

Additional information for aged care providers

WHICH BUILDINGS WILL BE AFFECTED?

- The NSW law will require a fire sprinkler system to be installed in:
 - **New** residential aged care buildings up to 25m in effective height (where not already required to be installed); and
 - **Existing** residential aged care buildings, defined as those accredited by the Commonwealth Government under the *Aged Care Act 1997*, that do not have sprinklers.
- Under the Building Code of Australia, new Class 3 and Class 9a residential aged care buildings over 25m and Class 9c buildings are already required to have a sprinkler system.

WHAT TECHNICAL STANDARDS WILL SPRINKLER SYSTEMS NEED TO MEET?

- The technical standards will be based on the Australian Standards for automatic fire sprinkler systems.
- The Government will be consulting with industry experts to develop the details of the draft standards which will be exhibited for public comment.

DO I HAVE TO INSTALL A SPRINKLER SYSTEM IF THE BUILDING IS ALREADY PARTIALLY SPRINKLER PROTECTED?

- It is proposed that any portion of the building used for residential aged care purposes will need to be protected with a sprinkler system.

DO I NEED AN APPROVAL TO RETROFIT A SPRINKLER SYSTEM?

- Yes. All proposed sprinkler system retrofits must be approved beforehand. After the Government makes a state planning policy, most sprinkler installations will be able to receive an approval within 10 days by an accredited private certifier or a council. Private certifiers are accredited by the NSW Building Professionals Board (see <http://www.bpb.nsw.gov.au> for a list of accredited certifiers).
- A minority of retrofits may need a development consent from the council and a construction certificate from the council or an accredited private certifier - for instance, where there will be more significant environmental impacts.
- Before works commence, a principal certifying authority must be appointed to oversee the installation. The principal certifying authority can be either the council or an accredited private certifier.
- Once works are completed, the principal certifying authority issues an occupation certificate if the works are completed satisfactorily.



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WILL I BE REQUIRED TO HIRE LICENSED TRADESPEOPLE AND PROFESSIONALS TO DESIGN AND INSTALL THE SPRINKLER SYSTEM?

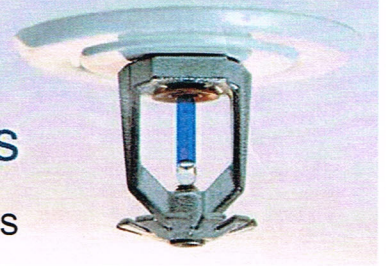
- The new laws will not change existing requirements on who can be hired for design and installation work. However, you should seek appropriately qualified and experienced personnel. During the approval process, the council or accredited private certifier is likely to seek evidence of the designer's expertise. Also, at completion the principal certifying authority is likely to seek written confirmation from an appropriately qualified person that the system has been properly installed and commissioned.
- Both the Association of Hydraulic Consultants Australia and the Fire Protection Association of Australia can be contacted for advice on seeking a qualified designer.
- Work to install or connect a fire sprinkler or protection system to the water supply must be undertaken by a licensed plumber. Plumbers must be licensed as a full plumber or a water plumber (fire protection or fire sprinkler).
- Full details of the relevant plumbing licences and classes and the required qualifications are available on the Fair Trading website at http://www.fairtrading.nsw.gov.au/Tradespeople/Home_building_licensing/Licence_classes_and_qualifications/Plumbing_draining_and_gasfitting.html
- You can search the details of any individual plumbers licence on the government licence check system at <https://www.licence.nsw.gov.au/LicenceCheck/>

WHAT ADVICE WILL THE GOVERNMENT PROVIDE?

- The Government and industry experts will be developing a range of practical information for aged care providers. This information will be posted on Government websites including www.planning.nsw.gov.au
- The Department of Planning and Infrastructure has held discussions with aged care industry groups about options for an industry-based advisory service to assist aged care providers with practical implementation issues such as tendering, project management and benchmark project costs.

WILL THERE BE PENALTIES IF PROVIDERS DO NOT COMPLY OR DO NOT MEET THE TIMELINES?

- Yes. It is proposed that aged care providers can be fined if they breach the regulatory requirements. The maximum penalties would be stated in the regulation.



Fire safety in residential aged care facilities

HOW IS GOVERNMENT IMPROVING FIRE SAFETY IN RESIDENTIAL AGED CARE FACILITIES?

- Across NSW, over 60,000 people live in Commonwealth Government accredited residential aged care facilities. These facilities provide a wide range of services to aged people.
- The NSW Government will require all residential aged care facilities to have an automatic sprinkler system installed in no more than three years (with a possible extension to four years in exceptional circumstances).
- Irrespective of this timeframe, the NSW Government encourages all facilities without an automatic sprinkler system to install them as soon as possible to improve the safety of residents.

WHY WILL SPRINKLERS BE REQUIRED IN RESIDENTIAL AGED CARE FACILITIES?

- The Government's decision follows the tragic fire at a Quakers Hill nursing home in November 2011.
- Sprinklers can dramatically reduce the risk of death and injuries by restricting the growth and spread of a fire, particularly in buildings with residents who would have difficulty evacuating in an emergency.
- This policy is similar to the position of the Victorian and Queensland governments which require sprinklers in this type of accommodation.

HOW MANY FACILITIES IN NSW CURRENTLY DON'T HAVE SPRINKLERS?

- According to a survey of Commonwealth accredited facilities in NSW completed earlier this year, nearly 600 buildings containing 24,000 beds do not have sprinklers installed.
- This represents an estimated 55 per cent of existing residential aged care buildings in NSW.

HOW WILL THE NSW GOVERNMENT ASSIST FACILITIES TO INSTALL SPRINKLERS?

- Some residential aged care facilities currently have to lodge a development application with their local council to install sprinklers and then apply for a construction certificate.
- The NSW Government will cut this red tape by introducing a state planning policy which will allow most sprinkler installations to be approved within 10 days by an accredited private certifier or council under a single approval.



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WHAT SORT OF FACILITIES WILL BE REQUIRED TO INSTALL SPRINKLERS?

- Existing and new facilities which are accredited by the Commonwealth Government to provide aged care services will be required to have sprinklers installed.
- This initiative will be complemented by improvements to fire safety standards for newly constructed buildings (see below).

WHAT IS THE TIME PERIOD REQUIRED FOR EXISTING FACILITIES TO INSTALL SPRINKLERS?

- Existing residential aged care facilities will need to commit to the NSW Government to one of two options to install sprinklers. These are:
 - If the facilities have the resources to act quickly, they can commit to installing sprinklers within a timeframe of no longer than 18 months, without any need to lodge an implementation plan or a business plan with the government.
 - All other facilities will need to lodge an implementation plan and a business plan to show how they will install systems in no more than three years.
- Where facility operators can demonstrate the need for additional time for installation, the government may grant an additional year for installation in exceptional circumstances.

WHY NOT REQUIRE ALL FACILITIES TO INSTALL SPRINKLERS IMMEDIATELY?

- A requirement to install sprinklers immediately may lead to many facilities shutting down due to the cost implications. Such a decision would also cause a major disruption to the operation of these facilities.
- The NSW Government is proposing the phased introduction of mandatory sprinkler installation, similar to the approach taken in Queensland and Victoria. This provides sufficient time for facilities to plan for and install sprinklers.

HOW WILL THE GOVERNMENT MANAGE IMPACTS ON RURAL AND REGIONAL FACILITIES?

- At least 46 per cent of buildings in NSW without sprinklers are located outside of Sydney.
- The government recognises that some rural and regional areas have a limited number of aged care facilities and therefore the potential impact of this initiative on these facilities needs to be very carefully managed.
- For instance, it is likely the exceptional circumstances provision may be relevant in some rural and regional areas.



WHAT HAPPENS WHEN A FACILITY CHANGES HANDS?

- If a provider sells a residential aged care building that does not have sprinklers after the requirements come into effect, the purchaser of the facility must retrofit the building with sprinklers in no more than six months from purchase where the building continues to be used for residential aged care.
- Extensions of time for up to one year may be granted in exceptional circumstances.

HOW IS THE GOVERNMENT IMPROVING SAFETY FOR NEW RESIDENTIAL AGED CARE FACILITIES?

- At present, some new low-rise facilities (under 25m in height) are not required to have sprinklers installed.
- The government is proposing to introduce a regulation for new low-rise facilities to have sprinklers when constructed.

WHEN WILL THE REQUIREMENTS COMMENCE?

- A draft regulation and a State Environmental Planning Policy are currently being prepared and will be exhibited for public comment.
- Providers would have three years to install an automatic sprinkler system from the date when the regulation commences. It is intended that the regulation requiring sprinklers would be finalised late in 2012 and come into effect in January 2013.
- This timing will give residential aged care providers the opportunity to become familiar with the requirements before they come into effect.

HOW IS THE GOVERNMENT ENCOURAGING FACILITIES TO INSTALL SPRINKLERS SOONER THAN THE REGULATED TIMEFRAMES?

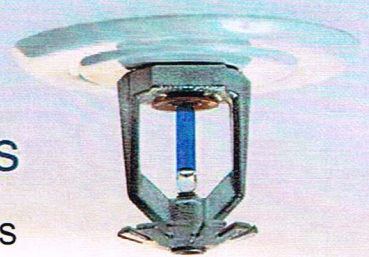
- Facilities will be required to provide regular reports to the NSW Government about progress on sprinkler installation. These reports will be placed on the Department of Planning and Infrastructure's website.
- This will allow consumers and families to know how their facility is making progress on this issue and therefore publicly recognise facilities that resolve the issue in a speedy timeframe. This should encourage automatic sprinkler installation.

WHO IS RESPONSIBLE FOR GIVING TIME EXTENSIONS?

- A dedicated implementation committee will oversee the overall sprinkler retrofit program, monitor progress against the implementation plans submitted by aged care providers and report to government on retrofit progress and any potentially significant impacts on services.
- The proposed membership of the committee includes representatives from the NSW Government, the aged care sector and the fire protection industry together with an independent chair.

Fire safety in aged care facilities

Frequently Asked Questions



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- The implementation committee will have the power to give extensions of time in exceptional circumstances.
- It is proposed that the committee also be able to impose interim fire safety measures for specific buildings if an extension of time is given. It will also advise government on overall progress and any significant issues of concern.