



Review of Regulation of Fire Systems Installers in Western Australia

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Terms of Reference

The terms of reference of the review are to:

1. examine current requirements for fire systems installation and testing (commissioning) in Class 2 to 9 buildings in Western Australia's WA's existing building, plumbing and electrical laws;
2. identify key areas of concern in the laws and building compliance for fire systems installation and testing;
3. examine the categories of fire systems registration proposed in the Australian Building Codes Board's *National Registration Framework for building practitioners: model guidance*;
4. identify what legislative reforms are required to establish a registration framework and regulatory requirements for fire systems installers and testers in WA; and
5. make recommendations to the Minister for Commerce for legislative reform (if any).

The review will not examine issues that are more appropriately dealt with in laws administered or under development by other WA Government departments and agencies, including the:

- *Fire Brigades Act 1942*;
- *Fire and Emergency Services Act 1998*;
- proposed Consolidated Emergency Services Act;
- *Public Works Act 1902*;
- *Health (Miscellaneous Provisions) Act 1911*; and
- Health (Public Buildings) Regulations 1992.

Reasons for review

Fire in buildings is a major threat to life, health and property. The National Construction Code's (NCC's) key aim is to protect the life safety of building occupants, primarily by:

- warning building occupants about a fire;
- enabling building occupants to evacuate safely; and
- minimising damage to other property by reducing the spread of fire.

Fire systems installers are generally specialty subcontractors/practitioners that install and test (commission) fire safety building products and systems in NCC Class 2 to 9 buildings. NCC Class 2 to 9 buildings include, for example, apartments, hotels and commercial and industrial buildings.

Compliance with applicable standards in the NCC, including both active and passive fire safety systems, significantly reduces the risk of the growth and spread of fire. However, if these systems are not designed, installed and tested (commissioned) to the required standards there are risks to the safety of building occupants and fire fighters.

The national Building Confidence Report published in 2018 made 24 high-level recommendations to state and territory Building Ministers to address systematic issues and regulatory shortfalls in building related compliance and regulatory standards across Australia. The recommendations included a proposal to require fire systems installers be subject to mandatory registration requirements.

In Stage 1 of the Building Confidence Report reforms in WA, the Department of Energy, Mines, Industry Regulation and Safety – Building and Energy Division (Building and Energy) has commenced registration of building engineers to provide greater certainty in building design. In Stage 2, the Government has approved a number of reforms to improve the way buildings are designed, approved and constructed in WA.

This review forms part of the WA Government's final stage of considering the Building Confidence Report reforms and will examine the current installation and testing requirements for critical building fire systems in WA to determine if mandatory registration requirements are warranted in this important area of public safety.

Current WA regulatory landscape: A snapshot

The construction of complex Class 2 to 9 buildings involves a wide range of professions, some of which are already subject to mandatory registration in WA.

The installation and commissioning (testing) of fire systems incorporates building, plumbing and electrical work, and is therefore impacted by laws and requirements governing all three types of work.

Various elements of fire systems installation work are currently required to be undertaken by registered builders, and licensed plumbers and electricians. There are also elements of this work which may be undertaken by people holding any of these registration and licence types, or by unlicensed tradespeople. The multitude of different legislation and licence types involved makes any reform to the regulation of fire systems particularly complex, and potentially contentious.

The **Building Services (Registration) Act 2011** (WA) (BSR Act) and Building Services (Registration) Regulations 2011 (WA) (BSR Regulations) provide for building services occupations for the building sector to be registered. Currently, builders, building surveyors and painters are registered under this legislation, as both practitioners (individuals) and contractors (businesses). From 1 July 2024, structural and fire safety building engineers will also be registered, as professionals, technologists and associates, depending on their qualifications. Engineering work is central to the design and effectiveness of complex commercial building fire systems, particularly fire safety and fire systems designers, who design fire safety performance solutions and active fire safety systems including sprinklers, hydrants, hose reels, and detection and warning systems.

Legislative obligations apply to these registered practitioners and contractors under the BSR Act (registration and disciplinary requirements), and the **Building Act 2011 WA** (Building Act) (building control standards, approvals, documentation and construction).

In addition, complaints may be lodged with Building and Energy about these providers and disciplinary action taken under the **Building Services (Complaint Resolution and Administration) Act 2011 WA**.

The Building Act and the associated Building Regulations 2012 (WA) prescribe volumes 1 and 2 of the NCC as the applicable building standards for new building work. Building surveyors certify compliance with the applicable building standards in the building approval documentation, including fire systems. Registered builders have obligations to properly manage and supervise building work and ensure that, on completion, a building complies with applicable building standards.

During the building approval process for Class 2 to 9 buildings under the Building Act, a registered building surveyor must submit the plans and specifications to the Fire and Emergency Services Commissioner (FES Commissioner) at least 15 days before signing the Certificate of Design Compliance.

The Department of Fire and Emergency Services (DFES) assesses compliance of the plans and specifications with the FES Commissioner's operational requirements and provides advice to the building surveyor. In addition, DFES may undertake fire hydrant booster testing to confirm if an installed fire system meets FES Commissioner operational requirements. DFES owns and



operates a protected premises fire alarm monitoring network, known as Direct Brigade Alarms for higher risk buildings that have alarms directly linked to fire brigades.

Some active fire systems installation work in Class 2 to 9 buildings requires tests and inspection certificates prescribed in the Building Regulations (see Appendix A). For example, fire sprinklers, hydrants, fire hoses, extinguishers, and fire rating of penetrations through building elements, such as walls or floors.

At the end of works, the building surveyor obtains relevant inspection certificates and other commissioning documentation as part of the final stage of the building permit process and the issuing of the Certificate of Construction Compliance. This documentation forms part of the application for the occupancy permit, which must be submitted to Local Government (permit authority) and issued before the building can be occupied.

Some fire systems encompass building, plumbing or electrical work which are subject to mandatory registration/licensing requirements for persons or entities undertaking that work (see fig 1). However, other types of fire systems installation work are not subject to mandatory registration requirements or have exemptions from requiring a building permit in Schedule 4, Clause 2 of the Building Regulations.

Fire-fighting water services (including pumps, tanks, hose reels and fire sprinkler systems) that are installed separately to a building's internal drinking water supply may currently be installed by persons who do not hold a licence.

In certain circumstances, fire sprinkler systems may connect to a building's internal water supply. In these cases, the work must be undertaken by licensed plumbers and comply with the relevant plumbing standards under the *Plumbers Licensing Act 1995 WA* and the Plumbers Licensing and Plumbing Standards Regulations 2000 (WA).

Installing and working on fire systems commonly involves electrical work. Where this involves work on an electrical system or component operating above extra-low voltage (50V or 120DC), the person performing the work must be appropriately licensed under the Electricity (Licensing) Regulations 1991 (WA) and the work will need to be performed in accordance with relevant standards.

Figure 1- Current registration/licensing of fire systems installation in plumbing, building and electrical laws

Plumbing Work

Fire sprinklers (only if connected to building's internal drinking water supply)

Building Work (subcontracted) may include

Fire sprinklers, Hydrants, Hose reels (connected to mains water service)
Passive fire construction

Fire systems work not requiring a builder e.g. if building permit exemptions apply, such as for some repair and maintenance work, and work is under \$20,000.

Electrical Work

Installing and working on fire systems to which electricity is supplied e.g. Fire detection, Fire alarms, Mechanical smoke control

Reform areas

Consistent with the terms of reference, the following reform areas will be considered during the review:

- new classes of registration prescribing mandated qualifications and experience, or industry accreditation, for fire systems installers under the plumbing and/or building laws administered by Building and Energy;
- strengthened inspection or testing certificates and processes under Building Regulations to complement registration reforms; and
- measures to address impacts on current registered occupations and allow for transition periods.



How the review will be conducted

Building and Energy will seek input from industry, unions, government and other interested stakeholders to identify the likely number of persons or companies performing fire systems installation work on Class 2 to 9 buildings in WA, and to what extent these occupations are covered by current laws, registration regimes and other regulatory requirements, or non-regulatory regimes such as industry accreditation.

Stakeholder consultation will be used to identify existing weaknesses and develop any required reforms.

The review will include several phases, consistent with the WA Government's commitment to good regulatory design and the Department of Treasury's Better Regulation Principles.

Review phases are:

1. **Inquiry phase:** information gathering, including targeted industry forums and surveys.
2. **Discussion phase:** consultation regulatory impact statement (CRIS) prepared and public consultation undertaken.
3. **Analysis phase:** analysis of feedback received, preparation of decision regulatory impact statement (DRIS) and cost-benefit analysis.

The review process is important as there can be considerable costs to business, government,

and flow on costs to consumers to introduce new registration or regulatory requirements. Thorough consultation will also lead to more practical and effective reforms.

The initial **inquiry phase** will seek information about affected industries and key stakeholders in WA. Building and Energy will conduct industry forums to seek feedback about fire systems installers operating in WA, fire systems defects, what is working well and what could be improved. These industry forums will provide an opportunity for key stakeholders to comment on the suitability of the proposed **National Registration Framework for building practitioners: model guidance** (National Registration Framework), prepared by the Australian Building Codes Board, in a WA industry and regulatory context, issues of concern, preliminary costs and benefits, and alternative options.

It is anticipated this phase will seek information from industry representatives, unions and stakeholders from plumbing, building surveying, building, engineering, electrical, fire protection industry and relevant building services trades, as well as strata building industry representatives, local governments and WA Government departments and agencies. Information will also be sought from training providers regarding proposed qualifications and experience requirements in the National Registration Framework.

In the **discussion phase**, Building and Energy will release a Consultation Regulatory Impact Statement, outlining the context and issues explored during the inquiry phase, approaches in other jurisdictions and options for reform. Interested stakeholders, building owners, consumers and industry participants will be encouraged to provide formal feedback on the proposals, including on any lead in times and transitional arrangements that might be required.

In the final, **analysis phase** of the review, Building and Energy will consider the feedback collected during the earlier phases, adjust proposals for reform and provide a report with recommendations to the Minister for Commerce for final consideration.

A cost benefit or economic analysis of the recommended reforms will be undertaken during this phase if necessary.

Further Information

Copies of the *Building Act 2011*, *Building Services (Registration) Act 2011*, *Building Services (Complaint Resolution and Administration) Act 2011*, *Plumbers Licensing Act 1995* and *Electricity (Licensing) Regulations 1991* are available on Parliamentary Counsel's website www.legislation.wa.gov.au

The National Registration Framework is available on the Australian Building Codes Board website: [National Registration Framework \(abc.gov.au\)](http://NationalRegistrationFramework(abc.gov.au))

Updates on the review when available will be provided on Building and Energy's website [Public consultations | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](http://Publicconsultations|DepartmentofMines,IndustryRegulationandSafety(commerce.wa.gov.au)).



Appendix A

Inspections and tests of fire and related systems Extracts from the Building Regulations 2012

3. Terms used

In these regulations –

Performance requirement has the meaning given in the Building Code Volume One Schedule 3;

3A. Building Code

(1) Building Code means the Building Code of Australia which is Volumes One and Two of the National Construction Code, published by, or on behalf of, the Australian Building Codes Board.

27. Required inspections and tests: Class 2 to Class 9 Buildings (s. 36(2)(a))

(1) Inspections and tests that are to be conducted during or at the completion of building work for a Class 2 to Class 9 building are tests to assess compliance with the building standards of each system referred to in column 1 of the Table in Schedule 3 that is required by the building standards to be installed in the building.

(2) The inspections and tests are to be conducted at the time set out in respect of the system in column 2 of the Table in Schedule 3.

29. Inspection certificates (s. 36(2)(h) and (j))

(1) A person who conducts an inspection or test referred to in regulation 27 or 28 must complete an inspection certificate in respect of the inspection or test that contains the following information –

- (a) the number of the building permit for the building work inspected or tested;
- (b) a description of the purpose, extent and outcome of the inspection or test;
- (c) the date and time the inspection or test was conducted;
- (d) the name, contact details and qualifications of the person conducting the inspection or test;
- (e) any other document or other evidence of the outcome of the inspection or test that the person conducting the inspection or test considers relevant.

(2) The person who completes an inspection certificate in respect of an inspection or test must provide the certificate to the person named as the builder on the building permit as soon as is reasonably practicable.

Schedule 3 – Inspections or tests of systems

[r. 27]

1. Term used: EP

In this Schedule –

EP, followed by a number, means the performance requirement of that description set out in the Building Code.

Table

Column 1 System To Be Tested	Column 2 When Test To Be Conducted
Fire hose reel system required under E1P1 and E1P5	On completion of the installation of the system
Fire hydrant system required under E1P3 and E1P5	On completion of the installation of the system
Automatic fire suppression system required under E1P4	On completion of the installation of the system
Fire detection, warning, control and intercom systems required under E2P1 and E2P2	On completion of the installation of the system
Air handling systems that incorporate smoke control provisions required under E2P2	On completion of the building work
Smoke/heat venting systems required under E2P2	On completion of the installation of the system
Emergency warning and intercom systems required under E4P3	On completion of the installation of the system



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