
Department of Planning and Environment

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Accredited Practitioner (Fire Safety)

A guide for building certifiers

April 2022



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Introduction

A certifier plays a key role in the building certification process under the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. As part of this role, a certifier is obliged to ensure that the required checks and verification are undertaken during the design, construction and occupation phases of the building process. Specific obligations also apply to the verification of certain fire safety designs and installation of fire safety components in a building.

Accredited practitioner (fire safety)

In 2017, the NSW Government made changes to the *Environmental Planning and Assessment Regulation 2000* intended to improve fire safety in new and existing buildings. These changes included requiring certain fire safety functions relating to the certification of building work to be undertaken by a 'competent fire safety practitioner'. Following the commencement of the *Building and Development and Certifiers Act 2018* on 1 July 2020, a competent fire safety practitioner is now known as an 'accredited practitioner (fire safety)'.

An accredited practitioner (fire safety) is required to be accredited by an accreditation authority under the *Building and Development Certifiers Act 2018* or hold registration under the *Building and Development and Certifiers Act 2018* that authorises the registered certifier to carry out regulated work as an accredited practitioner. This helps ensure that practitioners have the knowledge, skills and experience necessary to undertake the fire safety functions required under the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

However, in certain circumstances, there may not be a practitioner accredited under a recognised accreditation scheme. In these cases, the certifier will need to determine that the person selected is 'competent' to undertake this work. This is similar to the role performed by certifiers upon the commencement of changes to the *Environmental Planning and Assessment Regulation 2000* in 2017.

The role of the accredited practitioner (fire safety)

The *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* require the involvement of an accredited practitioner (fire safety) in the following fire safety functions:

- preparation of fire safety performance solution reports (see section 18 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and section 137 of the *Environmental Planning and Assessment Regulation 2021*)
- endorsement of plans and specifications for relevant fire safety systems (see section 22 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and section 147 of the *Environmental Planning and Assessment Regulation 2021*)
- endorsement of limited exemptions from compliance with the Building Code of Australia (BCA) for minor fire safety system works (see section 74 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*).

The role of an accredited practitioner (fire safety) in these matters, and how they relate to the responsibilities of the registered certifier and principal certifier under the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, is outlined later in this guide.

Industry accreditation schemes

The first industry accreditation scheme for accredited practitioners (fire safety) commenced on 1 July 2020.

This scheme does not currently cover all of the functions of an accredited practitioner (fire safety) listed above. It is limited to accrediting practitioners who can endorse plans and specifications for relevant fire safety systems (except for a mechanical ducted smoke control system), as required by section 22 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and section 147 of the *Environmental Planning and Assessment Regulation 2021*.

Further information about the approved industry accreditation schemes can be found on the 'Fire safety practitioners' page of the NSW Fair Trading website at www.fairtrading.nsw.gov.au.

Purpose

This guide is designed to assist registered certifiers in identifying an accredited practitioner (fire safety) for the purpose of issuing a complying development certificate (CDC) or construction certificate (CC) for building work that is subject to sections 18, 22 and 74 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* or section 137 and 147 of the *Environmental Planning and Assessment Regulation 2021*. It may also help the appointed principal certifier identify an accredited practitioner (fire safety) for building work subject to a condition required by section 22 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* or section 147 of the *Environmental Planning and Assessment Regulation 2021*.

This guide also provides information for certifiers that are required to determine and document that the person selected is 'competent' to undertake these fire safety functions because there is no practitioner accredited under a recognised accreditation scheme. The guide sets out three basic steps that could be followed by a certifier during this process and provides suggestions on what type of information might be needed when forming an opinion of the fire safety practitioner's competence. The guide also offers advice on how a certifier should make and keep records about this process.

Identifying an accredited practitioner (fire safety)

As previously outlined, under the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* an accredited practitioner (fire safety) undertakes the following fire safety functions:

- preparation of fire safety performance solution reports
- endorsement of plans and specifications for relevant fire safety systems
- endorsement of limited exemptions from compliance with the Building Code of Australia (BCA) for minor fire safety system works

Where a fire safety function is required to be undertaken by an accredited practitioner (fire safety), the registered certifier or the appointed principal certifier (where necessary) must ensure that the practitioner is accredited or registered to perform the relevant fire safety function. However, in some cases there may be no practitioners accredited to undertake one or more of the fire safety functions listed above. In these circumstances the certifier is required under clause 65 of *the Building and Development Certifiers Regulation 2020* to determine that the person is competent.

For this to occur, the Commissioner of Fair Trading must be satisfied there is no person accredited to undertake that particular fire safety function. The Commissioner of Fair Trading may then authorise the certifier to determine and document that the practitioner is competent. This role is similar to that undertaken by certifiers upon the commencement of changes to the *Environmental Planning and Assessment Regulation 2000* in 2017.

A registered certifier or the appointed principal certifier may only determine the competence of an accredited practitioner (fire safety) when authorised to do so by way of a notice issued in the Government Gazette or in writing by the Commissioner of Fair Trading. Once authorised, a certifier must form an opinion about whether the person is competent to carry out the work and then record this opinion in writing. This opinion is a 'competency certificate' for the purposes of clause 65(1)(a) of the Building and Development Certifiers Regulation 2020 and must be retained as a record by the certifier.

For further information about the circumstances when a certifier must determine the competence of a practitioner, please visit the [Fire safety practitioners](#) page on the NSW Fair Trading website at www.fairtrading.nsw.gov.au.

Fire safety performance solution reports

A fire safety performance solution report presents a proposed non-standard fire safety design for all or part of a building. In addition, it presents the justification for its acceptance and also demonstrates that the proposal complies with the nominated BCA performance requirements.

Under the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, building certifiers must insist that the report is prepared by or on behalf of an accredited practitioner (fire safety). In specified circumstances, the accredited practitioner (fire safety) must also be a fire safety engineer who is registered under the *Building and Development Certifiers Act 2018* in the registration class of certifier-fire safety. The certifier could insist on this in all circumstances however, there may be situations when this may not be warranted or appropriate. For example:

- for a fire safety performance solution relating to a minor matter where expert judgement from a suitably qualified and experienced person may suffice,
- for a design for a fire safety system such as a fire hydrant system where building services expertise is warranted, or
- for a fire safety performance solution relating to a building product where product assessment expertise is warranted.

Before considering a fire safety performance solution report, the certifier must be satisfied that the report was prepared by or on behalf of an accredited practitioner (fire safety). As the currently recognised industry accreditation scheme does not accredit practitioners to prepare fire safety performance solution reports, the certifier must among other things, form the opinion that the practitioner involved is competent to perform this function and issue a competency certificate for that practitioner. The certifier must perform this task even if the practitioner is required by the Regulation to be a fire safety engineer. The notice authorising the certifier to appoint an appropriate person to undertake this fire safety function was published in the NSW Government Gazette on 31 July 2020 and then updated on 1 April 2022. A copy of the notice is available on the [Fire safety practitioners](#) page on the NSW Fair Trading website at www.fairtrading.nsw.gov.au.

Plans and specifications for relevant fire safety systems

The BCA sets out the standards to which relevant fire safety systems must be designed, constructed and installed. A relevant fire safety system is defined in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* to include a:

- hydraulic fire safety system such as a fire hydrant system, fire hose reel system, fire sprinkler system, and a wall-wetting sprinkler or drencher system.
- fire detection and alarm system. (Note: that this does not include stand-alone smoke alarms)
- mechanical ducted smoke control system.

Different expertise will be required to endorse that a design for a relevant fire safety system complies with the BCA for each of the types of systems listed. It is unlikely one practitioner will be an expert in all types of systems. A different level of expertise may also be required if the design is performance-based or the system forms a part of a performance solution.

Plans and specifications for work on relevant fire safety systems must be submitted before the works commence on the system. They can be submitted to the registered certifier with the CDC or CC application, or to the appointed principal certifier after the CDC or CC is issued. The design of these systems must be endorsed as BCA compliant by:

- an accredited practitioner (fire safety), accredited to endorse that fire safety system under an approved industry accreditation scheme, or
- for fire detection and alarm systems, a registered certifier who holds an engineer-electrical class of registration¹, or
- for mechanically ducted smoke control systems, a registered certifier who holds an engineer-mechanical class of registration¹; or
- for hydraulic fire safety systems, a registered certifier who holds a certifier-hydraulic (building) class of registration¹; or
- a compliance certificate²

Before considering the plans and specifications for a relevant fire safety system, a certifier must confirm that the practitioner who endorsed the plans and specifications is accredited or registered to endorse the design of the system. It is recommended that the certifier check the register of the relevant accreditation scheme to determine the type of accreditation that the practitioner holds.

As the currently recognised industry accreditation scheme does not accredit practitioners to endorse plans and specifications for mechanically ducted smoke control systems, the certifier must (unless the practitioner is a registered certifier who holds an engineer-mechanical class of registration) form the opinion that the practitioner who endorsed the plans and specifications for a mechanically ducted smoke control system is competent to do so and issue a competency certificate for that practitioner. The notice authorising the certifier to appoint an appropriate person to perform this fire safety function only in relation to mechanically ducted smoke control systems was published in the NSW Government Gazette on 31 July 2020 and then updated on 1 April 2022. A copy of the notice is available on the [Fire safety practitioners](#) page on the NSW Fair Trading website at www.fairtrading.nsw.gov.au.

¹ Clause 64 of the *Building and Development Certifiers Regulation 2020* recognises that certain practitioners can endorse the plans and specifications for specified fire safety systems

² A compliance certificate is a statutory certificate under section 6.4 of the Environmental Planning and Assessment Act 1979. They can only be issued by a council or a registered certifier registered under the *Building and Development Certifiers Act 2020*.

Limited exemptions from compliance with the BCA for minor fire safety system works

A registered certifier can exempt minor extensions or modifications to an existing relevant fire safety system from the need to comply with the operational performance standards set by the BCA if an objection is lodged with the certifier. If the objection is allowed, work on the existing system can proceed without the need to upgrade that system so that it achieves the level of operational performance required by the BCA for the system.

A certifier can only exempt the building work from BCA compliance if, among other things, the proposed BCA non-compliance has been endorsed by another accredited practitioner (fire safety) (i.e. other than the accredited practitioner (fire safety) who endorsed the plans and specifications of the relevant fire safety system to which the exemption relates).

The expertise required to endorse a proposed BCA exemption relating to minor works on existing relevant fire safety systems may differ again. It should include system design expertise, but this will vary based on the type of system. It may also require additional expertise since the subject system is existing and may be a relatively new, or an older system.

Before considering an exemption, the certifier must be satisfied that the person who endorsed the exemption is an accredited practitioner (fire safety). As the currently recognised industry accreditation scheme does not accredit practitioners to endorse exemptions from compliance with the BCA, the certifier must form the opinion that the practitioner who endorsed the exemption is competent to do so and issue a competency certificate for that practitioner. The notice authorising the certifier to appoint an appropriate person to undertake this fire safety function was published in the NSW Government Gazette on 31 July 2020 and then updated on 1 April 2022. A copy of the notice is available on the [Fire safety practitioners](#) page on the NSW Fair Trading website at www.fairtrading.nsw.gov.au.

Assessing the competence of a practitioner

Certifiers will need to confirm that practitioners endorsing the plans and specifications for relevant fire safety systems are accredited to endorse those plans and specifications under the approved industry accreditation scheme (except for a mechanically ducted smoke control system), or is a practitioner who is a registered certifier holding the appropriate class of registration. When plans and specifications that have been endorsed by an accredited practitioner (fire safety) are received, the certifier should check the register of the relevant accreditation scheme to determine the type of accreditation that the practitioner holds.

For all other fire safety functions, the certifier will need to make a determination about whether the practitioner is competent to perform that function. While assessing the competence of a practitioner can be undertaken in several ways, it is suggested that certifiers could follow these basic steps:

1. Identify the specific function that the fire safety practitioner will perform.

2. Consider the fire safety practitioner's competence to perform that function, including knowledge, skills and experience.
3. Establish and record an opinion of the practitioner's competence (a competency certificate).

Step 1 – Identify the fire safety function being undertaken

The fire safety functions to be performed by an accredited practitioner (fire safety) under the certification process for building work fall into the categories mentioned previously. Before considering the competence of a practitioner, a certifier should identify the task to be performed and be specific in terms of what it involves, since this affects what to look for in terms of competency.

The practitioner should have sufficient knowledge skills and experience relevant to the nature and complexity of the fire safety function and the basis for compliance. Therefore, in identifying the fire safety function to be performed, a certifier should be specific.

Appendix A provides an example of a template form that could be completed by a practitioner seeking to be recognised as competent and could help establish the practitioners understanding about the fire safety function being performed.

Step 2 – Consider the competence of the practitioner

Once the particular fire safety function has been identified and described, the next step is to consider the practitioners competence to undertake that task, including whether they have sufficient knowledge, skills and experience.

Appendix A provides an example of a template form that could be used by a certifier as a checklist when considering the competence of the practitioner. The form provides an opportunity for a practitioner to demonstrate:

- sufficient technical knowledge relevant to the specific fire safety function
- knowledge of relevant codes and standards
- knowledge of relevant laws and statutory responsibilities
- skills to perform the specific function
- experience directly relevant to the specific function.

Documentation

A practitioner should provide adequate documentation to a certifier to demonstrate their competence to perform the relevant fire safety function. This should include evidence of relevant knowledge, skills and experience.

Knowledge and skills can be demonstrated through qualifications. A qualification is an official record that a person has completed a course of education or training. Examples may include a degree, diploma, certificate or other official record. The qualification should be in a discipline

relevant to the fire safety function being undertaken. It should be complemented by demonstration of suitable experience.

Where a practitioner has no relevant qualifications, they may be able to demonstrate competence by other means such as a relevant license, suitable professional membership or registration that is bound by a professional code of conduct. This should be complemented by more extensive suitable experience than would be expected if they had possessed a formal qualification.

Step 3 – Establish and record opinion

Based on the assessment of a practitioner's knowledge, skills and experience, the final step is to form an opinion about whether the person is competent to undertake the relevant fire safety function.

Once the practitioner is considered competent and is deemed to be an accredited practitioner (fire safety), a certifier is required to record their opinion in writing. The written endorsement is a competency certificate for the purposes of clause 65(1)(a) of the *Building and Development Certifiers Regulation 2020* and must be retained as a record by the certifier.

There is no prescribed form for a competency certificate. **Appendix B** provides an example of how this record could be made.

Appendix A – Request form

For recognition as an accredited practitioner (fire safety)
[example]

Part 1 - Practitioner's details

Title:		Given name:		Family name:	
Business name:					
Property no:		Street:			
Suburb:				Postcode:	
Work phone:			Mobile:		
Email:					

Part 2 – Development details*

Property no:		Lot no:		DP/SP:	
Street:					
Suburb:				Postcode:	
Description of development: Include specific details about the development including whether it is a new building, alterations and/or additions to an existing building					
BCA Classification: (For the affected building or part)					

* These are the details of the project to which the fire safety function relates

Part 3 - Practitioner's nomination request for competency recognition

✓	Fire safety function	Brief details
	Prepare a fire safety performance solution report	Provide a brief description of nature and extent of proposed performance solution **
	Endorse relevant fire safety system plans and specifications *	Provide a brief description of type of fire safety system and the work, including whether a new installation, or extension or modification to an existing system **
	Endorse proposed BCA exemption (minor works on relevant fire safety system)	Provide brief description of the type of existing fire safety system and the proposed works on that system **

* The term relevant fire safety system is defined in the *Environmental Planning and Assessment (Development Certification and Fire Safety Regulation 2021)*.

** If the documentation has been endorsed and handed to the certifier then this entry may simply reference the documentation that provides the brief details (e.g. report, plans, specifications)

Part 4 - Practitioner's knowledge and skills

Note: The practitioner should complete the table that corresponds with the fire safety function above.

4A: Prepare a fire safety performance solution report	✓
Knowledge (I know and understand):	
<i>Technical</i>	
Fire science, human response to fire, fire safety systems, fire engineering, fire engineering guidelines and codes (where analysis to justify acceptance of proposal is quantitative, qualitative, or a combination of these means)	
Fire modelling and other fire engineering tools (where analysis to justify acceptance of proposal is quantitative - in whole or part)	
What is specified in Table 4B (if the proposal relates to the design of a fire safety system only)	
Materials science and building product fire testing	

4A: Prepare a fire safety performance solution report	✓
Knowledge (I know and understand):	
The relevant fire safety requirements of the BCA, and the requirements of the BCA relating to performance-based design	
<i>Regulations</i>	
The relevant local regulations, including my responsibilities under those regulations	
Skills (I can):	
Competently undertake a sufficient analysis (albeit qualitative or quantitative) to justify acceptance of a proposed fire safety performance solution	
Read and interpret building plans	

4B: Endorse relevant fire safety system plans and specifications	✓
Knowledge (I know and understand):	
<i>Technical</i>	
The design methods and compliance requirements (e.g. codes, standards) relevant to the type of fire safety system (See Part 3 of this form)	
If the design is performance-based, the requirements of the BCA relevant to performance-based designs	
<i>Regulations</i>	
The relevant local regulations, including my responsibilities under those regulations	
Skills (I can):	
Establish the scope of work for the design of the system	
Determine, interpret and apply design and compliance requirements	

4B: Endorse relevant fire safety system plans and specifications	✓
Skills (I can):	
Undertake analysis and calculations (design) and determine a design solution that meets design and compliance requirements	
Specify the design solution including materials and components that meet the design criteria, and relevant compliance requirements	
Coordinate the design of interfacing with other systems	
Read and interpret design documentation (plans and specifications)	
Validate that a proposed design solution meets the design criteria, and relevant compliance requirements	

4C: Endorse proposed BCA exemption (minor works on relevant fire safety system)	✓
Knowledge (I know and understand):	
<i>Technical</i>	
What is specified in Table 4A	
<i>Regulations</i>	
The relevant local regulations, including my responsibilities under those regulations	
Skills (I can):	
Do what is specified in Table 4B	
Determine the standard of operational performance required of an existing system	
Determine whether it is unreasonable or unnecessary to upgrade the operational performance of the existing relevant fire safety system (See Part 3 of this form)	

Note: The information provided in Parts 5, 6 and 7 must describe relevance to competence to perform the fire safety function nominated under Part 3 and support the claims made under Part 4.

Part 5 - Practitioner's qualifications

Qualification	Relevance to competence to perform the fire safety function

Note: Attach copies of qualifications if requested

Part 6 – Other documentary evidence of competence

Accreditation / Registration / License	Relevance to competence to perform the fire safety function

Note: Attach copy of document evidencing possession of accreditation, registration, license if requested

Part 7 - Practitioner’s experience – specific

Summary of experience relevant to the fire safety function in (at least) the last five years*

* Provide an attachment if this form does not provide sufficient space

Practitioner’s name (print)

Practitioner’s signature

Date

Appendix B – Competency Certificate

Competency Certificate – Accredited Practitioner (Fire Safety) [example]

Clause 65 of the Design and Building Practitioners Regulation 2020

I, _____ (insert full name and accreditation number), being the registered certifier/principal certifier for the following development _____

_____ (insert a brief description of the development including the address of the property and details of the development consent) consider that _____ (insert full name of person deemed competent) is competent to perform the following fire safety function in relation to this development for the purposes of the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

✓	Description of fire safety function
	Prepare the fire safety performance solution report relating to:
	Endorse plans and specifications for mechanically ducted smoke control systems.
	Endorse the proposed Building Code of Australia exemption relating to:

I made this determination based on the following documentation:

(Insert details of documentation relied upon)

Signature

Date