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Response

to

Regulatory Impact Statement

Design and Building Practitioners Regulation 2020
November 2020

NSW GOVERNMENT

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  …the Commissioner for Fair Trading, Department of Customer Service, is satisfied that there is ***NO person reasonably available who holds an accreditation to perform the following regulated work under the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation):***
  b. the endorsement of plans and specifications for relevant fire safety system, being a ducted smoke control system only, under clauses 136AA and 146B;… **Page 7**

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- **S4E** PPW has become aware of the Commissioner for Fair Trading, Department of Customer Service, Rose Webb's BUILDING AND DEVELOPMENT CERTIFIERS REGULATION 2020 – NOTICE Reference number: (n2020-3433) dated 28/07/20 that, in part, reads –

  The Commissioner for Fair Trading, Department of Customer Service, authorises the following class of registered certifiers and principal certifiers to appoint an appropriate person to carry out the regulated work of that kind if the relevant registered certifier or principal certifier certifies in writing that in the reasonable opinion of the certifier the person is competent to carry out the regulated work:

  c. a registered certifier authorised to issue a complying development certificate for building work or the appointed principal certifier for building work that is subject to a condition required by 136AA of the EP&A Regulation, in relation to plans and specifications of a relevant fire safety system, being a ducted smoke control system only;

  d. a registered certifier authorised to issue a construction certificate for building work or the appointed principal certifier for building work that is subject to a condition required by 146B of the EP&A Regulation, in relation to plans and specifications of a relevant fire safety system, being a ducted smoke control system only; **Page 10**

- **S4F** PPW understand that there is NO known Design and Building Practitioners Regulation 2020 [NSW] – Schedule 2 Qualifications, experience, knowledge and skills – Part 1 Primary – Part 3 Design practitioners – 16 Design practitioner – fire systems (mechanical smoke control) Qualification or 18 Design practitioner – mechanical engineering Qualification that offers an equivalent to the CN941 Diploma of Engineering AS1668 Air Handling Systems pathway and in particular the ESSENTIAL AS1668 Air Handling Systems competency recognition of a University or Tertiary Institution educated Engineer to be recognised as being competent to understand AS1668 Air Handling Systems Design Codes and Regulations **Page 11**

- **S4G** PPW understand that the Draft Design and Building Practitioners Regulation 2020 and other NSW legislation does NOT clearly identify NCC – V1 – AS1668 Air Handling Systems and associated Certifiers **Page 14**
- **4H** The Author sought clarification of the process of recognition of his qualifications to practice within NSW by way of an Email Transmission referenced LWP–FPAS1–001 sent to Fire Protection Association Australia, Thursday, 20 February, 2020 9:04 PM **Page 15**

[redacted]

Regulatory Impact Statement D&BP*1 Regulation 2020 – November 2020 Response
Mechanical AS1668 Air Handling Systems
Fire Safety Systems

*(*1 is Design and Building Practitioners – Response 11th January 2021)*

Introduction to PPW AS1668 Air Handling Systems Engineering Mngr.

Wayne Palmer

1 Brief introduction to the Author

1A Wayne's Qualification

After years of research into the availability of a qualification that would recognise Wayne's experience, knowledge and skills it became apparent that there was only one (1) academic*2 competency recognition pathway available for a Mechanical AS1668 Air Handling Systems – Prescriptive Engineering Engineer to have their experience, knowledge and skills competency assessed and recognised.

*2 academic means competency recognition by a college or university.

The recognition pathway was to have the experience, knowledge and skills academically competency assessed against the CN941 Diploma of Engineering and in particular, the below two (2) Award Elements –

i) Award Element M00 EB141 Air Conditioning (AS1668 Air Handling Systems) Codes and Regulations.;

ii) Award Element M00 EB142 Exhaust Systems (AS1668 Air Handling Systems) Design.

Wayne's qualification is Nationally recognised within the Australian Qualifications Framework.

Wayne has been competent person assessed under the Queensland Regulatory Framework as being a **NCC – V1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Person**.

1B Wayne's Experience

A brief overview of Wayne's fifty five (55) years of experince –

i) **During 1965** Wayne joined the family business to become a fifth generation member of the family business.

Wayne completed a five (5) year apprenticeship as a Sheet Metal Worker specialising in the manufacture of what have become to be known today as AS1668 Air Handling Systems.

Note !

N1 The first AS1668 standard was published around 1976.

ii) **From 1965 through to the early 70's** concurrently with Wayne's Sheet Metal Worker apprenticeship Wayne became experienced with regard to the installation and project management of AS1668 Air Handling Systems.

iii) **During the early 70's through to the late 90's** Wayne assumed the position of AS1668 Air Handling Systems Engineering Manager and established an in house drafting and engineering office section of the family business.

Some of the AS1668 Air Handling System Component Products that were developed during this period were fire rated – fans, ductwork, flexible ductwork to fan connections, enclosures and ventilators.

iv) **From the late 80's to the late 90's** as Australia drew towards National Legislative Regulation of AS1668 Air Handling Systems it became necessary for Wayne to gain experience with regard to the Commission, Inspection and Service of AS1668 Air Handling Systems.

[redacted]

1B Wayne's Experience

v) **From the late 90's through to the early 2000's** with the introduction of the legislative requirement to be an Appropriately Qualified Person by way of the Building Code of Australia it became necessary for Wayne to become an AS1668 Air Handling System – Appropriately Qualified Person in order to continue his professional career.

vi) **The early 2000's through to 2006** became the most frustrating period of Wayne's professional career.
It took Wayne six (6) years to establish that there was only one (1) academic qualification that would academically recognised him as being competent to understand AS1668 Air Handling Systems Design Codes and Regulations.
During 2006 Wayne was academically recognised as being competent to understand AS1668 Air Handling Systems Design Codes and Regulations.
Wayne's academic competency recognition is recognised within the Australian Qualifications Framework.

vii) **From 2006 to 2015** Wayne started on a journey of interacting with Queensland Building Assessment Provisions Code – Mechanical AS1668 Air Handling Systems – Fire Safety Systems – Stakeholders in an endeavour to establish a mutual understanding of the Queensland Legislative Regulatory Framework. Wayne's Father had taught him to *firstly establish what the rules are and then to ensure that Wayne played by the rules* !
Wayne spent nine (9) years interacting with all levels of stakeholders and researching Mechanical AS1668 Air Handling Systems – Fire Safety Systems – Legislative Regulatory Frameworks.
Wayne needed to firstly establish what the rules were in order to ensure that he was able to play by the rules.
After nine (9) years of research into the Queensland Building Assessment Provisions Code – Mechanical AS1668 Air Handling Systems – Fire Safety Systems – Legislative Regulatory Framework and associated Legislation, it became apparent that significant ***Fire Safety Non Compliance Concerns*** needed to be addressed.

viii) **From 2015 to 2018** Wayne started three (3) years of research focused on the Tender Stage of Queensland Developments that incorporate Queensland Building Assessment Provisions Code – Mechanical AS1668 Kitchen Hood Local Exhaust Ventilation – Fire Safety Systems.
PPW now have a library of Tender Documents that reveal ***Fire Safety Non Compliance Concerns*** exist at all stakeholder levels in Queensland.

ix) **From 2018 to present** Wayne has focused on achieving three (3) **P**rimary **O**bjectives –

PO1 To develop a National Dictionary of National Construction Code – Volume 1 – Mechanical AS1668 Air Handling Systems – State and Territory – Legislative Regulatory Framework Terms, in response to the Shergold Weir Report, which is proving to be an ambitious task.

PO2 To commence engagement with the seventy seven (77) Queensland Local Governments to establish a mutual understanding of the meaning of the Queensland Building Assessment Provisions Code term National Construction Code – Volume 1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Compliant Approved Design.

PO3 To commence engagement with the States and Territories outside of Queensland in order to gain National recognition of the National Construction Code – Volume 1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Person Qualifications.

1C Wayne's knowledge

Wayne has been a member of the Standards Australia Technical Sub Committee ME062 – 02 (AS1668:2) since 2009.

The BCR Implementation Team recently advised in writing: as such we haven't prescribed AS1668 Air Handling Systems as this is very specific to the mechanical and fire systems installation disciplines and part of Standards Australia knowledge in designing systems.

1D Wayne's skills

Wayne is a qualified designer, certifier, manufacturer, installer, commissioner, inspector, service technician and annual report certifier of Mechanical AS1668 Air Handling Systems.

[redacted]

2 Brief introduction to a National Construction Code (NCC) – Volume 1 (V1) – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Persons understanding of NCC – V1 – Mechanical AS1668 Air Handling Systems –

2A Three (3) Types of NCC – V1 – Mechanical AS1668 Air Handling Systems from a NCC – V1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Persons perspective –

Type 1 – MECHANICAL without FIRE SAFETY SYSTEM aspect is NOT a FIRE SAFETY SYSTEM.
Type 2 – MECHANICAL with FIRE SAFETY SYSTEM aspect is a FIRE SAFETY SYSTEM.
Type 3 – FIRE SAFETY SYSTEM ONLY.

2B Seven (7) Sections of NCC – V1 – Mechanical AS1668 Air Handling Systems – Fire Safety Systems from a NCC – V1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Persons perspective –

Section 1 – KITCHEN HOOD EXHAUST SYSTEMS.
Section 2 – ZONE PRESSURISATION SYSTEMS.
Section 3 – HOT LAYER SMOKE CONTROL SYSTEMS.
Section 4 – PROTECTION OF FIRE-ISOLATED EXITS.
Section 5 – AIR PURGE SYSTEMS.
Section 6 – LIFT SHAFT PRESSURISATION SYSTEMS.
Section 7 – MISCELLANEOUS SYSTEMS.

Notes !

N1 An explanation of the above seven (7) sections of Fire Safety Systems are contained in a PPW Public Comment Document that was submitted to Artibus 16th July 2019. Artibus have advised that Fire Protection Australia were a member of the Artibus Technical Group who received a copy of this PPW Artibus Public Comment Document

N2 If the RIS Response Information Assessment Team do not have access to the abovementioned PPW Public Comment Document then PPW invite you to obtain a copy from PPW as the document contains important National Fire Safety Concerns information.

3 **Consultation process – Making a submission**

Page 11 of 68 of the Regulatory Impact Statement reads –

i *Interested organisations and individuals are invited to provide a submission on any matter relevant to the Regulation, whether or not it is addressed in the RIS.*

ii *Matters covered by the principal Act – Design and Building Practitioners Act 2020 – are not the subject of the consultation process.*

iii *However, this survey is not compulsory, and submissions can be in any written format.*

3A PPW **R**esponse to *i* to *iii* above –

R1 PPW has elected to adopt the above *i* format.

R2 Please refer to **4B-B** and **4B-C** on Page 5 for the PPW response to *ii*.

R3 PPW has elected to adopt the above *iii* format.

4 **Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* –**

4A **National recognition of the only known National Construction Code (NCC) – Volume 1 (V1) – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Persons Qualification**

4A-A PPW understand that the CN941 Diploma of Engineering (Refrigeration and Air Conditioning) and essential Award Elements M00 EB141 Air Conditioning – (AS1668 Air Handling Systems) codes and regulations and M00 EB142 Exhaust Systems (AS1668 Air Handling Systems) design is the ONLY NCC – V1 – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Persons Qualification that Nationally Academically Recognises*3 the NCC – V1 – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Person as being competent to understand NCC – V1 – AS1668 Air Handling Systems – Design Codes and Regulations.

*3 Nationally Academically Recognises means Nationally Recognised qualification that is issued by a College or University.

The CN941 Diploma of Engineering (Refrigeration and Air Conditioning) and essential Award Elements M00 EB141 Air Conditioning – (AS1668 Air Handling Systems) codes and regulations and M00 EB142 Exhaust Systems (AS1668 Air Handling Systems) design are recognised Nationally within the Australian Qualifications Framework.

Notes !

N3 ***PPW is currently waiting on a response from the Honourable Karen Andrews MP who is the Chair of the Building Ministers' Forum (BMF) for contact details from her BMF State and Territory Members outside of Queensland for their State and Territory Representatives who are responsible for recognising the qualifications of their class of NCC – V1 – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Persons.***

N4 ***PPW note from reading Page 3 of 68 of this Regulatory Impact Statement – Design and Building Practitioners Regulation 2020 – November 2020 that the Honourable Minister Kevin Anderson MP who is a BMF Member is presenting this RIS, hence question Q1) below.***

PPW Note ***N3*** above correspondence raises a Technical Matter with the BMF that reads –

Technical Matter Reference: BMF – ***FSC*** – C5 – PartC001: ***NATIONAL FIRE SAFETY CONCERN*** that is associated with non *NATIONAL* recognition of the CN941 Diploma of Engineering – AS1668 Air Handling Systems – ***Fire Safety Systems*** academic competency recognitions M00 EB141 Air conditioning (AS1668 Air Handling Systems) – Codes and regulations and M00 EB142 Exhaust Systems (AS1668 Air Handling Systems) designs, that are recognised within the Australian Qualifications Framework.

Note !

N5 ***A copy of PPW's latest Email Transmission to the Honourable Karen Andrews has been added below the PPW Email Transmission that attaches this Response in an endeavour to substantiate that PPW is serious with regard to NATIONAL FIRE SAFETY and the clarification of 4A.***

A **Q**uestion for the Honourable Minister Kevin Anderson MP.

Q1) PPW asks the Honourable Minister Kevin Anderson MP if he would provide PPW with the contact details of the NSW Representative who is ***responsible for recognising the qualifications of their class of NCC – V1 – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Persons*** ?

PPW seek the above **Q1)** contact details from the Honourable Kevin Anderson MP in writing.

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS (Continued)*

4B PPW understand that Mechanical AS1668 Air Handling Systems Engineering is Professional Prescriptive Engineering

4B-A PPW understand that Queensland has the most developed NCC – V1 – AS1668 Air Handling Systems – Regulatory Framework of all Australian States and Territories.

PPW understand that Queensland was the first Australian State or Territory to identify in legislation that NCC – V1 – AS1668 Air Handling Systems Engineering is Prescriptive Engineering by way of the Queensland Professional Engineers Act 2002 – Schedule 2, which has been reproduced below.

Queensland Professional Engineers Act 2002

Schedule 2 Dictionary

professional engineering service means an engineering service that requires, or is based on, the application of engineering principles and data to a design, or to a construction, production, operation or maintenance activity, relating to engineering, and does NOT include an engineering service that is provided only in accordance with a prescriptive standard.

Prescriptive standard means a document that states procedures or criteria –

(a) for carrying out a design, or a construction, production, operation or maintenance activity, relating to engineering; and

(b) the application of which, to the carrying out of the design, or the construction, production, operation or maintenance activity, does NOT require advanced scientifically based calculations.

Example –

AS1684 – Timber framing code, published by Standards Australia.

4B-B Mechanical AS1668 Air Handling Systems Engineering – Professional Prescriptive Engineering is undertaken by a Professional Prescriptive Engineer who has been issued a CN941 Diploma of Engineering (Refrigeration and Air Conditioning) and ESSENTIAL Award Elements M00 EB141 Air Conditioning – (AS1668 Air Handling Systems) codes and regulations and M00 EB142 Exhaust Systems (AS1668 Air Handling Systems) design who has been competent person recognised as being a NCC – V1 – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Person.

4B-C PPW understand that Mechanical AS1668 Air Handling Systems Engineering is Professional Prescriptive Engineering and NOT ***professional engineering work*** as per the below Clause 31 meaning.

Design and Building Practitioners Act 2020 No 7 [NSW] *(Commenced 10.06.20)*

Part 3 Engineering work and specialist work

Division 1 Professional engineering work

31 Professional engineering work

(1) For the purposes of this Act, ***professional engineering work*** means engineering work that requires, or is based on, the application of engineering principles and data to –

(a) a design, or

(b) a construction, production, operation or maintenance activity, relating to engineering.

(2) However, engineering work is NOT ***professional engineering work*** if –

(a) the work is only provided in accordance with a document that states the procedure or criteria for carrying out the work does NOT require the application of advanced scientifically based calculations, or

(b) the engineering work is prescribed by the regulations as not being professional engineering work.

(3) For the purposes of this section, ***engineering work*** includes engineering services provided by a person.

4B-D A **Q**uestion for the RIS D&BPR 2020 – November 2020 Response Assessment Team that is intended to seek their assistance with regard to clarifying the above **4B-C** PPW understanding.

Q2) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government agree with the above **4B-C** PPW understanding ?

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS (Continued)*

4C PPW Understand that all Australian States and Territories adopted the responsibility of NCC – V1 – Clause A 2.2 certification of NCC – V1 – AS1668 Air Handling Systems at the time of adoption of the NCC – V1

4C-A PPW understand that –

(i) A NCC – V1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Person has been required to NCC – V1 – Clause A 2.2 certify NCC – V1 – Mechanical Air Handling Systems – Fire Safety Systems since the Building Code of Australia 1996 – Volume 1 was adopted by States and Territories on the 1st of January 2002.;

(ii) The proposed Design and Building Practitioners Regulation 2020 – November 2020 may be proposing the below classes of registration for NCC – V1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Person certification of NCC – V1 – AS1668 Air Handling Systems.

Draft – Design and Building Practitioners Regulation 2020 [NSW]
Schedule 1 Classes of registration
Part 1 Preliminary
1 Classes of registration as a design practitioner

(l) design practitioner – fire systems (mechanical smoke control),
(n) design practitioner – mechanical engineering.

(iii) The proposed Design and Building Practitioners Regulation 2020 – November 2020 may be proposing the below Qualifications as being a suitable accreditation for NCC – V1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Person certification of NCC – V1 – AS1668 Air Handling Systems.

Draft – Design and Building Practitioners Regulation 2020 [NSW]
Schedule 2 Qualifications, experience, knowledge and skills
Part 1 Primary
Part 3 Design practitioners
16 Design practitioner – fire systems (mechanical smoke control)

(1) **Qualification**
At least one of the following –
(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in mechanical engineering or engineering with a major in mechanical engineering,
(b) an accredited postgraduate masters degree in mechanical engineering or engineering with a major in mechanical engineering,
(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b) –
(i) for a qualification that was conferred by a Australian university or tertiary institution – by an Australian signatory to the Washington Accord; or
(ii) for a qualification that was conferred by a foreign university or tertiary institution – by an assessing authority for the skilled occupation of mechanical engineer.

18 Design practitioner – mechanical engineering

(1) **Qualification**
Must be registered as a professional engineer in the class of professional engineer – mechanical engineering under the Act.

(iv) There is NO known **4C-A** (iii) qualification that academically recognises competency to be competent to understand Mechanical AS1668 Air Handling Systems – Design Codes and Regulations.

(v) **4A-A** above provides the ONLY known qualification that academically recognises competency to be competent to understand Mechanical AS1668 Air Handling Systems – Design Codes and Regulations.

4C-B A **Q**uestion for the RIS D&BPR 2020 – November 2020 Response Assessment Team that is intended to seek their assistance to clarify if **4C-A** (ii) and (iii) above is being proposed.

Q3) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government is proposing **4C-A** (ii) and (iii) ?

Refer also to 4F on Page 11.

[redacted]

4 **Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* *(Continued)***

4D **PPW has become aware of the Commissioner for Fair Trading, Department of Customer Service, Rose Webb's BUILDING AND DEVELOPMENT CERTIFIERS REGULATION 2020 – NOTICE Reference number: (n2020-3433) dated 28/07/20 that, in part, reads –**

…the Commissioner for Fair Trading, Department of Customer Service, is satisfied that there is NO person reasonably available who holds an accreditation to perform the following regulated work under the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation):

b. the endorsement of plans and specifications for relevant fire safety system, being a ducted smoke control system only, under clauses 136AA and 146B;…

4D-A PPW understand that there IS a person reasonably available who holds an accreditation to perform endorsement of plans and specifications for relevant fire safety system, being a ducted smoke control system only, under clauses 136AA and 146B of the Environmental Planning and Assessment Regulation 2000

4D-B PPW understand that a Professional Prescriptive Engineer*4 who has been issued a CN941 Diploma of Engineering (Refrigeration and Air Conditioning) and ESSENTIAL Award Elements M00 EB141 Air Conditioning – (AS1668 Air Handling Systems) codes and regulations and M00 EB142 Exhaust Systems (AS1668 Air Handling Systems) design is a NCC – V1 – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Person who is a ***person reasonably available who holds an accreditation to perform the following regulated work under the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation):***

b. the endorsement of plans and specifications for relevant fire safety system, being a ducted smoke control system only, under clauses 136AA and 146B;…

*4 Refer to **4B** to **4B-D** on Page 5

4D-C A **Q**uestion for the RIS D&BPR 2020 – November 2020 Response Assessment Team that is intended to seek their assistance to clarify if the NSW Government is aware of **4D-B** above ?

Q4) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government is aware of **4D-B** above ?

Notes !

N6 Given 4D-A and 4D-B above, PPW is planning to write to Commissioner Rose Webb to clarify how the Commissioner became satisfied that there is no person reasonably available who holds an accreditation to perform the following regulated work under the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation):

b. the endorsement of plans and specifications for relevant fire safety system, being a ducted smoke control system only, under clauses 136AA and 146B;…

N7 Clauses 136AA and 146B have been reproduced on Pages 8 and 9 for convenience.

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS (Continued)*

4D-D Environmental Planning and Assessment Regulation 2000 Clauses 136AA and 146B are reproduced below –

Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 [NSW]

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

Clause 136AA Condition relating to fire safety systems in class 2-9 buildings

(1) A complying development certificate for building work involving installation, extension or modification of any relevant fire safety system in a class 2, 3, 4, 5, 6, 7, 8 or 9 building, as defined in the *Building Code of Australia*, must be issued subject to the condition required by this clause.

(2) The condition required by this clause is that the building work involving the installation, modification or extension of the relevant fire safety system cannot commence unless:

(a) Plans have been submitted to the principal certifying authority that show:

(i) in the case of building work involving the installation of the relevant fire safety system – the layout, extent and location of key components of the relevant fire safety system, and

(ii) in the case of building work involving the modification or extension of the relevant fire safety system – the layout, extent and location of any new or modified components of the relevant fire safety system, and

(b) specifications have been submitted to the principal certifying authority that:

(i) describe the basis for design, installation and construction of the relevant fire safety system, and

(ii) identify the provisions of the *Building Code of Australia* upon which the design of the system is based, and

(c) those plans and specifications:

(i) have been certified by a compliance certificate referred to in section 109C (1) (a) of the Act as complying with the relevant provisions of the *Building Code of Australia*, or

(ii) unless they are subject to an exemption under clause 164B, have been endorsed by a **competent fire safety practitioner** as complying with the relevant provisions of the *Building Code of Australia*, and

(d) if those plans and specifications were submitted before the complying development certificate was issued – each of them was endorsed by the certifying authority with a statement that the certifying authority is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the *Building Code of Australia*, and

(e) if those plans and specifications were not submitted before the complying development certificate was issued – each of them was endorsed by the principal certifying authority with a statement that the principal certifying authority is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the *Building Code of Australia*.

(3) In this clause:

relevant fire safety system means any of the following:

(a) a hydraulic fire safety system within the meaning of clause 165,

(b) a fire detection and alarm system,

(c) a mechanical ducted smoke control system.

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS (Continued)*

4D-E Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 [NSW]

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

Clause 146B Condition relating to fire safety systems in class 2-9 buildings

(1) A construction certificate for building work involving installation, extension or modification of any relevant fire safety system in a class 2, 3, 4, 5, 6, 7, 8 or 9 building, as defined in the *Building Code of Australia*, must be issued subject to the condition required by this clause.

(2) The condition required by this clause is that the building work involving the installation, modification or extension of the relevant fire safety system cannot commence unless:

(a) Plans have been submitted to the principal certifying authority that show:

(i) in the case of building work involving the installation of the relevant fire safety system – the layout, extent and location of key components of the relevant fire safety system, and

(ii) in the case of building work involving the modification or extension of the relevant fire safety system – the layout, extent and location of any new or modified components of the relevant fire safety system, and

(b) specifications have been submitted to the principal certifying authority that:

(i) describe the basis for design, installation and construction of the relevant fire safety system, and

(ii) identify the provisions of the *Building Code of Australia* upon which the design of the system is based, and

(c) those plans and specifications:

(i) have been certified by a compliance certificate referred to in section 109C (1) (a) of the Act as complying with the relevant provisions of the *Building Code of Australia*, or

(ii) unless they are subject to an exemption under clause 164B, have been endorsed by a **competent fire safety practitioner** as complying with the relevant provisions of the *Building Code of Australia*, and

(d) if those plans and specifications were submitted before the complying development certificate was issued – each of them was endorsed by the certifying authority with a statement that the certifying authority is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the *Building Code of Australia*, and

(e) if those plans and specifications were not submitted before the complying development certificate was issued – each of them was endorsed by the principal certifying authority with a statement that the principal certifying authority is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the *Building Code of Australia*.

(3) In this clause:

relevant fire safety system means any of the following:

(a) a hydraulic fire safety system within the meaning of clause 165,

(b) a fire detection and alarm system,

(c) a mechanical ducted smoke control system.

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS (Continued)*

4E PPW has become aware of the Commissioner for Fair Trading, Department of Customer Service, Rose Webb's BUILDING AND DEVELOPMENT CERTIFIERS REGULATION 2020 – NOTICE Reference number: (n2020-3433) dated 28/07/20 that, in part, reads –

The Commissioner for Fair Trading, Department of Customer Service, authorises the following class of registered certifiers and principal certifiers to appoint an appropriate person to carry out the regulated work of that kind if the relevant registered certifier or principal certifier certifies in writing that in the reasonable opinion of the certifier the person is competent to carry out the regulated work:

c. a registered certifier authorised to issue a complying development certificate for building work or the appointed principal certifier for building work that is subject to a condition required by 136AA of the EP&A Regulation, in relation to plans and specifications of a relevant fire safety system, being a ducted smoke control system only;

d. a registered certifier authorised to issue a construction certificate for building work or the appointed principal certifier for building work that is subject to a condition required by 146B of the EP&A Regulation, in relation to plans and specifications of a relevant fire safety system, being a ducted smoke control system only;

4E-A PPW understand that there is only ONE known class of ***appropriate person*** who is ***competent to carry out the regulated work***:

c. a registered certifier authorised to issue a complying development certificate for building work or the appointed principal certifier for building work that is subject to a condition required by 136AA of the EP&A Regulation, in relation to plans and specifications of a relevant fire safety system, being a ducted smoke control system only;

d. a registered certifier authorised to issue a construction certificate for building work or the appointed principal certifier for building work that is subject to a condition required by 146B of the EP&A Regulation, in relation to plans and specifications of a relevant fire safety system, being a ducted smoke control system only;

PPW understand that the NSW Government should notify all ***registered certifiers and principal certifiers*** of the **4E-B** below class of ***appropriate person***.

4E-B PPW understand that the ONLY known class of ***appropriate person*** to undertake Clause 136AA and 146B certification that is mentioned in **4E-A** above is a Professional Prescriptive Engineer who has been issued a CN941 Diploma of Engineering (Refrigeration and Air Conditioning) and ESSENTIAL Award Elements M00 EB141 Air Conditioning – (AS1668 Air Handling Systems) codes and regulations and M00 EB142 Exhaust Systems (AS1668 Air Handling Systems) design who is ***competent to carry out the regulated work*** and is a NCC – V1 – Clause A 2.2 – AS1668 Air Handling Systems – Appropriately Qualified Person.

4E-C A **Q**uestion for the RIS D&BPR 2020 – November 2020 Response Assessment Team that is intended to seek their assistance to clarify if the NSW Government agree that all ***registered certifiers and principal certifiers*** should be notified of the **4E-B** above class of ***appropriate person***.

Q5) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government agree that all ***registered certifiers and principal certifiers*** should be notified of the **4E-B** above class of ***appropriate person*** ?

Notes !

N8 PPW is planning to write to Commissioner Rose Webb to clarify why the Commissioner would authorise an appropriate person to Clause 136AA and 146B certify given that the Commissioner is satisfied that there is no person reasonably available who holds accreditation to endorse plans and specifications for a relevant fire safety system, being ducted smoke control system only, under clauses 136AA and 146B.

N9 Clauses 136AA and 146B have been reproduced on Pages 8 and 9 for convenience.

4E-D Please find attached a copy of the Authors CN941 Diploma of Engineering and Award Elements (Competency Recognitions) List.

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* *(Continued)*

4F PPW understand that there is NO known Design and Building Practitioners Regulation 2020 [NSW] – Schedule 2 Qualifications, experience, knowledge and skills – Part 1 Primary – Part 3 Design practitioners – 16 Design practitioner – fire systems (mechanical smoke control) Qualification or 18 Design practitioner – mechanical engineering Qualification that offers an equivalent to the CN941 Diploma of Engineering AS1668 Air Handling Systems pathway and in particular the ESSENTIAL AS1668 Air Handling Systems competency recognition of a University or Tertiary Institution educated engineer to be recognised as being competent to understand AS1668 Air Handling Systems Design Codes and Regulations

4F-A PPW provided a submission to Artibus on 16 July 2019 in response to an Australian Government Survey, in part, of market place qualification requirements.

Section 4 of the PPW Artibus submission provides a brief overview of some history of the AS1668 Air Handling Systems Fire Safety Systems CN940 and CN941 qualifications, which has been reproduced below.

Section 4

A brief overview of some history of the AS1668 AHS FSS CN940 and CN941 qualifications

The Author has been privileged to personally meet with the Queensland TAFE Teacher who was responsible for the development of the teaching material that was used for the CN940 and CN941 AS1668 AHS FSS Design competencies and AS1668 AHS FSS Codes and Regulations competencies, prior to their teach out.

Foot Note !

FN1 The Authors abovementioned academic competency recognitions were issued as part of the CN941 qualification prior to the teach out.

Our files indicate that previous to the CN940 and CN941 academic programs going through teach out they started out in life during 1992 as CNL94, which was co-ordinated by a Curriculum Development Advisory Committee (CDAC).

The CDAC generally consisted of the following :-

- The Commissioner for Training.
- The Vocational Education Training Advisory Council Chairman.
- Metal Trades Industry Association (Now Australian Industry Group).
- Air-conditioning and Mechanical Contractors Association (AMCA).
- The Amalgamated Metal Workers Union (AMWU).
- Three (3) HVAC Industry representatives.
- One TAFE Queensland Bureaucrat.
- One VETEC Bureaucrat.

Foot Note !

FN2 The Author is an Engineer and not a TAFE Teacher and therefore is unsure if the above term Curriculum Development Advisory Committee (CDAC) is the same as the term Technical Advisory Group (TAG) that is used by Artibus.

If the Artibus term TAG is similar to the above term CDAC then the Author would be pleased to engage with the AS1668 AHS FSS Engineer member of the Artibus TAG.

Foot Note !

FN3 Please refer to Section 5 for continuation of the abovementioned interest to engage with the AS1668 AHS FSS Engineer member of the Artibus TAG.

4F-B Section 5 of the PPW Artibus submission provided a brief overview of some of PPW's ***FIRE SAFETY CONCERNS***, which has been reproduced below.

Section 5

Some *FIRE SAFETY CONCERNS*

PPW AS1668 Air Handling Systems Designs believe that Queensland has a more advanced development of an AS1668 AHS FSS Legislative Compliance Framework than that of other States and Territories.

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS (Continued)*

4F-B *(Continued)*

PPW AS1668 Air Handling Systems Designs has recently completed a survey of AS1668 AHS FSS Non Compliance in buildings in Queensland in response to the Building Ministers' Forum commissioned Shergold and Weir Report –

Recommendation 8.

The results of the survey indicated that there is a need to Nationally recognise the AS1668 AHS FSS Engineer CN941 Diploma of Engineering (Refrigeration and Air Conditioning) and in particular the below Award Element Competencies –

M00 EB141 Air Conditioning (AS1668 AHS FSS) – codes and regulations.; and

M00 EB142 Exhaust systems (AS1668 AHS FSS) – Design, which have been through teach out.

The PPW AS1668 Air Handling Systems Designs survey revealed Non Compliance associated with **C**ompliance **R**equirement **C**onditions that are mentioned in SECTION 3 and summarised below –

CRC1 Engage an Appropriately Qualified Person who has been Academically Recognised within the Australian Qualifications Framework as an AS1668 AHS – FSS Engineer to assist with the task of identifying and obtaining documented compliance.; and

CRC2 An Assessment Manager is Local Government and or a Building Certifier/Private Certifier.; and

CRC3 An Assessment Manager requires AS1668 AHS – FSS Design Help and Inspection Help.; and

CRC4 An Assessment Manager is required to engage an Appropriately Qualified Person who has been Academically Recognised within the Australian Qualifications Framework as an AS1668 AHS FSS Engineer to provide Design Help and Inspection Help.; and

CRC5 An Assessment Manager and their AS1668 AHS FSS Engineer are to develop the AS1668 AHS FSS Development (Building Work) Permit Approval and Conditions.; and

CRC6 An Assessment Manager is required to issue the AS1668 AHS FSS Development (Building Work) Permit Approval and Conditions.; and

CRC7 A competent person assessed and recognised AS1668 AHS FSS Engineer is required to co-ordinate the issuing of the Queensland Fire Authority - Referral/Advice Agency advice.; and

CRC8 A competent person assessed and recognised AS1668 AHS FSS Engineer is required to assist the Building Owner/Occupier with understanding that the below AS1668 AHS FSS Design compliance requirements conditions are to be included in their certified design.; and

CRC9 The AS1668 AHS FSS Engineer's Competent Person Recognition compliance requirements conditions.; and

CRC10 The Assessment Manager's AS1668 AHS FSS Development (Building Work) Permit Approval and Conditions.; and

CRC11 The Queensland Fire Authority - Referral/Advice Agency advice.; and

CRC12 AS1668 AHS FSS Manufacture compliance requirements conditions.; and

CRC13 AS1668 AHS FSS Installation Contractor Licences compliance requirements conditions.; and

CRC14 AS1668 AHS FSS Commissioning Engineer's compliance requirements conditions.; and

CRC15 AS1668 AHS FSS Engineer's Inspection Reports compliance requirements conditions.; and

CRC16 AS1668 AHS FSS AS1851 Routine Service Fire Safety Professional's Licence compliance requirements conditions.; and

[redacted]

4 **Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* *(Continued)***

4F-B ***(Continued)***

CRC17 AS1668 AHS FSS Engineer's Form 15 Design Certification compliance requirements conditions.; and

CRC18 AS1668 AHS FSS Engineer's Form 16 Inspection Certification compliance requirements conditions.; and

CRC19 AS1668 AHS FSS Regulatory Authorities Reports compliance requirements conditions.; and

CRC20 The Assessment Manager's Form 11 Certification of Occupancy compliance requirements conditions.

Please refer to Section 6 for a continuation of our above ***FIRE SAFETY CONCERN*** that there is a need to Nationally recognise the AS1668 AHS FSS Engineer CN941 Diploma of Engineering (Refrigeration and Air Conditioning).

4F-C Fire Protection Association Australia (FPAA) were a member of the Artibus Technical Advisory Group who received a copy of the PPW Artibus submission, however, PPW did not receive a response to the PPW Artibus submission from FPAA and therefore it is unclear if FPAA share PPW's ***FIRE SAFETY CONCERNS***.

4F-D This PPW **4F** ***FIRE SAFETY CONCERN*** is that if the NSW Government is planning to legislate Draft – Design and Building Practitioners Regulation 2020 [NSW] – Schedule 1 Classes of registration – Part 1 Preliminary – 1 Classes of registration as a design practitioners, (l) design practitioner – fire systems (mechanical smoke control) and (n) design practitioner – mechanical engineering as being accredited to NCC – V1 – Clause A 2.2 certify NCC – V1 – AS1668 Air Handling Systems and PPW's above **4F** understanding is a correct understanding then PPW understands that this is incorrect accreditation that should constitute a ***NATIONAL FIRE SAFETY CONCERN***.

4F-E A **Q**uestion for the RIS D&BPR 2020 – November 2020 Response Assessment Team that is intended to seek their assistance to clarify if the NSW Government agree **4F-D** above constitutes a ***NATIONAL FIRE SAFETY CONCERN***.

Q6) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government agree **4F-D** above constitutes a ***NATIONAL FIRE SAFETY CONCERN*** ?

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* *(Continued)*

4G PPW understand that the Draft Design and Building Practitioners Regulation 2020 and other NSW legislation does NOT clearly identify NCC – V1 – AS1668 Air Handling Systems and associated Certifiers

4G-A Some **E**xamples of what appear to be references to NCC – V1 – AS1668 Air Handling Systems –

Draft Design and Building Practitioners Regulation 2020 –

E1 Schedule 2 Qualifications, experience, knowledge and skills – Part 1 Primary – Part 3 Design practitioners – 16 Design practitioner – ***fire systems (mechanical smoke control)***.

E2 Dictionary – ***fire safety system***.

Building and Development Certifiers Regulation 2020 [NSW]

E3 Schedule 1 Classes of registration – Part 2 Certification work – Clause 22 Engineer – mechanical – ***mechanical system***.

E4 Schedule 1 Classes of registration – Part 2 Certification work – Clause 22 Engineer – mechanical – ***ventilation***.

E5 Schedule 1 Classes of registration – Part 2 Certification work – Clause 22 Engineer – mechanical – ***smoke control and exhaust***.

E6 Schedule 1 Classes of registration – Part 2 Certification work – Clause 22 Engineer – mechanical – ***stairwell pressurisation systems***.

Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 [NSW]

E7 Schedule 1 – Amendment of Environmental Planning and Assessment Regulation 2000 – Clause 146B Condition relating to fire safety systems in class 2-9 buildings – ***mechanical ducted smoke control system***.

4G-B PPW will use Examples **E1** and **E4** to highlight PPW's understanding that the Draft Design and Building Practitioners Regulation 2020 and other NSW legislation does NOT clearly identify NCC – V1 – AS1668 Air Handling Systems and associated Certifiers.

A NCC – V1 Clause A 2.2 AS1668 Air Handling System – Appropriately Qualified Person will understand –

Example **E1** –

i Example **E1** may refer to a NCC – V1 – Part F4 LIGHT AND VENTILATION – PERFORMANCE REQUIREMENT FP4.4 mechanical air-handling system – F4.0 Deemed-to-Satisfy Provision – F4.12 Kitchen local exhaust ventilation – AS1668 Air Handling System.

ii During earlier years of the development of the NCC – V1 a NCC – V1 F4.12 Kitchen local exhaust ventilation system was both mechanical without a fire safety system aspect which is not a Fire Safety System and mechanical with a fire safety system aspect which is a Fire Safety System. Refer Page 3.

iii Recent changes to the National AS1668 Air Handling Systems Legislative Framework have resulted in ALL NCC – V1 F4.12 Kitchen local exhaust ventilation – AS1668 Air Handling Systems being mechanical with a fire safety system aspect which means that ALL NCC – V1 F4.12 Kitchen local exhaust ventilation – AS1668 Air Handling Systems are Fire Safety Systems.

iv If the Example **E1** ***fire systems (mechanical smoke control)*** are NCC – V1 F4.12 Kitchen local exhaust ventilation – AS1668 Air Handling Systems – Fire Safety Systems then it is understood that a Part 3 Design practitioner – 16 Design practitioner – ***fire systems (mechanical smoke control)*** is NOT appropriately qualified to be a NCC – V1 Clause A 2.2 Appropriately Qualified Person. Refer **4F** on Page 11.

Example **E4** –

If the Example **E4** reference to ***ventilation*** refers to a NCC – V1 F4.12 Kitchen local exhaust ventilation – AS1668 Air Handling System – Fire Safety System then a Part 2 Certification work – Clause 22 Engineer – mechanical – ***Ventilation*** is NOT appropriately qualified to be a NCC – V1 Clause A 2.2 Appropriately Qualified Person.

4G-C PPW understand that it is a ***NATIONAL FIRE SAFETY CONCERN*** that the **1A** NCC – V1 – Clause A 2.2 – Mechanical AS1668 Air Handling Systems – Appropriately Qualified Person qualification is Nationally recognised.

A **Q**uestion that is intended to clarify the NSW Government position regarding this ***NATIONAL FIRE SAFETY CONCERN***.

Q7) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government agree this **4G-C** clarification constitutes a ***NATIONAL FIRE SAFETY CONCERN*** ?

[redacted]

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS (Continued)*

4H The Author sought clarification of the process of recognition of his qualifications to practice within NSW by way of an Email Transmission referenced LWP–FPAS1–001 sent to Fire Protection Association Australia, Thursday, 20 February, 2020 9:04 PM.

4H-A The Author received a telephone **r**esponse from Fire Protection Association Australia that, in part, provided the below **I**nformation –

I1 The Author can obtain information regarding the process of recognition of his qualifications under the Fire Protection Accreditation Scheme to practice certification of Mechanical Air Handling Systems – Annual Fire Safety Statements in NSW by "Applying through the Fire Protection Association Australia (FPAA) website".

I2 FPAA has a representative in Melbourne who will be winding up a survey of known qualifications for certification of Mechanical Air Handling Systems – Annual Fire Safety Statements in NSW, in the next two (2) to five (5) days.

4H-B The Author sough clarification of accreditation as a Mechanical Air Handling Systems – Competent Fire Safety Practitioner from The NSW Building Professionals Board by way of Email Transmission referenced PPW – NSWBPB – 001 sent Wednesday, 17 June, 2020 8:43 AM, which in part, reads –

Based on Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000 Section 167A (2)(c) and the Environmental Planning Assessment Regulation 2000 Section 166, I understand that I am seeking accreditation as a Mechanical Air Handling Systems – Competent Fire Safety Practitioner.

An AS1668 Air Handling Systems – Appropriately Qualified Person Assessor will understand that in Queensland an AS1668 Air Handling Systems – Appropriately Qualified Person is Competent Person Recognised to undertake AS1668 Air Handling Systems Form 15 Design functions that include –

***NATIONALLY** –*

1 *Provide evidence that a design meets a Performance Requirement and or a Deemed-to-Satisfy Provision by providing a certificate which certifies that a design complies with the requirements of the BCA.*

2 *Provide evidence to support that a calculation method complies with an ABCB protocol by providing a certificate that certifies that the calculation method complies with a relevant ABCB protocol.*

3 *Provide evidence to support the use of a material and form of construction of an AS1668 Air Handling System meets a Performance Requirement and or Deemed-to-Satisfy Provision by providing a certificate that certifies that the use of a material and form of construction of an AS1668 Air Handling System meets a Performance Requirement and or a Deemed-to-Satisfy Provision.*

***IN QUEENSLAND** –*

4 ***Design*** *Competent Person Recognised under the Queensland Legislative Regulatory Framework by a Queensland Licensed Building Certifier as being a Fire Safety Professional to provide design/specification help and is cademically recognised as being competent to understand AS1668 Codes, Regulations and Design and whose academic AS1668 Air Handling Systems engineering qualification is recognised within the Australian Qualifications Framework.*

5 ***Manufacture*** *Competent Person Recognised under the Queensland Legislative Regulatory Framework by a Queensland Licensed Building Certifier to provide evidence to support the use of a material and form of construction of a thing (AS1668 Air Handling System) meets a Performance Requirement and or Deemed-to-Satisfy Provision and whose academic AS1668 Air Handling Systems engineering qualification is recognised within the Australian Qualifications Framework.*

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* *(Continued)*

4H-B *IN QUEENSLAND* – *(Continued)*

6 Installation *Competent Person Recognised under the Queensland Legislative Regulatory Framework by a Queensland Licensed Building Certifier as being competent to understand AS1668 Codes, Regulations and Design and capable of being licensed with the Queensland Building and Construction Commission as a Schedule 2 Part 47, Part 48 (previously 44, 45) and a Schedule 3 (previously 2A) Part 12 Licensee and whose academic AS1668 Air Handling Systems engineering qualification is recognised within the Australian Qualifications Framework.*

7 Commission *Competent Person Recognised under the Queensland Legislative Regulatory Framework by a Queensland Licensed Building Certifier as being a Fire Safety Professional to provide design/specification help in order to be competent to assess the approved design is compliant in order to commission the AS1668 Air Handling System and develop baseline data and is academically recognised as being competent to understand AS1668 Codes, Regulations and Design and whose academic AS1668 Air Handling Systems engineering qualification is recognised within the Australian Qualifications Framework.*

8 Inspection *Competent Person Recognised under the Queensland Legislative Regulatory Framework by a Queensland Licensed Building Certifier as being a Fire Safety Professional to provide inspection help and is academically recognised as being competent to understand AS1668 Codes, Regulations and Design and whose academic AS1668 Air Handling Systems engineering qualification is recognised within the Australian Qualifications Framework.*

9 Service *Competent Person Recognised under the Queensland Legislative Regulatory Framework by a Queensland Licensed Building Certifier as being a Fire Safety Professional and who carries out maintenance of a prescribed fire safety installation of a particular type, and who holds a licence of a class or type, or with an endorsement that is otherwise stated in the Queensland Building and Construction Commission Regulation 2003, schedule 3 (previously 2A) and for which the scope of work includes maintenance of that type.*

10 Regulation *Competent Person Recognised under the Queensland Legislative Regulatory Framework by a Queensland Licensed Building Certifier as being a Fire Safety Professional to provide inspection help and prepare an annual report for the responsible entity and is academically recognised as being competent o understand AS1668 Codes, Regulations and Design and whose academic AS1668 Air Handling Systems engineering qualification is recognised within the Australian Qualifications Framework.*

4H-C The Author understands that the only NSW class of person who can be accredited to carry out the above **4H-B** equivalent NSW functions is an Environmental Planning and Assessment (Fire Safety and Building Certification) Regulation 2017 [NSW] Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000 Clause 167A (2) (b) or (2) (c) **Competent Fire Safety Practitioner** –

Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 [NSW]

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

Clause 167A Competent fire safety practitioners

(1) The Secretary may, by order published in the Gazette, recognise a class of persons as ***competent fire safety practitioners*** for the purposes of one or more provisions of this Regulation.

(2) Without limiting the classes of persons who may be recognised, they may include:

(a) A class of persons holding a specified category of certificate of accreditation under the *Building Professionals Act 2005*, or

(b) A class of persons holding a specified category of certificate of accreditation under the *Building Professionals Act 2005* **and having some other characteristic or qualification,** or

(c) **A class of persons who have undergone particular training or assessment carried out by a specified professional organisation or body or an industry organisation or body**.

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* *(Continued)*

4H-C Clause 167A Competent fire safety practitioners *(Continued)*

(3) In determining whether or not to make an order under this clause, the Secretary must have regard to any guidelines published by the Secretary about the steps that professional or industry organisations or bodies are to follow in order to be considered for inclusion in such an order, including requirements about auditing and complaints handling.

(4) Until an order is published under subclause (1) and one or more persons have been recognised as a competent fire safety practitioner for a particular function under this Regulation:

(a) For the purposes of the functions referred to in clause 130, **136AA**, 144A, **146B** and **164B**, **any person who, in the written opinion of the relevant certifying authority or principal certifying authority, as the case may be, is competent to perform the fire safety assessment functions under those clauses is taken to be a competent fire safety practitioner**, and

(b) For the purposes of the functions referred to in Divisions 4 and 5 of Part 9, **any person who, in the written opinion of the relevant building owner, is competent to perform the fire safety assessment functions under those Divisions is taken to be a competent fire safety practitioner.**

(5) In this clause:

Secretary means the Secretary of the Department of Finance, Services and Innovation.

4H-D The Author understands that the above **4H-C** Clause 167A has been repealed.

4H-E The Author understands that the above **4H-C** Clause 167A term ***competent fire safety practitioner*** was replaced with the Environmental Planning and Assessment Regulation 2000 Clause 3 term ***accredited practitioner (fire safety)*** –

Environmental Planning and Assessment Regulation 2000 [NSW}

Part 1 Preliminary

3 Definitions

accredited practitioner (fire safety) means an ***accredited practitioner*** whose class of accreditation authorises the holder to exercise the functions of an accredited practitioner (fire safety) who is acting in respect of matters to which the accreditation applies.

a***ccredited practitioner*** means the holder of an accreditation under the *Building and Development Certifiers Act 2018* that authorises the holder to exercise functions of an ***accredited practitioner***.

4H-F The Author notes from reading Page 7 of the Building and Development Certifiers Act 2018 No 63 –

*An Act to provide for the registration of persons carrying out certification work and the accreditation of persons carrying out other regulated work; to repeal the **Building Professionals Act 2005** and other legislation; to amend other Acts and instruments consequentially; and for other purposes.*

4H-G The Author understands that there is NO provision under the Building and Development Certifiers Act 2018 No 63 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person.

4H-H A **Q**uestion that is intended to clarify if the NSW Government has a provision under the Building and Development Certifiers Act 2018 No 63 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person.

Q8) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government has a provision under the Building and Development Certifiers Act 2018 No 63 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person ?

4 Some PPW AS1668 Air Handling Systems *NATIONAL FIRE SAFETY CONCERNS* *(Continued)*

4H-I The Author understands that there is NO provision under the Environmental Planning and Assessment Act 1979 No 203 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person.

4H-J A **Q**uestion that is intended to clarify if the NSW Government has a provision under the Environmental Planning and Assessment Act 1979 No 203 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person.

Q9) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government has a provision under the Environmental Planning and Assessment Act 1979 No 203 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person ?

4H-K The Author notes from reading Page 7 of the Design and Building Practitioners Act 2020 No 7 –
An act with respect to the registration of design practitioners, principal design practitioners, professional engineers, specialist practitioners and other building practitioners, compliance declarations and a duty of care; and for other purposes.

4H-L The Author understands that there is NO provision under the Design and Building Practitioners Act 2020 No 7 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person.

4H-M A **Q**uestion that is intended to clarify if the NSW Government has a provision under the Design and Building Practitioners Act 2020 No 7 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person.

Q10) PPW seek the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team to clarify in writing if the NSW Government has a provision under the Design and Building Practitioners Act 2020 No 7 to recognise or register a NSW NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Fire Safety Systems – Appropriately Qualified Person ?

We look forward to receiving the assistance of the RIS D&BPR 2020 – November 2020 Response Assessment Team with regard to providing advice to clarify PPW AS1668 Air Handling Systems ten (10) ***NATIONAL FIRE SAFETY CONCERN*** questions and also working corporately with the National BCR Implementation Team to improve ***NATIONAL FIRE SAFETY***.

Again, thank you for this valued opportunity to respond to your Regulatory Impact Statement.

Kind Regards,

Mr. L. W. (Wayne) Palmer,
Engineering Manager,
The PPW Group,
NCC V1 Clause A 2.2 AS1668 Air Handling Systems – Appropriately Qualified Person,
PPW AS1668 Air Handling Systems Designs,