

Queensland Fire and Emergency Services Regulator Performance Framework 2020–21 Annual Performance Report

Introduction

Queensland Fire and Emergency Services (QFES) is the primary provider of fire and rescue, emergency services and disaster management capability services throughout Queensland. The department encompasses the Fire and Rescue Service (FRS), disaster management services, Rural Fire Service (RFS) and State Emergency Service (SES). The department works with community and partners to minimise the impacts and consequences of disasters and emergencies on persons, property and the environment. This is supported by assisting communities to understand their local hazards and ensuring they have the right knowledge, information and resources to strengthen their capability and resilience.

QFES also has a strong focus on prevention and preparedness to avert emergency incidents as well as response and recovery. These activities include community education; fire safety; hazard identification and risk assessment; and working with communities to plan for and mitigate 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 2020–21, the Queensland Government's ongoing 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 disaster response during lockdown periods and assisting the Queensland Police Service with Queensland border entry checks.

As a department directly supporting the Queensland Government and local governments in response to COVID-19, QFES' operational requirements resulted in redeployment of some officers to bolster frontline operational roles as required. This directly impacted the number of regulatory building inspections conducted during the reporting period. Additionally, the reduction of seasonal workers as a result of COVID-19 restrictions affecting temporary visa holders has meant that engagement with seasonal workers to educate them on Budget Accommodation Buildings (BABs) was suspended for the entire reporting period, while prosecutions of illegal BABs continued.

While building approval inspections continued during periods of COVID-19 related lockdown and/or restrictions, QFES took the following actions to continue to meet its regulatory responsibilities while restrictions were in place:

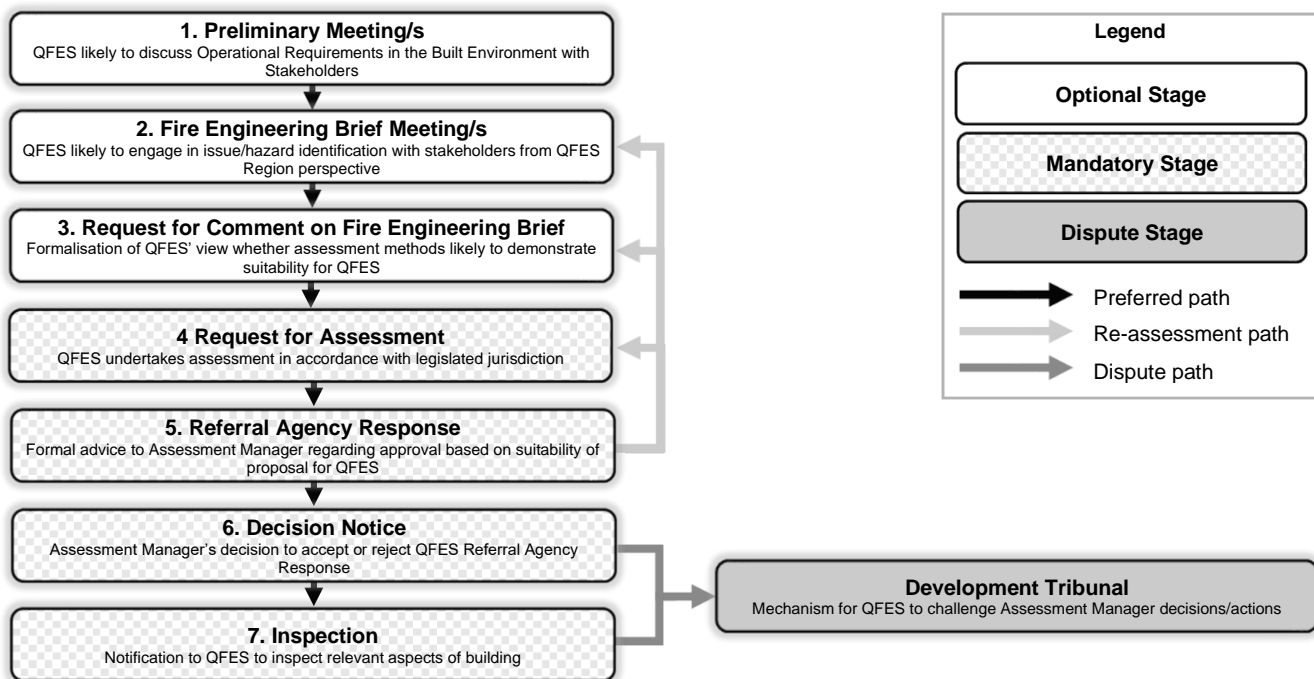
- » Officers wore Queensland Health recommended Personal Protective Equipment during their interactions with the public.
- » All scheduled routine building inspections were suspended, while any complaints or concerns for building fire safety that were reported to QFES were actioned and fully investigated.
- » Advice continued to be provided to key stakeholders 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 focused towards risk.

1.1. Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2020–21.

- 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 and assist premises owners/occupiers 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 2020–21 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 governments to identify buildings operating as BABs.
- 1.2.2.** The QFES Compliance and Prosecution Unit (CPU) manages all enforcement and prosecution action against operators of BABs that do not meet the minimum fire safety standard requirements.
- 1.2.3.** The CPU also assists regions with covert surveillance and targeted inspections where illegal and unsafe accommodation practices are suspected.
- 1.2.4.** During 2020–21, there were six successful BAB prosecution cases against five individuals and one company in relation to six structures. A total of \$181,000 in fines were imposed by the courts in 2020–21. A number of other Building Fire Safety prosecutions are proceeding through the court process.

1.3. Actions taken in 2020–21, 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 July 2020 and February 2021.
- 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 August 2020 and June 2021.

Table 2. QFES Building Fire Safety Inspection Measures

No.	Performance measures	2020–21 Actual
2.1	Percentage of building premises inspected and deemed compliant at first inspection	56.6%
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)	\$30,000
2.4	Notices by Commissioner issued to rectify fire safety breaches (number)	188
2.5	Requisitions by Commissioner to rectify fire safety breaches (number)	46
2.6	Infringement Notices issued (number)	46
2.7	Total dollar value of Infringement Notices issued	\$148,641
2.8	Fire investigation inspections (number of structures)	608
2.9	Building Approval Officer (BAO) assessments (number)	2,016
2.10	BAO inspections (number)	1,480
2.11	Safety Assessment Officers structure inspections (number)	2,066
2.12	Inspections of premises suspected of operating as illegal and unsafe BABs (number)	122 inspections of 69 premises
2.13	Requisitions by Commissioner issued to BABs to reduce risk (number)	12
2.14	Notices by Commissioner issued to BABs to improve fire safety within the premises (number)	16
2.15	Infringement Notices issued to BABs for breaches of fire safety (number)	Nil
2.16	Total dollar value of fines imposed by QFES for Infringement Notices to BABs	Nil

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.

2.15 and 2.16 These measures were impacted by the COVID-19 restrictions affecting temporary visa holders and the significant drop in seasonal workers and international students requiring BAB accommodation.

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 2020–21.

2.1.1. Industry relationships formed at the industry smoke alarm 'Think Tank', facilitated by QFES and held in March 2019, resulted in ongoing direct collaborative partnerships to consider and address industry issues and concerns.

2.1.2. The Interdepartmental Committee on Smoke Alarms met on three occasions during the reporting period (August and November 2020 and March 2021) 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 temporarily appointed from February 2020 to the end of 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. QFES recorded smoke alarm information webinars with the Real Estate Institute of Queensland (REIQ) and Residential Tenancies Authority (RTA) in April and June 2021. These webinars are available on the RTA website.

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. In April 2021, three videos were uploaded to the QFES website, targeting landlords, owner occupiers and renters, providing an alternative means of encouraging people 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 Energy and Public Works (DEPW)
- QBCC.

2.1 (cont'd)

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
- sharing knowledge and influencing strategic direction
- future evolution of regulatory building codes and Australian Standards.

2.1.7. QFES has close links with key regulators such as DEPW and the QBCC, including sharing membership of the Interdepartmental Committee on Smoke Alarms with DEPW and the Safer Buildings Taskforce with both DEPW and QBCC. This provides QFES with the ability to share information and refer matters to the relevant regulatory body, as appropriate.

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.

2.2. Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2020–21 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

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.

2.3. Actions taken in 2020–21, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

2.3.1. Unwanted alarms have a negative impact on firefighters and the wider community by increasing the 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. Under the *Fire and Emergency Services Act 1990*, QFES charges for attendance at unwanted alarms to encourage building owners or occupiers to be continually proactive in managing fire alarm systems.

2.3 (cont'd)

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:

- 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.
- pragmatic testing which is part of the building assessment process and involves practical cooking and hot shower simulations to prove the strategies outlined in the QFES guidelines work to minimise or eliminate unwanted alarms.

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 2.1 in 2020–21.

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. Group activities have been placed on hold as a result of the reduction in seasonal workers due to COVID-19 temporary visa restrictions. 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	2020–21 Actual
3.1	Pragmatic tests conducted (number)	7 tests on 7 buildings
3.2	Pass rate on first pragmatic test	86%
3.3	Installed alarm connections to monitored alarm systems (number)	7,805
3.4	Unwanted alarm activations from monitored alarm systems responded to	16,729
3.5	Percentage of incidents attended that were unwanted alarms	24%
3.6	Rate of Unwanted Alarm Activations per Alarm Signalling Equipment	2.1

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 signaling 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 2020–21.

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

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) which was established in July 2017 following the fatal Grenfell Tower fire in London (June 2017) and the Melbourne Lacrosse Tower fire (November 2014).

As of 1 October 2018, laws apply in Queensland that require all class 2–9 building owners in Queensland (refer the Building Code of Australia), of a type A or B construction, to register their building and complete a combustible cladding checklist.

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). Working with the 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.

3.1.3. Industry policy and QFES position statements regarding building cladding is available on the QFES website. The policy and position statements provide information and advice to building owners and industry stakeholders wishing to submit a building application for an existing building that contains cladding materials.

3.1.4. QFES has an external facing portal to reduce the use of paper and allow clients 24-hour access to the QFES building approval lodgement process.

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 to build a safer Queensland (www.qfes.qld.gov.au).

	3.1.6. The QFES Guide to the Referral of Performance Solutions clearly communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement with stakeholders.
3.2. Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2020–21 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.	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).
3.3. Actions taken in 2020–21, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.	3.3.1. QFES has an evolving BAO Technical Reference Group comprising of BAOs from each of its seven regions who provide technical input into policy developed by state subject matter experts. (QFES' regional locations are Far Northern, Northern, Central, North Coast, Brisbane, South Eastern and South Western.)

Table 4. Fire safety advice applications

No.	Performance Measure	2020–21 Actual
4.1	Fire safety advice applications received (number)	3,403
4.2	Fire safety advice applications completed within the 15-day timeframe (number and per cent)	3,119 or 92%

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. Evidence and relevant information that demonstrates the extent to which QFES' regulatory practices aligned with the regulator model practices throughout 2020–21.	N/A
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<p>4.2. Examples and/or case studies that highlight the extent to which QFES’ regulatory practices in 2020–21 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.</p>	<p>4.2.1. QFES BAOs who wish to progress to BAO2 are undertaking the Graduate Certificate through Victoria University. Three QFES Officers are currently undertaking the one-year course remotely.</p> <p>4.2.2. QFES developed a Memorandum of Understanding (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.</p> <p>4.2.3. QFES continued participation 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.</p>
<p>4.3. Actions taken in 2020–21, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.</p>	<p>4.3.1. 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 finished Operational Risk Audit report which is forwarded 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.</p> <p>4.3.2. 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 the department when providing industry advice.</p> <p>4.3.3. QFES continued to work 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 12 QFES fire investigation students undertaking their second year of the first CIT Advanced Diploma course at 30 June 2021. Current qualified fire investigation staff will continue to work with their existing qualification. However, a transition program is offered to staff who opt to upgrade their qualification to the new Advanced Diploma level.</p>
	<p>4.3.4. QFES continued to update, refine and expand externally facing guidelines to inform stakeholders. This is an ongoing process to reflect changes to legislation, codes, standards, innovation and emerging issues etc.</p> <p>4.3.5. As part of regulatory review activities, QFES continued its review of the <i>Building Fire Safety Regulation 2008</i>. 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 2021-22.</p>

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 2020–21.

- 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/Occupiers 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 combustibile 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 clearly communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement and providing increased certainty for stakeholders.

5.2. Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2020–21 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

N/A

5.3. Actions taken in 2020–21, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

N/A