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## **General Fire Regulations 2021**

Version current from 21 July 2021 to date (accessed 22 July 2021 at 12:14)

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## **General Fire Regulations 2021**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council and on the recommendation of the State Fire Commission, make the following regulations under section 133 of the Fire Service Act 1979 .

12 July 2021

B. BAKER

Governor

By Her Excellency's Command,

J. PETRUSMA

Minister for Police, Fire and Emergency Management

## PART 1 - Preliminary

### 1. Short title

These regulations may be cited as the General Fire Regulations 2021 .

### 2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

### 3. Interpretation

(1) In these regulations –

*Act* means the Fire Service Act 1979 ;

*approved* means approved by the Chief Officer;

*authorised person* has the same meaning as in section 48 of the Act;

*building controls* means –

- (a) the Building Act 2016 (including the Building Regulations); and
- (b) any other law of the State that imposes requirements relating to the fire safety of buildings; and
- (c) the NCC;

*Building Regulations* means regulations made under the Building Act 2016 ;

*essential service* means a fire protection device or feature, including any fire protection device or feature listed in Schedule 1 ;

*exit* includes –

- (a) the path of travel to the exit; and
- (b) the path of travel from the exit to a public road or open space;

*fire evacuation plan* means a fire evacuation plan that has in-principle or final approval under Division 2 of Part 3 ;

*fire protection equipment* means any of the following:

- (a) a fire extinguisher;
- (b) a fire hose reel;
- (c) a fire blanket;
- (d) a fire protection system;

*fire protection system* means any of the following:

- (a) an automatic fire detection and alarm system;
- (b) an automatic fire sprinkler system;
- (c) an automatic smoke detection and alarm system;
- (d) a fire-extinguishing system;
- (e) a fire hydrant system;
- (f) a mechanical smoke management system;
- (g) a smoke alarm system connected to a monitored security system (other than a smoke alarm system in a Class 1a building);
- (h) a smoke detection system;
- (i) a sound system and intercom system for emergency purposes;

*NCC* means the National Construction Code series published by the Australian Building Codes Board, as amended or substituted from time to time;

*notify* means give notice in writing;

*permit* means a permit that is issued under regulation 8 for the purposes of section 128(1)(ba) of the Act;

*practice evacuation* means a practice evacuation under regulation 23 , 24 or 25 ;

*prescribed building* – see regulation 4 ;

*relevant competence*, in relation to a restricted activity, means qualifications, training, expertise or experience in that restricted activity;

*required exit*, of a building, means an exit that is required by any building controls to be installed in the building;

*restricted activity* means the installation, routine service or repair of fire protection equipment;

*routine service* has the same meaning as in AS 1851, and routinely service has a corresponding meaning;

*specified building* – see regulation 5 ;

*test*, of fire protection equipment, includes any inspection done in connection with the test.

(2) An expression used in these regulations and defined in the NCC has the same meaning in these regulations as in that code.

(3) An expression used in these regulations and defined in the Building Act 2016 or the Building Regulations has the same meaning in these regulations as in that Act, or in the Building Regulations, respectively.

(4) For the purpose of subregulations (2) and (3) , if there is any inconsistency between a definition in the NCC and a definition in the Building Act 2016 or the Building Regulations, the definition in the NCC prevails.

(5) A standard, rule, code or specification adopted by these regulations –

(a) forms part of these regulations subject to any modification expressed in the regulation adopting the standard, rule, code or specification; and

(b) applies only in respect of any regulation that refers to it, unless otherwise stated; and

(c) is to be interpreted so as to give effect to the intent of these regulations.

(6) In these regulations –

(a) a reference to a standard as “AS” followed by a number is a reference to the standard of that number published by Standards Australia, as set out in Schedule 2 ; and

(b) a reference to a standard includes a reference to that standard as amended and in force for the time being and a standard published in substitution for that standard.

#### 4. Meaning of *prescribed building*

For the purposes of these regulations, a prescribed building is –

(a) a Class 1b building that is used to provide supported accommodation for persons with physical, developmental or psychiatric disabilities; or

(b) a Class 2, Class 3, Class 5, Class 6, Class 7, Class 8 or Class 9 building.

#### 5. Meaning of *specified building*

(1) For the purposes of these regulations, a specified building is any of the following:

(a) a building that is capable of accommodating more than 200 persons, as estimated or determined in accordance with Table D1.13 of the NCC;

(b) a building that, under an occupancy permit issued under the Building Act 2016 , more than 200 persons are entitled to use at any one time;

- (c) a building that is used to provide residential accommodation as part of an educational institution;
  - (d) a building that is used to provide residential accommodation for persons requiring medical, psychiatric or geriatric care;
  - (e) a building that is used to provide supported accommodation for persons with physical, developmental or psychiatric disabilities;
  - (f) a building that is used as or for a hostel, boarding house, guesthouse, lodging house or backpacker accommodation, being a building capable of accommodating 6 or more guests;
  - (g) a residential part of a hotel or motel, being a part capable of accommodating 6 or more guests;
  - (h) a child care centre within the meaning of the Child Care Act 2001 ;
  - (i) an education and care service premises for any education and care service other than a family day care service;
  - (j) a detention centre;
  - (k) a healthcare building;
  - (l) a residential aged care facility;
  - (m) a school;
  - (n) special fire hazard premises within the meaning of the Building Regulations;
  - (o) a building that is fitted with a fire protection system monitored by the Fire Service;
  - (p) a building in respect of which a declaration under subregulation (3)(a) is in effect.
- (2) For the purposes of subregulation (1)(i) , *education and care service, education and care service premises* and *family day care service* have the same meanings as in the Education and Care Services National Law (Tasmania).
- (3) The Chief Officer, by notice in the *Gazette*, may –
- (a) declare a building to be a specified building for the purposes of these regulations if the Chief Officer reasonably determines, in accordance with established risk analysis and fire engineering principles, that the building presents or contains a particular fire risk; and
  - (b) revoke any such declaration.
- (4) A declaration under subregulation (3)(a) may be in respect of an individual building or in respect of a building by reference to its kind or class.
- (5) A notice under subregulation (3) is not a statutory rule for the purpose of the Rules Publication Act 1953 .

## PART 2 - Fire Protection Equipment

### 6. Routine service of fire protection equipment in prescribed buildings

(1) This regulation applies to fire protection equipment installed in a prescribed building pursuant to the requirements of any building controls.

(2) The occupier of the prescribed building must ensure that the fire protection equipment is routinely serviced so as to be capable of operating to the standard to which it was designed.

Penalty: Fine not exceeding 50 penalty units.

### 7. Routine service and repair of fire protection equipment in buildings generally

(1) In this regulation –

*qualified person*, in relation to a routine service or repair, means a person who holds a permit that authorises its holder to do the routine service or repair;

*suitable record*, of any routine service or repair, means a record that sets out –

- (a) the nature of the routine service or repair; and
- (b) the date on which the routine service or repair was done; and
- (c) if, in the case of a routine service, a test was involved –
  - (i) the nature of the test; and
  - (ii) the date of the test; and
  - (iii) the result of the test; and
- (d) the name of the person who did the routine service or repair; and
- (e) a certification by that person as to the doing of the routine service or repair.

(2) This regulation applies to fire protection equipment installed in a building pursuant to the requirements of any building controls.

(3) The occupier of the building must ensure that the fire protection equipment is –

- (a) routinely serviced; and
- (b) routinely serviced, and repaired, only by a qualified person.

Penalty: Fine not exceeding 25 penalty units.

(4) As soon as practicable after any of the fire protection equipment is routinely serviced or repaired, the occupier of the building must –

- (a) make a suitable record of the routine service or repair; or
- (b) cause such suitable record to be made.

Penalty: Fine not exceeding 25 penalty units.

(5) The occupier of the building must ensure that a record made under subregulation (4) (or a copy of the record) –

- (a) is kept in the building for at least 7 years; and
- (b) is provided to an authorised person if the authorised person requires the occupier to provide the record or copy to the authorised person.

Penalty: Fine not exceeding 25 penalty units.

### 8. Permits to install, routinely service or repair fire protection equipment

(1) The Chief Officer may issue a permit authorising its holder to do a restricted activity or any combination of restricted activities.

(2) A permit may be issued to any person who, in the reasonable opinion of the Chief Officer, has relevant competence in the restricted activity or activities to which the permit relates.

- (3) A permit may be issued unconditionally or on conditions.
- (4) A permit may be issued –
  - (a) on the Chief Officer’s own initiative, either for a specific undertaking or otherwise; or
  - (b) on application.
- (5) An application is to be –
  - (a) in a form approved by the Chief Officer; and
  - (b) supported by the evidence or information that the Chief Officer requires, either at the time of lodgement or subsequently.
- (6) The Chief Officer may –
  - (a) approve an application; or
  - (b) refuse an application.
- (7) If subregulation (6)(a) applies, the Chief Officer is to issue the permit.
- (8) If subregulation (6)(b) applies, the Chief Officer is to notify the applicant of –
  - (a) the refusal; and
  - (b) the reason for the refusal; and
  - (c) the applicant’s right of review under regulation 13 .
- (9) A permit is to –
  - (a) be in a form approved by the Chief Officer; and
  - (b) specify –
    - (i) which restricted activity or activities it authorises its holder to do; and
    - (ii) the conditions, if any, of the permit; and
    - (iii) if the Chief Officer has issued the permit on his or her own initiative for a specific undertaking, particulars of the undertaking.

## **9. Duration of permit**

- (1) Subject to subregulation (2) , a permit remains in force for the period of not more than 5 years that is specified in the permit.
- (2) A permit issued on the Chief Officer’s own initiative for a specific undertaking remains in force until the specific undertaking, as specified in the permit, is completed.

## **10. Permit not transferable or renewable**

A permit is not transferable or renewable.

## **11. Variation of permits**

- (1) The Chief Officer may, by notice to the permit holder, vary a permit at any time, including any condition of the permit, if satisfied that there are reasonable grounds to do so.
- (2) The Chief Officer may not vary a permit by altering the specific undertaking to which the permit relates.

## **12. Surrender and cancellation**

- (1) The holder of a permit may, by notice to the Chief Officer, surrender it at any time, but it has no surrender value.
- (2) The Chief Officer, by notice, may cancel any permit if the Chief Officer is satisfied, on reasonable grounds, that the permit holder –
  - (a) has failed to comply with a condition of the permit; or
  - (b) is, for any other reason, unsuitable to be the holder of a permit; or

(c) no longer requires the permit.

### 13. Appeal

A person who is aggrieved by a decision of the Chief Officer under regulation 8 , 9 , 11 or 12 may apply to the Magistrates Court (Administrative Appeals Division) for a review of the decision.

### 14. Circumstances in which permits not required

(1) In this regulation –

**plumber** means a person who, under the Occupational Licensing Act 2005 , is licensed to carry out plumbing work as a plumber practitioner (certifier) or plumber practitioner;

**recognised training program** means a training program that –

(a) provides for a person to be trained in a restricted activity (or any combination of restricted activities); and

(b) is recognised by the Chief Officer by an instrument in writing.

(2) A person does not require a permit to install the following fire protection equipment in any building:

(a) a smoke alarm that, under the NCC, is not required to comply with AS 1670.1;

(b) a heat alarm that, under the NCC, is not required to comply with AS 1670.1;

(c) a combined smoke and heat alarm that, under the NCC, is not required to comply with AS 1670.1.

(3) A person does not require a permit to install a battery in any of the following fire protection equipment in any building:

(a) a smoke alarm;

(b) a heat alarm;

(c) a combined smoke and heat alarm.

(4) A person does not require a permit to install the following fire protection equipment in any building that is not a prescribed building:

(a) a fire blanket;

(b) a portable fire extinguisher.

(5) A person does not require a permit to install or routinely service a mechanical smoke management system in any building.

(6) A person does not require a permit to install or routinely service a fire hydrant system or fire hose reel in any building if he or she is –

(a) a plumber with relevant competence; or

(b) an apprentice, or employee, of a plumber with relevant competence and the installation or routine service is done under the direct supervision of that plumber.

(7) A person does not require a permit to install, routinely service or repair fire protection equipment, other than a fire protection system, if –

(a) he or she does so as a trainee in a recognised training program, under the direct supervision of a person who holds a permit that authorises its holder to do the relevant restricted activity; and

(b) at the relevant time, he or she has not been engaging in restricted activities of any kind as such trainee for a period exceeding 6 months (continuously or otherwise).

### 15. Access of Fire Service to fire protection equipment and essential services

(1) In this regulation –

**building** includes –

(a) hazardous premises within the meaning of regulation 36 ; and



(b) the curtilage of a building; and

(c) any part of a building.

(2) The occupier of a building must ensure that the access of members of the Fire Service to the building's fire protection equipment and essential services for the purpose of fire-fighting operations is not obstructed except as may be reasonably necessary to secure the building.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

#### **16. Isolation by Fire Service of faulty fire protection systems**

(1) In this regulation –

*fire protection system* includes any part of a fire protection system;

*isolate*, a fire protection system, includes causing the fire protection system to be isolated;

*malfunction*, of a fire protection system, includes the activation of a false alarm.

(2) If a fire protection system in a building malfunctions, an officer of the Fire Service may isolate the fire protection system.

(3) An officer of the Fire Service who isolates a fire protection system under subregulation (2) is, as soon as practicable, to inform the occupier of the relevant building of the isolation of the fire protection system.

## PART 3 - Ways and Means of Escape

### *Division 1 - Exits and emergency lighting*

#### 17. Accessibility of exits

(1) In this regulation –

*clear*, for an exit, means –

- (a) clear of any obstruction or impediment to use as an exit if there is a fire; and
- (b) free of unlawful locks or unlawful locking devices; and
- (c) clear of flammable material.

(2) The occupier of a prescribed building or a place of open-air public entertainment must ensure that each of its required exits is kept clear at all times.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) In any proceedings for an offence under subregulation (2) in respect of a prescribed building, it is a defence if the defendant establishes that, at the relevant time –

- (a) lawful building works were being done in the prescribed building; and
- (b) those works were being done as quickly as practicable; and
- (c) the obstruction of the relevant exit was an unavoidable consequence of those works or had been approved by a building surveyor for the purposes of those works.

#### 18. Visibility of exit signs

(1) The occupier of a prescribed building must ensure that each sign to each of its required exits is clearly and fully visible at all times.

Penalty: Fine not exceeding 40 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(2) In any proceedings for an offence under subregulation (1), it is a defence if the defendant establishes that, at the relevant time –

- (a) lawful building or electrical works were being done in the relevant prescribed building; and
- (b) those works were being done as quickly as practicable; and
- (c) the invisibility of the relevant sign, whether full or partial, was an unavoidable consequence of those works or had been approved by a building surveyor for the purposes of those works.

#### 19. Operability of emergency lighting

(1) In this regulation –

*required emergency lighting*, of a prescribed building, means the emergency lighting that, under any building controls, is required to be installed in the building.

(2) The occupier of a prescribed building must ensure that its required emergency lighting is operational at all times.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) In any proceedings for an offence under subregulation (2), it is a defence if the defendant establishes that, at the relevant time –

- (a) lawful building or electrical works were being done in the relevant prescribed building; and
- (b) those works were being done as quickly as practicable; and
- (c) the inoperability of the relevant emergency lighting was an unavoidable consequence of those works or had been approved by a building surveyor for the purposes of those works.

## ***Division 2 - Fire evacuation plans***

### **20. Fire evacuation plans for specified buildings**

(1) The occupier of a specified building must ensure that the specified building has an approved fire evacuation plan.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(2) For the purposes of subregulation (1), the approved fire evacuation plan must be an approved fire evacuation plan that –

(a) the occupier has had approved under this Division; or

(b) a previous occupier of the specified building has had approved under this Division.

(3) In any proceedings for an offence under subregulation (1), it is a defence if the defendant establishes that, at the relevant time –

(a) the defendant or the immediately previous occupier of the relevant specified building had submitted a proposed fire evacuation plan to the Chief Officer for in-principle approval under this Division; and

(b) the defendant had not been formally notified of the Chief Officer's determination in respect of the proposed fire evacuation plan.

(4) To avoid doubt, a fire evacuation plan that has in-principle approval under regulation 22 is an approved fire evacuation plan for this regulation.

### **21. Fire evacuation plan guidelines**

(1) For the purposes of this Division, the Chief Officer is to –

(a) prepare guidelines for the preparation of fire evacuation plans; and

(b) make those guidelines available for viewing electronically by members of the public at a website of the Department and make them available for viewing in other ways, if any, that the Chief Officer considers appropriate.

(2) The guidelines are to be in accordance with –

(a) AS 3745 (in so far as it is relevant to Tasmanian circumstances); and

(b) in their application to specified buildings that are used for or in connection with the provision of health care to any persons, AS 4083 (in so far as it is relevant to Tasmanian circumstances).

### **22. In-principle approval of fire evacuation plans**

(1) For the purposes of regulation 20(2)(a), the occupier of a specified building is to prepare a proposed fire evacuation plan for the specified building and submit it to the Chief Officer for approval.

(2) The proposed fire evacuation plan is to be in accordance with the guidelines published under regulation 21.

(3) The Chief Officer, in his or her absolute discretion, may give the occupier advice and practical assistance with the preparation of the proposed fire evacuation plan.

(4) On receipt of the proposed fire evacuation plan, the Chief Officer is to –

(a) give the plan in-principle approval; or

(b) require the plan to be amended.

(5) If subregulation (4)(a) applies, the Chief Officer is to notify the occupier of –

(a) the in-principle approval; and

(b) the date of the in-principle approval.

(6) A plan to which in-principle approval has been given takes effect, for the purposes of this Division, on the date of the in-principle approval notified under subregulation (5)(b).

(7) If subregulation (4)(b) applies –

(a) the Chief Officer is to –

- (i) notify the occupier that the plan has not been given in-principle approval; and
- (ii) specify or indicate the required amendments; and

(b) the occupier is to amend the plan accordingly and resubmit it to the Chief Officer.

(8) Subregulations (2), (3), (4), (5) and (7) have the same application to the resubmitted plan as to the plan requiring amendment.

### **23. Final approval of fire evacuation plans**

(1) This regulation applies to a specified building to which a fire evacuation plan with in-principle approval relates.

(2) The occupier of the specified building must ensure that a practice evacuation of the specified building is carried out within –

- (a) 60 days after the fire evacuation plan takes effect; or
- (b) a greater number of days after the fire evacuation plan takes effect as the Chief Officer, by notice to the occupier within those 60 days, allows.

Penalty: Fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) Without limiting his or her discretion, the Chief Officer may allow an extension of time under subregulation (2)(b) if, since the fire evacuation plan was given in-principle approval –

- (a) the specified building has had a change in occupancy; and
- (b) the required practice evacuation had not been carried out before the change in occupancy; and
- (c) the Chief Officer is satisfied in the circumstances that the current occupier has been left with insufficient time to ensure that the required practice evacuation is carried out within the time required by subregulation (2)(a).

(4) For the purposes of subregulation (2), the occupier of the specified building must ensure that the practice evacuation is carried out –

- (a) at a time and date determined in consultation with the Chief Officer; and
- (b) in the presence of an authorised person; and
- (c) in accordance with the fire evacuation plan.

Penalty: Fine not exceeding 40 penalty units.

(5) Following the practice evacuation, the Chief Officer is to give final approval to the fire evacuation plan if satisfied that –

- (a) the practice evacuation was successful; and
- (b) the practice evacuation was carried out in accordance with the requirements of this regulation.

(6) The final approval may be given subject to any final amendments that the Chief Officer considers necessary or expedient in light of the experience with the practice evacuation.

(7) The Chief Officer is to notify the occupier of –

- (a) the final approval; and
- (b) any final amendments; and
- (c) the date of the final approval.

(8) A plan to which a final approval has been given takes effect, for the purposes of this Division, on the date of the final approval notified under subregulation (7)(c).

### **24. Annual practice evacuations**

(1) This regulation applies to a specified building to which a fire evacuation plan with final approval relates.

(2) The occupier of the specified building must ensure that a practice evacuation of the specified building is carried out at least once in each 12-month period after the fire evacuation plan takes effect.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) For the purposes of subregulation (2), the occupier of the specified building must ensure that –

- (a) the Chief Officer is given at least 5 days' advance notice of a practice evacuation; and
- (b) a practice evacuation is carried out in accordance with the fire evacuation plan.

Penalty: Fine not exceeding 40 penalty units.

## **25. Repetition of practice evacuations**

(1) This regulation applies if an authorised person attending a practice evacuation of a specified building is not satisfied that it has been carried out in accordance with the relevant fire evacuation plan.

(2) The authorised person may require the occupier of the specified building to repeat the practice evacuation at a date and time determined by the authorised person.

(3) The occupier of the specified building must comply with a requirement imposed by the authorised person under subregulation (2).

Penalty: Fine not exceeding 40 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

## **26. Exempting persons from taking part in practice evacuations**

(1) The occupier of a specified building, acting in consultation with an authorised person, or an authorised person acting alone, may exempt a person from taking part in a particular practice evacuation if reasonably satisfied that the associated stoppage or interruption of the person's work or activity would –

- (a) cause commercial loss; or
- (b) endanger life or property.

(2) The Chief Officer, by notice to a person, may grant the person a standing exemption from taking part in practice evacuations of a specified building generally if the Chief Officer is reasonably satisfied that the associated stoppages or interruptions of the person's work or activity would routinely –

- (a) cause commercial loss; or
- (b) endanger life or property.

## **27. Implementation of fire evacuation plans with in-principle approval**

(1) This regulation applies to a specified building to which a fire evacuation plan with in-principle approval relates.

(2) The occupier of the specified building must –

- (a) keep at least one copy of the fire evacuation plan in the occupier's own immediate possession; and
- (b) ensure that at least one other copy of the fire evacuation plan is kept in the specified building.

Penalty: Fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) The occupier of the specified building must, if there is a fire or fire alarm in the specified building, provide a copy of the fire evacuation plan to an authorised person if the authorised person requires the occupier to provide the copy to the person.

Penalty: Fine not exceeding 25 penalty units.

(4) The occupier of the specified building must ensure that, if there is a fire or fire alarm in the specified building, the specified building is evacuated in accordance with the fire evacuation plan.

Penalty: Fine not exceeding 50 penalty units.

(5) In any proceedings for an offence under subregulation (4), it is a defence if the defendant establishes that, in the circumstances, it was physically impossible or impracticable for the relevant specified building to be evacuated strictly in accordance with the relevant fire evacuation plan.

## 28. Implementation of fire evacuation plans with final approval

(1) In this regulation –

**basic education and training** means training and education, other than a practice evacuation, that meets, at a minimum, the education and training requirements of AS 3745;

**permanent work or residence** means work or residence that is to last, or is expected to last, longer than 30 days.

(2) This regulation applies to a specified building to which a fire evacuation plan with final approval relates.

(3) The occupier of the specified building must –

(a) keep at least one copy of the fire evacuation plan in the occupier's own immediate possession; and

(b) ensure that at least one other copy of the fire evacuation plan is kept in the specified building.

Penalty: Fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(4) The occupier of the specified building must, in the specified building, post and keep posted the directions and notices about the fire evacuation plan at the locations that –

(a) the fire evacuation plan requires; and

(b) the Chief Officer, by notice to the occupier, requires.

Penalty: Fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(5) The occupier of the specified building must ensure that a person taking up permanent work or residence in the specified building is, within 30 days of so doing, given basic education and training in what to do if there is a fire or fire alarm in the specified building.

Penalty: Fine not exceeding 50 penalty units.

(6) The occupier of the specified building must, if there is a fire or fire alarm in the specified building, provide a copy of the fire evacuation plan to an authorised person if the authorised person requires the occupier to provide the copy to the person.

Penalty: Fine not exceeding 25 penalty units.

(7) The occupier of the specified building must ensure that, if there is a fire or fire alarm in the specified building, the specified building is evacuated in accordance with the fire evacuation plan.

Penalty: Fine not exceeding 50 penalty units.

(8) In any proceedings for an offence under subregulation (7), it is a defence if the defendant establishes that, in the circumstances, it was physically impossible or impracticable for the relevant specified building to be evacuated strictly in accordance with the relevant fire evacuation plan.

## 29. Evacuation of buildings in event of fire or fire alarm, &c.

(1) In this regulation –

**emergency control organisation** has the same meaning as in AS 3745.

(2) A person who is in a specified building must, if there is a fire or fire alarm in the specified building –

(a) act in accordance with the fire evacuation plan for the specified building; or

(b) follow the directions that the person is given by –

(i) an authorised person; or

(ii) a member of the specified building's emergency control organisation.

Penalty: Fine not exceeding 10 penalty units.

(3) A person who is required to evacuate a specified building or part of a specified building in a practice evacuation must –

- (a) act in accordance with the fire evacuation plan for the building; or
- (b) follow the directions that the person is given by –
  - (i) an authorised person; or
  - (ii) a member of the building's emergency control organisation.

Penalty: Fine not exceeding 10 penalty units.

### 30. Occupiers not to contravene own fire evacuation plans, &c.

(1) The occupier of a specified building must not, if there is a fire or fire alarm in the specified building –

- (a) contravene the fire evacuation plan for the specified building; or
- (b) do anything to compromise the execution or effectiveness of the fire evacuation plan for the specified building; or
- (c) fail to follow directions that are given to the occupier by an authorised person or other officer of the Fire Service.

Penalty: Fine not exceeding 50 penalty units.

(2) Except as provided by regulation 26, the occupier of a specified building must not, if there is a fire or fire alarm in the specified building, cause or allow any person to contravene the fire evacuation plan for the specified building.

Penalty: Fine not exceeding 50 penalty units.

### 31. Expiry of fire evacuation plans

Subject to regulation 32 –

- (a) a fire evacuation plan that has only in-principle approval expires after it has been in effect for 3 months if, within that period, a final approval of that plan has not been given under regulation 23 ; and
- (b) a fire evacuation plan that has final approval expires after it has been in effect for 5 years as a fire evacuation plan with final approval.

### 32. Replacement of fire evacuation plans

(1) This regulation applies if –

- (a) a specified building has a fire evacuation plan with final approval; and
- (b) the Chief Officer reasonably apprehends that the plan has been rendered obsolete or less effective by –
  - (i) a change in the use of the specified building; or
  - (ii) a change in the number of occupants in the specified building; or
  - (iii) building works done to the specified building; or
  - (iv) building works done to premises adjoining the specified building; or
  - (v) municipal or other public works done to roads or land adjoining the specified building; or
  - (vi) new fire safety knowledge or technologies; or
  - (vii) other relevant factors.

(2) The Chief Officer, by notice, may direct the occupier of the specified building to submit a revised fire evacuation plan to the Chief Officer for approval.

(3) The occupier of the specified building must comply with the Chief Officer's direction within the period, of at least 60 days, that the Chief Officer specifies in the direction.

Penalty: Fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(4) Regulations 22 and 23 apply to the revised fire evacuation plan as if it were a new proposed fire evacuation plan.

### **33. Defence to prosecution for occupier left insufficient time in which to discharge duty**

(1) In any proceedings for an offence under this Division involving the contravention of a duty by the occupier of a specified building, it is a defence if the defendant establishes that –

- (a) in the period leading up to the time of the alleged offence there was a change in the occupancy of the specified building; and
- (b) the duty arose in respect of the previous occupier of the specified building; and
- (c) that previous occupier had not, by the time of the change in occupancy, discharged the duty fully or at all; and
- (d) in the circumstances, the defendant has been left with insufficient time in which to discharge the duty; and
- (e) by the time of the alleged offence, the defendant had nevertheless taken reasonable steps towards discharging the duty.

(2) Nothing in subregulation (1) limits any other defence available to the defendant under these regulations.



## PART 4 - Containment of Fire Hazards

### 34. Non-interference with essential services

(1) In this regulation –

*place* includes affix, assemble, display, erect, hang and leave.

(2) The occupier of a prescribed building must not place in it –

(a) any machine, equipment or article; or

(b) any material or substance –

that, by its nature, quantity, location, use or method of operation, could reasonably be expected to prevent or interfere with the effective operation of any essential service in the prescribed building.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) In any proceedings for an offence under subregulation (2), it is a defence if the defendant establishes that, at the relevant time –

(a) lawful building works were being done in the prescribed building; and

(b) those works were being done as quickly as practicable; and

(c) the placement in the prescribed building of the relevant machine, equipment or article, or relevant material or substance, was an unavoidable consequence of those works or had been approved by a building surveyor for the purposes of those works.

### 35. Hot work precautions

(1) In this regulation –

*hot work* has the same meaning as in AS 1674.

(2) A person must comply with AS 1674 in doing either of the following:

(a) hot work in a building;

(b) hot work that could directly affect a building.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) Before a person does any hot work in a building, or any hot work that could reasonably be expected to directly affect a building, the person must inform the owner or occupier of the building of the person's intention to do the hot work.

Penalty: Fine not exceeding 25 penalty units.

### 36. Fire-fighting water supplies for timber, storage and freight yards

(1) In this regulation –

*hazardous premises* means –

(a) a timber yard; or

(b) a yard, or unfenced area of land, within a city or town boundary, that is used for the storage or more than 10 cubic metres of flammable material; or

(c) a wharf or wharf area that is used for the storage of flammable goods in transit; or

(d) land that is used for the storage of more than 10 cubic metres of flammable material, other than fodder or grain stored for use on the same land where the fodder or grain was produced;

*on-site emergency personnel* means persons who –

(a) work at hazardous premises; and

(b) have, whether on a voluntary basis or under the terms of their employment or engagement, any fire-safety responsibilities at those hazardous premises.

(2) The occupier of hazardous premises must ensure that –

- (a) the hazardous premises are provided with an approved water supply for fire-fighting; and
- (b) the approved water supply is at all times ready for use if there is a fire or fire alarm; and
- (c) members of the Fire Service and on-site emergency personnel are able to gain unobstructed access to the approved water supply for the purposes of paragraph (b) .

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) In any proceedings for an offence under subregulation (2)(a) or (b) , it is a defence if the defendant establishes that, at the relevant time –

- (a) the relevant approved water supply required mains water; and
- (b) mains water was not available at the hazardous premises for reasons beyond the defendant's control.

(4) The Chief Officer is not to approve a water supply for the purpose of this regulation unless he or she is satisfied that the water supply is in accordance with AS 2419.

## PART 5 - Miscellaneous

### 37. Building owners and occupiers not to compromise discharge of respective fire safety obligations

(1) If –

- (a) these regulations impose an obligation on the occupier of any building or other premises; and
- (b) the occupier is not also the owner of the building or premises –

the owner of the building or premises must not do anything that compromises, or could reasonably be taken to compromise, the ability of the occupier to comply with that obligation.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(2) If –

- (a) these regulations impose an obligation on the owner of any building or other premises; and
- (b) the owner is not also the occupier of the building or premises –

the occupier of the building or premises must not do anything that compromises, or could reasonably be taken to compromise, the ability of the owner to comply with that obligation.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

### 38. Savings and transitional provisions

(1) In this regulation –

*commencement day* means the day on which these regulations take effect;

*old regulations* means the General Fire Regulations 2010 .

(2) A permit in force under the old regulations immediately before the commencement day continues in force according to its terms (including time of expiry) as a permit under and subject to these regulations.

(3) A fire evacuation plan that, immediately before the commencement day, had final approval under the old regulations continues in effect according to its terms as a fire evacuation plan under these regulations.

(4) A fire evacuation plan that, immediately before the commencement day, had in-principle approval under the old regulations may be given final approval by the Chief Officer as a fire evacuation plan under these regulations.

(5) A prospective fire evacuation plan that, immediately before the commencement day, was being considered for in-principle approval by the Chief Officer under the old regulations may continue to be considered for in-principle approval as a fire evacuation plan under these regulations.

(6) An approval of the Chief Officer in effect under regulation 31 of the old regulations immediately before the commencement day for any premises continues in effect as an approval applying to the same premises for the purposes of regulation 36 of these regulations.

### 39. Legislation rescinded

The legislation specified in Schedule 3 is rescinded.

## **SCHEDULE 1 - Fire Protection devices and features constituting essential services**

Regulation 3(1)

1. Emergency lifts
2. Emergency lighting
3. Emergency power supply
4. Exit doors
5. Exit signs
6. Fire brigade connections
7. Fire control centres
8. Fire curtains
9. Fire dampers
10. Fire doors
11. Fire indicator panels
12. Fire-isolated passageways
13. Fire-isolated lift shafts
14. Fire-isolated ramps
15. Fire-isolated stairs
16. Fire mains
17. Fire protection equipment
18. Fire protection systems
19. Fire-protective coverings
20. Fire-rated access panels
21. Fire-resisting shafts
22. Fire shutters
23. Fire windows
24. Paths of travel to and from exits
25. Smoke doors
26. Smoke hazard management systems
27. Smoke vents
28. Sound systems and intercom systems for emergency purposes
29. Stairwell pressurisation systems
30. Static water storage
31. Vehicular access for large isolated buildings
32. Warning systems associated with lifts

## **SCHEDULE 2 - Australian Standards**

Regulation 3(6)

1. AS 1670.1 – Fire detection, warning, control and intercom systems – system design, installation and commissioning; Part 1: Fire
2. AS 1674 – Safety in welding and allied processes – fire precautions; Parts 1 and 2
3. AS 1851 – Routine service of fire protection systems and equipment
4. AS 2419 – Fire hydrant installations; Part 1: system design, installation and commissioning
5. AS 3745 – Planning for emergencies in facilities
6. AS 4083 – Planning for emergencies – Health care facilities

## SCHEDULE 3 - Legislation rescinded

Regulation 39

General Fire Regulations 2010 (No. 136 of 2010)

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

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These regulations are administered in the Department of Police, Fire and Emergency Management.