

## Inquiry into the Building and Other Legislation Amendment Bill 2022

**Submission No:** 2  
**Submitted by:** [REDACTED]  
**Publication:** Making the submission public but withholding your name  
**Attachments:** No attachment

### Submitter Comments:

I will not spend too much time going into my background suffice to say I have been working within the fire protection industry for a significant part of my career, I currently undertaking building audits on a regular basis and have been involved within 2 Queensland Building Construction Commission (QBCC) committees. I wish to draw to your attention a section of the QBCC Act which has been forcing various industries such as big box hardware and retail stores, the facilities management industry, insurance industry and others to operate in a watered down manner or are forced to operate contrary (illegally) to the QBCC Act and Regulation. The offending section is the definition of fire protection work which effectively gags many industries or competent persons from holding the fire protection industry accountable by identifying and calling out non-compliant works. It also waters down the communications between many industries and their clients such as the insurance, safety and facilities/property management industries. It is causing many to operate illegally such as retailers, wholesalers as well as those industries already mentioned which are only the tip of the iceberg so to speak. These concerns have been caused as the initial wording was to catch regulated statements or records such as government forms however by not being specific enough it caught a very broad range of activities that possibly was never realised. Currently there is some pushback to address this as it is protecting the fire protection industry from being held accountable of the large amount of non-compliant works being completed in Queensland. The current definition under the QBCC Act is as follows.

30CA Meaning of fire protection work (1) Work is fire protection work if it is any of the following work for a building or part of a building— (a) the installation, restoration, repair or maintenance of fire protection equipment; [s 30CA] Queensland Building and Construction Commission Act 1991 Part 3 Licensing Current as at 24 November 2021 Page 55

Authorised by the Parliamentary Counsel (b) the preparation of a certificate, statement or record relating to the installation, restoration, repair or maintenance of fire protection equipment; (c) the preparation of a certificate, statement or record stating whether fire protection equipment meets a standard, requirement or specification; (d) the design of fire protection equipment; (e) the inspection or investigation of, and the provision of advice or a report about, compliance with the Building Act 1975 or the Building Code of Australia relating to fire safety

The key issue is the wording which causes concern are within paragraphs c & d which is “the preparation of a certificate, statement or record”. Again, my understanding is that this phrase used in both paragraphs was to capture the preparation of government and standard required certificates, statements, or records but due to the vague wording it has captured even the most minor statement or record which may be a email between a safety consultant and their client. Although many industries are unaware of or ignoring the definition, the fact remains that these phrases are, due to their vague wording, forcing industries to operate illegally. It should be noted that this is the only industry with such a stringent definition, even plumbing or electrical do not restrict others to this degree and it could be argued that the electrical industry has the potential for the most injury and deaths. Like the plumbing and electrical trades, providing any advice or making a statement is not illegal and it is always buyer beware which should be the same for fire protection. Remembering we are dealing with astute business owners in this context. I state this as the standard QBCC statement that the fire protection definition is so tight is that it’s a safety issue however my argument is that safety is being compromised by the significant amount of non-compliant fire protection work being undertaken out there that virtually no one is able to question or raise as non-compliant work.

**Submitter Recommendations:**

There needs to be a review of the definition of fire protection work within the regulations to make our community safer. This may be achieved by licensing however it cannot be achieved if legislation and other support mechanisms are flawed such as in this case. I would suggest that the definition be reviewed and on the face of it should possibly be reworded to amend "certificate, statement or record..." to "legislation required or Australian Standard required written certificate, statement or record ....."