

Professional Engineers (Fire Safety Engineering) Code of Practice 2024

Disallowable instrument DI2024–280

made under the

Professional Engineers Act 2023, s 85 (Codes of practice)

1 Name of instrument

This instrument is the *Professional Engineers (Fire Safety Engineering) Code of Practice 2024*.

2 Commencement

This instrument commences on 6 March 2025.

3 Code of practice

I approve the code of practice for professional engineers providing professional engineering services in the area of fire safety engineering in schedule 1.

4 Disapplication

The *Legislation Act 2001*, section 47 (5) does not apply to the following documents as in force on the day this instrument commences and applied by this instrument:

(a) Australian Fire Engineering Guidelines (AFEG);

(b) National Construction Code (NCC)

Note The documents incorporated by this instrument do not need to be notified under the Legislation Act because s 47 (5) does not apply (see Legislation Act, s 47 (7)).

The AFEG are available directly from ncc.abcb.gov.au or you can access this link from www.planning.act.gov.au.

The NCC is available directly from www.abcb.gov.au or you can access this link from www.planning.act.gov.au.

Rebecca Vassarotti MLA
Minister for Sustainable Building and Construction
5 September 2024

Schedule 1

(see section 3)

Code of practice for fire safety engineering

Introduction

This Code of Practice for Professional Engineers providing professional engineering services in the area of fire safety engineering (Code) is made under section 85 (1) (b) of the *Professional Engineers Act 2023* (Professional Engineers Act).

Professional engineers providing professional engineering services in fire safety engineering (fire safety engineers) must comply with this Code in addition to any general Code of Practice applicable to professional engineers.

Compliance with any Code issued under section 85 of the Professional Engineers Act is required for a professional engineer to meet their obligations under section 27 of the Professional Engineers Act.

Failure to comply with this Code is both a ground for disciplinary action and an offence (sections 36 and 61 of the Professional Engineers Act).

Purpose of this Code

The purpose of this Code is to set standards for professional engineers providing fire safety engineering services. This supports the objects of the Professional Engineers Act to uphold standards of practice and maintain public confidence in the standard of services provided by professional engineers in the ACT. It also supports the recommendations of the National Building Confidence Report and is based on the model Code of conduct for Fire Safety Engineers developed by the Australian Building Codes Board (ABCB) in response to the National Building Confidence Report.

Application of this Code

This Code sets out additional professional conduct standards for fire safety engineers. Fire safety engineers hold a special position of trust giving their important role in protecting health and safety.

The provisions of this Code apply to the extent reasonably practicable in relation to professional engineering services in progress at the time this Code commenced.

Dictionary

A term used in this Code has the same meaning as the term has in the Professional Engineers Act.

In this Code –

Professional Engineers Act means the *Professional Engineers Act 2023*.

fire safety engineer means an individual registered under the Professional Engineers Act to carry out professional engineering services in the area of fire safety engineering.

fire safety engineering services means the scope of work outlined in the *Professional Engineers (Scope of Area of Engineering) Guideline* (Notifiable Instrument) as in force from time to time.

Professional conduct obligations for fire safety engineers

When providing fire safety engineering services, the fire safety engineer must have due regard to good practice fire safety systems which includes consideration of the following:

- a. the Australian Fire Engineering Guidelines (AFEG);
- b. holistic fire safety strategies;
- c. identifying and examining potential hazards including the potential for arson;
- d. common and known behaviours of building occupants and users;
- e. egress by persons with a disability or vulnerable occupants and having regard to necessary evacuation management procedures for these occupants;
- f. the building design objectives of the client such as asset protection, resilience, environmental protection and sustainability which may require fire engineering designs that go beyond the minimum fire safety requirements of the NCC.

A fire safety engineer must engage respectfully and collaboratively with fire authorities and should as far as practicable, ensure that triggers for statutory consultation with fire authorities are not avoided through restrictive interpretations.

A fire safety engineer is obligated to report activities they become aware of while performing fire safety engineering services where they hold a reasonable suspicion of the activity being unlawful or creating an immediate or imminent risk to health and safety.

For example:

During an inspection of an existing apartment building that is 6 years old, a fire safety engineer becomes aware that the owner has decommissioned part of a required fire sprinkler system. If the owner is unwilling to recommission the required sprinkler system, the fire safety engineer must report the matter to the relevant government authority with jurisdiction over the regulation of maintenance of essential fire safety systems and equipment.

Fire safety engineers need to carefully consider fire prevention measures as part of the development of a fire safety strategy and only base the fire safety strategy on assumptions about fire prevention which can reasonably be expected to be maintained.

Where applicable, a fire safety engineer should take into consideration egress for persons with a disability, or vulnerable occupants, having regard to the prevalence of people affected by these conditions in the community and their use of the infrastructure or building. They should also take into account evacuation management procedures that may be required for these types of vulnerable occupants.

Professional conduct obligations for fire safety engineers working in the building and construction industry

Fire Safety Engineers apply specialist knowledge to ensure that the fire safety Performance Requirements of the NCC are met. This is intended to result in buildings that achieve an adequate level of fire safety for occupants, facilitate the operations of emergency services personnel and prevent the spread of fire to other buildings.

The general objectives of the NCC performance requirements relating to fire safety are to:

- a. Protect building occupants
- b. Facilitate the activities of emergency services personnel
- c. Protect other buildings from being affected by fire in the building

Fire Safety Engineers may need to recommend against the use of a deemed-to-satisfy solution or a Performance Solution that is equivalent to a deemed-to-satisfy solution on the basis that it will not achieve an adequate level of safety even though it is deemed compliant.

Such recommendations may be appropriate where the proposed use of Performance Solutions gives rise to a need for additional active fire safety systems.

For example:

A fire safety engineer may recommend the installation of a fire sprinkler system in a 3-storey residential building because of the life safety benefits even though not required by the NCC's deemed to satisfy provisions.

Fire safety engineers need to consider the impact of Performance Solutions on whole of life costs to ensure an appropriate balance between the cost of construction and the post construction cost to owners.