

## Fire performance requirements of the BCA

This updates the previous *Practice Note 2005-37* issued June 2005.

### 1. Summary

This Practice Note provides advice about when a relevant building surveyor (RBS) can determine whether an alternative solution complies with a fire performance requirement of the Building Code of Australia (BCA).

### 2. Background

Alternative solutions proposed for fire performance requirements may depart from the 'deemed-to-satisfy' provisions of the BCA. In these cases, the RBS has a range of options available under regulation 113 of the Building Regulations 2006 (the Regulations).

### 3. Process

Regulation 113 provides that the RBS need only comply with or accept one of the options, ((a) to (g) set out in the regulation) to approve an alternative solution. An important point to note is that this regulation cannot override other provisions in the Act or Regulations. Where an alternative solution is proposed relating to a fire performance requirement, the RBS must comply with one of several options before approving the alternative solution, namely:

- (a) The RBS has completed the Graduate Certificate in Performance Based Building and Fire Codes from Victoria University of Technology or holds a qualification that the Building Practitioners Board considers is equivalent to that Certificate and is competent and experienced to determine the matter.
- (b) The RBS has received and accepted a certificate under section 238 of the Building Act 1993 (the Act) from a registered fire safety engineer who is competent and experienced to determine the matter.

- (c) The RBS has received and accepted a certificate under section 238 of the Act from a registered building surveyor who is competent and experienced to determine the matter (this will normally be, as a minimum, someone who has completed the VUT or equivalent course).
- (d) The matter has been determined by the Building Appeals Board.
- (e) A copy of a current certificate of accreditation issued by the Building Regulations Advisory Committee relevant to the matter has been provided.
- (f) A copy of a current certificate of conformity issued by the Australian Building Codes Board has been provided.
- (g) A report from the Chief Officer of the relevant fire authority consenting to the alternative solution has been provided (for a matter listed under regulation 309).

If the RBS uses option (a), (b), (c), or (d), this does not eliminate the requirement to seek reporting authority consent under regulation 309. Where the alternative solution relates to a matter set out in regulation 309 and is therefore relevant to the Chief Officer, then the most efficient option will be to obtain the consent and report of the Chief Officer under regulation 309. This will also comply with regulation 113.

Important note: Regulation 113 cannot override other provisions in the Act or the Regulations.

If you have any further queries, please call the Building Commission on 1300 360 380.