# Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

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1.0 Purpose

AS 1851 is the Australian Standard for the routine servicing of fire protection systems and equipment. A comprehensive revision of this standard was recently released: 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 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 in December 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 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
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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.

Despite substantial investment by key stakeholders in the development and refinement of AS 1851, the use of the current edition of the Standard (AS 1851-2012) for carrying out maintenance of fire protection systems and equipment installed in buildings is generally not a legislated requirement in any Australian State or Territory.

In fact, many states have legislation which specifically requires maintenance be carried out in accordance with older editions of the Standard, thereby constraining the use of AS 1851-2012 and limiting the ability to realise the benefits which the new standard offers.

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.

- Part 1 provides general information on the broad regulatory framework and the issues to be considered irrespective of the jurisdiction or the type of equipment or the facility where the fire equipment or system is installed.

- Part 2 provides 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.
The reader should consider both parts of the document when determining the applicability of the information in their particular circumstances; 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.

FPA Australia is aware of the many issues that arise from having an inconsistent national approach to maintenance of fire systems and equipment, and this and other matters associated with the use and adoption of the latest edition of the Standard have been documented in the Association’s Position Statement PS-03 Adoption and use of AS 1851-2012. The position statement is being used by the Association to advocate for legislative change whereas this guide provides information and recommendations based on the current legislative requirements.

4.0 Regulatory Issues

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 and the Commonwealth are required to establish their own legislation for the maintenance of fire protection systems and equipment. 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 (Building 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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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 are contained within the BCA, as adopted by the relevant state or territory building legislation.

Building regulations are not usually retrospective, 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 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. 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 is 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 or statute 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 workplace 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.
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

Fire Protection Systems and Equipment are 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).

Some specific provisions have been included in Section I (Part I1) of the BCA since May 2004 and are now called ‘safety measures’, however no specific technical maintenance standards are nominated in the BCA except where a specific state or territory variation has been included.

Each state’s legislative and regulatory framework refers to Fire Protection Systems and Equipment by a different name. The following table lists the names used in each State and Territory for Fire Protection Systems and Equipment.
4.6 Referencing of AS 1851 in legislation

State and territory jurisdictions generally stipulate through their building and fire safety legislation the requirement to maintain fire protection systems and equipment and other safety measures. The table on the following page 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 requirement to use a particular edition of AS 1851 through the legislative framework in operation within a jurisdiction may be enacted by:

1. a direct reference to a specific edition in the legislation
2. a variation or addition to Part I of Volume 1 of the Building Code of Australia
3. referencing through regulation a code / standard / practice note / policy or other document that specifies how maintenance is to be carried out; or
4. a specific reference on a document such as an Occupancy Permit or Certificate that is required to be complied with by an owner or occupier for a particular building.
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1 ACTFA Policy FS-05 refers to the AS 1851 suite of standards without making reference to a year of publication
2 Applies to any building required to comply with the BCA. May not apply to certain existing buildings
3 Applicable to all buildings for prescribed fire safety installations other than passive fire safety installations
4 May apply (occupiers choice) for buildings constructed before 12 September 2005 for prescribed fire safety installations
5 Buildings approved prior to the establishment of Minister’s Specification SA 76 may reference older editions of AS 1851.
6 Applies to buildings constructed after 1 July 2004
8 Occupancy Permit may specify a specific edition of AS 1851 for buildings constructed after 1994.
4.7 Reconciling legal obligations

The various aspects of the legal system, as described in this document, impose different expectations, obligations and requirements on responsible entities, usually a 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 meet their particular legislative compliance. The diagram below shows some of the elements associated with the maintenance of fire protection systems and equipment to be reconciled.

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 consider the applicability of this new standard to their particular..."
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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.

However, as previously indicated, in some jurisdictions the legislative requirements clearly stipulate that fire systems and equipment maintenance be undertaken to a particular standard or frequency, often a superseded edition of AS 1851. Simply applying the latest edition of the Standard in these instances is likely to be in contravention of the legislative requirements. 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 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.
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, accreditation of nursing homes, schools and other publicly accessed or funded buildings. Additionally, Occupational 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 jurisdictions building and fire regulations. 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 generally 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.
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

- Mobile plant and equipment. Except for those fitted with pre-engineered special hazard systems where AS 1851-2012 requires use of other standards
- Fixed plant and equipment
- Fire protection required under dangerous goods storage and handling regulations not stored within a building (Vehicle refuelling, 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 highlighted in the preceding sections of this document, using AS 1851-2012 in its entirety or in part can be problematic due to the complex legislative requirements of each jurisdiction. Reconciling the different legislative compliance requirements for a particular site or for a particular jurisdiction can, as a result, be a difficult process.

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.

The following table 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

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

**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>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Can AS 1851-2012 be used automatically?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital</td>
<td>Based on an interpretation of ACTFB Policy FS-05 which references the suite of AS 1851 standards without actually mentioning a year. It could be argued that AS 1851-2012 is a “suite” of standards consolidated into a single document.</td>
</tr>
<tr>
<td>Territory</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>New South Wales</td>
<td>No restrictions</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Prescribed buildings in accordance with the Northern Territory Fire and Emergency Regulations</td>
</tr>
<tr>
<td>Queensland</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>MP 6.1 specifically states that maintenance of prescribed fire safety installations must comply with AS 1851-2005 or older editions as appropriate</td>
</tr>
<tr>
<td>South Australia</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Buildings are required to be maintained in accordance with Minister’s Specification SA 76 in force at the time of building rules consent. Current version of SA 76 lists pre-AS 1851-2005 editions.</td>
</tr>
<tr>
<td>Tasmania</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td></td>
<td>Only buildings constructed prior to 2004</td>
</tr>
<tr>
<td>Victoria</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>Western Australia</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td></td>
<td>No restrictions</td>
</tr>
</tbody>
</table>
7.0 Conclusion

AS 1851-2012 represents a significant step forward for the standardisation of consistent 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.

It is clear that building owners, occupiers and service providers each need to carefully consider their own individual situations in relation to their statutory obligations and public duty of care.

FPA Australia is committed to establishing 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 will continue to work collaboratively with regulators in those jurisdictions where use of the 2012 edition of AS 1851 is problematic due to specific and often conflicting legislative requirements.

The Association recommends that key stakeholders maintain a watching brief of any communications from FPA Australia regarding legislative amendments or advice from regulatory authorities that affect the use of AS 1851-2012. It is also recommended that interested parties regularly check for updates to this document on the FPA Australia website. It is likely that as each jurisdiction becomes more aware of, and comfortable with, the new edition of AS 1851 that, over time, legislative amendments and/or general advice on its use will be released by the relevant building and fire safety regulators.

8.0 Disclaimer

The opinions expressed in this correspondence reflect those of FPA Australia. However these 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 relevant requirements outlined in regulations (state and/or federal); 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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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, referred to as essential services systems, in buildings is controlled by:

- Emergencies Act 2004
- ACT Fire Brigade (ACTFB) Policy FS-05 “Essential Service Maintenance”.

Clause 5.3.1 of ACTFB Policy FS-05 stipulates the maintenance requirements for essential services. This clause requires essential services maintenance to be undertaken in accordance with the AS 1851 suite of maintenance standards unless otherwise stipulated by a regulatory authority, the ACT Fire Brigade, a building certifier or an ACT Fire Brigade endorsed fire safety engineering report. ACTFB Policy FS-05 does not detail which edition of AS 1851 should be used.

2.0 Adopting and using the latest version of AS 1851

On the basis that ACTFB Policy FS-05 does not make any reference to the particular edition in regards to AS 1851, FPA Australia considers that any reference to the suite of AS 1851 standards can be interpreted to include AS 1851-2012. This advice is based on the fact that AS 1851-2012 is a replacement for AS 1851-2005, which consolidated the suite of AS 1851 standards into a single document.

Based on this assumption, it is considered 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. Where 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
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

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

3. Where 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.

Furthermore the principles and objectives described in ACTFB Policy FS-05 would generally make it difficult for a building owner or other responsible entity to comply with ACTFB Policy FS-05 without using the latest edition of AS 1851, particularly as they relate to:

1. the use of competent and accredited persons

2. the process of maintenance including the inspection, testing, auditing (surveying), repairing and rectifying and the recording and reporting of activities; and

3. an emphasis of including some form of system interface testing.

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

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings subject to ACTFB Policy FS-05</td>
<td>Yes</td>
</tr>
<tr>
<td>Installations not covered by ACTFB Policy FS-05 or the Emergencies Act</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3.0 **Links to documents and contact information**

- ACTFB Policy FS-05 can be downloaded from [www.esa.act.gov.au](http://www.esa.act.gov.au)
- The ACT Fire Brigade 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)
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**

- **Division 1** Identifies EFSM: Included in a Fire Safety Schedule, Included in the essential services list from previous legislation
- **Division 6** Identifies Maintenance Requirements: Different requirements for EFSMs included in a schedule from those not in a schedule
- **Division 5** Establishes Annual Reporting Requirements
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

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.

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings subject to the Environmental Planning and Assessment Act and the Environmental Planning and Assessment Regulation</td>
<td>Yes</td>
</tr>
<tr>
<td>All other installations</td>
<td>Yes</td>
</tr>
</tbody>
</table>
3.0 Links to documents and contact information

- Environmental Planning and Assessment Regulation can be downloaded from www legislatio n.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
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.

There are two separate provisions that regulate maintenance of fire protection system and equipment in the Northern Territory. These provisions are summarised as follows:

1. Under the Building Act and Building Regulations, where new building works have been undertaken that required the issuing of an Occupancy Permit, the building must be occupied in accordance with the permit and any conditions listed on the permit; and

2. Under the Fire and Emergency Act and Regulations, buildings that have been identified as being of a particular risk category are referred to as “Prescribed Buildings.” The regulations stipulate that certain fire safety systems and equipment are required to be maintained for these prescribed buildings.

1.1 Building Act and Regulations

Section 65(2) of the Building Act requires the occupation of a building to not be in contravention of the occupancy permit or an approval to occupy on a temporary basis. When issuing an occupancy permit, the building certifier, amongst other things, must ensure that the building is suitable for occupation and complies in all material respects with the Regulations.
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

Unless an alternative solution has been accepted as part of the building approval process, the certifier will generally undertake an evaluation against the Building Code of Australia requirements, which include a variation in the Northern Territory that requires safety measures to be maintained in accordance with the AS 1851 suite of standards that immediately pre-dated the release of AS 1851-2005.

In addition Schedule 3, clause 5 of the Building Act requires a certifier before issuing a building permit or an occupancy permit to seek a report from the Northern Territory Fire and Rescue Service in relation to the maintenance of some specific fire protection systems for certain types of buildings; however the certifier is not required to implement the recommendations in the report.

1.2 Fire and Emergency Act and Regulations

Regulation 11(6a) of the Fire and Emergency Regulations require 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”.

The regulations do not define what is considered to be a relevant standard nor do they define what is covered by the terms fire alarms and fire-fighting equipment.

Schedule 2 of the regulations 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.

Section 27A of the Act makes provision for prescribed buildings to be inspected regularly by the Director of Building Control 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.

2.0 Adopting and using the latest version of AS 1851

The two separate sets of regulations in force in the Northern Territory makes it difficult for service providers and building owners to identify those buildings where the use of AS 1851-2012 can be applied. There is a distinct possibility that for some buildings the two sets of regulations actually conflict and result in different requirements for the maintenance of some fire protection systems and equipment.

FPA Australia’s advice in relation to maintenance of fire protections systems and equipment in the Northern Territory is listed in the following table.
### Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings that <em>are</em> a prescribed building in accordance with Section 27A of the Fire and Emergency Act and the Occupancy Permit <em>lists</em> the required maintenance standard</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings that <em>are</em> a prescribed building in accordance with Section 27A of the Fire and Emergency Act and the Occupancy Permit <em>does not list</em> the required maintenance standard</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings that <em>are not</em> a prescribed building in accordance with Section 27A of the Fire and Emergency Act and the Occupancy Permit <em>lists</em> the required maintenance standard</td>
<td>No - Use the standard listed on the Occupancy permit</td>
</tr>
<tr>
<td>Buildings that <em>are not</em> a prescribed building in accordance with Section 27A of the Fire and Emergency Act and the Occupancy Permit <em>does not list</em> the required maintenance standard</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 3.0 Links to documents and contact information

- 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)
Importante Nota: Dado el carácter complejo de la legislación, la asesoría proporcionada a continuación debe considerarse únicamente como una guía y no puede ser adecuada en todas las circunstancias. Es posible que se requiera asesoría adicional del autoridad competente para confirmar si existe o requiere un enfoque alternativo de mantenimiento de sistemas de protección contra incendios y equipos para un particular sitio.

1.0 Obligaciones legales

El mantenimiento de instalaciones de seguridad contra incendios en edificios está regulado por:

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

Part 9A de la Fire and Rescue Service Act 1990 (la ley) establece los requisitos para el mantenimiento de seguridad contra incendios. En particular, División 2, Sección 104D de la ley establece los requisitos para el mantenimiento.

La ley proporciona el poder a la Building Fire Safety Regulation 2008 (las Regulaciones). Parte 5 de las Regulaciones establece los requisitos para el mantenimiento, registro y reporte de instalaciones de seguridad contra incendios.

Las Regulaciones, por tanto, se refieren a la Queensland Development Code (QDC) MP 6.1 para establecer los requisitos de mantenimiento para todos los edificios (véase diagrama a continuación).

The Queensland Development Code MP 6.1 establece los requisitos para tanto los edificios existentes como los nuevos. El código establece provisiones para aplicar diferentes requisitos de mantenimiento basados en el año de construcción del edificio y requiere que los sistemas de seguridad contra incendios sean capaces de cumplir con estándares no inferiores a los que fueron originalmente requeridos para su cumplimiento.
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

1.1 **Buildings constructed after 12 September 2005**

A building occupier whose building was constructed after 12 September 2005 must have his/her building maintained against:

(i) AS 1851–2005 (Amendment 1) for prescribed fire safety installations other than passive fire safety installations, fire blankets and emergency lighting

(ii) Schedule 1 of MP 6.1 for passive fire safety installations listed in section 17 of AS 1851-2005

(iii) AS/NZS 2293.2–1995 Emergency evacuation lighting for buildings—Inspection and maintenance for emergency lighting; and

(iv) an alternative solution, where the alternative solution specifies maintenance requirements which are inconsistent with the above standards.

1.2 **Buildings constructed before 12 September 2005**

If the building was constructed before 12 September 2005, the occupier has the following options to comply with the code:

(i) comply with the maintenance requirements of AS 1851–2005 (Amendment 1), schedule 1 of QDC MP 6.1 and AS/NZS 2293.2–1995; or

(ii) comply with the maintenance requirements of a relevant Australian Standard which was applicable on the day the building was approved; or

(iii) where there was no Australian Standard for maintenance at the time of building approval, then manufacturers’ instructions or the directions from an appropriately qualified person to carry out maintenance must be followed.

Note: 12 September 2005 was the publication date of AS 1851-2005.

The following diagram provides an overview of the statutory requirements for undertaking maintenance of fire protection systems and equipment in Queensland.
1.3 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 1851-2005 or earlier editions of the Standard.

2.0 Adopting and using the latest version of AS 1851

The specific nature of the regulations in Queensland makes it problematic to use AS 1851-2012 without modifying the schedules and the activities. MP 6.1 requires maintenance of buildings to comply with AS 1851-2005 (Amendment 1) or older standards depending on the age of the building.

Whether or not AS 1851-2012 can be used hinges on whether it is acceptable to form an opinion that by using AS 1851-2012 a service provider, owner and occupier are using a standard that complies with an earlier edition standard.

The word comply generally means to act in accordance with a command, request or rule. FPA Australia considers that whilst AS 1851-2012 is superior to previous editions; it is difficult without a detailed activity by activity analysis to determine that it complies with AS 1851-2005 or earlier editions of the standard.

Even if the schedules in AS 1851-2012 were modified to mirror the schedules in previous editions, it is unlikely that the activities will align and therefore compliance will not be achieved.
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

For these reasons, FPA Australia recommends that AS 1851-2012 not be used for the maintenance of fire protection systems and equipment in Queensland unless an alternative maintenance regime has been approved as part of the building approval process or until such time as there has been a modification of MP 6.1.

In the interim, the Association considers that the use of AS 1851-2005 for all buildings represents the best available outcome for the maintenance of fire protection systems and equipment in Queensland.

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

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings constructed before 12 September 2005</td>
<td>No</td>
</tr>
<tr>
<td>Buildings constructed after 12 September 2005</td>
<td>No</td>
</tr>
<tr>
<td>Installations not covered by Queensland Development Code MP 6.1</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings that have an alternative solution that specifies AS 1851-2012 for the maintenance of specific prescribed fire safety installations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3.0 **Links to documents and contact information**

- 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)
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 when the essential safety provision was 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. Schedule of essential safety provisions

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 deemed to satisfy provisions for the maintenance and testing of essential safety provisions is listed under ‘Nature of inspection and/or test, frequency’ column in section 3 of Minister’s Specification SA 76. The standards listed in this column...
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

represent the individual suite of AS 1851 standards that were published prior to the consolidated list included for the first time in AS 1851-2005.

The specific version of AS 1851 required to be used for maintenance of fire protection systems and equipment is further complicated by the year the building development received Building Rules Consent. Appendix D, clause D2 of SA 76 states that a reference to an Australian Standard under the heading ‘Nature of inspection and/or test frequency’ in Section 3 is a reference to the edition, including any amendments, current at the time of valid application for Building Rules Consent.

Further complicating the maintenance requirements is the variation to the inspection and test frequency from that included in the referenced standard. Some fire protection systems and equipment listed in SA 76 are required to be maintained in accordance with a relevant Australian Standard but with a variation to the frequencies included in the standard.

Exceptions to the above requirements are provided in SA 76 where an alternative solution is developed as part of the building approval. SA 76 allows the relevant authority to vary the prescribed standards as set out in Section 3 of SA 76 as an outcome of an alternative solution. These variations must be listed on the required Form 1 issued by the relevant authority under Regulation 76(3) of the Development Regulations 1993. This provision would allow the relevant authority to specify AS 1851-2012.

2.0 Adopting and using the latest version of AS 1851

Planning South Australia released an Advisory Note (10/07) in July 2007 to explain the relationship between AS 1851-2005 and Minister’s Specification SA 76 and the current legislative provisions.

The Advisory Note states that the consolidation of the 16 separate parts that made up the AS 1851 suite of standards into a consolidated document, AS 1851-2005, made it impossible to use the 2005 version of AS 1851 when applying the provisions of the Minister’s Specification. Accordingly, Planning SA formed the opinion that the mandatory minimum requirements for maintenance remain as the 16 separate parts listed in SA 76.

The Advisory Note however also provided guidance as to how the 2005 edition of AS 1851 could be used. It stated that where AS 1851-2005 requires a higher level of maintenance to the Minister’s Specification SA 76 then it is at the building owner’s discretion whether to apply the higher level of maintenance. The Advisory Note also stipulated that where AS 1851-2005 required a lower level of maintenance to Minister’s Specification SA 76 then the level of maintenance prescribed by the Minister’s Specification prevails as the mandatory minimum.
Adoption and use of AS 1851-2012

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

Whilst the Advisory Note makes reference to AS 1851-2005 and not AS 1851-2012, FPA Australia’s considers that in the context of the advice provided in the Advisory Note that any reference to AS 1851-2005 can be read as a reference to AS 1851-2012.

On this basis there appears to be scope for AS 1851-2012 to be used, however a detailed analysis of both the frequency of activity and the activities included in the tables themselves would need to be undertaken to be able to form an opinion as to whether AS 1851-2012 represented a lower or a higher level of maintenance.

FPA Australia considers that until such time as this detailed analysis has been completed or the Regulator issues advice that supports the use of AS 1851-2012 that service providers continue to use the independent suite of AS 1851 standards that were in place at the time the building approval was granted.

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

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings subject to the Development Act and the Development Regulations where Section 3 Schedule Options of Minister’s Specification SA 76 has been used to determine the nature and/or frequency of testing</td>
<td>No</td>
</tr>
<tr>
<td>Buildings subject to the Development Act and the Development Regulations where an alternative solution specifies an alternative maintenance regime to that specified in Section 3 Schedule Options of Minister’s Specification SA 76.</td>
<td>Yes</td>
</tr>
<tr>
<td>All other installations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 3.0 Links to documents and contact information

- 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 Minsters Specification SA 76) can be contacted on (08) 8343 2222 or [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au).
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 2004
- 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 46 of the Building Regulations 2004 requires prescribed essential safety and health features to be maintained as follows:

1. If the building was completed prior to 1 July 2004 (the date of commencement of the Regulations):
   a. So as to perform to a standard that is not less than the standard to which they were originally required to perform; and

2. If the building has been completed, or an alteration has been made to a building after 1 July 2004:
   a. So as to perform to the standard to which they were originally required to perform; and
   b. The standard set out in Part I of the Building Code of Australia for that prescribed essential safety and health feature; and
   c. Be tested or inspected at the relevant frequency of testing or inspection specified by the Director of Building Control. These requirements are listed in the document known as the Director’s Specified List.
Schedule 4 of the Director’s Specified List contains several tables that list each essential safety and health feature, the BCA provisions for determining the standard of performance and the relevant frequency of testing or inspection. Whilst the regulations refer to the ‘relevant frequency’, the description for a number of items in the list reference the provisions of the 16 separate parts of the suite of AS 1851 that preceded the 2005 edition.

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.

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings constructed prior to 1 July 2004</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings constructed after 1 July 2004</td>
<td>No</td>
</tr>
<tr>
<td>Installations not covered by the Building Act and Regulations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Note: At the time of publishing this version of the Good Practice Guide the Tasmanian Government was considering regulatory changes to enable the use and adoption of AS 1851-2012. This document will be updated as the regulatory framework in Tasmania evolves.*

3.0 Links to documents and contact information

- Building Act and Building Regulations can be downloaded from [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)
- Ministers Director’s Specified List can be downloaded from [workplacestandards.tas.gov.au/home](http://workplacestandards.tas.gov.au/home)
- 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).
Appendix G—Guide to using AS 1851-2012 in Victoria

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

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 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 superseeded 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

FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

The Building Commission Practice Note 2007-23, “Maintenance of essential safety measures”, provides RBSs with suggested maintenance standards (namely AS 1851-2005 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, the building incorporates specific alternative solutions that demand specific maintenance regimes. Where this is the case the RBS should consult with the designer of the alternative solution to determine necessary maintenance requirements.

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.

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings constructed prior to 1 July 1994</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings constructed after 1 July 1994</td>
<td>Generally No, will depend on requirements listed on</td>
</tr>
<tr>
<td></td>
<td>• Occupancy Permit</td>
</tr>
<tr>
<td></td>
<td>• Maintenance Determination</td>
</tr>
<tr>
<td></td>
<td>• Maintenance Schedule</td>
</tr>
<tr>
<td>Installations not covered by the Building Act and Regulations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3.0 Links to documents and contact information

- Building Act and Building Regulations can be downloaded from www.legislation.vic.gov.au
- The Building Commission (who administers the Building Act and Regulations) can be contacted on 1300 815 127 or www.buildingcommission.com.au.
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.*

Until recently Western Australia did not have uniform building legislation. In 2011 the Building Act was proclaimed which was followed in 2012 with the Building Regulations. The Building Act was established amongst other things to 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 whether or not an occupancy permit is required for the building.

At the time of writing this document, regulations governing the above provisions were not in force, however the Western Australian Building Commission have indicated that they are in the process of developing regulations to address maintenance requirements.

In addition to the recently introduced 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.
Adoption and use of AS 1851-2012
FPA Australia aims to promote the protection of life, property and the environment from fire and related emergencies.

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. 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 Western Australia is listed in the following table.

<table>
<thead>
<tr>
<th>Facility where fire protection systems and equipment are installed</th>
<th>Use of AS 1851-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings subject to the Building Act and Building Regulations</td>
<td>Yes</td>
</tr>
<tr>
<td>All other installations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3.0   Links to documents and contact information

- The Building Act and Building Regulations can be downloaded from www.slp.wa.gov.au/legislation
- 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.
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

4. Queensland
   a. Building Act 1975
   b. Fire and Rescue Service 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

8. Western Australia
   a. Building Act 2011