

## Annual Fire Safety Statements

An annual fire safety statement is very similar to a fire safety certificate except that an annual fire safety statement deals with the ongoing maintenance of the essential fire safety measures rather than the installation of them.



### What is an annual fire safety statement?

An annual fire safety statement is issued by or on behalf of the owner of a building, stating that each essential fire safety measure specified in the statement has been assessed by a properly qualified person and was found to be capable of performing to the standard as specified in the fire safety schedule.

The standard for maintenance is usually a reference to an Australian Standard for maintenance of the item (e.g. AS 1851-2012 Routine service of fire protection systems and equipment).

An annual fire safety statement must contain the following information:

- the name and address of the owner of the building or part
- a description of the building or part (including its address)
- a list identifying each essential fire safety measure in the building or part
- the minimum standard of performance in relation to each measure
- the date or dates on which the essential fire safety measures were assessed
- the date on which the building or part was inspected

- the type of statement being issued (ie. an annual fire safety statement)
- a statement to the effect referred to in clause 175 of the Regulations
- the date on which the statement is issued.

The essential fire safety measures are to be tested no more than 3 months prior to the date of the statement and the person that assesses the fire safety measures cannot sign the annual fire safety statement.

This means that service providers who carry out maintenance work on fire safety measures cannot sign the annual fire safety statement. A test certificate from a maintenance service provider that services the equipment is not an annual fire safety statement.

**Annual Fire Safety Statements must be completed and forwarded to Council every 12 months**

An example of a compliant annual fire safety statement can be found on Council's website.

## What are my obligations?

As required by the Environmental Planning and Assessment Regulation, each year the owner of a building that has essential fire safety measure installed must provide Council with an annual fire safety statement for the building. A copy of the statement including the current fire safety schedule must also be given to the Fire Commissioner and a further copy of the statement and schedule is to be prominently displayed in the building.

To assist property owners in meeting the above obligations and ensure the expectations of the community are met with regard to fire safety, Council operates a fee for service Essential Services Program that includes:

- a reminder notice two to three months prior to the statement becoming due
- the provision of a pro-forma statement for completion and return that fulfils the requirements of the Regulation
- forwarding of the returned statement to the NSW Fire Commissioner.

If an owner or their agent chooses not to use Council's reminder service, they will not receive any reminder notice or pro-forma statement to complete. They are still required to submit a compliant annual fire safety statement to Council and also forward a copy to the NSW Fire Commissioner within the required timeframe and display a further copy in the building.

## What happens if I do not provide an annual fire safety statement on time?

Fire safety within commercial, industrial, multi-unit residential and public buildings is a serious matter and this is reflected in the severity of the legislated penalties for non-compliance.

In order to achieve an acceptable level of compliance, Council will enforce the requirements under Clause 177 of the Regulation to provide statements within 12 months after the date on which a statement was previously given.

Failure to provide a statement within the prescribed 12 month period constitutes an offence whereby a Penalty Infringement Notice (PIN) can be issued without any

warning. Currently, the value of this PIN is \$1,000. Additional PIN's of up to \$2000 per week may also be issued for continued failure to provide a statement.

## Who is responsible for rented properties?

Owners cannot contract out of their responsibility to provide annual fire safety statements.

If an owner has appointed an agent to manage the submission of their annual fire safety statements, it is still the owner's responsibility to ensure a statement is provided. The agent also has a responsibility to fulfil their obligations to the owner. Should an annual statement not be provided on time, the PIN will be issued to the owner of the property.

## How to avoid a penalty infringement notice

1. Have all of the essential fire safety measures that are installed in the building tested within three months prior to the expiry date of the current statement
2. Ensure that a fully completed annual fire safety statement that meets the requirements of the Regulation is submitted on time
3. If any work is required to be carried out on the property that is likely to delay the ability to provide the annual fire safety statement on time, advise Council in writing prior to the due date requesting an extension of time and stating the reason for the delay and an anticipated date by which a statement will be provided
4. Advise Council in writing of any changes to the property and/or agent's details or if you wish to subscribe or unsubscribe to Council's reminder service
5. Should you wish to use Council's reminder service for the forthcoming year, payment of the annual fee is required to be made to Council.

You should also read the fact sheet on Council's website in relation to fire safety measures and fire safety certificates.

## Further Information

Development and Environmental Health  
Ph: 02 6686 1415  
[www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au)