#### INQUIRY INTO REGULATION OF BUILDING STANDARDS, BUILDING QUALITY AND BUILDING DISPUTES

Organisation:

National Fire Industry Association 26 July 2019

Date Received:



Australia Contractors at the Frontline of Fire Protection



PO Box 403, Petrie QLD 4502 TEL +61 7 3882 2273 • FAX +61 7 3882 3933 • EMAIL info@nfia.com.au nfia.com.au

#### Submission to the NSW Upper House Public Accountability Committee Inquiry into building regulation of building standards, building quality and building disputes

July 2019

Prepared by: Ms Anita Campbell Executive Officer, National Fire Industry Association

#### **TABLE OF CONTENTS**

EXECUTIVE SUMMARY 3
The Australian Fire Protection Industry5
The National Fire Industry Association (NFIA)6
The Problem
Inquiry into Building Regulation of Building Standards, Building Quality and Building Disputes
(A) The role of private certification in protecting building standards:9
(B) the adequacy of consumer protections for owners and purchasers of new apartments/dwellings, and limitations on building insurance and compensation schemes:
(C) the role of strata committees in responding to building defects discovered in common property, including the protections offered for all strata owners in disputes that impact on only a minority of strata owners:
(D) case studies related to flammable cladding on NSW buildings and the defects discovered in Mascot Towers and the Opal Tower:
(E) the current status and degree of implementation of recommendations of reports into the building industry including the Lambert report 2016, the Shergold/Weir report 2018 and the Opal Tower investigation final report 2019, and (f) any other related matter:
NFIA's Solution 15

#### EXECUTIVE SUMMARY

The NSW Parliamentary Public Accountability Committee has launched an inquiry into building regulation of building standards, building quality and building disputes in NSW.

The committee will examine the role of private certification in protecting building standards and the adequacy of consumer protections for owners and purchasers of new buildings, as well as the limitations on building insurance and compensation schemes.

The committee will also consider the role of strata committees in responding to building defects and the protections offered for all strata owners in disputes. In particular the committee will investigate case studies related to flammable cladding on NSW buildings.

The Committee will also examine the current status and degree of implementation of recommendations of reports into the building industry including the Lambert report 2016, the Shergold/Weir report 2018 and the Opal Tower investigation final report 2019.

NFIA is an Australia-wide community of commercial fire protection contractors, their people, suppliers and industry stakeholders representing a wide and varied membership from the smallest sub-contractor through to large Australia-wide design, install and service businesses. Our members work at the frontline of fire protection with an estimated 80 per cent of the commercial fire protection work undertaken in NSW completed by members of NFIA.

NFIA members carry out almost 100 per cent of work in Tier 1 commercial buildings which anecdotally do not have the types of non-compliance issues which have plagued the apartment sector. This work is mostly carried out by the smaller tier 2 and 3 contractors.

NFIA is pleased to provide comment on the Terms of Reference contained within the Inquiry into the regulation of building standards, building quality and building disputes. In particular NFIA would like to highlight fire protection.

With respect to NSW NFIA believes that fire safety systems in a significant number of buildings in NSW are non-compliant and are at high risk of not protecting the occupants of a building in the event of fire.

NFIA believes that the biggest impediments to ensuring NSW fire protection systems are properly designed, installed, inspected and maintained is a lack of registration or licensing of fire protection practitioners and the lack of designer sign-off at the conclusion of the building work.

The Lambert Report and Shergold Weir Report have made similar recommendations regarding fire protection – that there should be stronger fire protection regulation in place, supported by a regulated and licenced certification process, which can enable informed and qualified assessment and sign off of fire safety systems.

The NSW Government has responded to these concerns by implementing a package of fire safety reforms for both new and existing buildings. Under the new Regulations which came into effect in October 2017 a *'competent fire safety practitioner'* must now endorse plans and specifications of relevant fire safety systems prior to work commencing on a CDC or CC and assess the essential fire safety measures and provide CFSP endorsement on an AFSS.

An important part of these reforms is the introduction of a framework for recognising industry schemes to accredit competent fire safety practitioners. The Fire Protection Association has become the first accrediting body capable of accrediting competent fire safety practitioners approved by the NSW Government. Under this NSW Government-approved accreditation scheme, the Fire Protection Accreditation Scheme (FPAS) which is an in-house Fire Protection Association accreditation scheme of practitioners who have completed the Fire Protection Association's inhouse training course, will be formally recognised after a phase-in period of approximately 12 months. The applicable FPAS classes of accreditation will include Fire Systems Design (FSD) and Fire Safety Assessment (FSA).

NFIA's stated preference was that any scheme to licence, register or accredit fire protection designers should be Government run. We believe that Government is best placed to ensure that the interests of the community are met in an independent and unbiased manner without the higher "conflict of interest" risks associated with member association regulation of members. Industry run accreditation schemes in our view will always suffer the perception that they are being run to the benefit of the members of the industry association and not in the interests of the community. NFIA continues to have serious concerns about the scheme in its present form.

NFIA's view has always been that the design, installation and maintenance of fire protection systems and their subsequent certification should only be carried out by those with appropriate skills, knowledge and qualifications and that reform in the requirements for fire protection and life safety is an imperative.

While NFIA applauds the NSW government for addressing the issue of fire protection regulation we suggest that they rethink their current model for other categories of building designers particularly in light of the recent failures in NSW buildings and attention on private certification. NFIA believes that a robust system of company and occupational licences for the fire protection industry similar to what is currently done in Queensland where all licence categories are underpinned by nationally recognised trade qualifications should be introduced in NSW as a matter of urgency.

Or at the very least the Government should require that appropriate nationally recognised trade qualifications be recognised as being more than sufficient evidence

of competency for accreditation as a competent fire safety practitioner under the Fire Protection Association's Accreditation Scheme.

#### **INTRODUCTION**

Besides the human risk, there is also a substantial financial cost to the community due to building fires. Fire costs Australian business millions of dollars due to property damage, fines, compensation, and insurance premiums. Many businesses find that they are not able to recover from the effects of a fire.

#### The Australian Fire Protection Industry

Fire protection in Australia is typically achieved via three means:

- Active fire protection (fire sprinklers, fire hydrants and fire alarm systems);
- Passive fire protection (fire rated walls, floors and ceilings and fire sealing); and
- Education.

The Fire Protection Services industry contributes over \$2.4 billion to the Australian economy every year. Over 2000 businesses pay nearly \$700 million in wages each year and industry revenue is projected to increase at a compound annual growth rate of 3.4% over the five years through 2022-23, to reach \$2.8 billion.

The IBISWorld Industry Report OD5424 Fire Protection Services in Australia (February 2018), claims that despite the presence of vertically integrated multinational giants, the industry has a low level of market share concentration as the top four players are estimated to account for about 27.4% of industry revenue. The two major companies have a combined market share of only 20% and are both part of large multinational companies operating globally across several related industries. Twenty years ago, the two major companies are estimated to have had 80% of the market.

There are now a large number of State, regional and local players that construct, install and service fire protection systems to small, medium and major buildings across the full scope of class 2 to 9 buildings as well as higher risk facilities such as fuel depots, harbours and similar developments. Over half the industry enterprises employ between one and 19 people (53.1% in 2014-15) and a further 44.4% have no directly employed labour. As the minor players have increased their share of the total market, the industry has become more diverse, while also growing substantially.



Where twenty years ago, the two major companies offered a form of institutionalised but limited "industry" training to their people, it could be argued that the industry was less in need of regulation. However, as the industry has grown substantially and its make-up evolved it is now predominately made up of many more, smaller independent contracting companies. That market growth and diversification has provided customers with better contractor choices, better outcomes and better pricing but, at the same time, raised the need for more over-arching regulation.

#### The National Fire Industry Association (NFIA)

The National Fire Industry Association (NFIA) is an Australia-wide community of commercial fire protection contractors, their people, suppliers and industry stakeholders representing a wide and varied membership from the smallest subcontractor through to large Australia-wide construction and service businesses. Our members work at the frontline of fire protection with an estimated 80 per cent of the commercial fire protection work undertaken in Australia is completed by members of NFIA.

NFIA partners with and utilises the resources of other Australian and International industry organisations and associations.

NFIA is committed to the delivery of quality fire protection practitioners across all aspects of fire protection safety. To this end, NFIA has sponsored and supported the growth of the world leading fire industry Registered Training Organisation, Fire Industry Training, which now delivers fire industry required training for all of Australia at its campuses in Brisbane, Melbourne and Sydney.

NFIA believes that an appropriate regulatory framework should be one that protects the safety of the community and property, provides adequate consumer protection, recognises and accommodates industry practice and standards, requires registration of practitioners and is linked to the national training package framework.

#### The Problem

While life safety is paramount for the industry, it has not stopped tragedy occurring:

- Victoria Kew Cottage 7 April 1996, 9 lives lost
- Queensland Childers Backpacker Hostel 23 June 2003, 15 lives lost
- New South Wales Bankstown apartment fire 7 April 1996, 1 life lost

From these events, and similar other tragedies and fire disasters such as Melbourne's Lacrosse fire, Coroner's recommendations and other forms of investigative outcomes have emerged. Regulators then make changes to strengthen the fire safety framework for the community.

We recently saw this play out in England after the consequences of a weak fire protection regime were highlighted by the Grenfell Tower tragedy. In response to this tragedy the local Council committed to installing fire protection systems in all 213 of their residential buildings.

Likewise Queensland responded to the Childers Backpacker Hostel fire deaths by creating the benchmark regulatory system for fire protection in Australia with the key features being a fire protection licensing system for contractors and workers that cover fire protection design, installation, certification and service activities. Under this regulatory regime only a trade qualified sprinkler fitter who has completed the Certificate III apprenticeship and who knows what is required to properly install, maintain, service and inspect and test high rise apartment buildings and other commercial, industrial and public access buildings' fire sprinkler systems is regulated to do so.

However, we haven't had a severe fire tragedy in NSW and we don't have a strong fire protection regulation system in place. Based on historical data it can be said that fire safety systems in numbers of buildings in NSW are non-compliant and are at high risk of not protecting the occupants of a building in the event of fire.

NFIA has been at the forefront of the issue of fire protection non-compliance for the last 20 years and has provided many submissions to various reviews during this time which have examined non-compliance, self-certification, accreditation and licensing within the Australian building and construction industry.

Some of these reviews include, but are not limited to:

- The NSW Independent Review of the Building Professionals Act 2005 (The Lambert Report);
- COAG National Licensing System for Specified Occupations 2008;
- Queensland Building Services Authority Amendment Regulation (No. 2) 2008;
- Fire Protection Systems Working Party Report: October 2010;
- Planning White Paper: April 2013;
- Maltabarow Report: Building Certification and Regulation Serving a New Planning System for NSW: May 2013;
- Review of Western Australian Plumbing Laws (ACIL Allen Consulting) 2013.
- Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013;
- Draft Home Building Regulation 2014 and Regulatory Impact Statement July 2014;
- IPART Final Report, Reforming Licensing in NSW, Review of Rationale and Design: August 2015; and
- Shergold-Weir Report, Assessment of the Effectiveness of Compliance and Enforcement Systems for the Building and Construction Industry across Australia 2018.

In all our submissions we have highlighted that Fire Protection systems and their correct design, installation and maintenance are critical for protecting people, buildings and assets in the event of a fire. We have therefore argued that it is imperative that all aspects of fire protection work be carried out by competent practitioners with the appropriate qualifications and credentials.

## Inquiry into Building Regulation of Building Standards, Building Quality and Building Disputes.

The NSW Parliamentary Public Accountability Committee has launched an inquiry into building regulation of building Standards, building quality and building disputes in NSW.

This inquiry comes just weeks after residents of Sydney's Mascot Towers were left homeless when their building was evacuated on June 14 over cracking in its primary support structure and facade masonry. The evacuation occurred six months after residents of Opal Tower, in Sydney's Olympic Park, was similarly evacuated after cracks sparked fears the building could collapse. It has since come to light that a loftstyle apartment building in Zetland remains abandoned eight months after its occupants were also evacuated over water and fire safety defects and even more

recently we've learned that owners are barred from moving into their Sugarcube apartments in Erskineville over contamination concerns.

The committee will examine the role of private certification in protecting building standards and the adequacy of consumer protections for owners and purchasers of new buildings, as well as the limitations on building insurance and compensation schemes.

The committee will also consider the role of strata committees in responding to building defects and the protections offered for all strata owners in disputes. In particular the committee will investigate case studies related to flammable cladding on NSW buildings. Flammable cladding shot onto the world's radar in 2017 following the Grenfell Tower disaster in West London that killed 72 people after fire spread rapidly through the building, due in part to the common type of cladding used in construction.

The Committee will also examine the current status and degree of implementation of recommendations of reports into the building industry including the Lambert report 2016, the Shergold/Weir report 2018 and the Opal Tower investigation final report 2019.

NFIA is pleased to provide comment on the Terms of Reference contained within the Inquiry into the regulation of building standards, building quality and building disputes and in particular we would like to highlight fire protection regulation.

#### (A) The role of private certification in protecting building standards, including:

- (i) conflicts of interest;
- (ii) effectiveness of inspections;
- (iii) accountability of private certifiers; and
- (iv) alternatives to private certifiers.

In the 1990s, the Labor government deregulated the building industry, scrapping the Building Services Corporation, which licensed builders, and allowed "self certification" by private certifiers. Accredited certifiers assess developments and determine applications for development certificates. They are regulated by the Building Professionals Board and subject to accreditation criteria and legislative requirements.

The move was welcomed by industry, which had complained councils were too slow in inspecting work. But, as Sydney's population ballooned and the skyline was transformed by high-density development, the reports of non-compliant buildings began to emerge.

NFIA does not object to the use of private certifiers assuming the Buildings Professionals Board or a similar government agency is responsible for the accreditation. We strongly oppose privatisation of regulatory oversight.

NFIA also appreciates that if private certification is to remain then measures should be introduced to limit any potential for a conflict of interest between private certifiers and developers. Developers are motivated to complete buildings quickly to keep their costs in check and to be able to settle the sale of the units as expediently as possible; certifiers on the other hand are dependent on developers for their livelihood. While it is nice to think of Certifiers as independent regulators and public officials who do not work for builders, developers or homeowners and must put the public interest first and only issue certificates if all legislative requirements are met the reality is that there is an inherent conflict of interest in this arrangement.

While the developer can choose which certifier that they use the certifier could certainly feel beholden to them. When a Development Approval is approved NFIA suggests that the local council assign a certifier to the case.

If private certification is to remain NFIA also points out that there should be stricter enforcement and more meaningful penalties for certifiers who transgress. NFIA calls on initiatives to be put in place that will lead to vigorous and proactive auditing and policing of certifiers, higher penalties, a simpler and unimpeded complaints process, responsive disciplinary action, and an ongoing program of effective audits. This submission also calls on the Government to direct much needed resources and urgent attention to strengthen the BPB in its regulator role and to tighten regulation and enforcement of builders and certifiers overall. Given that the BPB is an enforcement body the Government must ensure that it is resourced appropriately.

NFIA also believes that it is self-evident that certifiers cannot have the depth of knowledge, experience and qualifications required to assess compliance of all elements of a building. They must be able to rely on certification and endorsements provided by specialists. The current regulations do not give them that level of support.

For this reason, NFIA supports the concept of licensed or registered building designers for specialist disciplines being responsible for the design and sign-off of elements of the building and for the certifier to be able to rely on those certificates.

In the fire protection space, the Regulation changes that applied from 1 October 2017 went part of the way, but need to be extended to require competent fire safety practitioners to sign-off the fire services at the end of the work.

## (b) the adequacy of consumer protections for owners and purchasers of new apartments/dwellings, and limitations on building insurance and compensation schemes, including:

(i) the extent of insurance coverage and limitations of existing statutory protections(ii) the effectiveness and integrity of insurance provisions under the Home Building

Act 1989

(iii) liability for defects in apartment buildings,

Because State and territory governments have not taken a consistent and comprehensive approach to undertaking and completing audits of existing high-rise buildings with combustible cladding, nor developed a remediation strategy, certifiers are facing challenges relating to Professional Indemnity Insurance.

Insurers are exiting the certifier market and without current and unconditional insurance, Certifiers cannot practice. This is because building Surveyors and Inspectors, are considered by insurers in the market place as "high risk" and insurers do not want to insure them. The small number of Building Surveyors and Inspectors is also not a lucrative market for insurers. The relatively small pool of premium can be exhausted in a single claim. This is one reason why premiums are increasing – insurers now recognise the risk being carried by the profession and are beginning to price that risk accordingly.

Australian and international insurers are also introducing strict cladding-related exclusions in mandatory professional indemnity insurance products for building practitioners in the building supply chain. This is temporarily allowed in NSW. The discovery of major defects in buildings has significantly reduced the ability of those building owners to find an insurer willing to accept the risk.

Likewise the fire protection accreditation scheme will foresee a similar problem. The FPA Accreditation scheme requires accredited individuals to be appropriately covered by insurance for the fire protection services they undertake. It requires an accredited individual to have a minimum insurance cover of:

- \$10 million for Public and Product liability; and
- \$2 million (inclusive of defence costs) for any claim for Professional Indemnity; or
- \$1 million (exclusive of defence costs) for any one claim for Professional Indemnity.

Professional Indemnity insurance held by an accredited individual must cover all past work of an accredited individual whilst accredited with Fire Protection Association Australia (FPA Australia) up to a maximum of 10 years. However a practitioner may retire or pass away and not renew his accreditation and insurance. This could mean that the practitioner responsible for the signing the Annual Fire Safety Statement might not have insurance at the time of a claim.

#### (c) the role of strata committees in responding to building defects discovered in common property, including the protections offered for all strata owners in disputes that impact on only a minority of strata owners,

Owners have a right to expect that a unit that they bought in an apartment building is fit for purpose. Likewise they should be able to expect that defects discovered in the common property should not be their sole responsibility to fix.

Two recent cases in the High Court have shown that a builder does not owe a duty of care to the owners corporation or a subsequent buyer for a latent and previously unknown defect in a building. A latent defect is a defect in the property that could not

have been discovered by a reasonably thorough inspection. The question of whether dangerous cladding is a latent defect has yet to be considered by the Courts.

The consequences of the decision of the High Court are that if an owner discovers their building is affected by dangerous cladding, they may not be able to make a claim against the builder, architect or suppliers for the costs of the removal or any damage caused by the dangerous cladding, such as a fire. As such, combustible cladding not only poses a serious health and safety hazard to its occupants but may also expose subsequent buyers and owners corporations to serious liability and costs.

One policy to spread the cost of defect rectification is the New South Wales Strata Building Bond and Inspection Scheme that was formalised on 1 January 2018. Developers must set aside 2% of the contract price as bond before an occupation certificate is issued for the building work. This applies to all multi-storied buildings of four or more storeys that are purely residential or mixed-use residential buildings under strata management.

The owners corporations in strata managed properties can use the building bonds to cover costs for rectifying defects identified in the interim and final reports provided by the developer. If the building has no defects, the bond can be returned to the developer once the building work has been completed.

The Scheme is designed to ensure there is a clear process to incentivise developers and builders to build well and work collaboratively with owners corporations to minimise building issues in new residential high-rise buildings and make sure any defective building work is readily identified so it can be fixed promptly and costeffectively.

In addition to allocating the bond money, the developer must also appoint an independent inspector from the strata inspector panel to oversee the inspection and submit reports afterwards.

The inspector must have no conflict of interest with the project and must provide an *interim defects report* to the owners corporation within a year and a *final defects report* within 2 years of completing building work. It is the developer who bears the costs of these reports and ensures their timeliness.

While a 2% bond is a good way to ensure that there are funds to cover defect rectifications it may not be enough to cover costs of correcting core defects of a building that are not evident in the interim and final reports. These reports are submitted by the inspector within 2 years of building completion and certain defects may get magnified over time through wear and tear.

NFIA suggests that this scheme be reviewed with the intention of extending it.

Given that strata apartment living is the fastest growing form of property ownership across Australia with half of these apartments located in the greater Sydney area NFIA suggests that it is also time that the NSW government examine the legislation around warranties. Under NSW law all residential buildings less than 6 years old are covered by a statutory warranty scheme for major defects. Non-major defects are covered for the first two years. There is also the availability of a 6 month extension if a building defect becomes apparent during the last 6 months of the warranty period.

NFIA would like to suggest that the NSW Government further investigate the options of extending the statutory warranty periods or introduce mandatory inspections of the building to be conducted before the warranty period expires.

### (d) case studies related to flammable cladding on NSW buildings and the defects discovered in Mascot Towers and the Opal Tower,

Following the tragic fire at the Grenfell Tower in London in 2017 and the fire at the Lacrosse Building in Melbourne in 2014, new laws have been made for buildings with combustible cladding in NSW. These laws are the <u>Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding)</u> <u>Regulation 2018</u> (PDF, 117 KB) and <u>State Environmental Planning Policy</u> <u>Amendment (Exempt Development – Cladding and Decorative Work) 2018</u> (PDF, 128 KB). They commenced on 22 October 2018.

Under the Regulation, owners of certain buildings with external combustible cladding are required to register their building with the NSW Government through the simple, user friendly NSW Cladding Registration portal.

The intention is that this will be able to definitively determine how many buildings have external combustible cladding. The results of the audit have not been made public.

However, through documents obtained by the Greens NSW under the Freedom of Information laws we do know of at least 341 buildings in the City of Sydney which contain cladding that is potentially combustible.

In June 2018 the state government said Fire & Rescue NSW had assessed 2280 buildings and found 417 in need of closer scrutiny.

In August 2017 NSW Government published the results of an audit of NSW buildings revealing that 1011 buildings out of the (approximately) 178,000 audited across the state are potentially at risk from dangerous cladding.

Despite these audits to identify buildings with flammable cladding there is still not a current agreed upon number of buildings that have been identified as having combustible cladding. It is also worth noting that despite these audits NSW Government has also confirmed that determining the type of cladding on buildings and / or its compliance with building codes is not undertaken.

The NSW Government has established a Fire Safety and External Wall Cladding Taskforce, which included action items to:

- Conduct an audit to identify buildings that are most likely to contain aluminium cladding and other types of cladding and provide information to owners and managers of those buildings; and
- Ensure Fire & Rescue NSW inspect every building identified to operationally assess the cladding and determine if further action is required and where further action is needed refer the buildings to the relevant consent authority such as local council.

However, building inspections by Fire & Rescue NSW do not actually identify the type of cladding or compliance with building codes. Additionally local Councils are only investigating the buildings for which they were the consent authority and likewise the Department of Planning is responsible for inspecting any building on which the NSW Government was consent authority.

It is clear that the inspection and identification of buildings with potentially combustible cladding in NSW is inconsistent. It is also clear that there is currently no determination of the type of cladding used and whether is complies with building codes.

# (e) the current status and degree of implementation of recommendations of reports into the building industry including the Lambert report 2016, the Shergold/Weir report 2018 and the Opal Tower investigation final report 2019, and (f) any other related matter.

As mentioned earlier the NSW Government has commissioned numerous reviews over the years on building regulation to which NFIA has provided comment. These reviews have all made similar recommendations regarding fire protection – that there should be stronger fire protection regulation in place, supported by a regulated and licenced certification process, which can enable informed and qualified assessment and sign off of fire safety systems. The Shergold-Weir report went as far as to recommend that certain occupations should be registered and identified fire protection as an occupation that should be licenced (Recommendation 1).

Registration of practitioners is a regulatory mechanism for providing public accountability. Licensing of fire protection contractors would provide:

- Better protection for people and property in the event of a building fire;
- Improved training and safety for fire protection workers;
- Improved compliance with building fire safety regulations leading to reduced costs for owners, occupiers, government, emergency services and local governments;
- Greater community confidence that work is performed by appropriately skilled workers to the prescribed standards; and

• Reduced risks for fire fighters responding to fire emergencies.

NFIA's view has always been that there should be a comprehensive system of contractor registration across all occupations involved in the design, installation, testing, commissioning and maintenance of fire protection systems in NSW.

The NSW Government has responded to these concerns by implementing a package of reforms to strengthen NSW's building regulation and certification system. The reform package follows an independent review of the *Building Professionals Act 2005*, known as the "Lambert Review" which found a number of issues with the NSW building regulation and certification system and made a number of recommendations to strengthen and simplify the system. Some of these reforms also address issues contained within the Shergold-Weir Report.

An initial priority of the NSW Government was a package of fire safety reforms for both new and existing buildings. The NSW *Environmental Planning Assessment Amendment (Fire Safety and Building Certification) Regulation 2017* came into effect on 1 October 2017.

Under the new Regulations a *'competent fire safety practitioner'* must now endorse plans and specifications of relevant fire safety systems prior to work commencing and to sign Annual Fire Safety Statements.

An important part of these reforms is the introduction of a framework for recognising industry schemes to accredit competent fire safety practitioners. The Fire Protection Association has become the first accrediting body capable of accrediting competent fire safety practitioners approved by the NSW Government. Under this NSW Government-approved accreditation scheme, the Fire Protection Accreditation Scheme (FPAS) which is an in-house Fire Protection Association accreditation scheme of practitioners who have completed the Fire Protection Association's inhouse training course, will be formally recognised after a phase-in period of approximately 12 months. The applicable FPAS classes of accreditation will include Fire Systems Design (FSD) and Fire Safety Assessment (FSA).

This means that only practitioners who have undergone the FPAS training will be eligible to apply for accreditation as competent fire safety practitioners, even though it appears that FPA courses are not yet ready for delivery and nationally recognised qualifications are already available now.

NFIA believes that a robust system of company and occupational licences for the fire protection industry similar to what is currently done in Queensland where all licence categories are underpinned by nationally recognised trade qualifications should be introduced in NSW as a matter of urgency.

#### NFIA's Solution

NFIA believes that any robust accreditation or licensing scheme must align national training packages with accreditation categories, scopes and prescribed activities,

contain a comprehensive audit regime and a CPD process. The system must require practitioners to reflect the requirements of the National Construction Code, and all appropriate, relevant Australian Standards.

The current Australian training framework provides fire protection qualifications at Certificate II, Certificate III, Certificate IV and Certificate V. These Qualifications are on the National Training Register and the organisations delivering them are registered with ASQA (The Australian Skills Quality Authority).

The training package Qualifications and fire industry RTO delivered upskilling programmes which are available today to underpin competency requirements include:

Qualification
Certificate II in Fire Protection Inspection and Testing - Industry Entry Level (CPP20511)
Certificate III in Fire Protection – Suppression Systems (CPC32813)
Certificate III in Fire Protection Control – Electrical (UEE31011)
Certificate IV in Plumbing & Services – Fire Stream (CPC40912)
Certificate IV in Fire Systems Compliance (30903) (3rd party certification)
Diploma Fire Systems Design – Water, Alarms & Certification Streams (CPC50509)
Upskilling Courses
Domestic & Residential Sprinklers
Hydrants, Hose Reels and Fire Pumps
Emergency Lighting Skills Sets (EL-30903)
Inspect and Test – Fire Pumps
Prepare a Fire Protection Certification Statement or Report (REP 1)
Fire Safety: Responsible Person
EAHL Qualified Persons Licence – Class 1, 2, 3, 4, 5, 6

registered sprinkler fitters.

Fire Sprinkler testing - Four-day program designed as an upskilling course for registered sprinkler fitters

Inspect and Test Control and Indicating equipment (CPPPFES2047A Inspect & Test Control & Indicating Equipment) - Two-day program which covers routine monthly and six monthly inspecting and testing of CIE's, such as Fire Indicator Panels.

Special Hazards Fixed System Testing & Maintenance & Fixed System Installation & Decommissioning

Produce 2D architectural drawing using CAD software (CPCPCM4013A)

Each stage of the installation, certification and ongoing service, maintenance and repair of the building's fire safety system must be carried out by those with appropriate skills, knowledge and qualifications. NFIA believes that only trade and post trade qualifications are based on training that covers a broad range of job knowledge, verification of job performance, and an evaluation of work experience. These qualifications represent a job outcome and career profile and not just a course outcome. With a strong focus on practical learning, trade and post trade qualifications can never be gained by attendance alone. A full trade outcome also gives the practitioner a complete understanding of the systems that they will be working on. Assessment is independent, rigorous and based on national standards. Qualifications that simply cover individual units of competency representing distinct skill sets which are narrow in their focus carry an inherent limitation of their purpose.

NFIA argues that the FPA should accept the appropriate nationally recognised qualification as the qualifications required for accreditation as a Competent Fire Safety Practitioner.

Therefore, the FPA class of accreditation for Fire Systems Design (FSD) should be achievable with a Diploma of Fire Systems Design – Water, Alarms and Certification Streams (CPC50509). This Diploma reflects and supports the role of fire systems designers who prepare detailed technical designs and documentation for water based fire suppression systems and/or fire detection and occupant warning systems. The Diploma Fire Systems Design also includes a stream qualification for the annual certifier of fire systems.

The fire systems designs covered in this Diploma are those that meet the requirements of the Building Code of Australia or detailed designs prepared for alternative solutions designed or specified by a fire safety engineer. The Diploma is delivered Australia wide by the industry RTO, Fire Industry Training (FiT). For

Industry – By Industry it is a blended learning model that comprises workplace based learning and distance learning that utilises eLearning methods and principles.

Assessment is conducted on projects students are already working on as well as on a High Rise building project. 12 Units are required for successful completion. The Diploma is a stand-alone qualification and there is a recognition of prior learning process that can be undertaken for those who have relevant work experience and/or have successfully completed the Certificate IV in Fire Systems Compliance (309032QLD).

The FPA class of accreditation for Fire Safety Assessment (FSA) should be achievable with a Certificate IV in Fire Systems Compliance (309032QLD) which is actually a Post-Trade Qualification generally for people who operate at a higher level than the install and maintain category of work. This qualification is currently under review to become recognised nationally, integrated into the Construction and Plumbing Services training package. It is intended to provide participants with the skills and knowledge necessary to certify the correct installation and maintenance of fire protection equipment in accordance with Australian Standards and regulatory requirements. In addition, participants enrolled in this nationally recognised qualification statement or report. NFIA suggests that any national recognition of the qualification should require at least two (2) years' experience in the industry, access to a suitable workplace to undertake the research activities and work based projects as well as an intermediate level of numeracy, literacy and computer skills.

The Certificate IV in Fire Systems Compliance and Statements of Attainment for individual units of competency are recognised by the Queensland Building and Construction Commission (QBCC) as the successful completion of technical requirements for fire protection licensing certification endorsement. The Certificate IV in Fire Systems Compliance (309032QLD) covers not only wet systems but fire alarms and early warning systems, portables fire protection equipment and passive fire protection systems.

NFIA asks that the NSW State Government examine the QLD Cert IV qualifications and approve them as a training package for NSW that will satisfy the NSW FPA Accreditation Scheme.

By aligning the accreditation scheme with nationally recognised qualifications it will be an easier transition for the potential accreditation holders than ignoring what is already available to industry.

#### Prepared by:

Ms Anita Campbell Executive Officer National Fire Industry Association

Authorised by:

Mr Wayne Smith Chief Executive Officer National Fire Industry Association