

SAFER BUILDINGS

INFORMING OCCUPANTS OF CLADDING FIRE RISK

Under Part 4A of the *Building Regulation 2006* (Regulation), obligations have been placed on building owners to complete all necessary steps of the Combustible Cladding Checklist (Checklist).

For some building owners this will include completing part 3 of the Checklist which requires engaging a fire engineer to prepare a Building Fire Safety Risk Assessment (BFSRA) and Fire Engineer Statement (FES) for their building.

Section 16ZB of the Regulation requires building owners of a building comprising 2 or more lots to give a copy of the BFSRA to lot owners and leasehold interest holders (tenants) if a FES has identified their building as a cladding fire risk.

This fact sheet details the requirements for how and when building owners must provide the BFSRA.

Who must provide a BFSRA?

The Regulation (Section 16P) refers to a building owner as:

- a reference to an owner is taken to be a reference to the owner of a private building; and
- the owner of a private building that comprises 2 or more lots is taken to be the relevant body corporate, however called.

Who must receive a BFSRA?

Building owners are required to give a copy of the BFSRA to lot owners and tenants specified as:

- each owner of a lot in the building
- each leasehold interest holder of a lot in the building.

Persons who enter onto the body corporate roll at a later time must be provided a copy of the BFSRA within 60 business days of their addition to the body corporate roll.

Penalties

Failing to complete Part 3 of the Checklist and to provide documents to QBCC is an offence of 16X of the Regulation. Failing to give a copy of the BFSRA to lot owners and tenants is an offence of 16ZB of the Regulation. Enforcement and regulatory action will be applied on a case-by-case basis following assessment of the extent of the offence/s.

Penalties may include commencement of a prosecution in the Magistrates Court, where a monetary penalty for all offences and a court order compelling the owner to complete the Checklist can be sought.

Format for providing a BFSRA

Body corporate roll kept for the building

If the lot owner or tenant is an individual, the building owner is required to give a copy of the BFSRA to the lot owner and tenant by delivering the BFSRA personally, or by leaving a copy or sending it to the residence or business address of the person last known to the building owner.

If the lot owner or tenant is a corporation, the building owner is required to give a copy of the BFSRA to the lot owner and tenant by leaving or sending the BFSRA to the corporation's registered office.

No body corporate roll kept

If there is no body corporate roll kept for the building, the building owner is required to leave a copy of the BFSRA or post a copy of the BFSRA to the address of each lot in the building.

Electronic mail

Alternative means of sending, such as electronically (eg. email, SMS) do not satisfy the requirements of the Regulation. Email can be used to send the BFSRA in addition to providing a hard copy, but email cannot be used as the sole method of delivery.

Timeframe to provide BFSRA

Body corporate roll kept for the building

Where a body corporate roll is kept for the building, the owner must give a copy of the BFSRA to the lot owners and tenants within 60 business days of receiving the FES.

As already noted, a person who enters the body corporate roll at a later time should be provided a BFSRA within 60 business days of the date they were added to the roll.

No body corporate roll kept

Where there is no body corporate roll kept for the building, the owner must give a copy of the BFSRA to each lot in the building within 60 business days of receiving the FES.