporting period, while prosecutions of illegal BABs continued.

While building approval inspections continued during periods of COVID-19 related lockdown and/or restrictions, QFES took the following actions to continue to meet its regulatory responsibilities while restrictions were in place:

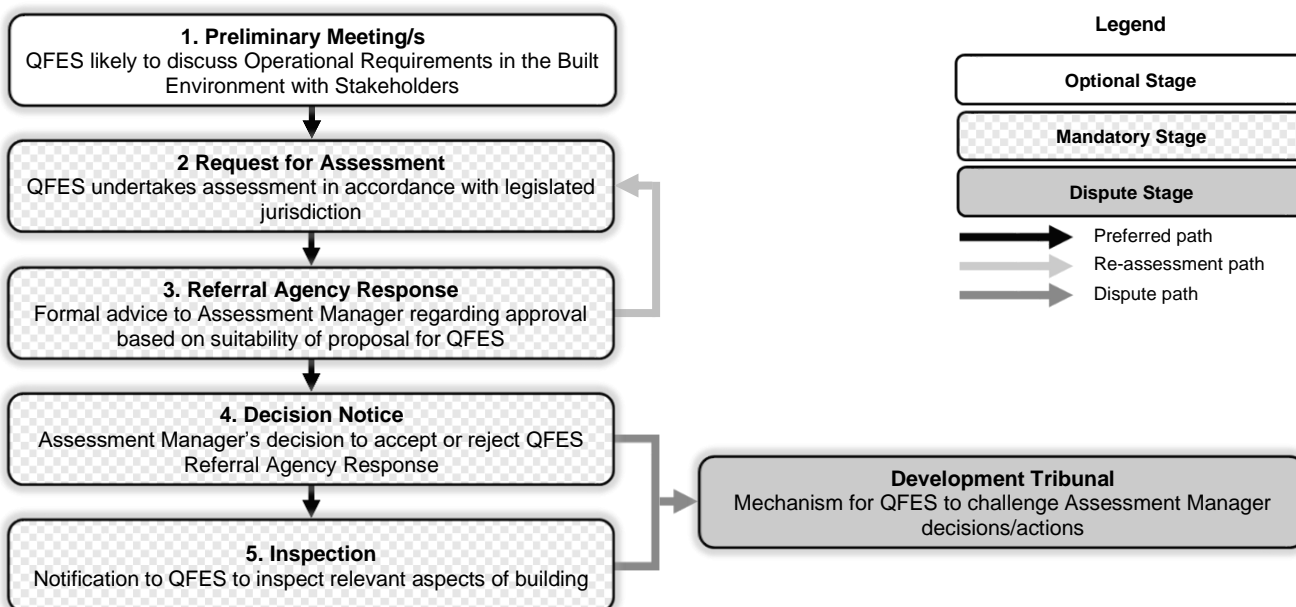
- Officers wore Queensland Health recommended Personal Protective Equipment during their interactions with the public.
- Some scheduled routine building inspections were suspended, however complaints or concerns for building fire safety reported to QFES were actioned and fully investigated.
- Advice continued to be provided to key stakeholders regarding required compliance with legislation, and that QFES regulatory work was continuing during the restrictions.

Table 1. Legislation QFES has regulatory responsibilities under:

Act	Subordinate legislation
<i>Building Act 1975</i>	<i>Building Fire Safety Regulation 2008</i>
<i>Fire and Emergency Services Act 1990</i>	<i>Building Fire Safety Regulation 2008</i> <i>Fire and Emergency Services Regulation 2011</i>
<i>Planning Act 2016</i>	<i>Planning Regulation 2017</i>

Stages of the QFES building fire safety assessment process

The following diagram outlines the different stages of the QFES building fire safety assessment process, from initial meetings to discuss building fire safety requirements, through to prosecution in the event of a dispute or continuing non-compliance.



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 activities.
- Regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk.

1.1 Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2021–22.

1.1.1 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.

1.1.2 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.

1.1.3 A Maintenance Inspection Report (MIR) is a scheduled inspection of the current maintenance of a building's fire safety features conducted by an appropriately qualified officer. This type of inspection is conducted by operational crews at a frequency determined by the risk profile of the building.

The MIR process enables fire officers to liaise and assist premises owners/occupiers to minimise their risk and liability with regards to building fire safety whilst ensuring compliance with building fire safety legislation.

1.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2021–22 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

1.2.1 Under the *Building Act 1975*, 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 governments to identify buildings operating as BABs.

1.2.2 The QFES Compliance and Prosecution Unit (CPU) manages all enforcement and prosecution action against operators of BABs that do not meet the minimum fire safety standard requirements.

1.2.3 The CPU also assists regions with covert surveillance and targeted inspections where illegal and unsafe accommodation practices are suspected.

1.2.4 During 2021–22, there was one successful BAB prosecution case against one company in relation to one structure. A fine of \$32,700 was imposed by the court. At 30 June 2022, a number of other Building Fire Safety prosecutions are proceeding through the court process.

1.3 Actions taken in 2021–22, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

1.3.1 QFES is a member of the Ministerial Construction Council (MCC) Subcommittee—Fire Protection Licensing and Compliance. This subcommittee was tasked to review the fire protection regulatory framework in two phases. The first phase, completed in 2020, resulted in amendments to the fire protection industry licensing framework. The second phase included a review into Fire Safety Installation defects and rectification. QFES officers, as an ex officio member, attended numerous Subcommittee meetings between February and June 2022. The final report containing recommendations will be finalised in July 2022.

Table 2. QFES Building Fire Safety Inspection Measures

No.	Performance measures	2021–22 Actual
2.1	Percentage of building premises inspected and deemed compliant at first inspection	57.5%
2.2	Number of entities prosecuted in the Magistrates Court for building fire safety offences (not including BABs)	1
2.3	Total dollar value of fines imposed on entities in the Magistrates Court for building fire safety offences (not including BABs)	\$25,000
2.4	Notices by Commissioner issued to rectify fire safety breaches (number)	127
2.5	Requisitions by Commissioner to rectify fire safety breaches (number)	46
2.6	Infringement Notices issued (number)	44
2.7	Total dollar value of Infringement Notices issued	\$222,803
2.8	Fire investigation inspections (number of structures)	572
2.9	Building Approval Officer (BAO) assessments (number)	1,974
2.10	BAO inspections (number)	1,434
2.11	Safety Assessment Officers structure inspections (number)	1,401
2.12	Inspections of premises suspected of operating as illegal and unsafe BABs (number)	138 inspections of 69 premises
2.13	Requisitions by Commissioner issued to BABs to reduce risk (number)	10
2.14	Notices by Commissioner issued to BABs to improve fire safety within the premises (number)	15
2.15	Infringement Notices issued to BABs for breaches of fire safety (number)	5
2.16	Total dollar value of fines imposed by QFES for Infringement Notices to BABs	\$24,121

Note:

2.1 This measure reports the percentage of building premises inspected and deemed compliant with building fire safety regulations (*Fire and Emergency Services Act 1990, Building Act 1975 and Building Fire Safety Regulation 2008*) and fire safety procedures on first inspection.

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.

2.1 Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2021–22.

2.1.1 Industry relationships enabled ongoing direct collaborative partnerships to consider and address industry issues and concerns.

2.1.2 The Interdepartmental Committee on Smoke Alarms met on two occasions during the reporting period (September and December 2021) to confirm that each department was progressing in their area of responsibility, community engagement and marketing.

2.1.3 QFES had oversight of the second implementation phase of the domestic smoke alarm requirements contained in the *Fire and Emergency Services Act 1990*, requiring tenanted dwellings and dwellings being sold from 1 January 2022 to upgrade to the new requirements of interconnected, photo-electric smoke alarms in all bedrooms and on exit paths. This included key community messaging directed at the target audience. QFES also recorded smoke alarm information webinars with the Residential Tenancies Authority in July 2021 and the Real Estate Institute of Queensland in November 2021.

2.1.4 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). QFES administers a smoke alarm email address dedicated to providing opportunity for community members and industry stakeholders to request information and clarification of smoke alarm legislation requirements. This email received 3,096 requests during 2021–22. QFES produced an information vodcast on smoke alarm legislation which was uploaded to the QFES website in October 2021.

2.1.5 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.

2.1.6 QFES regularly engages with a variety of peak industry groups and government stakeholders including:

- Australian Institute of Building Surveyors (AIBS)
- Australasian Fire and Emergency Service Authorities Council (AFAC)
- Department of Energy and Public Works (DEPW)
- Fire Protection Association Australia (FPAA)
- Institution of Fire Engineers (IFE)
- National Fire Industry Association (NFIA)
- QBCC
- Society of Fire Safety (SFS).

2.1 (cont'd)

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
- future evolution of regulatory building codes and Australian Standards.

2.1.7 QFES has close links with key regulators such as DEPW and the QBCC, including sharing membership of the Interdepartmental Committee on Smoke Alarms with DEPW and the Safer Buildings Taskforce with DEPW and QBCC. This provides QFES with the ability to share information and refer matters to the relevant regulatory body, as appropriate.

2.1.8 QFES plays a key role within emergency planning of hazardous industries in collaboration with other government agencies especially regulators including Workplace Health and Safety Queensland. This role includes the management of emergency plans lodged with QFES including their assessment and the provision of guidance through a dedicated webpage (www.qfes.qld.gov.au). These activities also inform interactions with hazardous industries across Queensland and QFES emergency management preparations.

2.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2021–22 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

2.2.1 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.

2.3 Actions taken in 2021–22, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

2.3.1 Unwanted alarms have a negative impact on firefighters and the wider community by increasing the 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.
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.

2.3 (cont'd)

To reduce instances where building owners are charged for QFES' attendance at unwanted alarms, the department 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
- pragmatic testing which is part of the building assessment process and involves practical cooking and hot shower simulations to prove the strategies outlined in the QFES guidelines work to minimise or eliminate unwanted alarms.

This ongoing work with the building industry has resulted in a minor increase in the number of false/unwanted automatic fire alarms per alarm signalling equipment connection from 2.1 in 2020–21 to 2.5 in 2021–22.

2.3.2 QFES is part of a Horticulture Workers Interagency Group where representatives of agencies attend horticultural worker information sessions in seasonal worker localities. Group activities continued to be placed on hold during 2021–22 following the impacts of COVID-19 which resulted in a reduction in seasonal workers working in horticulture activities. QFES officers provide accommodation fire safety information and advice to the typically transient workers at these information sessions.

Table 3. QFES Unwanted Alarms Measures

No.	Performance measures	2021–22 Actual
3.1	Pragmatic tests conducted (number)	11 tests on 6 buildings
3.2	Pass rate on first pragmatic test	45%
3.3	Installed alarm connections to monitored alarm systems (number)	7,963
3.4	Unwanted alarm activations from monitored alarm systems responded to	20,236
3.5	Percentage of incidents attended that were unwanted alarms	27.1%
3.6	Rate of Unwanted Alarm Activations per Alarm Signalling Equipment	2.5

Note:

3.6 This measure indicates the effectiveness of QFES strategies to help reduce the number of unwanted alarm activations. This measure compares the number of system initiated false alarms responded to by departmental fire personnel with the number of connected alarm signalling equipment devices per annum. Unwanted alarm activations are defined as any activation of the fire alarm and detection system that could have been avoided. The *Fire and Emergency Services Act 1990* (section 104DA) provides a legislated target of no more than four unwanted alarm activations per alarm signalling equipment per annum.

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.

3.1 Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2021–22.

3.1.1 The Compliance Notice issued by QFES clearly articulates details of the non-compliances to assist recipients understand why they are in breach and to have a clear understanding of what their remediation obligations are, and what actions are required to achieve compliance.

QFES Safety Assessment Officers aim to deliver notices face-to-face to building owners/occupiers to explain the notice and ensure rectification requirements are clear to recipients. The officers continue to work closely with owners/occupiers throughout the rectification process.

In the event that a building owner/occupier disputes a Compliance Notice, the state office will assess and validate the regional Safety Assessment Officer's disputed notice. If the owner/occupier takes no action to rectify the issues, then enforcement action will commence, including potential prosecution.

3.1.2 The QFES Cladding Support Unit forms part of the Safer Buildings Taskforce (previously known as the Non-Conforming Building Products Audit Taskforce) which was 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, laws apply in Queensland that require all class 2–9 building owners in Queensland (refer the Building Code of Australia), of a type A or B construction, to register their building and complete a combustible cladding checklist.

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

3.1.3 Industry policy and QFES position statements regarding building cladding are available on the QFES website. The policy and position statements provide information and advice to building owners and industry stakeholders wishing to submit a building application for an existing building that contains cladding materials.

3.1.4 QFES has an external facing portal to reduce the use of paper and allow clients 24-hour access to the QFES building approval lodgement process.

3.1.5 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 to build a safer Queensland (www.qfes.qld.gov.au).

3.1.6 The QFES Guide to the Referral of Performance Solutions clearly communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement with stakeholders.

<p>3.2 Examples and/or case studies that highlight the extent to which QFES’ regulatory practices in 2021–22 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.</p>	<p>3.2.1 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).</p>
<p>3.3 Actions taken in 2021–22, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.</p>	<p>3.3.1 QFES has a Community Safety Technical Reference Group comprising of BAOs from each of its seven regions and Community Infrastructure Branch subject matter experts, who provide technical input into QFES community safety policy development. (QFES’ regional locations are Far Northern, Northern, Central, North Coast, Brisbane, South Eastern and South Western.)</p> <p>3.3.2 QFES facilitates a bi-monthly statewide forum for operational firefighters who are filling Safety Assessment Officer positions in regulatory enforcement roles. The forum is facilitated by the Community Infrastructure Branch and presents case studies and issues arising from Building Fire Safety Inspections and the related systems, processes and enforcement outcomes.</p>

Table 4. Fire safety advice applications

No.	Performance measures	2021–22 Actual
4.1	Fire safety advice applications received (number)	3,767
4.2	Fire safety advice applications completed within the 15-day timeframe (number and per cent)	3,563 95%

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.

<p>4.1 Evidence and relevant information that demonstrates the extent to which QFES’ regulatory practices aligned with the regulator model practices throughout 2021–22.</p>	<p>N/A</p>
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4.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2021–22 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

- 4.2.1** QFES BAOs who wish to progress to BAO2 are undertaking the Graduate Certificate in Performance-Based Building and Fire Codes through Victoria University. At 30 June 2022, 11 QFES Officers are undertaking the one-year course remotely.
- 4.2.2** Renewed a Memorandum of Understanding (MoU) with the Department of Environment and Science surrounding the management of potential fire risk from waste stockpiles. This MoU formulates the structure for both departments to cooperatively share information.
- 4.2.3** QFES continued participation in fire safety research activities with various external stakeholders, aimed at increasing the department's knowledge and understanding of innovative and emerging building products, technologies and methods of construction. This included collaboration, research and policy development relating to electric vehicles and battery energy storage systems, and fire safety principles.
- 4.2.4** In line with the Queensland Audit Office *Regulating animal welfare services (Report 6: 2021–22)*, tabled in Parliament on 30 November 2021, QFES undertook a self-assessment against better practices in the *Good regulatory practices*. At 30 June 2022, the outcomes from the self-assessment are being finalised.

4.3 Actions taken in 2021–22, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

- 4.3.1** The Cladding Support Unit delivers ongoing training to all new regional Safety Assessment Officers to allow Operational Risk Audits (ORA) of identified cladding affected buildings to be carried out by regional staff. Additionally, the ORA training PowerPoint has been updated and is available to all QFES regions. The Cladding Support Unit retains oversight of completed ORA reports which are forwarded to the relevant regional leadership team for action regarding operation response upgrades. The ORA competency maintenance module is incorporated into the operational crews annual training schedule.
- 4.3.2** The QFES Community Infrastructure Branch has in place a number of working groups such as the Technical Reference Group and the Technical Alarm Coordination and Response Group to ensure consistency across the department when providing industry advice.
- 4.3.3** QFES continues to work with the Canberra Institute of Technology (CIT) to provide fire investigation training for QFES officers to obtain a nationally accredited Advanced Diploma qualification which will further improve service standards of QFES officers. QFES is committed to maintaining the currency of fire investigation training. A cohort of 12 candidates from around the state are undertaking the nationally recognised qualification of Advanced Diploma of Public Safety (Fire Investigation) offered by the CIT. To support this commitment, a further 12 candidates from around the state will commence the course in July 2022. This is in conjunction with a new training pathway that provides flexibility for the candidate and enhanced regional fire investigation capacity.
- 4.3.4** QFES continued to update, refine and expand externally facing position statements and guidelines to inform stakeholders. This is an ongoing process to reflect changes to legislation, codes, standards, innovation and emerging issues etc.
- 4.3.5** As part of regulatory review activities, QFES continued its review of the *Building Fire Safety Regulation 2008*. The purpose of the regulation is to ensure safe and timely building evacuations during fires or emergencies, and to ensure prescribed fire safety installations for buildings are maintained. The review includes assessment of several aspects including whether the regulation is appropriately risk based and remains the best approach to achieving outcomes. This review will continue into 2022–23.

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.

5.1 Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2021–22.

- 5.1.1** Detailed information pertaining to building owner and occupier responsibilities is published on the QFES website.
- 5.1.2** The QFES Fire Safety Management Tool for Owner/Occupiers to assist owners/occupiers in proactively managing compliance with legislative requirements is available on the QFES website (www.qfes.qld.gov.au).
- 5.1.3** The Cladding Support Unit 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).
- 5.1.4** The QFES Guide to the Referral of Performance Solutions clearly communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement and providing increased certainty for stakeholders.

5.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2021–22 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

N/A

5.3 Actions taken in 2021–22, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

N/A