

Queensland Fire and Emergency Services Regulator Performance Framework 2022–23 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, the 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 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.

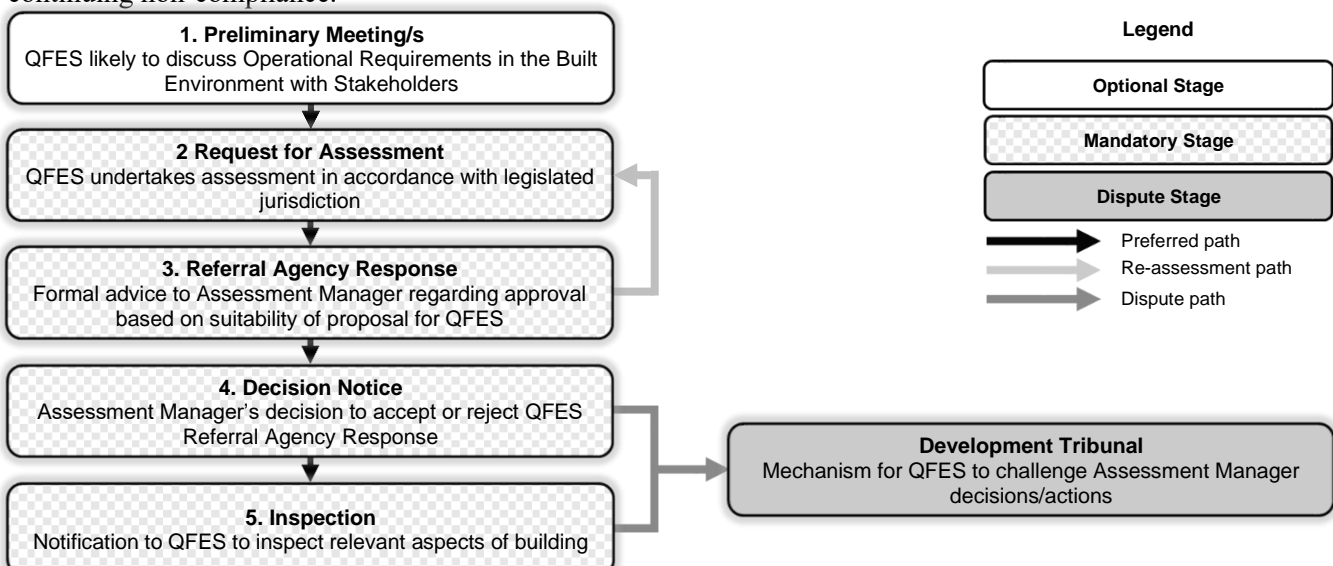
QFES conducts regular building inspections to ensure legislated fire safety systems are maintained and routinely serviced throughout the lifecycle of the building. Appropriate enforcement action is initiated where deficiencies are identified.

Table 1. Legislation QFES has regulatory responsibilities under:

Act	Subordinate legislation
<i>Building Act 1975</i>	<i>Building Regulation 2021</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 following 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 2022–23.

- 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 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 2022–23 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*, Budget Accommodation Buildings (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 required safety standards.
- 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 2022–23, there were two successful BAB prosecution cases against one company and one individual in relation to two structures. Fines totalling \$30,000 were imposed by the court. As of 30 June 2023, a number of other Building Fire Safety prosecutions are proceeding through the court process.

1.3 Actions taken in 2022–23, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

- 1.3.1** During 2022–23, QFES continued as an ex officio member of the Ministerial Construction Council (MCC) Subcommittee. The MCC was tasked with the review of the Fire Protection Regulatory Framework to address the non-rectification of defective fire protection systems. The final report containing 15 recommendations was published in January 2023. A working group was formed amongst the partner agencies to develop an implementation schedule. QFES will lead implementation of five recommendations and participate in the implementation of a further two that are being led by other agencies.

Table 2. QFES Building Fire Safety Inspection

No.	Performance measures	2022–23 Actual
2.1	Percentage of building premises inspected and deemed compliant at first inspection	52.9%
2.2	Number of entities prosecuted in the Magistrates Court for building fire safety offences (not including BABs)	4
2.3	Total dollar value of fines imposed on entities in the Magistrates Court for building fire safety offences (not including BABs)	\$111,300
2.4	Notices by Commissioner issued to rectify fire safety breaches (number)	162
2.5	Requisitions by Commissioner to rectify fire safety breaches (number)	52
2.6	Infringement Notices issued (number)	88
2.7	Total dollar value of Infringement Notices issued	\$267,089
2.8	Fire investigation inspections (number of structures)	626
2.9	Building Approval Officer (BAO) assessments (number)	2,227
2.10	BAO inspections (number)	1,623
2.11	Safety Assessment Officers structure inspections (number)	1,130
2.12	Inspections of premises suspected of operating as illegal and unsafe BABs (number)	130 inspections of 58 premises
2.13	Requisitions by Commissioner issued to BABs to reduce risk (number)	10
2.14	Notices by Commissioner issued to BABs to improve fire safety within the premises (number)	12
2.15	Infringement Notices issued to BABs for breaches of fire safety (number)	12
2.16	Total dollar value of fines imposed by QFES for Infringement Notices to BABs	\$35,696

Notes:

- 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. The 2022–23 Target/Estimate is 50%.
- 2.6 The increase in the number of Infringement Notices issued from 2021–22 (44) to 2022–23 (88) is primarily due to the issuing of notices relating to non-compliance with Queensland’s Smoke Alarm legislative provisions. From 1 January 2022, at the commencement of a new lease or lease renewal, owners were required to ensure dwellings met the requirements.

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 2022–23.

2.1.1 Industry relationships enabled ongoing direct collaborative partnerships to consider and address industry issues and concerns.

2.1.2 In February 2017, QFES established the Smoke Alarm Implementation Interdepartmental Committee. This followed the commencement of provisions in the *Fire and Emergency Services (Domestic Smoke Alarms) Amendment Act 2016* on 1 January 2017. QFES continues to chair this committee. Meetings were deferred during this reporting period following the successful achievement of the 1 January 2022 midterm implementation benchmark and pending a review of the Terms of Reference and strategic objectives. The interdepartmental committee is expected to resume in 2023–24.

2.1.3 QFES has oversight of the domestic smoke alarm requirements contained in the *Fire and Emergency Services Act 1990*. Key community messaging changed focus in 2022–23 and was directed at the target audience for the third and final implementation stage which requires all dwellings to have installed interconnected smoke alarms in all bedrooms and hallways by 1 January 2027.

2.1.4 QFES' website provides detailed information for the public to access all aspects of legislative requirements for the staged implementation of the smoke alarm requirements (www.qfes.qld.gov.au/smokealarms). QFES administers a smoke alarm email address dedicated to providing opportunity for community members and industry stakeholders to request information and clarification of smoke alarm legislation requirements. This email received 1,613 requests during 2022–23.

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 the 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:

- Australian Institute of Building Surveyors (AIBS)
- Australasian Fire and Emergency Service Authorities Council (AFAC)
- Department of Energy and Public Works (DEPW)
- Fire Protection Association Australia (FPAA)
- Institution of Fire Engineers (IFE)
- National Fire Industry Association (NFIA)
- QBCC
- Society of Fire Safety (SFS).

<p>2.1 (cont'd)</p>	<p>Engagement with these groups is at a strategic level and deals with matters of national significance such as:</p> <ul style="list-style-type: none"> • 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. <p>2.1.7 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/planning-and-compliance/hazardous-chemicals-emergency-planning). These activities also inform interactions with hazardous industries across Queensland and QFES emergency management preparations.</p> <p>2.1.8 QFES engaged with the occupiers of all buildings with a Fire Detection and Alarm System (FDAS) that are monitored by QFES to provide an automatic fire service response upon alarm activation. The engagement was undertaken prior to the commencement of a QFES project in February 2023 that requires QFES to change approximately 7,000 alarm signalling equipment (ASE) components of the FDAS. The change is required to maintain alarm monitoring capability after the closure of the 3G network on 30 June 2024.</p>
<p>2.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2022–23 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.</p>	<p>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.</p> <p>2.2.2 In 2022–23, QFES progressed amendments to the <i>Fire and Emergency Services Act 1990</i> (FESA) as part of the <i>Police Service Administration and Other Legislation Amendment Act 2023</i>. The amendments included clarification of building occupier regulatory obligations for prescribed fire safety installations where the installations are installed external to the building. The amendments also clarified information sharing arrangements and obligations between QFES and the Queensland Police Service in certain circumstances. Further changes re-aligned the FESA references to National Construction Code (NCC) sections as a result of NCC numbering changes in the current version.</p>
<p>2.3 Actions taken in 2022–23, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.</p>	<p>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.</p> <p>Under the <i>Fire and Emergency Services Act 1990</i>, QFES charges for attendance at unwanted alarms to encourage building owners or occupiers to be continually proactive in managing fire alarm systems.</p>

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 minor decrease in the rate of unwanted alarm activations per ASE from 2.5 in 2021–22 to 2.3 in 2022–23.

Table 3. QFES Unwanted Alarms

No.	Performance measures	2022–23 Actual
3.1	Pragmatic tests conducted (number)	17 tests on 9 buildings
3.2	Pass rate on first pragmatic test	94%
3.3	Installed alarm connections to monitored alarm systems (number)	8,278
3.4	Unwanted alarm activations from monitored alarm systems responded to	18,453
3.5	Percentage of incidents attended that were unwanted alarms	24.5%
3.6	Rate of Unwanted Alarm Activations per Alarm Signalling Equipment (ASE)	2.3

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 ASE 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 ASE 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 2022–23.

3.1.1 The Notice by Commissioner 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.

A building owner/occupier may dispute a Notice by Commissioner and apply for a Queensland Civil and Administrative Tribunal (QCAT) review. If the building owner/occupier fails to seek a QCAT review and takes no action to rectify the non-compliance, then enforcement action may escalate. This includes the potential issuing of Penalty Infringement Notices or prosecution through the Magistrates Court.

3.1.2 The QFES Cladding Support Unit forms part of the Safer Buildings 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 any of type of external combustible 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 are 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/planning-and-compliance/building-owners-and-occupiers).

<p>3.1 (cont'd)</p>	<p>3.1.6 The QFES Guide to the Referral of Performance Solutions communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement with stakeholders. The guide is being transitioned from a stand-alone PDF to a fully online format to improve accessibility and useability and is expected to be available on the QFES website by 31 August 2023.</p>
<p>3.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2022–23 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.</p>	<p>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/planning-and-compliance/referral-agency-advice/scope-reduction-initiative).</p>
<p>3.3 Actions taken in 2022–23, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.</p>	<p>3.3.1 QFES has a Community Safety Technical Reference Group comprising of BAOs from each of its seven regions and Community Infrastructure Branch subject matter experts, including the Fire Engineering Section, who provide technical input into QFES community safety policy development. (QFES' regional locations are Far Northern, Northern, Central, North Coast, Brisbane, South Eastern and South Western.).</p> <p>3.3.2 QFES facilitates a bi-monthly statewide forum for operational firefighters who are filling Safety Assessment Officer positions in regulatory enforcement roles. The forum is facilitated by the Community Infrastructure Branch and presents case studies and issues arising from Building Fire Safety Inspections and the related systems, processes and enforcement outcomes.</p>

Table 4. Fire safety advice applications

No.	Performance measures	2022–23 Actual
4.1	Fire safety advice applications received (number)	3,845
4.2	Fire safety advice applications completed within the 15-day timeframe (number and per cent)	3,569 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 2022–23.

N/A

4.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2022–23 aligned with the regulator model practices or indicated where business practices could be enhanced in line with the model practices.

- 4.2.1** QFES BAOs who wish to progress to BAO2 are undertaking the Graduate Certificate in Performance-Based Building and Fire Codes through Victoria University. At 30 June 2023, six QFES officers are undertaking the one-year course remotely.
- 4.2.2** QFES sustained a Memorandum of Understanding (MoU) with the Department of Environment and Science which assisted with the ongoing management of potential fire risks associated with the stockpiling of waste. This MoU formulates the structure for both departments to cooperatively share information.
- 4.2.3** QFES continued participation in fire safety research activities with various external stakeholders aimed at increasing the department's knowledge and understanding of innovative and emerging building products, technologies and methods of construction. This included collaboration, research and policy development relating to electric vehicles and battery energy storage systems, and fire safety principles.
- 4.2.4** In line with the Queensland Audit Office *Regulating animal welfare services (Report 6: 2021–22)* tabled in Parliament on 30 November 2021, as recommended, QFES undertook a self-assessment against better practices in the *Good regulatory practices* and has determined that the department satisfies the benchmarks.

4.3 Actions taken in 2022–23, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

- 4.3.1** The Cladding Support Unit delivers ongoing training to all new regional Safety Assessment Officers to allow Operational Risk Audits (ORA) of identified cladding affected buildings to be carried out by regional staff. Additionally, the ORA training PowerPoint was updated and incorporated into the 2022–23 Core Skills Training Schedule to assist operational firefighting crews. The Cladding Support Unit retained oversight of completed ORA reports which are forwarded to the relevant regional leadership team for action regarding operational response upgrades. The ORA reports continue to be uploaded onto the Total Operational Mapping GIS (Geographic Information System) mapping platform to provide real time accessibility for firefighting crews onsite at a potential future incident involving a combustible cladding structure fire.
- 4.3.2** QFES continued to maintain the currency of fire investigation training with a cohort of nine candidates from around the state commencing the nationally recognised qualification of Advanced Diploma of Public Safety (Fire Investigation) offered by the Canberra Institute of Technology in July 2022.
- 4.3.3** QFES continued to update, refine and expand externally facing position statements and guidelines to inform stakeholders. This is an ongoing process to reflect changes to legislation, codes, standards, innovation and emerging issues.
- 4.3.4** As part of regulatory review activities, QFES continued its review of the *Building Fire Safety Regulation 2008*. 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 2023–24.
- 4.3.5** QFES continues to regularly participate in the AFAC Built Environment and Planning Technical Group (BEPTG) and the Fire Engineering Network (FEN). These groups provide the opportunity for QFES to liaise with interstate fire authorities and contribute to the development of national codes and regulations.

4.3 (cont'd)

4.3.6 QFES continues to closely liaise with the University of Queensland Fire Engineering Research Group, under the terms of the ongoing MoU with the University of Queensland's School of Civil Engineering, in support of QFES' regulatory roles.

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 2022–23.

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/sites/default/files/2021-03/FSMT.pdf).

5.1.3 The QFES Guide to the Referral of Performance Solutions communicates QFES' expectations for referred Performance Solutions, thereby facilitating effective engagement and providing increased certainty for stakeholders. The guide is being transitioned from a stand-alone PDF to a fully online format to improve accessibility and useability and is expected to be available on the QFES website by 31 August 2023.

5.2 Examples and/or case studies that highlight the extent to which QFES' regulatory practices in 2022–23 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 2022–23, or currently being taken by QFES, to improve regulatory activities and business practices to reflect the regulatory model practices.

5.3.1 QFES commenced a project in February 2023 to replace ASE that will allow owner occupiers of certain buildings to meet their legislative responsibility to maintain monitored FDAS in their building. FDAS rely on ASE as the communications channel to relay alarms and other information from the customer premises to QFES. At 30 June 2023, more than 7,000 ASE units use the Telstra 3G mobile telephone service as the primary communications channel. The Telstra 3G network will be discontinued on 30 June 2024. QFES owns the ASE units. All other components of the FDAS are owned by the owner or occupier of the building. Failure to replace all existing ASEs and upgrade to a replacement ASE that is compatible with 5G network capability will render building owner occupiers unable to meet their legislative requirement.