THE INDEPENDENT VOICE OF STRATA OWNERS

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Policy
Building Commission NSW
By email: hbareview@customerservice.nsw.gov.au

Dear HBA Team

Thank you for the opportunity to provide feedback on the latest reform proposals for the fire safety sector.

The Owners Corporation Network of Australia Limited (OCN) is the independent peak consumer body representing residential strata and community title owners and residents. As such, OCN is uniquely positioned to understand the impact that the legislative framework has on day-to-day machinations and community living. We have a lived experience and a practical hands-on approach to strata administration, issues management and resolution, and harmonious living.

OCN strives to create a better future for residential and community living and ownership. We support the transition to resilient, empowered communities living in climate ready, defect-free buildings. We are a full member of the Consumers' Federation of Australia.

Strata is the fastest growing form of residential property ownership in Australia. Over half the new dwellings to be built in our metropolitan areas over the next decades will be strata titled. The growth of this sector raises increasingly important questions over property ownership and governance.

Please see submission from OCN on the proposed fire safety reforms and stakeholder questions. As always, we are ready and willing to discuss our proposals.

Sincerely

K Stiles

Karen Stiles
Executive Director

1A Certificates for Active Fire Safety Systems: 1B Certificates for Passive Fire Safety Systems:	1. If the licensing is referenced and becomes subject to scrutiny, then yes, a CoC is of value to put ownership on contractors to sign off on their installs. The key thing is that typically works are not fully defined so there can be ambiguity between design and installed systems. 2. We would leave this item to be determined by the authorities. The OBC should be able to determine which items are causing minor/ major defects and address them in the order of relevance. Capturing baseline data and evidence of performance testing of systems is critical as part of this process as the collation of such information and witness testing by critical team members (certifier/fire system certifier/APFS/service engineer/installer etc) will identify many of the defects within a system. Poor documentation is one of the most fundamental issues in the space. The planning portal needs to be expanded to capture specific information at OC to ensure it is referenceable for future times; not limited to baseline data, regulated designs, performance solutions, base building design and as built documentation etc. 3. Critical to define the passive fire design practitioner as currently undefined and assumed to be in everyone's role. FPAS qualification for assessment is insufficient as a mechanism to educate people on the selection and fit for purpose of tested systems. Certification of installations to be provided by installers with endorsement from Fire System Certifier from inspections undertaken at critical hold points (no different to what PCAs are currently expected to do but with a more comprehensive knowledge of the systems they are inspecting). Baseline data and verification of correct installation to manufacturer guidelines is essential before issue of OC. Note: Certificates can be worthless as so many contractors are still willing to sign off on things and there is little to no repercussion for inaccurate submissions to anyone other than building owners. We still accept the need for certificates to identify and document who has installed what within a building to allow a fire system certifier to review all systems. Note that a certificate should come with the register of baseline data associated to the install plus the manufacturer test sheets for the installed systems. 4. Yes, should cover all items listed in the question plus provide baseline asset and testing data to be referenced into the future. 5. Yes, or equivalent report by engineers or accredited individuals/companies to verify that the system is installed and functioning correctly. 6. If designs and specifications are done by registered design practitioners or similar accredited individuals this should not be an issue if using Australian Standards approved systems. We note this may have been the case with cladding that became a massive issue

	however this is on upstream supply chain and testing authorities to get it right from their end before permitting the use of a product. Further qualifying comments for consideration: Industry also needs to provide guidelines on what is construct only and what is design and construct as passive (penetrations/dampers) require the selection and application of tested systems so, while the system is off the shelf, the designer/installer (often the same person) needs to accurately select these i.e. D&C. Contractors performing such selections and installs must be mandated to provide PI insurance and understand their obligations. All of these things lean back to having a FSD role for passive firestopping given how complex it is becoming and how broad the knowledge requirement is. We submit that all trades (electricians, plumbers, carpenters etc etc) should undertake more comprehensive training in passive fire. However, it should be a dedicated qualification to be able to specify and install tested systems not just a single module in a TAFE Qualification as an add on to existing qualifications.
2A Interim Fire Safety Schedule: 2B Identifying commissioning requirements: 2C Statutory Fire Safety Measures: 2D Performance Solutions:	7. Yes 8. Smoke compartmentalisation is not noted, only penetrations through fire rated elements. If penetrations are allowed to be smoke rated only then ok, we query whether smoke separation and fire separation are listed independently. Secondly, ~~it is noted that~~ concessions provided by council under Fire Orders, that are not formalised into Performance Solutions or Fire Upgrade Reports, should be documented under the strategy documentation also ~~for~~. For continuity of data this should also be on a FSS to ensure that contractors don't inadvertently recommend upgrades or test irrelevant assets after a fire order is resolved. 9. Yes – Construction Review Processes by Fire Engineers with their sign off is critical to ensure correct implementation of performance solutions are integrated into the rest of the building. 10. Yes, however we are not suitably informed to nominate who should be determining this. We request that this process also outline the minimum expected baseline data for each FSM to ensure it is checked off by the Fire System Certifier/PCA. 11. Yes, as per 10. Integrated commissioning is essential in larger and more complex buildings/systems and should require co-signatures from all practitioners undertaking installation of the overall system. Individual certificates should be provided with an endorsement of the associated systems and integrated full function testing results that verify the completeness and compliance of the installation and performance of the system.

	12. Yes as FERs are very complex documents and those testing the building may not be able to correctly interpret the performance solutions in question. Brief statements of what the performance solution allows are critical.
3A Contents of FSC: 3B Person Responsible for issuing FSC:	13. Yes, performance testing and witness testing results should be documented and form part of the construction stage review overseen by the Fire System Certifier / PCA / Services Engineer to verify the performance of the system is as per the expectations of the design. 14. Risk is that more work is created for an already under resourced industry sector. The pro is that buildings are less likely to have Major Defects post construction. We note that quite often (especially in class 2) the major defects are not identified for extended periods, negatively impacting the building owners with little to no recourse. 15. Yes, however we are impartial to the final administrative process put in place as long as it is robust to ensure that the system is fully complying before being tested and then certified to have achieved its standard of performance in the testing process. 16. Yes, owners while the source of funding, are not informed technically and do not have licensing to submit against. 17. We accept the recommendation that a builder be the signatory on the FSC to confirm that all installations are in accordance with the designs provided and achieving the necessary standards of performance.
4 Licensing Assessors	18. Whether it is an APFS or Fire System Certifier there should be a responsible party to work alongside the Certifying Authority to technically review installations and confirm standards of performance are met before FSC is issued. 19. Should start in residential class 2 due to the current lack of confidence in the industry and the known volume of defects where there are non-technical owners of such property assets. DBP Act has proven its value here and should be mirrored in the rollout of such changes.
5A First Year Assessment: 5B Limiting Independent Assessment by Building Class:	20. If the commissioning and certification of a building including all systems housed within it are done correctly and all baseline data, design and performance information is correctly recorded then it is considered that a first year AFSS should be no different to a subsequent year. Especially considering that there are transitions between contractors regularly over the life of a building, so fire maintenance companies are experienced at re-establishing on sites with poor handover information. If it can just be arranged that the data behind these buildings is available first it would make for easier transitions for the first and subsequent periods for AFSS.

6 Repair and Remediation of FSMs:	21. Licensing like Australian Standards is considered the lowest common denominator on these items. Would not recommend reducing any licensed works to an APFS who is not qualified to undertake that work explicitly. New licenses/journeyman qualifications could be considered to bridge this and alleviate licensing if there is a RPL structure put in to novate APFS individuals with levels of experience to become qualified accordingly. Important Note: industry to review licensing and subcontracting arrangements where fire companies with limited licensing (may have electrical/carpentry/plumbing) are engaging subcontractors for works that they are not licensed to undertake. In the residential space the only qualification that permits such engagements is a builder's license, which is not typically held by any fire company, so it is important that a formal review is undertaken to ensure there is a guideline on what contractors.
7 Specialist License Holders:	22. Electricians and Plumbers understand how to install elements of these systems but do not understand how they work. There is a large requirement for training to allow these individuals to undertake commissioning and assessment of Fire Systems and should be no less than the APFS or equivalent license for any other fire system assessor.