



# Good Practice Guide

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Adoption and use of AS 1851-2012

Version 4

Approved for release May 2016

**FIRE PROTECTION ASSOCIATION AUSTRALIA**



# Adoption and use of AS 1851-2012

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## Document history

Version 1.0 published August 2013

Version 2.0 published August 2014

Document updated to acknowledge the following changes in legislation and codes:

- ACTFB Policy FS-05 removed from the ACT Fire & Rescue website while it is under review
- Section I Maintenance removed from the Building Code of Australia (this particularly affects the Northern Territory which referenced a variation to Part I that specified the suggested maintenance standards)
- Queensland Development Code (QDC) Mandatory Part (MP) 6.1 – Commissioning and maintenance of fire safety installations updated to require use of AS 1851-2012
- Tasmania's Director's Specified List updated to require use of AS 1851-2012
- Western Australia's Building Regulations 2012 updated to include requirement for maintenance of buildings

Version 3.0 published March 2015

Document updated to acknowledge the following changes in legislation and codes:

- Transition period to version 1.3 of MP 6.1 concluded on 1 January 2015 with all buildings in Queensland now required to follow version 1.3
- Minister's Specification SA 76 dated January 2000 superseded by 2015 edition

Version 4.0 published May 2016

Document updated to acknowledge the following changes in advisory notes and legislation:

- Northern Territory Fire and Rescue Service Advisory Note – Maintenance of Building Fire Safety Measures, published December 2015 confirming AS 1851-2012 is a relevant standard for maintenance pursuant to regulation 11(6)(a) of the Fire and Emergency Regulations
- Victorian Building Amendment Regulations 2016, dated 26 April 2016 - introduced new regulation 1205A confirming compliance with AS 1851-2012 is taken as compliance with earlier edition of AS 1851 or equivalent standard nominated as a condition on an occupancy permit or maintenance determination

## Adoption and use of AS 1851-2012

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# Table of Contents

1.0	Purpose .....	4
2.0	Audience .....	4
3.0	Introduction .....	5
4.0	Regulatory Issues .....	6
4.1	Australian Legislative Framework .....	6
4.2	Building Regulations in Australia .....	7
4.3	Statutory law obligations in relation to maintenance .....	8
4.4	Common Law Duty of Care .....	9
4.5	Maintenance of Fire Protection Systems and Equipment .....	9
4.6	Referencing of AS 1851 in legislation .....	10
4.7	Reconciling legal obligations .....	13
4.8	Enforcement of Statutory non-compliance .....	15
4.9	Other Enforcement Mechanisms .....	15
5.0	Use of AS 1851 in locations other than buildings .....	15
6.0	Summary of the ability to use AS 1851-2012 .....	16
7.0	Conclusion .....	18
8.0	Disclaimer .....	18
	Appendix A—Guide to using AS 1851-2012 in the Australian Capital Territory .....	19
	Appendix B—Guide to using AS 1851-2012 in New South Wales .....	21
	Appendix C—Guide to using AS 1851-2012 in the Northern Territory .....	24
	Appendix D—Guide to using AS 1851-2012 in Queensland .....	27
	Appendix E—Guide to using AS 1851-2012 in South Australia .....	30
	Appendix F—Guide to using AS 1851-2012 in Tasmania .....	33
	Appendix G—Guide to using AS 1851-2012 in Victoria .....	36
	Appendix H—Guide to using AS 1851-2012 in Western Australia .....	40
	Appendix I—List of referenced documents .....	43



## Adoption and use of AS 1851-2012

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### 1.0 Purpose

AS 1851 is the Australian Standard for the routine servicing (maintenance) of fire protection systems and equipment. A comprehensive revision of this standard was released in December 2012: AS 1851-2012, *Routine service of fire protection systems and equipment*. Australian standards are published as consensus documents following extensive industry and community consultation. This latest revision of AS 1851 includes significant improvements including the latest 'state-of-the-art' information and routines for ensuring the reliability of fire protection systems and equipment whilst also seeking to enhance other community benefits including improved safety, cost reduction and reduced environmental impact.

The release of AS 1851-2012 was the culmination of many years of work encompassing research, analysis and evaluation of:

- emerging industry trends;
- deficiencies in previous standards and practices;
- public safety outcomes;
- environmental impacts; and
- cost benefit to key stakeholders.

Whilst the new edition of the Standard represents a significant improvement over previous editions, its use and adoption throughout Australia is not always a straight forward process as a result of the differing legislative frameworks that exist in each state and territory.

This Good Practice Guide is intended to provide practical guidance on the regulatory framework relating to the maintenance of fire protection systems and equipment in each state and territory and the use of AS 1851-2012. The guide provides information pertinent for each State and Territory as well as some general advice that further expands on the information contained in the Association's Position Statement *PS-03 Adoption and use of AS 1851-2012*.

### 2.0 Audience

This Good Practice Guide is intended to assist:

- (i) FPA Australia members;
- (ii) Key stakeholders in the Fire Protection Industry, including:
  - (a) Regulators
  - (b) Fire services
  - (c) Property owners and managers
  - (d) Building occupiers and tenants

## Adoption and use of AS 1851-2012

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- (e) Insurance companies and Corporate Risk Managers
  - (f) Facility managers
  - (g) Design consultants; and
- (iii) The general public.

### 3.0 Introduction

For fire protection systems and equipment to be effective, they need to operate reliably when called upon in an emergency. Throughout the life of a building, fire protection systems and equipment will typically only be called upon to operate in an emergency infrequently. However, if they fail to operate as designed, a substantial threat to occupants and property may arise. Therefore their reliability is critical.

Undertaking regular maintenance in line with a standard, such as AS 1851-2012, is one way of enhancing the reliability of fire protection systems and equipment that benefits all stakeholders.

Since the publication of version 1 of this Good Practice Guide, FPA Australia has lobbied state and territory governments resulting in changes in every state and territory to allow adoption of AS 1851-2012.

This Good Practice Guide provides an overview of the regulatory framework governing the maintenance of fire protection systems and equipment operating in each jurisdiction. It also provides practical guidance on how the latest edition of AS 1851 can be used to undertake regular maintenance of fire protection systems and equipment based on the current regulatory requirements.

The document has been structured into two parts.

- The body of this document provides general information on the broad regulatory framework and the issues to be considered irrespective of the jurisdiction, the type of fire protection system or equipment, or the type of facility where the fire protection equipment or system is installed.
- The appendices provide detailed information that analyses the specific legislative provisions governing maintenance of fire protection systems and equipment for each jurisdiction and the resulting impact on the ability to use AS 1851-2012 in that jurisdiction.

Both parts of the document should be considered when determining the applicability of the information to a particular circumstance. However, the primary purpose of the document is to provide clear guidance on whether or not AS 1851-2012 can be used in each jurisdiction rather than to provide specific legal advice on the responsibility of each stakeholder involved in the maintenance process.

## Adoption and use of AS 1851-2012

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### 4.0 Regulatory Issues

This section provides a brief explanation of the Australian legislative framework and what mechanisms set legislative obligations in relation to maintenance. It also identifies:

- the varied terms used by each jurisdiction for fire protection systems and equipment;
- what editions (if any) of AS 1851 are currently required in each jurisdiction; and,
- how to reconcile the legal obligations for maintenance.

#### 4.1 Australian Legislative Framework

The responsibility for establishing the requirements for the maintenance of fire protection systems and equipment lies with each State and Territory Government for buildings and land under their control or for privately owned buildings and land. Commonwealth land and buildings are the responsibility of the Federal Government irrespective of the State or Territory where the land is located.

Therefore, each State and Territory, as well as the Commonwealth, may establish their own legislation for the maintenance of fire protection systems and equipment in buildings under their jurisdiction. The primary legislation that enables such control and establishes the law is referred to as an Act of Parliament or more simply referred to as an Act.

An Act often allows for the making of Regulations which provide the ability to administer the Act. In simple terms, an Act establishes principles and objectives including the expectations for compliance and Regulations detail how these are achieved.

Regulations can reference external documents, codes and standards in whole, part or in a modified form. This process allows for national documents—such as the National Construction Code (which includes the Building Code of Australia and the Plumbing Code of Australia) or Australian Standards—to form part of the regulatory regime to suit the individual needs of each government. This is commonly referred to as the hierarchy of legislation (see Figure 1).

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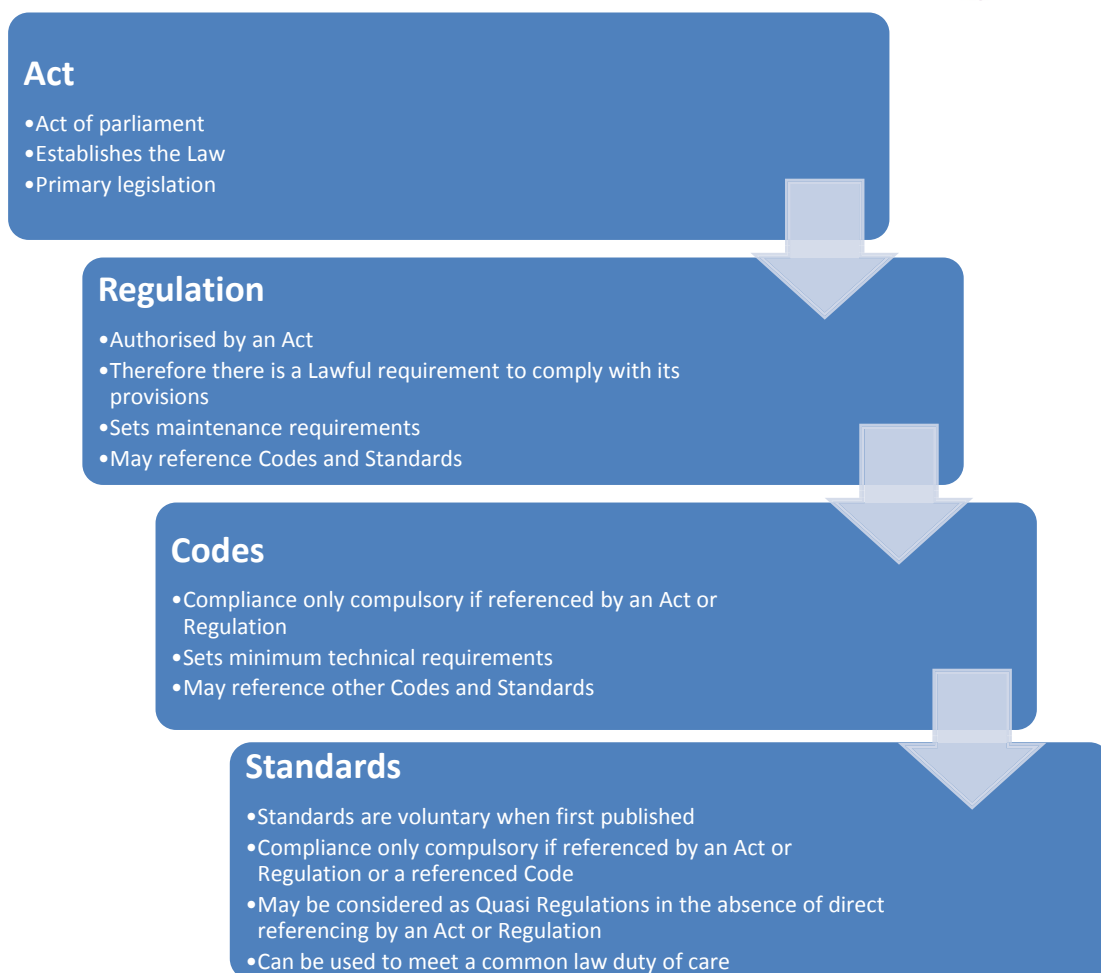


Figure 1 Hierarchy of Legislation

### 4.2 Building Regulations in Australia

Throughout Australia, building, planning and fire safety regulations adopt technical documents such as the Building Code of Australia (BCA) and Australian Standards. For new buildings (and sometimes major alterations or change of use of existing buildings), the relevant fire safety provisions for construction are contained within the BCA, as adopted by the relevant state or territory building legislation.

Building regulations are not usually retrospective regarding construction or installation requirements, that is, they generally do not require upgrading of existing buildings to 'present day' fire safety requirements except in special circumstances.

It is therefore likely that buildings throughout the community will be subject to varying levels of compliance with present day legislation and the associated referenced codes and standards, including the BCA and Australian Standards. This will also apply to the



## Adoption and use of AS 1851-2012

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fire safety systems within those buildings and in some cases the level of maintenance, survey, audit and rectification required of those systems.

### 4.3 Statutory law obligations in relation to maintenance

In Australia, each State and Territory has a unique regulatory system that governs the minimum requirements for the maintenance of fire protection systems and equipment.

Some jurisdictions have non-specific provisions that simply require the owner of a building to ensure that such systems and equipment continue to perform to a standard no less than that to which they were originally designed and implemented. In contrast, other jurisdictions have very specific and somewhat complex regulatory requirements that apply specifically to an individual building and often vary from building to building. Such regulatory requirements often reference a broad range of editions of AS 1851 (or other standards) as either a minimum requirement or a mandatory requirement. Previously some editions of AS 1851 referenced in legislation or required by law to be complied with for an individual building are no longer the current edition of the standard, having been superseded by new editions several times, for example by the 2005 and 2012 editions.

Where a State or Territory adopts non-specific provisions, there is likely to be no statutory impediment to the use and adoption of AS 1851-2012 and therefore the standard may be used immediately. In other jurisdictions the ability to use of AS 1851-2012 may be less clear and in some cases its use was actually constrained as a result of the legislation within that jurisdiction. To further complicate matters, there may also be a statutory conflict between building and fire safety regulations and other legal obligations placed on owners and occupiers.

Generally, the specific regulatory provisions that detail how maintenance of fire protection systems and equipment should be performed are enshrined in each jurisdiction's building, planning and fire regulations. These regulations may not necessarily apply to all instances where fire protection systems and equipment are installed but generally cover the majority of installations.

An important issue to consider, and one that is often overlooked, is that the legislative requirement to both provide and maintain fire protection systems and equipment throughout Australia is not necessarily restricted to building and fire safety legislation.

In most states and territories, laws covering work health and safety; dangerous goods storage and handling; emergency management planning; mining; health and aged care; and marine—to name a few—include provisions which require fire protection systems and equipment to be provided to satisfy particular requirements.



## Adoption and use of AS 1851-2012

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In most cases these legislative instruments do not specify how an item is to be maintained; however it is likely that a responsible entity under these legislative instruments would need to defend the actions taken by them to ensure that the performance of such systems and equipment was appropriate.

### 4.4 Common Law Duty of Care

In addition to statutory law provisions (Acts and Regulations), it is likely that an individual or a corporation—such as the owner, occupier, employer or manager—will also have a common law duty of care to maintain fire protection systems and equipment to demonstrate that they have met their duty to others under their supervision or care.

A Duty of Care is typically described as a requirement that a person act toward others and the public with watchfulness, attention, caution and prudence that a reasonable person in the circumstances would. If a person's actions do not meet this standard of care, then their actions are considered negligent, and any damages resulting may be claimed in a lawsuit for negligence.

Maintaining fire protection systems and equipment to AS 1851-2012 may be one of the surest ways of demonstrating that a negligent act has not occurred. By applying AS 1851-2012, it could be argued that the person has satisfied their duty of care in regards to their actions towards others and the public.

Where AS 1851-2012 is not used due to other legislative provisions, an individual or a corporation may be called upon to defend their actions (i.e. not using AS 1851-2012) in any legal action that calls into question their duty of care.

### 4.5 Maintenance of Fire Protection Systems and Equipment

The term “fire protection systems and equipment” relates to nominated safety equipment, fittings, systems or management measures provided in, or for, a building and required in the event of fire or other emergency to protect against loss of life or property (for example, fire sprinklers, smoke control systems, and exits).

Each state and territory's legislative and regulatory framework refers to fire protection systems and equipment by a different name. Table 1 on the following page lists the names used in each State and Territory for fire protection systems and equipment.

## Adoption and use of AS 1851-2012

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Table 1 – Defined term for fire protection systems and equipment in each jurisdiction

State or Territory	Defined term for Fire Protection Systems and Equipment
Australia – (Commonwealth) Building Code of Australia)	Safety Measures
Australian Capital Territory	(No defined term)
New South Wales	Essential Fire Safety Measures
Northern Territory	Building Fire Safety Measures
Queensland	Fire Safety Installations
South Australia	Essential Safety Provisions
Tasmania	Essential Safety and Health Features / Measures
Victoria	Essential Safety Measures
Western Australia	Safety Measures

### 4.6 Referencing of AS 1851 in legislation

State and territory jurisdictions generally stipulate the requirement to maintain fire protection systems and equipment and other safety measures in their building and fire safety legislation. Table 2 on page 12 lists the various editions of AS 1851 and provides a summary of whether each jurisdiction currently makes reference either directly or indirectly to the use of a specific edition through their primary building and fire safety legislation. A comprehensive explanation of the legislative requirements for each jurisdiction is included in appendices A to H.

The legislative framework in operation within a jurisdiction may enact the requirement to use a particular edition of AS 1851 through:

1. a direct reference to a specific edition in the legislation; or
2. referencing through regulation a code / standard / practice note / policy or other document that specifies how maintenance is to be carried out; or
3. a specific reference on a document such as an Occupancy Permit, Determination or Certificate that is required to be complied with by an owner or occupier for a particular building.

## Adoption and use of AS 1851-2012

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The way that a particular edition of AS 1851 is applied in the jurisdiction is highlighted in the footnotes that accompany the Table 2.

Also, where AS 1851 is not referenced for certain buildings, FPA Australia recommends (as per Position Statement PS-03) that the latest version is used.

## Adoption and use of AS 1851-2012

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Table 2 – Editions of AS 1851 that are directly referenced in each jurisdiction

Edition	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>AS 1851-2012</b> Combines most systems and equipment				✓ <sup>1</sup>	✓ <sup>2</sup>	✓ <sup>4</sup>	✓ <sup>6</sup>	
<b>AS 1851-2005 Amendment 2</b> Combines most systems and equipment							✓ <sup>6,7</sup>	
<b>AS 1851-2005 Amendment 1</b> Combines most systems and equipment							✓ <sup>6</sup>	
<b>AS 1851.1 – 1995</b> Extinguishers and blankets					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.2 – 1995</b> Hose reels					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.3 – 1997</b> Sprinklers					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.4 – 1992</b> Hydrants					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.5 – 1981</b> Smoke/heat venting					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.6 – 1997</b> Fire and smoke management					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.7 – 1984</b> Fire doorsets					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.8 – 1987</b> Detection alarms warning					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.9 – 1997</b> Layflat hose							✓ <sup>6</sup>	
<b>AS 1851.10 – 1989</b> EWIS					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>AS 1851.11 – 1991</b> Halon 1301							✓ <sup>6</sup>	
<b>AS 1851.12 – 1995</b> Gaseous					✓ <sup>3</sup>		✓ <sup>6</sup>	
<b>AS/NZS1851.13 – 1995</b> Wheeled extinguishers							✓ <sup>6</sup>	
<b>AS 1851.14 – 1996</b> Pumpsets					✓ <sup>3</sup>		✓ <sup>6</sup>	
<b>AS 1851.15 – 1997</b> Local alarms							✓ <sup>6</sup>	
<b>AS/NZS1851.16 – 1997</b> Pyrogen aerosols					✓ <sup>3</sup>	✓ <sup>5</sup>	✓ <sup>6</sup>	
<b>Older editions of AS 1851</b>							✓ <sup>6</sup>	

<sup>1</sup> Applicable to all buildings for prescribed fire safety installations other than frequency of passive fire safety installations.

<sup>2</sup> Applies to buildings approved after 1 May 2015 and existing buildings for which a new schedule has been issued requiring AS 1851-2012 to be used in accordance with current Minister's Specification SA 76—2015 edition.

<sup>3</sup> Applies to existing (pre 1 May 2015) buildings to which Minister's Specification SA 76 dated January 2000 applies,

<sup>4</sup> Applies to buildings constructed after 1 July 2004

<sup>5</sup> May apply to buildings constructed after 1 July 2004 only if required under existing maintenance contract and only until the end of the current contract after which AS 1851-2012 must be applied

<sup>6</sup> Occupancy Permit may specify a specific edition of AS 1851 for buildings constructed after 1994.

<sup>7</sup> Building Commission Practice Note 2007-23 specifies AS 1851-2005 as guidance for new buildings.



## Adoption and use of AS 1851-2012

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### 4.7 Reconciling legal obligations

As described in this document, the various aspects of the legal system impose different expectations, obligations and requirements on responsible entities (usually the building owner and / or occupier) to use different standards and codes for the maintenance of fire protection systems and equipment. For any particular site or building it is likely that a responsible entity will have to reconcile the requirements of building and fire safety laws, workplace health and safety laws, a common law duty of care and other specific legislative requirements for certain industries and activities to demonstrate that they achieve legislative compliance for their particular circumstances. The diagram below shows some of the elements of legislative compliance associated with the maintenance of fire protection systems and equipment to be reconciled.

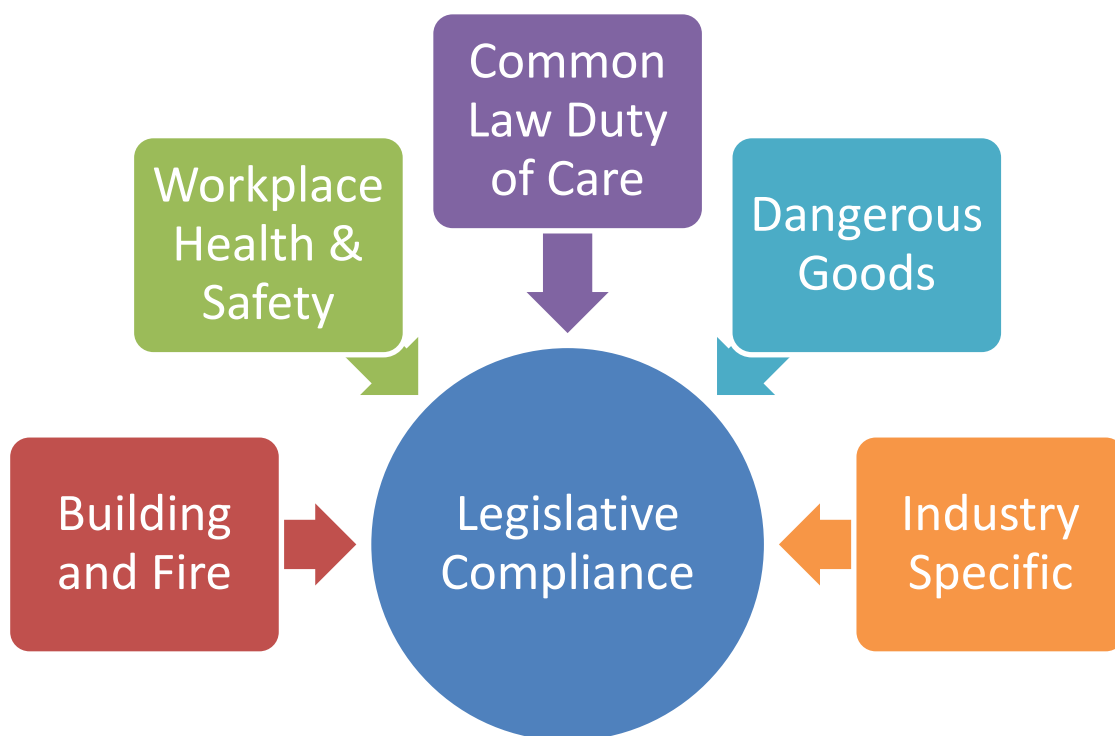


Figure 2 Elements of legislative compliance associated with the maintenance of fire protection systems and equipment

In circumstances where AS 1851-2012 is not used, the owner, occupier or service provider may have to satisfy themselves that they have a sound reason for not adopting the most current standard. Legal advice provided to FPA Australia confirms this. The following is a modified extract of the legal advice provided to FPA Australia when the previous edition (AS 1851-2005) was released:

*“The recent release of the new Standard (AS 1851-2005) raises the need for building owners, building occupiers and essential service providers to assess and*

## Adoption and use of AS 1851-2012

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*consider the applicability of this new standard to their particular circumstances. This consideration must take into account the relationship between these parties in a contractual sense as well as in tort and other legislative requirements. In a greater sense the building owners, occupiers and essential service providers must also consider their relationship with the community and the obligations owed to ensure adequate protection of property and life as required specifically by the Building Code of Australia and the common law.*

*This new Australian Standard must be considered to be the most recent benchmark for maintenance of Fire Protection Systems and Equipment. As such the building owner, building occupier and essential service provider must determine whether by not adopting the new standard they may be considered to be negligent."*

Although Australian Standards are not legislative regulation, they are often considered "quasi regulations" and can be persuasive in a court of law as they can be considered as being recognised as acceptable industry and community standards. As fire protection is a matter of public necessity, it is incumbent on building owners and occupiers to determine whether, in their particular circumstances, they can perform both their public duties and meet legislative requirements without adopting AS 1851-2012.

A detailed analysis of each jurisdiction's building and fire safety requirements and the ability to use AS 1851-2012 is included in this document in Appendix A to H.

Where there is no legislative impediment in building and fire safety legislation, the secondary legislative requirements would generally best be addressed through the use of the latest edition of AS 1851.

The complex and difficult process of reconciling these legislative requirements and (in some cases) any resulting legislative conflict, clearly raises the need for regulators to consider streamlining their respective legislative systems so that the requirement to maintain fire protection systems and equipment is simple, effective, well understood and consistently implemented.

## Adoption and use of AS 1851-2012

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### 4.8 Enforcement of Statutory non-compliance

Generally, where statutory requirements exist for maintenance of fire protection systems and equipment, enforcement is by specific regulatory offence provisions. Where no such provisions exist, enforcement will be via provisions (usually Act provisions) which give powers to specified authorities (most often local government or the fire brigade) to take prescribed action where a building is 'unsafe' or 'not in compliance with technical standards'.

### 4.9 Other Enforcement Mechanisms

Some buildings will also be subject to statutory or funding requirements which trigger maintenance of fire protection systems and equipment. These include annual registration of hospitals and accreditation of nursing homes, schools and other publicly accessed or funded buildings. Additionally, Occupational/Work Health and Safety legislation at State, Territory and Federal level is beginning to have a significant impact on the requirements for maintenance of fire protection systems and equipment.

## 5.0 Use of AS 1851 in locations other than buildings

Generally, throughout Australia, specific regulatory provisions that determine how maintenance of fire protection systems and equipment must be performed are captured in each jurisdiction's building and fire regulations. However, these regulations may not necessarily apply to all instances where fire protection systems and equipment are installed.

Each jurisdiction's legislation generally only applies to buildings that are covered by a class of building defined in the Building Code of Australia; however, some jurisdiction's building and fire legislation nominates other locations in their definition of a "building".

Where the installation of fire protection systems and equipment is not covered by the appropriate building and fire legislation, there may be other legal obligations that need to be met such as a common law duty of care or work health and safety obligations. Generally, these other legal obligations do not specifically require maintenance to be performed to a particular standard; rather, they typically require that a system or item of equipment retains its capability to perform in accordance with its design specifications. In these instances, the use of AS 1851-2012 would be considered to represent best practice and therefore should be adopted where practicable.

Some examples where building and fire safety regulations governing the maintenance of fire protection systems and equipment may not apply are listed below. Whilst this list is not exhaustive, it provides an example of the variety of locations and installations where AS 1851-2012 should be used.

- Mobile plant and equipment (except for those fitted with pre-engineered special hazard systems where AS 1851-2012 requires use of other standards)

## Adoption and use of AS 1851-2012

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- Fixed plant and equipment
- Fire protection required under dangerous goods storage and handling regulations not stored within a building (Vehicle refuelling stations and depots, gas installations, bulk tank storage)
- Domestic installations
- Transportable buildings, mobile homes, caravans or similar use structures
- Passenger and transport vehicle installations
- Marine (Ships, boats, pleasure craft, etc.)
- Structures not classified by the Building Code of Australia (Wharfs, temporary structures, mechanical equipment including amusement rides, conveyor systems, etc.).

### 6.0 Summary of the ability to use AS 1851-2012

As discussed in the preceding sections of this document, the legislative requirements in Australian jurisdictions are becoming more and more conducive to the use of AS 1851-2012.

Detailed guidance on the use of AS 1851-2012 for each jurisdiction is contained in Appendices A to H in this document. The information provided in the appendices is based on the primary legislative provisions that govern maintenance of fire protection systems and equipment—usually building, planning and fire legislation.

Due to the complex nature of legislation, the advice provided in the appendices should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

Table 3 on the following page provides a summary of the use and adoption of AS 1851-2012 for the maintenance of fire protection systems and equipment installed in buildings based on the primary legislation (building and fire safety) in operation in each jurisdiction. More detailed information is contained in the relevant appendices.



## Adoption and use of AS 1851-2012

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**Important Note:** This table reflects the standard provisions in each jurisdictions' legislative framework that apply without taking into consideration the opportunities that may exist to develop alternative solutions for undertaking maintenance that may allow for the use of AS 1851-2012.

Table 3 – Can AS 1851-2012 be used in each jurisdiction?

Jurisdiction	Can AS 1851-2012 be used automatically?	
Australian Capital Territory	Yes	No restrictions
New South Wales	Yes	No restrictions
Northern Territory	Yes	Considered a relevant standard by Northern Territory Fire and Rescue Service Advisory Note – Maintenance of Building Fire Safety Measures
Queensland	Yes	
South Australia	Yes	As of 1 May 2015 for new buildings. For existing buildings, the owner must apply to a regulatory authority or council for a new schedule that allows for the use of AS 1851-2012.
Tasmania	Yes	No restrictions for buildings completed prior to 1 July 2004 Please note that maintenance under existing contracts for buildings constructed (or altered) on or after 1 July 2004 may—if the contract was agreed to prior to 1 January 2014—continue to use the pre 1851-2005 editions until the end of the contract at which time AS 1851-2012 must be applied
Victoria	Yes	No restrictions for buildings constructed prior to 1 July 1994. Buildings constructed after 1 July 1994 will have the type and frequency of maintenance listed in the conditions on the Occupancy Permit or nominated on the associated Maintenance Determination or Maintenance Schedule for the building. Where a previous version of AS 1851 is nominated, AS 1851-2012 can be used subject to continued use and reporting of use in the annual essential safety measures report
Western Australia	Yes	No restrictions

## Adoption and use of AS 1851-2012

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### 7.0 Conclusion

AS 1851-2012 represents a significant step forward for the standardisation of the maintenance of safety measures in buildings and, anecdotally, there is strong support amongst industry and professional practitioners, who have considered and reviewed the new standard, for its use and implementation.

However, it is also clear that building owners, occupiers and service providers each need to carefully consider their individual situations in relation to their statutory obligations and public duty of care in using AS 1851-2012.

FPA Australia is committed to national harmonisation of maintenance requirements for fire systems and equipment as detailed in its Position Statement (PS-03) released in December 2012. To this end, FPA Australia has worked collaboratively with all regulators to effect efficient adoption of AS 1851-2012 as outlined in this Good Practice Guide.

### 8.0 Disclaimer

The opinions expressed in this correspondence reflect those of FPA Australia however are subject to change based on receipt of further information regarding the subject matter. You should interpret the technical opinion or information provided carefully and consider the context of how this opinion / information will be used in conjunction with the requirements of regulation (state and/or federal); relevant standards, codes or specifications; certification; accreditation; manufacturer's documentation and advice; and any other relevant requirements, instructions or guidelines. FPA Australia does not accept any responsibility or liability for the accuracy of the opinion / information provided, nor do they accept either directly or indirectly any liabilities, losses and damages arising from the use and application of this opinion / information.

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## Adoption and use of AS 1851-2012

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# Appendix A—Guide to using AS 1851-2012 in the Australian Capital Territory

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

## 1.0 Statutory law obligations

Maintenance of fire protection systems and equipment in buildings in the ACT is controlled by the Emergencies Act 2004.

Section 92 of the Emergencies Act 2004 allows the chief officer (fire and rescue) to direct the occupier of premises to provide or install a fire appliance at the premises.

A fire appliance is defined in the Dictionary at the end of the Act as follows:

*fire appliance* includes—

- (a) any vehicle, equipment, implement or thing used for the prevention, extinguishing or containment of fire or smoke; and
- (b) any fire alarm; and
- (c) any apparatus for alerting the occupants of a building to a fire or facilitating the evacuation of the building; and
- (d) equipment used for the control or evacuation of smoke from a building.

Section 95 of the Emergencies Act 2004 outlines offences about fire appliances including if the occupier fails to maintain the fire appliance to a reasonable standard, see section 95(2)(b). However, what is a “reasonable standard” is not defined in the Act or its Regulations.

## 2.0 Adopting and using the latest version of AS 1851

Previously, the ACT Fire Brigade (now ACT Fire & Rescue) had a Policy FS-05 “Essential Service Maintenance” which provided further direction on fire safety related essential services maintenance. However, the ACT Fire & Rescue have removed this policy from their website as it is currently under review. Therefore, since there is no current ACT Fire & Rescue policy on essential service maintenance, AS 1851-2012 can and should be used to maintain fire appliances that were required to be provided or installed under a direction of the chief officer (fire and rescue) made in accordance with Section 92 of the Emergencies Act 2004.

## Adoption and use of AS 1851-2012

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Please note that the above only applies to fire protection systems or equipment that have been provided or installed under a direction by the chief officer (fire and rescue). For any other fire protection systems or equipment, AS 1851-2012 can and should be used as it represents best practice.

Given the above, FPA Australia considers that it is good practice to use the latest version of AS 1851 to satisfy all legislative requirements, including common law responsibilities when undertaking maintenance of fire protection systems and equipment in the ACT. The exception to this could be:

1. In circumstances where specific maintenance requirements specified by the manufacturer or supplier are not addressed by the Standard; or
2. A suitably qualified person determines that the particular item of equipment or system requires a different maintenance regime to that prescribed in AS 1851. In which case the latest version of AS 1851 should be used as the basis for establishing an alternative maintenance regime; or
3. The approved design for the building specifies an alternative maintenance regime. In which case it is recommended that the designer uses the latest version of AS 1851 as the basis for establishing the alternative maintenance regime which could be added to or varied as required to support the alternative solution.

FPA Australia's advice in relation to maintenance of fire protection systems and equipment in the ACT is listed in the following table.

Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
Buildings where the occupier has been issued with a direction by the chief officer (fire and rescue) under section 92 of the Emergencies Act 2004 to provide or install a fire appliance	Yes
All other installations	Yes

### 3.0 Links to documents and contact information of relevant stakeholders

- Emergencies Act 2004 can be downloaded from [www.legislation.act.gov.au](http://www.legislation.act.gov.au)
- ACT Fire & Rescue can be contacted on (02) 6207 8370 or [esa.act.gov.au/actfr](http://esa.act.gov.au/actfr)
- The Planning and Land Authority (who administer the Building Act and Regulations) can be contacted on (02) 6207 1923 or [www.actpla.act.gov.au](http://www.actpla.act.gov.au).



## Adoption and use of AS 1851-2012

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# Appendix B—Guide to using AS 1851-2012 in New South Wales

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

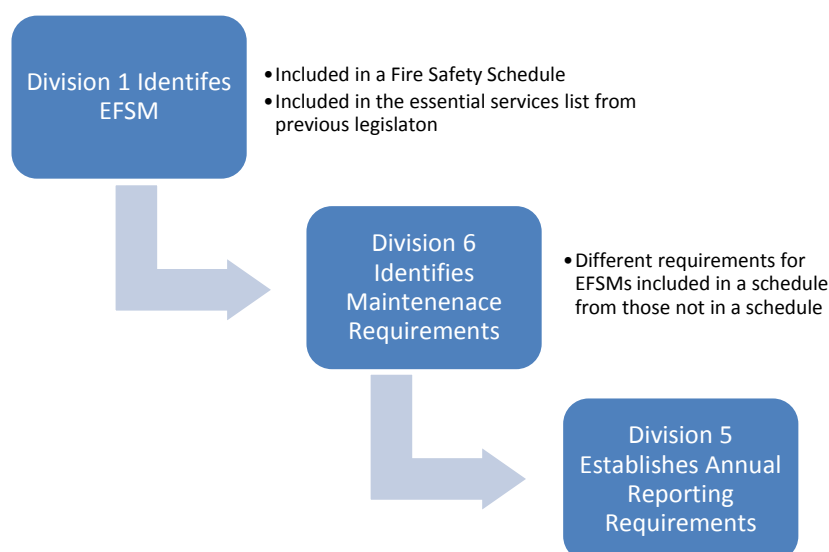
## 1.0 Statutory law obligations

Maintenance of fire protection systems and equipment, referred to as essential fire safety measures, in buildings is controlled by:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000

Part 9 of the Environmental Planning and Assessment (EP&A) Regulation 2000 sets out the requirements for the identification, maintenance and reporting of essential fire safety measures. The following diagram identifies the main provisions of the Regulations as they relate to identification of the maintenance requirements of essential fire safety measures.

### Part 9 Environmental Planning and Assessment Regulation 2000



## Adoption and use of AS 1851-2012

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### 2.0 Adopting and using the latest version of AS 1851

Part 9, Division 6, Regulation 182 of the Environmental Planning and Assessment Regulation 2000 sets out the requirements for maintenance of essential fire safety measures. The Regulation differentiates the maintenance requirements between those measures that are included in a fire safety schedule from those that are not included in the schedule as follows:

1. Essential fire safety measures included in a fire safety schedule must be maintained to a standard no less than that specified in the schedule; and
2. Essential fire safety measures not included in a fire safety schedule must be maintained to a standard no less than that to which the measure was originally designed and implemented.

It is important to note that the Regulations do not require the identification of the maintenance standard to be used to demonstrate that an essential fire safety measure meets the above requirements. Accordingly maintenance may be to any standard that can be demonstrated to achieve the functionality prescribed by Regulation 182.

Based on these provisions, it is considered good practice to use the latest version of AS 1851 to satisfy all legislative requirements, including common law responsibilities. The exception to this could be:

1. in circumstances where specific maintenance requirements specified by the manufacturer or supplier are not addressed by the Standard; or
2. a suitably qualified person determines that the particular item of equipment or system requires a different maintenance regime to that prescribed in AS 1851. In which case the latest version of AS 1851 should be used as the basis for establishing an alternative maintenance regime; or
3. the approved design for the building specifies an alternative maintenance regime. In which case it is recommended that the designer uses the latest version of AS 1851 as the basis for establishing the alternative maintenance regime.

FPA Australia's advice in relation to maintenance of fire protection systems and equipment in New South Wales is listed in the following table.

Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
All buildings subject to the Environmental Planning and Assessment Act and the Environmental Planning and Assessment Regulation	Yes
All other installations	Yes

## Adoption and use of AS 1851-2012

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### 3.0 Links to documents and contact information of relevant stakeholders

- Environmental Planning and Assessment Regulation can be downloaded from [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
- The NSW Department of Planning and Infrastructure (who administer the Environmental Planning and Assessment Act and Regulation) can be contacted on (02) 9228 6111 or [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

## Adoption and use of AS 1851-2012

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# Appendix C—Guide to using AS 1851-2012 in the Northern Territory

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

## 1.0 Statutory law obligations

Maintenance of fire protection systems and equipment in buildings is controlled by:

- Building Act
- Building Regulations
- Fire and Emergency Act
- Fire and Emergency Regulations.

As such, there are two separate provisions—one under the Building legislation and another under the Fire and Emergency Legislation.

### 1.1 Building Act and Regulations

Section 50 of the Building Act allows for the Regulations made under the Act to provide for matters affecting the safety of existing or proposed buildings and may provide for:

- Provision, installation, operation, maintenance and replacement of ventilation, lifts, emergency lighting, emergency power, emergency intercommunication systems, fire fighting equipment and other emergency equipment and services
- Prevention of, and precautions against (and in the event of), life threatening emergencies
- Fire prevention and precautions

However, the current Building Regulations do not include specific provisions for the maintenance of fire protection systems and equipment. As such, AS 1851-2012 can and should be used as it represents best practice.



## Adoption and use of AS 1851-2012

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### 1.2 Fire and Emergency Act and Regulations

Section 27A of the Fire and Emergency Act makes provision for prescribed buildings to be inspected regularly by the Director of the Northern Territory Fire and Rescue Service or an authorised person to ensure that:

- the requirements of any law in force in the Territory; and
- the standards imposed by any Australian Standard as in force from time to time

in relation to fire safety are met and continue to be met.

Schedule 2 of the Fire and Emergency Regulations (referenced by regulation 11(1AA)) defines what a prescribed building is. The list is quite comprehensive and includes the majority of residential, commercial and industrial buildings where the nature of their use or intended use increases the life safety risk for the building's occupants.

Relevant requirements to be confirmed as being met include those of regulation 11(6)(a) of the Regulations which requires the owner of a prescribed building to ensure that "fire alarms and other warning apparatus, exit lights, emergency lighting and fire-fighting equipment are maintained in accordance with relevant standards".

In December 2015 the Northern Territory Fire and Rescue Service published a revised Advisory Note for Maintenance of Building Fire Safety Measures. This document confirmed that compliance with AS 1851-2012 will satisfy regulation 11(6)(a) regarding the Building Fire Safety Measures referenced in AS 1851-2012.

## 2.0 Adopting and using the latest version of AS 1851

Northern Territory Fire and Rescue Service Advisory Note – Maintenance of Building Fire Safety Measures has been developed to inform building owners/occupiers of their legal obligations to maintain building fire safety measures and to confirm the requirements and expectations for undertaking and recording this activity. Use of AS 1851-2012 is clearly expected by this document.

FPA Australia's advice in relation to maintenance of fire protections systems and equipment in the Northern Territory is listed in the following table.

Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
Buildings that <b><u>are</u></b> a prescribed building in accordance with Section 27A of the Fire and Emergency Act	Yes
Buildings that <b><u>are not</u></b> a prescribed building in accordance with Section 27A of the Fire and Emergency Act	Yes

## Adoption and use of AS 1851-2012

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### 3.0 Links to documents and contact information of relevant stakeholders

- Building Act and Regulations can be downloaded from [www.dcm.nt.gov.au](http://www.dcm.nt.gov.au)
- Fire and Emergency Act and Regulations can be downloaded from [www.dcm.nt.gov.au](http://www.dcm.nt.gov.au)
- The NT Fire and Rescue Service can be contacted on (08) 8946 4107 or [www.pfes.nt.gov.au](http://www.pfes.nt.gov.au)
- The Director Building Control under the Department of Lands, Planning and the Environment (Land Services) (who administer the Building Act and Regulations) can be contacted on (08) 8999 8961 or [www.lands.nt.gov.au](http://www.lands.nt.gov.au).
- Northern Territory Fire and Rescue Service Advisory Note – Maintenance of Building Fire Safety Measures can be downloaded from <http://www.pfes.nt.gov.au/Fire-and-Rescue/Publications-and-forms.aspx>

## Adoption and use of AS 1851-2012

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# Appendix D—Guide to using AS 1851-2012 in Queensland

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

## 1.0 Statutory law obligations

Maintenance of prescribed fire safety installations in buildings is controlled by:

- Building Act 1975
- Fire and Emergency Services Act 1990
- Building Fire Safety Regulation 2008
- Queensland Development Code, Mandatory Part (MP) 6.1 – Commissioning and maintenance of fire safety installations.

Part 9A of the Fire and Emergency Services Act 1990 (the Act) establishes the requirements for building fire safety. In particular, Division 2, Section 104D of the Act sets out the requirements for maintenance.

The Act provides the head of power to the Building Fire Safety Regulation 2008 (the Regulations). Part 5 of the Regulations sets out the requirements for the maintenance, recording and reporting of prescribed fire safety installations.

The Regulations subsequently call up the Queensland Development Code (QDC) MP 6.1 to establish the maintenance requirements for all buildings (see diagram below).



The Queensland Development Code (QDC) MP 6.1 sets the performance criteria and acceptable solutions for the:

- maintenance of prescribed fire safety installations; and
- commissioning and maintenance of water-based fire safety installations; and

## Adoption and use of AS 1851-2012

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- keeping of appropriate records of the commissioning and maintenance.

### 1.1 Maintenance of prescribed fire safety installations in accordance with MP 6.1

A new version of MP 6.1 (version 1.3) was published on 6 May 2014 and commenced on 1 July 2014. This had a transition period of 6 months under which maintenance of prescribed fire safety installations could comply with the previous acceptable solution A1 in version 1.2 of MP 6.1 until 1 January 2015. As of 1 January 2015, maintenance of prescribed fire safety installations in **all** buildings in Queensland (regardless of their year of construction) must be undertaken in accordance with acceptable solution A1 of MP 6.1, which requires the building occupier to have their prescribed fire safety installations maintained in accordance with:

- AS 1851-2012 for prescribed fire safety installations other than passive fire safety installations, fire blankets or emergency lighting
- Schedule 1 of MP 6.1 (version 1.3) for passive fire safety installations covered in that schedule
- AS/NZS 2293.2-1995, *Emergency evacuation lighting for buildings—Inspection and maintenance* (including amendments 1, 2 and 3) for emergency lighting
- An alternative solution, where the alternative solution specifies maintenance requirements which are inconsistent with the above standards.

As of 1 January 2015, occupiers of all buildings (regardless of their year of construction) **must** have their building maintained in accordance with the above requirements.

### 1.2 Additional requirements for water based systems

MP 6.1 also sets out specific procedures and documentation requirements for undertaking maintenance on water based fire safety installations (fire hydrants and fire sprinkler installations). These provisions are in addition to the inspection, testing and maintenance requirements stipulated in AS 1851-2012 or earlier editions of the Standard.

## 2.0 Adopting and using the latest version of AS 1851

While previously problematic, with the new version (1.3) of MP 6.1 AS 1851-2012 can easily be applied to all buildings regardless of their year of construction.

FPA Australia's advice in relation to maintenance of fire protection systems and equipment in Queensland is listed in the following table.



## Adoption and use of AS 1851-2012

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Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
All buildings subject to the Building Act, Fire and Emergency Services Act and Building Fire Safety Regulations	Yes
All other installations	Yes

### 3.0 Links to documents and contact information of relevant stakeholders

- Building Act, Fire and Rescue Service Act and Building Fire Safety Regulation can be downloaded from [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)
- Queensland Development Code MP 6.1 – Commissioning and maintenance of fire safety installations can be downloaded from [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au)
- The Queensland Fire and Rescue Service (who administers the Fire and Rescue Act and Building Fire Safety Regulation) can be contacted on (07) 3635 1500 or [www.fire.qld.gov.au](http://www.fire.qld.gov.au)
- Building Codes Queensland under the Department of Housing and Public Works (who administers the Building Act and the Queensland Development Code) can be contacted on 1800 534 972 or [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au).

## Adoption and use of AS 1851-2012

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# Appendix E—Guide to using AS 1851-2012 in South Australia

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

## 1.0 Statutory law obligations

Maintenance of fire protection systems and equipment, referred to as essential safety provisions, in buildings is controlled by:

- Development Act 1993
- Development Regulations 2008
- Minister's Specification SA 76.

Regulation 76(6) of the Development Regulations 2008 stipulates that the owner must not use or permit the use of a building unless maintenance and testing of essential safety provisions have been carried out in accordance with Minister's Specification SA 76 as in force at the time of the consent for the building work in the course of which the essential safety provisions were installed.

In the case of a building in which essential safety provisions were required pursuant to any former regulations under the Building Act 1971 (replaced by the Development Act 1993), the maintenance and testing is to be carried out in accordance with the requirements that applied to the building under those former regulations.

### 1.1 Minister's Specification SA 76 Maintenance and testing of safety installations

Minister's Specification SA 76 sets out the standards or other requirements for the installation, maintenance and testing of items classified as "essential safety provisions" as defined in Schedule 1 of the Development Regulations 2008.

The South Australian Gazette for 5 February 2015 provided notice that 'Minister's Specification SA 76—Maintenance and Testing of Safety Installations. Schedule of Essential Safety Provisions', dated January 2000, has been amended and republished by the Department of Planning, Transport and Infrastructure as 'Minister's Specification SA 76—Maintenance of Essential Safety Provisions—2015 edition'. The gazette also

## Adoption and use of AS 1851-2012

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advised that the 2015 edition will take effect from 1 May 2015 (with the January 2000 dated edition to be withdrawn on that date).

As such, although Regulation 76(6) has not changed, the edition of the Minister's Specification SA 76 has changed.

Where the deemed to satisfy provisions of the Minister's Specification SA 76 dated January 2000 listed the standards that represent the individual suite of AS 1851 standards that pre-dated the consolidation list included in AS 1851-2005, the deemed to satisfy provisions of 2015 edition of the Minister's Specification SA 76, lists AS 1851-2012 as the standard for the maintenance and testing of applicable essential safety provisions.

As such, AS 1851-2012 can be followed for new buildings as of 1 May 2015.

For existing buildings, as per Regulation 76(6), the edition of Minister's Specification SA 76 applicable at the time of consent for the installed essential safety provisions shall apply or, for essential safety provisions required under any former regulations, the requirements that applied to that building under those regulations shall apply.

However, the 2015 edition of Minister's Specification SA 76 expanded Clause B3 'Optional maintenance procedures for existing buildings' to provide greater clarity as to how the owner can move to a more recent maintenance regime (e.g. AS 1851-2012). As described in Clause B3, the owner of any building for which maintenance was required under a previous edition of Minister's Specification SA 76 (or earlier requirements) may apply to a relevant authority or council for a new schedule listing the essential safety provisions for the building and the standards or other requirements for maintenance and testing in respect of each of those essential safety provisions as set out in Minister's Specification SA 76—2015 edition. It should be noted that there is a fee for this, see Minister's Specification SA 76 (2015 edition) and the Development Regulations 2008 for more information.

## 2.0 Adopting and using the latest version of AS 1851

FPA Australia's advice in relation to maintenance of fire protection systems and equipment in South Australia is listed in the following table.

Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
New buildings (as of 1 May 2015)	Yes
Existing buildings (as of 1 May 2015)	Yes, on application and issue of a new schedule from a regulatory authority or council

## Adoption and use of AS 1851-2012

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All other installations	Yes
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### 3.0 Links to documents and contact information of relevant stakeholders

- The Development Act and Development Regulations can be downloaded from [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)
- Minister's Specification SA 76 can be downloaded from [www.sa.gov.au](http://www.sa.gov.au)
- The SA Metropolitan Fire Service can be contacted on (08) 8204 3600 or [www.mfs.sa.gov.au](http://www.mfs.sa.gov.au)
- The SA Country Fire Service can be contacted on (08) 8391 6077 or [www.cfs.sa.gov.au](http://www.cfs.sa.gov.au)
- The Department of Planning Transport and Infrastructure (who administer the Development Act and Regulations and Ministers Specification SA 76) can be contacted on (08) 8343 2222 or [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au).



## Adoption and use of AS 1851-2012

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# Appendix F—Guide to using AS 1851-2012 in Tasmania

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

## 1.0 Statutory law obligations

Maintenance of fire protection systems and equipment, referred to as essential safety and health features and measures, in buildings is controlled by:

- Building Act 2000
- Building Regulations 2014
- Director's Specified List.

Section 120 of the Building Act 2000 requires an owner of a building, in accordance with the Building Regulations 2004 to maintain any essential safety and health features and measures.

Regulation 49 of the Building Regulations 2014 requires prescribed essential safety and health features to be maintained as follows:

1. If the building was completed prior to 1 July 2004:
  - (a) So as to perform to a standard that is not less than the standard to which they were originally required to perform.
2. If the building has been completed, or an alteration has been made to a building, on or after 1 July 2004:
  - (a) So as to perform to a standard that is not less than:
    - (i) The standard to which they were originally required to perform; and
    - (ii) The standard for that prescribed essential safety and health feature specified by the Director of Building Control;
  - and
  - (b) Tested or inspected at the relevant frequency of testing or inspection specified by the Director of Building Control.

## Adoption and use of AS 1851-2012

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As such, for buildings constructed before 1 July 2004, the Building Regulations simply require prescribed essential safety and health features to be maintained to perform to a standard that is not less than the standard to which they were originally required to perform. As such, AS 1851-2012 can and should be used for such buildings as it represents best practice.

For buildings completed (or altered) on or after 1 July 2004, the requirements specified by the Director of Building Control for the testing or inspection of prescribed essential safety and health features and measures are listed in the document known as the Director's Specified List.

Specifically, Schedule 4 of the Director's Specified List contains several tables that list each essential safety and health feature, the NCC provisions for determining the standard of performance for each feature and the relevant frequency of testing or inspection specified by the Director of Building Control for each feature. Whilst the regulations refer to the 'relevant frequency', the description for a number of items in the list states "As prescribed in AS 1851-2012" therefore those safety and health features are to be maintained as prescribed in AS 1851-2012.

**Note:** Schedule 5 of the Director's Specified list includes similar tables to Schedule 4 but for the maintenance of essential safety and health measures. Table 2.3 includes "Emergency control organisation and procedures" and lists AS 3745-2002 (or AS 4083-1997 for Class 9a and 9c buildings) under the "Provisions for determining standard of performance" column. Also, under the relevant frequency of testing or inspection specified by the Director of Building Control it states "As prescribed in the relevant Standards". As such, the emergency control organisation and procedures would need to be maintained in accordance with AS 3745-2002 or AS 4083-1997 rather than as prescribed by AS 1851-2012.

It should also be noted that the Director's Specified List includes transitional provisions in regards to the adoption of the AS 1851-2012 which mean that existing contracts for the maintenance of prescribed safety and health features or measures, which are in compliance with the Director's Specified List dated 28 November 2012 and were agreed to prior to 1 January 2014, comply with this amended Specified List until the expiry of that contract. Therefore, for such situations, AS 1851-2012 would not need to be applied until the expiry of the existing contract.

## Adoption and use of AS 1851-2012

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### 2.0 Adopting and using the latest version of AS 1851

FPA Australia's advice in relation to maintenance of fire protection systems and equipment in Tasmania is listed in the following table.

Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
Buildings constructed prior to 1 July 2004	Yes
Buildings constructed (or altered) on or after 1 July 2004	Yes (except for emergency procedures)
Installations not covered by the Building Act and Regulations	Yes

### 3.0 Links to documents and contact information of relevant stakeholders

- Building Act and Building Regulations can be downloaded from [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)
- The Director's Specified List can be downloaded from [http://www.justice.tas.gov.au/building/regulation/building\\_and\\_plumbing\\_regulations\\_2014](http://www.justice.tas.gov.au/building/regulation/building_and_plumbing_regulations_2014)
- The Tasmania Fire Service can be contacted on (03) 6230 8600 or [www.fire.tas.gov.au](http://www.fire.tas.gov.au)
- Workplace Standards under the Department of Justice (who administers the Building Act and Regulations) can be contacted on 1300 366 322 or [workplacestandards.tas.gov.au/home](http://workplacestandards.tas.gov.au/home).

## Adoption and use of AS 1851-2012

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# Appendix G—Guide to using AS 1851-2012 in Victoria

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

## 1.0 Statutory law obligations

Maintenance of fire protection systems and equipment, referred to as essential safety measures, in buildings is controlled by:

- Building Act 1993
- Building Regulations 2006
- Building Amendment Regulations 2016
- Victorian Building Authority Practice Note 2016-23, “Maintenance of essential safety measures”.

Specifically, Part 12 Division 1 of the Building Regulations sets out the requirements for maintenance of essential safety measures. The Division is broken into the following subdivisions as shown in the diagram below:

- Subdivision 1 – Maintenance of essential safety measures in buildings and places of public entertainment
- Subdivision 2 – Maintenance of essential safety measures in buildings and places of public entertainment constructed before 1 July 1994
- Subdivision 3 – Maintenance of exits and paths of travel relating to buildings or places of public entertainment.

The extent of minimum maintenance requirements prescribed by legislation for any individual building in Victoria varies based on the year the building was constructed.

The most significant change occurred in 1994 when the Victorian government introduced the Building Regulations 1994 (authorised via the new Building Act which came into operation in 1993).

The new Regulations required for the first time that an Occupancy Permit or Certificate of Final Inspection and Maintenance Determination issued on completion of construction must include details of all essential safety measures in the building. The required documentation must specify the



## Adoption and use of AS 1851-2012

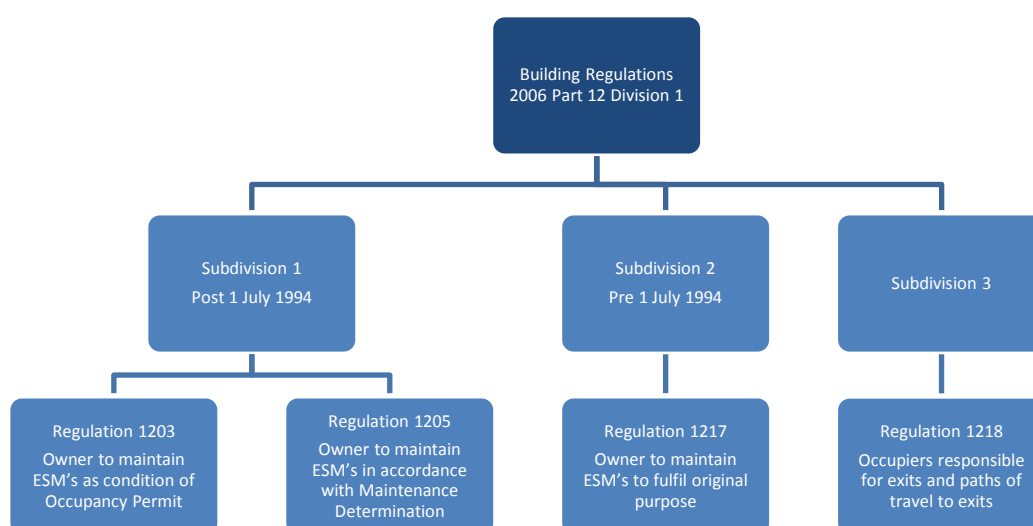
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standard of performance and the methodology and frequency in which each essential safety measure needs to be verified, inspected and tested.

Additionally, the release of updated editions of relevant Australian Standards, particularly the AS 1851, series has resulted in some buildings requiring maintenance to be performed to a superseded Standard where stipulated on an Occupancy Permit.

Accordingly, the current requirements for maintenance are split into two clear categories, buildings constructed prior to 1 July 1994 and those constructed after this date.



### 1.1 Buildings constructed before 1 July 1994

In accordance with regulation 1217, essential safety measures in buildings constructed before 1 July 1994 must be maintained in a condition that will allow them to function as intended. The Regulations do not specify how maintenance is to be performed. Accordingly, maintenance may be carried out to any standard that can be demonstrated to achieve this functionality.

### 1.2 Buildings constructed after 1 July 1994

The relevant building surveyor (RBS) is responsible for determining the applicable standard and frequency of maintenance for each essential safety measure. The maintenance requirements can be found on the Occupancy Permit, Maintenance Determination or Maintenance Schedule.

Regulation 1203 and 1204 require the RBS to specify the frequency and type of maintenance required for each essential safety measure.

## Adoption and use of AS 1851-2012

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The Victorian Building Authority Practice Note 2016-23, “Maintenance of essential safety measures”, provides RBSs with suggested maintenance standards (namely AS 1851-2012 in most cases) that they may determine are necessary for new buildings.

However, these suggested standards may not always be applicable and in any case the RBS has discretion as to which standard is nominated. For example, if the building incorporates specific alternative solutions that demand specific maintenance regimes, the RBS should consult with the designer of the alternative solution to determine the necessary maintenance requirements.

### 1.3 Building Amendment Regulations 2016

On 26 April 2016 a new regulation, 1205A was introduced. This new regulation “applies in relation to a condition on an occupancy permit, or a maintenance determination, which specifies the frequency and type of maintenance required for an essential safety measure pertaining to a building or place of public entertainment.”

Regulation 1205A confirms that despite sections 40 and 51 of the Act, and regulation 1205, if the condition on an occupancy permit or maintenance determination specifies that an essential safety measure must be maintained in accordance with a previous version of AS 1851, compliance with AS 1851-2012 can be used to comply with these existing conditions.

There is no need for building owners adopting AS 1851-2012 to amend their occupancy permit or maintenance determination or seek approval in this circumstance, but they must continue to undertake maintenance to AS 1851-2012 and report this in the annual essential safety measures report.

## 2.0 Adopting and using the latest version of AS 1851

FPA Australia’s advice in relation to maintenance of fire protection systems and equipment in Victoria is listed in the following table.

Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
Buildings constructed prior to 1 July 1994	Yes
Buildings constructed after 1 July 1994	Yes – if AS 1851-2012 is already nominated as a condition of an existing occupancy permit or maintenance determination  Yes- if a previous version of AS 1851 or equivalent standard is nominated as a condition

## Adoption and use of AS 1851-2012

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	of an existing occupancy permit or maintenance determination subject to reporting use of AS 1851-2012 in the annual essential safety measures report and continuing to use it.
Installations not covered by the Building Act and Regulations	Yes

### 3.0 Links to documents and contact information of relevant stakeholders

- Building Act and Building Regulations can be downloaded from [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)
- Victorian Building Authority Practice Note 2016-23, "Maintenance of essential safety measures", can be downloaded from [www.vba.vic.gov.au](http://www.vba.vic.gov.au)
- The Victorian Building Authority (who administers the Building Act and Regulations) can be contacted on 1300 815 127 or [www.vba.vic.gov.au](http://www.vba.vic.gov.au).

## Adoption and use of AS 1851-2012

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# Appendix H—Guide to using AS 1851-2012 in Western Australia

**Important Note:** Due to the complex nature of legislation, the advice provided below should only be considered as a guide and may not be appropriate in all circumstances. Further advice may be required from the appropriate authority having jurisdiction to confirm if an alternative approach to the maintenance of fire protection systems and equipment is available or required for a particular site.

## 1.0 Statutory law obligations

Maintenance of fire protection systems and equipment in buildings is controlled by:

- Building Act 2011
- Building Regulations 2012.

Western Australia introduced uniform building legislation with the Building Act in 2011, followed by the Building Regulations in 2012. The Building Act was established to, amongst other things, require permits for building work and demolition work; establish standards for the construction and demolition of buildings and to regulate the use and maintenance of, and requirements in relation to, existing buildings and incidental structures.

Section 45 of the Building Act makes provision for the establishment of regulations about safety and health matters in buildings requiring occupancy permits that are now subject to the provisions in the new Building Act and Regulations. Section 93 of the Building Act makes similar provisions for existing buildings by allowing for the establishment of Regulations relating to the safety or health of users of existing buildings regardless of whether or not an occupancy permit is required for the building.

Although the Building Regulations 2012 did not initially include provisions governing the above, the Building Amendment Regulations 2014 (published on 25 April 2014) amended the Building Regulations 2012 to include a new regulation 48A “Maintenance of buildings”.

Regulation 48A(2) requires the owner of an existing Class 2 to Class 9 building to ensure that safety measures in each part of the building are capable of performing to a standard set out in the relevant building standards for the part.

Safety measures are defined in regulation 48A(1). Those measures listed that are relevant to fire protection include:

- Building fire integrity
- Fire fighting services and equipment



## Adoption and use of AS 1851-2012

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- Automatic fire detection and alarm
- Occupant warning systems

And, to a lesser extent:

- Means of egress
- Signs
- Lighting
- Air handling systems

“Relevant building standards” is also defined in regulation 48A(1) as follows:

*relevant building standards, in relation to a part of a building, means*

- (a) if one or more building permits have been granted in respect of the part — the building standards in the edition of the Building Code identified in the applicable certificate of design compliance for the most recent of those building permits; or*
- (b) if paragraph (a) does not apply but one or more building licences were issued under the Local Government (Miscellaneous Provisions) Act 1960 in respect of the part — the building standards in the edition of the Building Code that applied at the time the most recent building licence was issued*

Regulation 48A does not state how the building owner ensures that fire safety related safety measures are capable of performing to the relevant building standard. As such, AS 1851-2012 can and should be used to achieve this.

In addition to the Building Act and Building Regulations, Regulation 3.9(1) of the Occupational Safety and Health Regulations 1996 specifically requires fire extinguishers in a workplace to be maintained. The regulations are silent in relation to the standard or frequency of maintenance.

## 2.0 Adopting and using the latest version of AS 1851

Based on the legislative provisions that exist in Western Australia, FPA Australia considers that it is good practice to use the latest version of AS 1851 to satisfy all legislative requirements, including common law responsibilities and occupational health and safety laws when undertaking maintenance of fire protection systems and equipment in Western Australia. The exception to this could be:

1. In circumstances where specific maintenance requirements specified by the manufacturer or supplier are not addressed by the Standard; or
2. A suitably qualified person determines that the particular item of equipment or system requires a different maintenance regime to that prescribed in AS 1851. In which case the

## Adoption and use of AS 1851-2012

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latest version of AS 1851 should be used as the basis for establishing an alternative maintenance regime; or

3. The approved design for the building specifies an alternative maintenance regime. In which case it is recommended that the designer uses the latest version of AS 1851 as the basis for establishing the alternative maintenance regime.

FPA Australia's advice in relation to maintenance of fire protection systems and equipment in Western Australia is listed in the following table.

Facility where fire protection systems and equipment are installed	Use of AS 1851-2012
All buildings subject to the Building Act and Building Regulations	Yes
All other installations	Yes

### 3.0 Links to documents and contact information of relevant stakeholders

- The Building Act and Building Regulations can be downloaded from <http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>
- The Western Australian Building Commission (who administers the Building Act and Regulations) can be contacted on 1300 489 099 or [www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au).

## Adoption and use of AS 1851-2012

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# Appendix I—List of referenced documents

1. ACT
  - (a) ACT Emergencies Act 2004
  - (b) ACT Fire Brigade (ACTFB) Policy FS-05 “Essential Service Maintenance”
2. New South Wales
  - (a) Environmental Planning and Assessment Act 1979
  - (b) Environmental Planning and Assessment Regulation 2000
3. Northern Territory
  - (a) Building Act
  - (b) Building Regulations
  - (c) Fire and Emergency Act
  - (d) Fire and Emergency Regulations
  - (e) NTFRS Advisory Note – Maintenance of Building Fire Safety Measures
4. Queensland
  - (a) Building Act 1975
  - (b) Fire and Emergency Services Act 1990
  - (c) Building Fire Safety Regulation 2008
  - (d) Queensland Development Code MP 6.1 – Commissioning and maintenance of fire safety installations
5. South Australia
  - (a) Development Act 1993
  - (b) Development Regulations 2008
  - (c) Minister’s Specification SA 76
6. Tasmania
  - (a) Building Act 2000
  - (b) Building Regulations 2004
  - (c) Director’s Specified List
7. Victoria
  - (a) Building Act 1993
  - (b) Building Regulations 2006
  - (c) Building Commission Practice Note 2016-23, “Maintenance of essential safety measures”
8. Western Australia
  - (a) Building Act 2011
  - (b) Building Regulations 2012.