

5 June 2008

Mr Ian Jennings
General Manager
Building Services Authority
PMB 84
COOPAROO DC QLD 4151

Dear Mr Jennings

Fire Protection Occupational Licence Regulatory Impact Statement

We refer to the call for submissions on the proposed Fire Protection Occupational Licence as discussed in the Regulatory Impact Statement dated May 2008. We thank the Building Services Authority (BSA) for the opportunity to make comment on these proposed changes.

Master Builders makes its comments under the same headings as provided in the RIS. Where no comment is made Master Builders either generally supports the contents of that section, or has no comment to make. Master Builders reserves the right to make further comments on this matter as more information or the comments of others become available.

Master Builders as a matter of principle does not support the creation of new licence classes and would prefer to see matters such as these dealt with by adding to or amending existing licence classes to ensure that holders of those licences are aware of their requirements for work performance. Mandatory inspections by a building certifier or their competent third party also ensures compliance for work performance.

Should the BSA decide to proceed with the introduction of a new occupational licence class then Master Builders makes the following comments.

What is fire protection work?

Master Builders believes that the definition of “fire protection system” should be:

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- Extended by adding the following dot point “*Automatic smoke and exhaust system, automatic smoke and heat vents*”
- Amending dot point four to include after the statement “*or smoke alarm*” the words “*or automatic smoke detection / alarm system*”
- Adding a new dot point (as well as amending Appendix A of the RIS) to include reference to AS 1668.1, C2.3 and E2.3 (as these standards / requirements cover aspects that relate to the removal of smoke and fire hazards, etc and directly relate to fire protection)

We also note that a Part 45 Licensee can install a fire protection system through the exhaust and other fans that are installed. For completeness we would recommend that the QBSA Regulation recognises this fact and extends the Part 45 License to cover those elements that pertain to fire protection systems (or the use of materials as part of a fire protection system). While some may argue that these elements are relevant to air-conditioning only Master Builders notes that many fire protection systems require air-conditioning (or elements thereof) to operate to reduce the effects of smoke and other hazards during fire.

Option 1

Master Builders broadly supports the introduction of Option 1 as recommended by the Building Services Authority (BSA) on the basis that year three costs are significantly reduced. Master Builders believes that this goal can be supported by ensuring the enabling regulations require the BSA to reduce fees in year three – rather than this be an issue left floating.

Appendix A

In making our comments on appendix A Master Builders is cognizant of the value of human life and the needs to ensure cost effective prevention or harm or damage to the State’s human capital.

While non-compliance leads to a Tier One defect it is a little too late after the fire (when the damage has already been done) to look back for a remedy. It is because of this fact combined with the nature of most fire protection work (for example the installation of fire-stop collars) that a certifier is, realistically not able to perform his / her function correctly.

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It is unreasonable to assume a certifier will check the work being performed in real-time to ensure it is up to standard and compliant as this is not practicable. Similarly we feel it is not responsible to allow an “audit” approach to compliance (that is the certifier checks the methodology used for installation on several collars and then assumes that all fire-stop collars are installed in the same manner as those the subject of his audit – resulting in all collars being certified as correct). We do not believe the latter approach is acceptable given the value of human life combined with the possibility of accountability for defective work being passed between the certifier and the installer in this instance (from a legal / professional indemnity perspective).

Master Builders advocates that the best way of addressing the practical reality that only the installer, tester and maintainer is in a position to certify that the installation is correct is to modify Appendix A across the board to include self-certification. This would also have the benefit of ensuring that in the event of harm to the public or property a clear legal accountability can be had for the aggrieved parties. It is common for a building certifier to have a competent third party perform inspections on their behalf. The self certification would also align with the certification process undertaken by other Licensees for example, waterproofing, termite systems and electrical works (although not licensed under the BSA regulations).

We recommend that this change be made to all License Class categories in Appendix A.

We further recommend under License Class “Passive Fire protection – Fire and Smoke Walls and Ceilings” that the words “*install and*” be added. This will recognise that this category will install as well as inspect and test.

Another “global change” to the entirety of Appendix A that Master Builders suggests is that categories be dissected into sub-classifications called “*install & certify*”, “*Install, certify & maintain*” or “*maintain & certify*”. This would provide further clarification of the roles undertaken.

Training and Minimum Skills

We note the minimum skills and qualifications as mentioned in the RIS.

Master Builders does not believe that these minimum requirements for Passive Fire Protection – fire and smoke walls and ceilings and Passive Fire Protection – fire collars, penetrations and joint sealing, are sufficient – however we recognise the need for the

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new licence class to commence with a “standard”. In that regard we would recommend that the cited minimum skills, experience and educational standards be considered “transitional” for a period of say three (3) years for the date of the new licence having effect.

Master Builders would then recommend that during the first six (6) months of the transitional period that a formal review of the minimum skills, experience and education requirements be undertaken. The following 12 months then be used to develop a new qualification called perhaps a Certificate IV in Passive Fire Protection Certification. The final 12 month period can be where potential licencees undergo the training necessary to achieve the new Certificate IV. Part of the review recommended would also encompass the development of rules for the recognition of prior learning and experience in meeting the minimum skills requirements and grandfathering of people currently engaged in the Fire Protection Occupational Licence category.

The above timeframes and process would be, in our view, be managed via the establishment of a Curriculum Development Advisory Committee through Construction Skills Queensland. Master Builders would be pleased to participate in this committee to ensure minimum performance criteria are maintained over time and prior recognition was achieved where appropriate.

Conclusion

Again, we thank BSA for the opportunity to comment on the proposed changes to the Fire Protection Occupational License.

To clarify this submission or conduct further discussion on any matter raised please contact Darren Barlow on (07) 3404 6420.

Yours faithfully,

Darren Barlow
Director Housing

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