



Building Newsflash

BUDGET ACCOMMODATION BUILDINGS - ON THE SPOT FINES - FIRE SAFETY MANAGEMENT PLANS

Purpose

The purpose of this Building Newsflash is to advise of an amendment of the *State Penalties Enforcement Regulation 2000* (SPER) in relation to penalty infringement notices available to council officers under the *Building Act 1975*.

The amendment provides council officers with the ability from the 9 March 2006, to issue fines to owners of budget accommodation that fail to implement or update the building's Fire Safety Management Plan (FSMP) in some circumstances.

Background

Owners of all budget accommodation buildings are required to prepare a FSMP. For buildings constructed prior to 1 July 2002, this requirement is contained in the *Fire and Rescue Service Act 1990*. The *Building Act 1975* requires owners of buildings constructed on or after 1 July 2002 to prepare a FSMP.

A FSMP must comply with s104FC of the *Fire and Rescue Service Act 1990* by incorporating all the required elements, such as occupant density, prescribed fire safety installations and maintenance schedules and evacuation plans. A copy of the building's FSMP must be kept in the building, available for inspection without charge, whenever the building is open for business.

In addition, where a development application is made in relation to a budget accommodation building for building work, a copy of the proposed FSMP must accompany the application.

Where owners use an alternative solution to comply with either the Building Code of Australia or Part 14 of the Queensland Development Code (the *Fire Safety Standard*) and this involves use of a fire safety management procedure, local governments are currently obliged by s12R of the *Building Act 1975* to inspect the building yearly. It is proposed to amend s12R to require random inspections at least every three years. It is proposed to allow inspections to be conducted without notice.

The proposed amendment will also clarify that these compliance inspections should not attract a fee. The SPER amendment will compliment the proposed introduction of random inspections by providing council officers with ability to issue penalty infringement notices to owners that fail to update or implement the building's FSMP.

Legislation

Building Act 1975

Section 12O (2) requires that a FSMP is updated within a month of any changes in circumstances affecting the plan's compliance with the *Fire Safety Standard*.

Section 12O (4) requires that an owner must ensure that the FSMP is implemented.

Section 12 R (2) requires local government to annually inspect buildings that have implemented a fire safety management procedure.

State Penalties Enforcement Regulation 2000

Schedule 5

Penalty infringement notice offences (on-the-spot fines) are included for the *Building Act 1975* s12O (2) and (4). The fine is 5 penalty units (currently \$375) for individuals and 25 penalty units (currently \$1875) for corporations.

Persons authorised under s1084 of the *Local Government Act 1993* may issue the penalty infringement notices.

Fire and Rescue Service Act 1990

Section 104FC sets out the required elements of a FSMP.

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