

**INQUIRY INTO REVIEW INTO THE DESIGN AND
BUILDING PRACTITIONERS ACT 2020 AND THE
RESIDENTIAL APARTMENT BUILDINGS (COMPLIANCE
AND ENFORCEMENT POWERS) ACT 2020**

Organisation: National Fire Industry Association of Australia

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2 July 2024

The Director
Public Accountability and Works Committee
Parliament House
Macquarie Street, Sydney NSW

By Email: pawc@parliament.nsw.gov.au

Dear Committee Director,

Re: *Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*

The National Fire Industry Association of Australia Ltd (**NFIA**) is the peak association operating in the Fire Protection sector. We represent employers, suppliers and industry stakeholders who work at the frontline of Fire Protection, with over 80 percent of the commercial Fire Protection work undertaken in Australia being completed by NFIA Members.

The NFIA thanks the NSW Legislative Council's Public Accountability and Works Committee (the Committee) for the opportunity to contribute to the inquiry.

The NFIA is supportive of the *Design and Building Practitioners Act 2020* (the DPB Act) and its introduction has marked a significant step forward for the Construction Industry with a positive impact for consumers consequently. We are pleased to have seen its expansion from Class 2 to include Class 3 and 9c last year.

The only real “teething issue” that has been experienced by the industry under the Act is the requirement for fully detailed declared designs to be provided for all fire protection systems prior to Construction Certificates or Complying Development Certificates (CC or CDC). Currently the design of relevant fire safety systems (hydraulic fire suppression systems, detection and EWIS systems and mechanically ducted smoke control systems) are required to be endorsed under the Environmental Planning & Assessment (EP&A) Regulations by an accredited practitioner on all class 2-9 buildings, but only the key components of a system, and only before work commences on those systems (not prior to the issuing of a CC or CDC). However, design work under the DBP also requires the provision of fully detailed design drawings and specifications by a registered design practitioner, but in this case prior to the issuing of a CC or CDC.

NFIA Members industry experience has found there is no advantage in providing detailed design drawings of a system at such as early stage of a projects construction schedule. Any design (other than the location and specification of key elements as required by the current EP&A) is rendered redundant as it must then be redone later in the construction programme, all at significant cost to the business. This requirement has been able to be accommodated on recent class 2 projects under the DBP because these buildings tend not require dramatic changes during the construction process and class 2 buildings are not often subject to changes after construction. However, expansion into other classes increases the likelihood of this excessive requirement and duplicative work being required.

Whilst the logic that the correct response to quality issues within the fire protection industry would be to have all designs and specifications completed prior to the CC or CDC our Members experience from the DBP is that this creates an expensive and unworkable scenario as any design work completed at that early stage becomes redundant within months.

The NFIA is strongly supportive of the introduction of a whole of sector Building Act that would supersede the DPB Act. Streamlining and simplifying the number of Acts relating to Fire Protection into one Act will be a major step forward for the industry, significantly improving the quality of the built environment of NSW and reducing unnecessary duplication of requirements.

Regarding ToR (c), the NFIA submits that the establishment of an independent NSW Building Commission to instead exercise the regulatory and oversight functions under this Act and other Acts relating to the construction of buildings is a significant positive. Therefore, the NFIA was pleased to see the Building Commission NSW established as the regulator of the state's building and construction industry on 1 December 2023. The NFIA is currently working collaboratively and positively with the Building Commission NSW on the regulation of Fire Protection and all fire safety practitioners and hopes to see this continue to progress.

Should you have any questions or require any further information on any aspects of this correspondence, please contact us using the details provided.

Kind regards,

Joe Smith
Chief Executive Officer
National Fire Industry Association of Australia

