

Queensland Fire and Emergency Services Regulator Performance Framework Annual Performance Report 2019-20

About this report

The Better Regulation Strategy, which includes the Regulator Performance Framework, recognises the actions and performance of regulators in implementing, administering and enforcing regulations. The strategy plays a significant role in achieving the policy objective of regulation, while reducing the regulatory burden experienced by stakeholders, regulated parties and regulators.

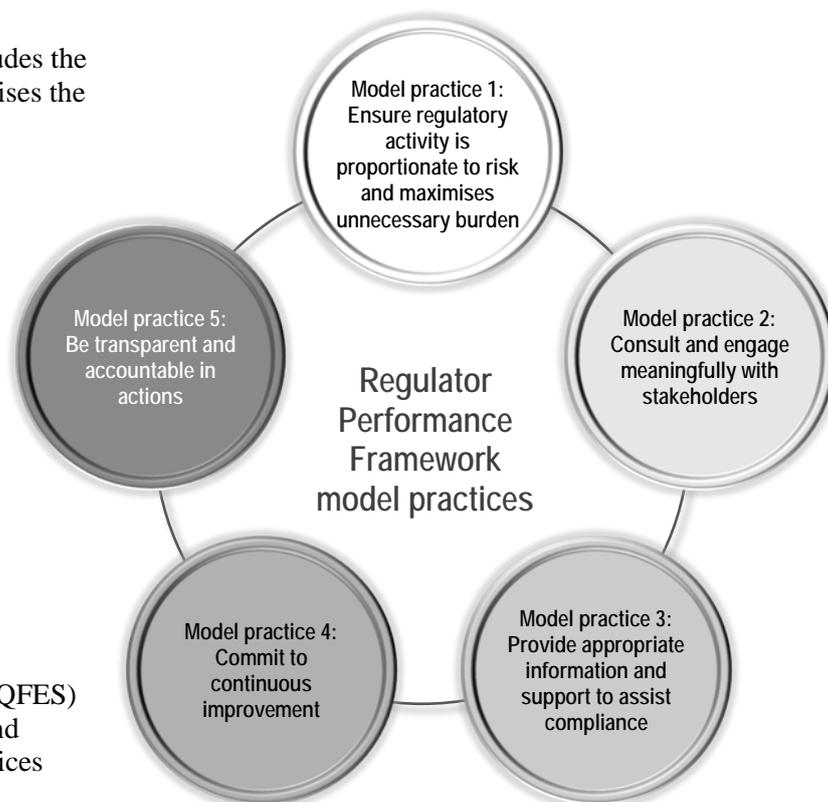
To maximise the effectiveness of the framework, regulators are required to report annually (from 2018-19) to demonstrate the extent to which they are implementing the model practices in the framework and to outline plans for future improvements of their business practices.

Introduction

Queensland Fire and Emergency Services (QFES) is the primary provider of fire and rescue and emergency management programs and services throughout Queensland. The department encompasses the Fire and Rescue Service, disaster management services, Rural Fire Service and State Emergency Service. The department protects persons, property and the environment through the provision of effective prevention, preparedness, response and recovery activities across a range of fire and emergency events including natural and human-induced 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 2019-20, the Queensland Government's response to COVID-19 impacted on QFES' ability to undertake some business-as-usual activities and practices, including regulatory activities such as building inspections. This was as a result of the COVIDSafe measures instigated for staff and community safety, and the fact that QFES was directly involved in the response to the pandemic.

As a department directly supporting the Queensland Government and local governments in responding to the pandemic, QFES' operational requirements resulted in redeployment of some officers to bolster

frontline operational roles. This directly impacted the number of regulatory building inspections conducted during the reporting period.

While building approval inspections continued during the COVID-19 response from March to June 2020, QFES took the following actions to continue to meet its regulatory responsibilities:

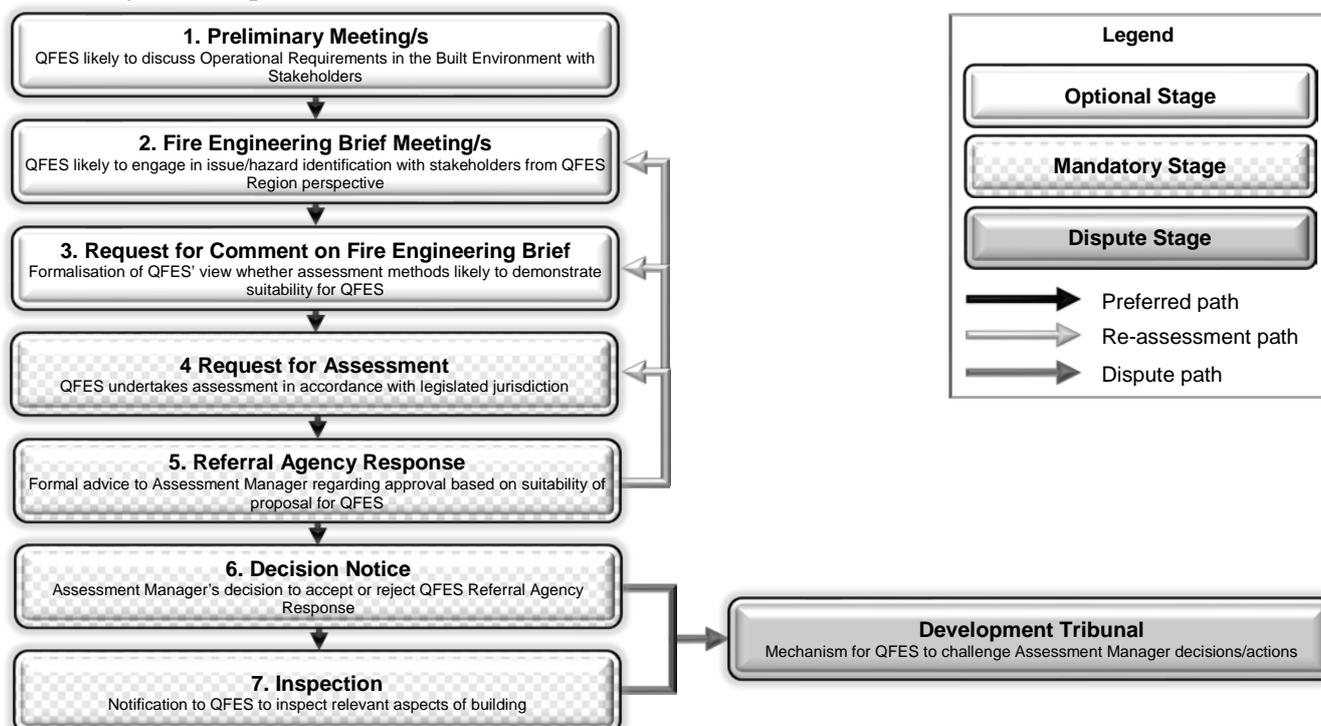
- » officers wore Queensland Health recommended personal protective equipment during interactions with the public.
- » all scheduled routine building inspections were suspended, while any complaints or concerns for building fire safety that were reported to QFES were actioned and fully investigated.
- » scheduled pragmatic testing of unwanted alarms compliance in existing buildings was suspended, while testing relating to building approvals continued.
- » engagement with seasonal workers to provide education on Budget Accommodation Buildings (BABs) was suspended, while prosecutions of illegal BABs continued.
- » meetings of industry and stakeholder committees and working groups were suspended.
- » correspondence was sent to key stakeholders reminding them that compliance with legislation was still required, and that QFES regulatory work continued 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 below 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 focussed towards risk.

1.1 Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2019-20

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 with the community and assist the owners/occupiers of premises 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 2019-20 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 government to identify buildings operating as BABs.

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

1.2.3 The QFES Compliance and Prosecution Unit also assists regions with covert surveillance and targeted inspections where illegal and unsafe accommodation practices are suspected.

1.2.4 During 2019-20, two successful prosecution cases against two individuals in relation to offences detected at one BAB resulted in \$56,000 in fines imposed by the courts. An additional four BAB prosecutions against two individuals were set down for Magistrates Court trials in March to April 2020 however, were adjourned due to the impacts of COVID-19. These have been rescheduled for 2020-21.

1.3 Actions taken in 2019-20, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices

1.3.1 QFES provides guidance to other government agencies as part of their legislative review programs. QFES attended numerous inter-agency licensing review meetings between August 2019 and February 2020.

1.3.2 QFES is a member of the Ministerial Construction Council (MCC) Subcommittee—Fire Protection Licensing and Compliance. This committee ensures industry bodies are registered and provide consistent service to the community. QFES officers attended numerous MCC subcommittee meetings between November 2019 and March 2020.

Table 2. QFES Building Fire Safety Inspection Measures

No.	Performance measures	2019-20 Actual
2.1	Percentage of building premises inspected and deemed compliant at first inspection	59.2%
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)	\$12,500
2.4	Notices by Commissioner issued to rectify fire safety breaches (number)	124
2.5	Requisitions by Commissioner to rectify fire safety breaches (number)	36
2.6	Infringement Notices issued (number)	50
2.7	Total dollar value of Infringement Notices issued	\$203,548
2.8	Fire investigation inspections (number of structures)	601
2.9	Building Approval Officer (BAO) assessments (number)	1,901
2.10	BAO inspections (number)	1,660
2.11	Safety Assessment Officers structure inspections (number)	1,282
2.12	Inspections of premises suspected of operating as illegal and unsafe BABs (number)	231 inspections of 124 premises
2.13	Requisitions by Commissioner issued to BABs to reduce risk (number)	35
2.14	Notices by Commissioner issued to BABs to improve fire safety within the premises (number)	21
2.15	Infringement Notices issued to BABs for breaches of fire safety (number)	14
2.16	Total dollar value of fines imposed by QFES for Infringement Notices to BABs	\$32,544

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 2019-20

- 2.1.1** Industry relationships formed at the industry smoke alarm 'Think Tank', facilitated by QFES and held in March 2019, resulted in direct collaborative partnerships to consider and address industry issues and concerns.
- 2.1.2** The Interdepartmental Committee on Smoke Alarms met in May 2020 to confirm that each department was progressing in their area of responsibility, community engagement and marketing.
- 2.1.3** A QFES Smoke Alarm Engagement Officer was appointed from February 2020 to 31 December 2020 resulting in an ongoing proactive QFES/industry stakeholder community education campaign. With the next key smoke alarm implementation date being 1 January 2022 for rental properties and properties being transferred, the priority is to promote the safety benefits to landlords of voluntarily complying before the deadline. By utilising established stakeholder communication platforms, QFES has direct contact with landlords and tenants which results in key messaging reaching the target audience.
- 2.1.4** QFES' website provides detailed information for the public to access all aspects of legislative requirements for the staged implementation of the new smoke alarm requirements which commenced on 1 January 2017. The smoke alarms website underwent a review and update in March 2020 and upon final production in 2020-21, will include three animated videos providing an alternative means of encouraging owners to upgrade their smoke alarms. (www.qfes.qld.gov.au).
- 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, but not limited to:
- Australasian Fire and Emergency Service Authorities Council (AFAC)
 - Fire Protection Association Australia (FPAA)
 - National Fire Industry Association (NFIA)
 - Australian Institute of Building Surveyors (AIBS)
 - Institution of Fire Engineers (IFE)
 - Society of Fire Safety (SFS)
 - Department of Housing and Public Works (DHPW)
 - QBCC.
- 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

	<ul style="list-style-type: none"> • sharing knowledge and influencing strategic direction • future evolution of regulatory building codes and Australian Standards. <p>2.1.7 QFES has close links with key regulators such as DHPW and the QBCC, including sharing membership of the Interdepartmental Committee on Smoke Alarms with DHPW and sharing membership of the Safer Buildings Taskforce with DHPW and QBCC. This provides QFES with the ability to share information and refer matters to the relevant regulatory body, as appropriate.</p> <p>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.</p>
<p>2.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2019-20 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices</p>	<p>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.</p>
<p>2.3 Actions taken in 2019-20, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices</p>	<p>2.3.1 Unwanted alarms have a negative impact on firefighters and the wider community by increasing 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.</p> <p>Under the <i>Fire and Emergency Services Act 1990</i>, QFES charges for attendance at unwanted alarms to encourage building owners or occupiers to be continually proactive in managing fire alarm systems.</p> <p>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:</p> <ul style="list-style-type: none"> • 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 • the development of the pragmatic test that involves practical cooking and hot shower simulations to prove the strategies outlined in the QFES guidelines work to minimise or eliminate unwanted alarms. <p>This ongoing work with the building industry has resulted in a continued reduction in the number of false/unwanted automatic fire alarms per Alarm Signalling Equipment connection from 3.7 in 2005-06 to 2.2 in 2019-20.</p>

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. 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 Measure	2019-20 Actual
3.1	Pragmatic tests conducted (number)	17 tests on 11 buildings
3.2	Pass rate on first pragmatic test	88%
3.3	Installed alarm connections to monitored alarm systems (number)	7,679
3.4	Unwanted alarm activations from monitored alarm systems responded to	16,522
3.5	Percentage of incidents attended that were unwanted alarms	22.7%
3.6	Rate of Unwanted Alarm Activations per Alarm Signalling Equipment	2.2

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 2019-20

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 owner/occupiers to explain the notice and ensure rectification requirements are clear to recipients. The officers continue to work closely with owner/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.

	<p>3.1.2 The QFES Cladding Support Unit forms part of the Safer Building Taskforce (previously known as the Non-Conforming Building Products Audit Taskforce) established in July 2017 following the fatal Grenfell Tower fire in London (June 2017) and the Melbourne Lacrosse Tower fire (November 2014).</p> <p>As of 1 October 2018, laws apply in Queensland requiring all building owners in Queensland that are a class 2-9 building (refer the Building Code of Australia), of a type A or B construction, to register their building and complete a combustible cladding checklist.</p> <p>If an in-scope building is fixed with aluminium composite panel cladding, the owner is required to register the building on the Safer Buildings website (www.saferbuildings.qld.gov.au). From 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.</p> <p>3.1.3 Industry policy regarding building cladding is available on the QFES website. The policy provides information and advice to building owners and industry stakeholders wishing to submit a building application for a building that contains cladding materials.</p> <p>3.1.4 QFES has an external facing portal to reduce the use of paper and enable clients 24-hour access to the QFES building approval lodgement process.</p> <p>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 build a safer Queensland (www.qfes.qld.gov.au).</p> <p>3.1.6 In March 2020, QFES released the updated QFES Guide to the Referral of Performance Solutions, which clearly communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement with stakeholders.</p>
<p>3.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2019-20 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 2019-20, 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 an evolving BAO Technical Reference Working Group comprising of BAOs from each of its seven regions who provide technical input into policy developed by state subject matter experts.</p>

Table 4. Fire safety advice applications

No.	Performance Measure	2019-20 Actual
4.1	Fire safety advice applications received (number)	3,622
4.2	Fire safety advice applications completed within the 15-day timeframe (number and per cent)	3,325 or 90%

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.

4.1 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2019-20 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

- 4.1.1** QFES has a Memorandum of Understanding (MoU) with the University of Queensland that provides a Graduate Certificate in Fire Safety course for QFES BAOs. This course satisfies academic requirements for progression to BAO2 level.
- 4.1.2** QFES developed an MoU with the Department of Environment and Science that ensures information sharing by either agency regarding investigations and compliance of waste management facilities. The MoU ensures that actions taken by either agency are communicated and are complementary to other compliance actions.
- 4.1.3** QFES participated in fire safety research activities with various external stakeholders, aimed at increasing QFES' knowledge and understanding of innovative and emerging building products, technologies and methods of construction, etc. Examples include fire safety research into the use of cross laminated timber and the performance of, and standards pertaining to, smoke alarms.

4.2 Actions taken in 2019-20, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

- 4.2.1** The Cladding Support Unit completed training of regional Safety Assessment Officers to allow Operational Risk Audits of identified cladding affected buildings to be carried out by regional staff. The Cladding Support Unit retains oversight of the Operational Risk Audit report which is passed to the regional leadership team for action regarding operation response upgrades. A competency maintenance module has been developed and integrated into the operational crews training schedule.
- 4.2.2** 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 QFES when providing industry advice.
- 4.2.3** QFES worked with the Canberra Institute of Technology (CIT) to transition fire investigation training for QFES officers to a nationally accredited Advanced Diploma qualification which will further improve service standards of QFES officers. Transition work was completed with 13 QFES fire investigation students enrolled in the first CIT Advanced Diploma course scheduled to commence in August 2020. Current qualified fire investigation staff will continue to work with their current qualification. However, a transition program is being offered to staff who opt to upgrade their qualification to the new Advanced Diploma level.

4.2.4 QFES continued to update, refine and expand externally facing guidelines to inform stakeholders. For example, the QFES Guide to the Referral of Performance Solutions was updated and released in March 2020. This is an ongoing process to reflect changes to legislation, codes, standards, innovation and emerging issues.

4.2.5 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 2020-21.

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 2019-20

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/Occupier 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, released in March 2020, clearly communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement and providing increased certainty for stakeholders.