



Speech by
**Hon. NITA
CUNNINGHAM**

MEMBER FOR BUNDABERG

Hansard 11 December 2001

BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Hon. J. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning)
(12.41 p.m.): I move—

That the bill be now read a second time.

I am pleased to introduce the Building and Other Legislation Amendment Bill 2001. As a result of the Childers backpacker hostel fire on 23 June 2000, which resulted in the tragic loss of 15 lives, a task force was formed to review fire safety standards for budget accommodation buildings in Queensland. This review included backpacker hostels, boarding houses, hotels and other similar shared accommodation style buildings. The task force found that many of these buildings contained inadequate fire safety standards. It subsequently recommended a minimum standard of building fire safety be imposed for budget accommodation buildings in line with current requirements for new buildings under the Building Code of Australia.

The budget accommodation sector provides lodgings for a variety of persons. They range from international tourists—in the case of backpacker hostels—to people who, because of their low income or disability, have no choice but to reside in boarding houses. The Queensland economy has benefited enormously over the past 20 years from the growth in the number of visiting backpacker tourists, which adds \$480 million dollars to the economy each year. The government will therefore ensure these buildings are made safe so as to protect our reputation as a safe destination for backpackers, as well as to protect the vulnerable people in our community.

Following the task force report, a regulatory impact statement was prepared for public discussion to fully assess the costs, benefits and implications of different regulatory options. The work to complete the regulatory impact statement involved detailed research into different building types and upgrade options, and extensive consultation. While this took some time, it was important these investigations were carried out thoroughly. Public comments on the regulatory impact statement demonstrate there is clear support for improving fire safety measures, with strong support for smoke alarms. However, building owners called for consistent statewide fire safety standards which are performance based, allowing each building to be individually assessed on its design and ability for people to evacuate safely. As a result, the proposals were revised to ensure the proposed legislation will provide the most cost effective standards possible without compromising occupant safety.

The bill will amend the Building Act 1975 to ensure that budget accommodation buildings meet minimum standards of fire safety. It will ensure the occupants of hostels—whether they are tourists, itinerant workers, people on low incomes or those with disabilities—are provided with the same standards of safety the rest of us take for granted, and can safely evacuate the building in the event of a fire. The bill allows a Fire Safety Standard to be adopted under the Standard Building Regulation 1993. All budget accommodation buildings will need to comply with this standard. The bill requires that smoke alarms and emergency lighting required by the standard be installed in all budget accommodation buildings within one year. Smoke alarms will ensure occupants are provided with early warning of a fire, while emergency lighting will guide them safely out of the building.

However, even with alarms and emergency lighting, some accommodation buildings, due to their age, design and occupancy, will still not meet all of the provisions of the standard as they will not allow for the safe evacuation of occupants. These higher risk buildings may require further upgrading or

enhanced management procedures. The bill ensures these buildings will meet the standard within a period of three years. In addition, local governments will be responsible for assessing these applications, as they already have statutory powers and responsibilities under the Building Act 1975 in respect of buildings. Many local governments have local laws addressing the standards of these buildings. Owners will also be able to apply to local governments for an extended compliance time on the grounds of undue hardship.

In a small number of cases the bill anticipates that because of the design of the building, it may not be viable or cost effective to alter the fabric of a building. In these cases, the proposed standard will allow alternative solutions such as a management system which outlines staff procedures to be implemented to evacuate people when a fire occurs. In these situations, the bill will require councils to undertake annual inspections to ensure these procedural systems remain operational. This inspection could be carried out in conjunction with those required under a local government local law.

Improvements in budget accommodation building fire safety standards will not be effective unless there also is continued compliance with the standard. To complement construction improvements, owners of existing buildings will be required under the Fire and Rescue Service Act 1990 to prepare within one year a Fire Safety Management Plan. For any new buildings, a Fire Safety Management Plan will be required to be submitted with the development application for building work. The plan must comply with the Fire Safety Standard called up by the Standard Building Regulation 1993 under the Building Act 1975. The plan will require owners to identify the number of occupants allowed in the building, the maintenance schedule of fire equipment, evacuation procedures and training programs for staff. The Queensland Fire and Rescue Service will undertake random audits to ensure owners comply with these plans.

To further ensure owners comply with the plan, Queensland Fire and Rescue Service and local government officers will be given increased powers of entry to inspect the living areas of budget accommodation buildings. Currently, these officers are denied access to these parts of a residential building, but it is critical that compliance inspections are made. This will also enhance the Queensland Fire and Rescue Service current random fire safety audits.

It will be an offence for an owner to not upgrade their building in accordance with the Fire Safety Standard. The penalty will be up to 165 penalty units. Failure to implement a Fire Safety Management Plan will attract a penalty of up to 100 penalty units. The plan must also be kept available for inspection by the public. Failure to do this will attract a penalty of up to 20 penalty units. As I have previously mentioned, the bill refers to a Fire Safety Standard which will be called up by the Standard Building Regulation 1993 made under the Building Act 1975. I table a copy of the draft standard so that members, owners of budget accommodation and the public will have an understanding of what criteria may be applied to budget accommodation buildings. The standard will be called up by the regulation once the Building and Other Legislation Amendment Act 2002 has been proclaimed.

The bill follows detailed research into the safety of budget accommodation buildings and extensive consultation with stakeholders. The standards and compliance mechanisms proposed are the bare minimum to ensure the occupants of budget accommodation buildings are safe, and that any upgrade costs faced by building owners are reasonable. I commend the bill to the House.
