



Competent Fire Safety Practitioner Co-Regulatory Accreditation Framework

*Secretary of the Department of Finance Services and Innovation's Guideline
for organisations seeking NSW Government recognition to accredit
competent fire safety practitioners*

August 2017

Published by

NSW Fair Trading
PO Box 972
PARRAMATTA NSW 2124
Tel: 13 32 20
www.fairtrading.nsw.gov.au

Disclaimer

This publication avoids the use of legal language, with information about the law summarised or expressed in general statements. The information in this document should not be relied upon as a substitute for professional legal advice.

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

For access to legislation in force in NSW go to the official NSW Government website for online publication of legislation at www.legislation.nsw.gov.au.

Copyright Information

© State of New South Wales through NSW Fair Trading, 2017

You may copy, distribute, display, download and otherwise freely deal with this information provided you attribute NSW Fair Trading as the owner. However, you must obtain permission from NSW Fair Trading if you wish to 1) modify, 2) charge others for access, 3) include in advertising or a product for sale, or 4) obtain profit, from the information. Important: For full details, see NSW Fair Trading's copyright policy at www.fairtrading.nsw.gov.au/copyright.html or email publications@finance.nsw.gov.au

Table of Contents

TABLE OF CONTENTS	2
INTRODUCTION	4
OVERVIEW OF THIS GUIDELINE	5
PART 1: ACCREDITATION SCHEME RECOGNITION PROCESS	6
PART 2: REQUIREMENTS FOR ACCREDITATION SCHEME TO BE RECOGNISED	9
a) Legal entity	9
b) Nature of the organisation	9
c) Accreditation scheme	9
d) Organisation insurance	10
e) Designated contact	10
f) Application and renewal process	10
g) Applicants	11
h) Terms and conditions	11
i) Code of Conduct	12
j) Complaints handling and dispute resolution process	12
k) Discipline and sanctions	13
l) Monitoring and investigating accreditation holders	13
m) Record keeping system	14
n) Publishing accreditation scheme information	14
o) Strategy if the organisation is unable to continue accrediting competent fire safety practitioners	15
p) Other matters	15
PART 3: ONGOING REQUIREMENTS FOR ORGANISATIONS WITH RECOGNISED ACCREDITATION SCHEMES	16
a) Standard conditions of accreditation scheme recognition	16
b) Specific conditions of accreditation scheme recognition	18
PART 4: MANAGEMENT OF CO-REGULATORY ACCREDITATION FRAMEWORK	19
a) Application fee	19
b) Standard and specific conditions of accreditation scheme recognition	19
c) Audit or investigate organisations with recognised accreditation schemes	19
d) Request information from organisations with recognised accreditation schemes	19

e) Suspending accreditation scheme recognition	19
f) Cancelling accreditation scheme recognition	20
g) Notice of voluntary cancellation of accreditation scheme's recognition	21
h) Warning notices	21
i) Secretary's involvement in complaints	21
j) Secretary's involvement when an accreditation scheme's recognition is cancelled	22
k) Penalties	22
l) Delegation of Secretary's powers	22
PART 5: REVIEW OF A DECISION OF THE SECRETARY	23
PART 6: COMPETENT FIRE SAFETY PRACTITIONER FUNCTIONS	24
PART 7: GLOSSARY	1

Introduction

The Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) allows the Secretary of the Department of Finance, Services and Innovation (the Secretary) to recognise a class of persons as competent fire safety practitioners for the purpose of the EP&A Regulation. The Secretary can, for example, recognise classes of persons who:

- hold certain accreditation under the *Building Professionals Act 2005* (the BP Act); or
- hold certain accreditation under the BP Act and have some other characteristic or qualification; or
- have undergone particular training or assessment carried out by a specified professional organisation or body or an industry organisation or body.

This Guideline sets out the requirements that an organisation and its accreditation scheme must meet in order to satisfy the Secretary that it can accredit 'competent fire safety practitioners' for the purpose of the EP&A Regulation. If the Secretary is satisfied that an organisation's accreditation scheme meets the requirements of these Guidelines, the Secretary will publish an order in the Gazette recognising persons who have undergone training or assessment by the recognised organisation through its accreditation scheme as competent fire safety practitioners. Persons accredited by a recognised accreditation scheme will be able to perform the specific competent fire safety practitioner function(s) that they have been accredited for.

This Guideline also sets out the ongoing requirements for organisations with accreditation schemes that have been recognised by the Secretary.

Overview of this Guideline

Part 1 sets out the **process** for an organisation's accreditation scheme to be recognised by the Secretary to accredit competent fire safety practitioners.

Part 2 sets out the **requirements** that an organisation must satisfy for its accreditation scheme to be recognised by the Secretary to accredit competent fire safety practitioners.

Part 3 sets out **standard** and **specific conditions** that an organisation with a recognised accreditation scheme must comply with to maintain its accreditation scheme's recognition.

Part 4 sets out the powers to **manage** the co-regulatory accreditation framework.

Part 5 sets out the **Secretary's decisions** that may be reviewed.

Part 6 sets out the functions under the EP&A Regulation for which this Guideline may apply.

Part 7 sets out a **glossary** of key terms used in this Guideline.

Part 1: Accreditation scheme recognition process

1.1 Submitting an application

Organisations seeking Government recognition of their accreditation scheme must submit an application to the Secretary in the form approved by the Secretary. Each application must address the requirements outlined in **Part 2** of this Guideline.

As there is more than one function in the EP&A Regulation that needs to be performed by a competent fire safety practitioner, the accreditation scheme will need to relate to a specific function to be performed by a competent fire safety practitioner.

1.2 Assessment of applications

The Secretary will assess each application and make a determination as to whether or not the accreditation scheme should be recognised.

The Secretary may request additional information from the applicant organisation that the Secretary considers necessary to enable proper consideration of the application before making a determination. If the applicant organisation does not provide the requested information within 21 days of receiving written notification from the Secretary or within the timeframe agreed between the Secretary and applicant organisation, the application will be taken to have been withdrawn.

1.3 Determination of applications

In determining whether an applicant organisation's accreditation scheme will be recognised, the Secretary must be satisfied that the application addresses the requirements outlined in **Part 2** of this Guideline. The Secretary may also take into consideration any other matter that the Secretary sees fit, in the public interest, when determining whether to recognise an organisation's accreditation scheme. This includes, but is not limited to, the Secretary's opinion as to:

- the adequacy of an applicant organisation's proposed scheme as it relates to the specific competent fire safety practitioner function/s;
- how an applicant organisation's proposed scheme requirements compares to other approved or proposed schemes; or
- the impact on public safety or building outcomes if an applicant organisation's proposed scheme were to be approved.

The Secretary may seek the view of the Commissioner of Fire and Rescue NSW in relation to any application for recognition, as determined by Secretary.

The applicant organisation's accreditation scheme will not be recognised if the Secretary is not satisfied that the application addresses the necessary requirements or if it is not in the public interest to do so.

The applicant organisation will be notified in writing of the outcome of the assessment. Applicant organisations should expect that they will be notified of the outcome within 20 working days of their completed application and all required supporting information being received. Where an application is refused, the Secretary will provide the applicant organisation with written reasons for the refusal.

1.4 Authority conferred on organisation with a recognised accreditation scheme

The Secretary will publish an order in the Gazette recognising persons who have undergone training or assessment by the recognised organisation through its accreditation scheme as competent fire safety practitioners.

An organisation with a recognised accreditation scheme is able to:

- accredit individuals under the recognised accreditation scheme as competent fire safety practitioners for a specific function; and
- represent that its accreditation scheme has been recognised by the Secretary to accredit competent fire safety practitioners for a specific function.

1.5 Ongoing requirements of recognition

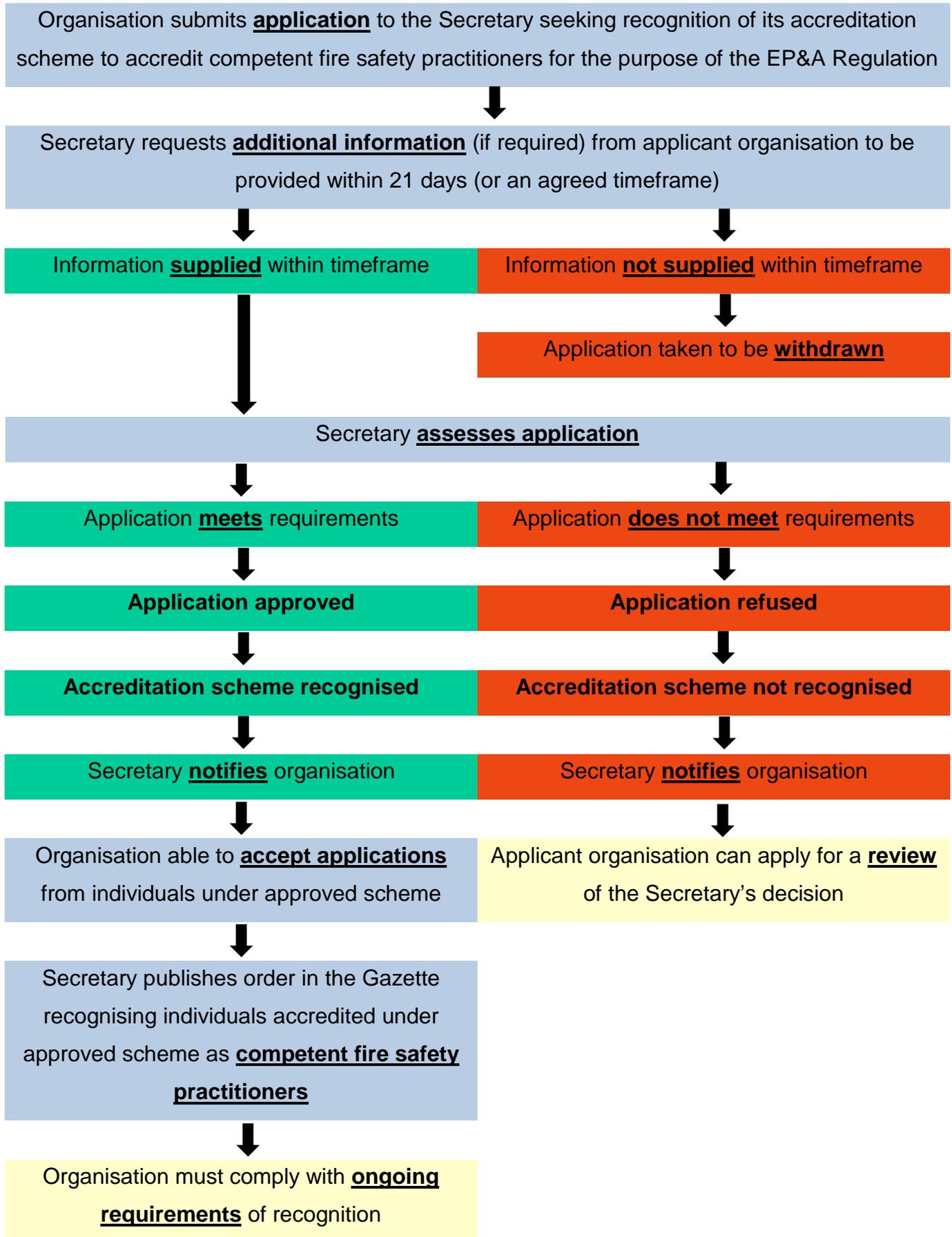
An organisation with a recognised accreditation scheme must comply with the general conditions of recognition outlined in **Part 3** of this Guideline and any specific conditions of recognition imposed by the Secretary in order to maintain its accreditation scheme's recognition.

1.6 Secretary's powers to oversee the co-regulatory accreditation framework

The Secretary's powers, outlined in **Part 4** of this Guideline, include the ability to:

- require an application for accreditation scheme recognition to be accompanied by a fee;
- condition accreditation scheme recognition;
- request information from an organisation with a recognised accreditation scheme;
- suspend or cancel an accreditation scheme's recognition;
- audit or investigate an organisation with a recognised accreditation scheme;
- investigate complaints about an organisation with a recognised accreditation scheme, which includes the ability to refer complaints about an organisation with a recognised accreditation scheme to the Commissioner for Fire and Rescue NSW for investigation;
- impose penalties.

Accreditation scheme recognition process



Part 2: Requirements for accreditation scheme to be recognised

An applicant organisation must meet the required components of this guideline and demonstrate compliance with the following requirements in its application for recognition of its accreditation scheme:

a) Legal entity

The organisation must be a registered company under the *Corporations Act 2001* (Cth) or an incorporated association.

b) Nature of the organisation

The organisation must provide a brief outline of the nature of the organisation, including:

- its history;
- current organisational structure;
- core activities; and
- industry sectors represented.

c) Accreditation scheme

The organisation must:

- describe the accreditation scheme it is seeking recognition of;
- outline which competent fire safety practitioner function/s its accreditation scheme covers; and
- outline any restrictions of the accreditation scheme, for example, if the scheme is restricted to certain relevant fire safety systems, fire safety requirements or essential fire safety measures. This also includes any restrictions, and the reason for those restrictions, associated with the level or type of work that can be undertaken by individuals accredited under the applicant organisation's accreditation scheme.

The organisation must have a process for recognising and managing any conflict of interest between the accreditation scheme and any of its other functions.

The organisation must outline the methods that will be used to evaluate the competence of individuals under the proposed scheme, for example, written, practical or other observational methods.

The organisation must specify the names and roles of the persons in the organisation involved in the operation of, management of and the day-to-day affairs of the accreditation scheme. These person(s) must be fit and proper to perform these roles.

d) Organisation insurance

The organisation must have sufficient and current public liability insurance and professional indemnity insurance to operate the accreditation scheme that it is seeking recognition of.

The organisation must submit a copy of its current certificate(s) of currency with its application.

e) Designated contact

The organisation must have a designated contact person for the accreditation scheme to whom the Secretary will direct all communications relating to the assessment process, and if the accreditation scheme is recognised, all ongoing communications. The organisation must provide this person's:

- name;
- position title;
- email address;
- work phone number;
- postal address; and
- office address.

An organisation will need to immediately inform the Secretary if their designated contact person changes and provide the Secretary with the details of the new person.

f) Application and renewal process

The organisation must have a publicly documented application and renewal process for accreditation under its scheme that is fair, impartial, transparent and timely. As a minimum, the organisation's process must incorporate the following:

- clear and objective accreditation criteria that includes:
 - relevant skills, knowledge and experience requirements that an applicant and accreditation holder must possess to competently perform the specific competent fire safety practitioner function;
 - the methods that will be used to evaluate the competence of individuals under the proposed scheme as they relate to the specific competent fire safety practitioner function;
 - insurance requirements specific to the competent fire safety practitioner function that an applicant and accreditation holder must meet; and
 - any other entry and renewal requirements that the organisation considers necessary.
- the completion of an application or renewal, signed by the applicant, which details the scope of the accreditation sought and requires the applicant to declare that they:
 - agree to comply with the accreditation scheme requirements and other relevant laws;

- are not currently suspended from any other competent fire safety practitioner accreditation scheme; and
- have not had their competent fire safety practitioner accreditation revoked by any other competent fire safety practitioner accreditation scheme in the last 5 years; and
- a method to verify the applicant's application information and the accreditation holder's renewal information;
- assessors that:
 - are independent and have competencies and experience relevant to the application and renewal assessment; or
 - report to an independent panel established by the organisation that has relevant competencies and experience relevant to the application and renewal assessment.
- a mechanism for identifying applicants and accreditation holders under the accreditation scheme who are or have been accredited under another recognised accreditation scheme;
- a mechanism for appeal if accreditation or renewal of accreditation is not granted;
- a mechanism to notify the Secretary of applicants who have been refused accreditation or who have appealed a decision to refuse an application; and
- a minimum renewal period of at least every three years or no longer than at least every five years.

The organisation must submit a copy of its current application and renewal process with its application.

g) Applicants

The organisation must accept applications for accreditation from members and non-members of the organisation. Membership of the organisation must not be a condition of accreditation under the accreditation scheme.

h) Terms and conditions

The organisation must publicly document the standard terms and conditions imposed on accreditation holders under its accreditation scheme.

The organisation must include the following conditions:

- a condition that requires an accreditation holder to keep all records for a minimum of 10 years relating to:
 - their accreditation as a competent fire safety practitioner; and
 - the work they perform as a competent fire safety practitioner.
- a condition that requires an accreditation holder to make any restriction or condition on their accreditation known to any person, with failure to do so resulting in suspension or cancellation of accreditation as appropriate in the circumstances;

- a condition that an accreditation holder must not represent that they are able to do work requiring a competent fire safety practitioner that extends beyond the competent fire safety practitioner function they have been accredited for, with failure to do so resulting in suspension or cancellation of accreditation as appropriate in the circumstances.

The organisation must submit a copy of its current standard terms and conditions imposed on accreditation holders with its application.

i) Code of Conduct

The organisation must have a publicly documented Code of Conduct for accreditation holders under its accreditation scheme. The Code of Conduct must require the accreditation holder to:

- act in the public interest above all other interests when performing their competent fire safety practitioner function;
- comply with relevant laws, the National Construction Code of Australia and any other relevant standards related to the competent fire safety practitioner function;
- maintain their abilities, skills and knowledge necessary to perform the competent fire safety practitioner function they have been accredited for;
- disclose and manage conflicts of interest; and
- act diligently, competently, fairly and with honesty and integrity.

The organisation must submit a copy of its current Code of Conduct with its application.

j) Complaints handling and dispute resolution process

The organisation must have a complaints handling and dispute resolution process for the accreditation scheme that is free, fair, impartial, transparent, timely, and encourages the resolution of disputes. The process must be publicly documented and must:

- allow any interested person to make a complaint about an accreditation holder or the organisation in its capacity as an accreditor of competent fire safety practitioners;
- separate the assessment and investigation of complaints about the accreditation holder or organisation from decision making in relation to complaints and from decision making in relation to any disciplinary action (it must be clearly documented how the organisation will separate the assessment and investigation of complaints);
- be conducted by persons who were not involved in the matter complained of and are fit and proper to perform this role; and
- have a mechanism for appeal for the complainant and accreditation holder in relation to complaints; and
- have a mechanism to notify the Secretary of complaints made against an accreditation holder.

The organisation must submit a copy of its current complaints handling and dispute resolution process with its application.

k) Discipline and sanctions

The organisation must have a procedure for disciplining accreditation holders that is fair, impartial, transparent and timely. The procedure must be publicly documented and must:

- apply procedural fairness, including separating the assessment and investigation of an accreditation holder from decision making in relation to the assessment and investigation and from decision making about disciplinary action (it must be clearly documented how the organisation will separate the assessment and investigation of complaints);
- be conducted by a person, or persons, who are independent and fit and proper to perform this role;
- describe the grounds for disciplining accreditation holders, including not holding current insurance or not meeting any other condition of accreditation;
- describe the forms of discipline and sanctions which the organisation may impose on an accreditation holder, including conditioning an accreditation holder's accreditation; requiring additional training or education, or suspending or cancelling an accreditation holder's accreditation;
- describe how the organisation will monitor imposed disciplinary measures and sanctions;
- have a mechanism for appeal by accreditation holders in respect of any disciplinary action taken against them; and
- Have a mechanism to notify the Secretary of accreditation holders who have been subject of any disciplinary action or sanctions.

The organisation must submit a copy of its current procedure for disciplining accreditation holders with its application.

l) Monitoring and investigating accreditation holders

The organisation must have a publicly documented process for monitoring and investigating accreditation holders:

- to ensure compliance with the Code of Conduct;
- to identify areas where improvement is needed or disciplinary action may need to be taken; and
- for any other purposes the organisation considers necessary that relate to the operation of the accreditation scheme and an accreditation holder's role as a competent fire safety practitioner.

The organisation must demonstrate that its process:

- includes formal and informal audits of accreditation holders; and

- be conducted by person(s) who are independent and fit and proper to perform this role.

The organisation must submit a copy of its current process for monitoring and investigating accreditation holders with its application.

m) Record keeping system

The organisation must have in place a record keeping system to keep all information and documents about and relating to the accreditation scheme including, but not limited to:

- application and renewal assessments;
- register of current and former accreditation holders;
- conditions imposed on accreditation holders;
- investigations of accreditation holders;
- complaints records;
- disciplinary records;
- audits of accreditation holders;
- historical versions of documented processes, including:
 - application and renewal process for accreditation under the accreditation scheme;
 - standard terms and conditions imposed on accreditation holders;
 - Code of Conduct for accreditation holders;
 - complaints handling and dispute resolution process;
 - procedure for disciplining accreditation holders;
 - process for monitoring and investigating accreditation holders.

The organisation must submit a copy of its current process for keeping records of all information and documents about and relating to the accreditation scheme, with its application.

n) Publishing accreditation scheme information

The organisation must have a free-to-access public website that includes clear information about the accreditation scheme. The website must, as a minimum, include:

- a searchable up-to-date register of current and former accreditation holders that is publicly available and free-to-access. The register must detail:
 - the accreditation holder's details including their:
 - i) name;
 - ii) competent fire safety practitioner accreditation function;
 - iii) accreditation status – for example, current (with expiry date), expired or cancelled (as applicable);
 - iv) any restrictions or conditions imposed on the accreditation holder's accreditation by the organisation;

- v) non-personal, business contact details, if permission to publish such information is provided by the accreditation holder, including their business and postal addresses, telephone number(s), email address and internet website address (if any); and
 - vi) insurance details, including the name of the insurer, policy number and insurance period;
 - o any disciplinary action or sanctions imposed on a current or former accreditation holder.
- current and historical versions of key documents and information about or related to the accreditation scheme, that are publicly available and free-to-access, including:
 - o application and renewal process for accreditation under the accreditation scheme;
 - o standard terms and conditions imposed on accreditation holders;
 - o Code of Conduct for accreditation holders;
 - o complaints handling and dispute resolution process;
 - o procedure for disciplining accreditation holders; and;
 - o process for monitoring and investigating the activities of accreditation holders.

o) Strategy if the organisation is unable to continue accrediting competent fire safety practitioners

The organisation must describe its strategy for managing accreditation holders under its accreditation scheme in the event its accreditation scheme is no longer recognised to accredit competent fire safety practitioners or in the event the organisation no longer provides accreditation.

As a minimum, the strategy must outline:

- how accreditation holders under the scheme will be notified,
- the transition period that will be provided to accreditation holders, if applicable,
- how any fees will be reimbursed to the accreditation holder, if applicable,
- how any relevant data and records will be transferred to the Secretary or another recognised organisation, and
- how the public will be notified that the accreditation scheme is to be discontinued.

p) Other matters

The organisation must provide any additional information requested by the Secretary to assist with determining whether the organisation's accreditation scheme should be recognised.

Part 3: Ongoing requirements for organisations with recognised accreditation schemes

An organisation with an accreditation scheme recognised by the Secretary is subject to:

- the standard conditions of accreditation scheme recognition outlined in Part 3(a) of this Guideline; and
- any specific conditions of accreditation scheme recognition imposed on the organisation and / or its accreditation scheme by the Secretary.

a) Standard conditions of accreditation scheme recognition

An organisation with an accreditation scheme recognised by the Secretary will need to comply with the standard conditions outlined in this section.

The Secretary may:

- impose further standard conditions of recognition that the Secretary considers appropriate; or
- vary or revoke any standard condition of recognition if the Secretary considers it appropriate to do so.

The Secretary will notify organisations with recognised accreditation schemes if any standard conditions will be imposed, varied or revoked and provide a reasonable time period, at the Secretary's discretion, for those conditions to be implemented.

i. General obligations

An organisation and its staff involved in the management and operation of the recognised accreditation scheme have the following general obligations to:

- act in the public interest above all other interests in performing its role as an accreditor of competent fire safety practitioners;
- act independently, fairly and with honesty and integrity in performing its role as an accreditor of competent fire safety practitioners;
- avoid and manage conflicts of interest, including conflicts of interest between the commercial interest of any sponsoring organisations and the management of the accreditation scheme; and
- proactively ensure that its accreditation scheme meets changing industry practices.
- notify the Secretary as soon as becoming aware of any activities or matters that may jeopardise public confidence in the accreditation scheme, the individuals accredited under a scheme or public safety more broadly.

ii. Satisfy Part 2 of this Guideline

An organisation must continue to satisfy the requirements in **Part 2** of this Guideline for the duration of the organisation's accreditation scheme's recognition. For example, the organisation continues to:

- be a registered company under the *Corporations Act 2001* (Cth) or an incorporated association;
- have sufficient and current public liability insurance and professional indemnity insurance;
- publicly document its application and renewal process for accreditation under its scheme that continues to meet the requirements in **Part 2**;
- publicly document its Code of Conduct that continues to meet the requirements in **Part 2**.

Where an organisation no longer complies with a requirement under **Part 2**, it must notify the Secretary as soon as becoming aware, and no later than within 2 days of becoming aware, of the non-compliance and the strategy the organisation will employ to rectify the non-compliance. The Secretary may temporarily or permanently suspend, cancel or revoke an organisation's recognition if notification is not provided as required by this section.

iii. Comply with a request to provide information to the Secretary

An organisation must comply with the reporting requirements outlined in **Part 2** of this Guideline. An organisation must also, on written request, provide the Secretary with any information the Secretary reasonably requires about the organisation and / or the organisation's recognised accreditation scheme. This includes, but is not limited to, information about:

- the number of individuals approved under the recognised accreditation scheme;
- accepted and rejected applications and renewals for accreditation under the recognised accreditation scheme;
- complaints, including:
 - the number of complaints received by the organisation relating to the recognised accreditation scheme and / or accreditation holders;
 - the source and nature of the complaints; and
 - the action taken by the organisation to remedy the matter complained of and the outcome of that action (including details of the notification given to the relevant local council, where the subject of the complaint is of a type that requires such notification, for example where a fire safety issue has not been satisfactorily resolved and further action is required to be taken by the local council).
- disciplinary actions taken against accreditation holders, including:
 - the number and type of disciplinary actions taken.

iv. Comply with relevant laws

An organisation with a recognised accreditation scheme must comply with the provisions of any relevant statutes, regulations, by-laws and requirements of any Commonwealth, State, Territory or local authority.

v. Notify the Secretary of any circumstances that may affect its ability to comply with any standard or specific conditions of recognition

An organisation must notify the Secretary in writing of any circumstances that may affect its ability to comply with any standard or specific conditions of recognition. For example, this includes the circumstance where an organisation intends to make a change that may affect its ability to continue to satisfy the requirements in **Part 2** of this Guideline.

vi. Comply with audits and investigations conducted by the Secretary

An organisation must comply with any reasonable request of the Secretary to conduct an independent audit and / or investigation of the organisation:

- to determine whether the organisation is complying with the standard conditions of recognition (**Part 3(a) of this Guideline**) and any specific conditions of recognition;
- in response to a complaint lodged about an organisation;
- if the Secretary is of the opinion that it is in the public interest to do so; or
- in any other circumstance that the Secretary considers necessary.

b) Specific conditions of accreditation scheme recognition

The Secretary may, in addition to the standard conditions of recognition, impose specific conditions on an organisation and its accreditation scheme where the Secretary considers it appropriate to do so in all the circumstances. Specific conditions may be imposed at the time when the accreditation scheme is recognised or during the period recognition of the accreditation scheme remains in force.

The Secretary will notify the organisation in writing of any proposed specific conditions and the reasons for those conditions. The organisation can make written representations about the proposed specific conditions within 21 days of being notified. The Secretary will consider any written representations made before finalising its decision. The organisation will be notified in writing of the Secretary's decision.

Part 4: Management of co-regulatory accreditation framework

a) Application fee

The Secretary may require the application for recognition of an accreditation scheme to be accompanied by a relevant fee to process the application.

b) Standard and specific conditions of accreditation scheme recognition

The Secretary may impose:

- standard conditions of accreditation scheme recognition on all recognised accreditation schemes; and
- specific conditions of accreditation scheme recognition on organisations with a recognised accreditation scheme(s) and / or its recognised accreditation scheme(s).

c) Audit or investigate organisations with recognised accreditation schemes

The Secretary may audit or investigate an organisation with a recognised accreditation scheme(s):

- to determine whether the organisation is complying with the standard conditions of recognition (**Part 3(a) of this Guideline**) and any specific conditions of recognition;
- in response to a complaint lodged about an organisation;
- if the Secretary is of the opinion that it is in the public interest to do so; or
- in any other circumstance that the Secretary considers necessary.

d) Request information from organisations with recognised accreditation schemes

The Secretary may request any information that the Secretary reasonably requires about the organisation and / or the organisation's recognised accreditation scheme(s).

e) Suspending accreditation scheme recognition

The Secretary may suspend an organisation's accreditation scheme's recognition if:

- the organisation breaches a standard condition of recognition in **Part 3** of this Guideline or a specific condition of recognition;

- the organisation is unable to comply with any of the standard condition of recognition in **Part 3** of this Guideline or any specific conditions of recognition; or
- it is in the public interest to do so.

If the Secretary is of the opinion that a ground exists for suspending the recognition of an accreditation scheme, the Secretary may serve a notice in writing on the organisation, inviting the organisation to show cause as to why its accreditation scheme's recognition should not be suspended. The notice must state the grounds on which the organisation is required to show cause, the proposed suspension period, and the period during which the organisation can show cause (being at least 14 days). The Secretary must consider any written representations made before finalising its decision. The organisation must be notified in writing of the Secretary's decision.

If the Secretary decides to suspend the accreditation scheme's recognition, the organisation must not accept any further applications or renewals from the suspension date stated in the notice until the suspension is revoked. A notice will be published in the Gazette that the accreditation scheme's recognition has been suspended or the suspension has been revoked by the Secretary.

Any accreditation granted prior to the date of suspension will continue to have effect according to its terms.

f) Cancelling accreditation scheme recognition

The Secretary may cancel an accreditation scheme's recognition if:

- the organisation breaches a standard condition of recognition in **Part 3** of this Guideline or a specific condition of recognition;
- the organisation is unable to comply with any of the standard condition of recognition in **Part 3** of this Guideline or any specific conditions of recognition;
- the accreditation scheme was recognised because of a materially false or misleading representation or declaration by the organisation;
- the accreditation scheme was recognised in error;
- the organisation ceases trading;
- the organisation becomes insolvent; or
- it is in the public interest to do so.

If the Secretary is of the opinion that a ground exists for cancelling the recognition of an accreditation scheme, the Secretary may serve a notice in writing on the organisation, inviting the organisation to show cause as to why its accreditation scheme's recognition should not be cancelled. The notice must state the grounds on which the organisation is required to show cause, and specify the period during which it must be done (being at least 14 days). The Secretary must consider any written submissions made before finalising its decision. The organisation must be notified in writing of the Secretary's decision.

If the Secretary decides to cancel the accreditation scheme's recognition, the organisation must not accept any further applications or renewals from the cancellation date stated in the notice. A notice will be published in the Gazette that an accreditation scheme's recognition has been cancelled by the Secretary.

The organisation must implement its strategy for managing accreditation holders currently accredited under the accreditation scheme. Any accreditation granted prior to the date of cancellation will continue to have effect according to its terms, unless the Secretary determines, at his discretion, that it is not in the public interest for the accreditation to continue.

g) Notice of voluntary cancellation of accreditation scheme's recognition

An organisation will need to give the Secretary 180 days' written notice of its intention to voluntarily cancel its accreditation scheme's recognition. A notice will be published in the Gazette that an accreditation scheme's recognition has been voluntarily cancelled by the organisation.

The organisation will need to implement its strategy for managing accreditation holders that were accredited under the recognised accreditation scheme. Any accreditation granted prior to the date of voluntary cancellation will continue to have effect according to its terms, unless in the opinion of the Secretary it is not in the public interest for the accreditation to continue.

h) Warning notices

The Secretary may authorise publication of a notice warning persons of particular risks involved in dealing with an organisation in its role as an accreditor of competent fire safety practitioners.

i) Secretary's involvement in complaints

Complaints about a competent fire safety practitioner

The organisation is responsible for handling complaints about its accreditation holders.

A complainant should attempt to resolve the issue directly with the accreditation holder or organisation in line with the organisation's documented complaints handling and dispute resolution process.

Complaints about an organisation with a recognised accreditation scheme

A complaint may be made to the Secretary about an organisation with a recognised accreditation scheme that relates to:

- its accreditation scheme; or
- the organisation in its capacity as an accreditor of competent fire safety practitioners.

A complaint must be made in writing.

For example, if a person has made a complaint to the organisation about an accreditation holder or the organisation in its capacity as an accreditor, and is not satisfied with the organisation's response, the individual may make a written complaint to the Secretary about the organisation.

If a person makes a complaint to the Secretary, the Secretary may decide:

- to take action in relation to the complaint; or
- to take no action.

The Secretary may do either or both of the following in deciding whether to take action:

- conduct an investigation;
- invite the organisation to show cause, by way of written submission, as to why the Secretary should not take action.

The complainant and organisation will be notified in writing of the Secretary's decision about the complaint.

j) Secretary's involvement when an accreditation scheme's recognition is cancelled

If an accreditation scheme's recognition is cancelled by the Secretary, the Secretary may appoint another organisation with their consent, to exercise the functions of that organisation whose accreditation scheme's recognition has been cancelled.

k) Penalties

The Secretary may impose penalties on a relevant person and / or organisation if:

- an applicant organisation or an organisation with a recognised accreditation scheme supplies false or misleading information to the Secretary;
- an organisation with a recognised accreditation scheme breaches a standard condition of recognition in **Part 3** of this Guideline or a specific condition of recognition; or
- a person falsely holds out that their accreditation scheme is recognised by the Secretary.

l) Delegation of Secretary's powers

The Secretary may delegate to a person any of the Secretary's functions under this Guideline, except this power of delegation.

Part 5: Review of a decision of the Secretary

A person may apply for an internal review of a decision to:

- refuse an application for recognition of an accreditation scheme;
- impose specific conditions on the recognition of an organisation and / or its accreditation scheme;
- suspend or cancel the recognition of an accreditation scheme.

The Secretary will assess the application for review and make a determination and notify the applicant in writing of the decision.

An internal review is not to be done by the person who made the original decision and is not to be done by a person who is less senior than the person who made the original decision.

Part 6: Competent Fire Safety Practitioner Functions

The functions covered by this guideline include, but are not limited to:

- 1) **Endorse a fire safety alternative solution report** (clause 130 and 144A)
- 2) **Endorse plans and specifications for *relevant fire safety systems*** (clause 136AA and 146B)

Relevant Fire Safety System includes:

- a) *A hydraulic fire safety system* within the meaning of clause 165, being:
 - i) a fire hydrant system, or
 - ii) a fire hose reel system, or
 - iii) a sprinkler system (including a wall wetting sprinkler or drencher system), or
 - iv) any type of automatic fire suppression system of a hydraulic nature, that is installed in accordance with a requirement of, or under, the Act or any other Act or law (including an order or a condition of an approval or some other sort of authorisation).
- b) A fire detection and alarm system
- c) A mechanical ducted smoke control system

- 3) **Endorse non-compliance with Building Code of Australia standards for minor works to existing fire safety systems** (clause 164B)

- 4) **Undertake assessment of performance capability of existing essential fire safety measures (annual fire safety statement)** (Division 5 of Part 9).

Including:

- | | |
|--|--|
| a) Access panels, doors and hoppers to fire resisting shafts | o) Fire shutters |
| b) Automatic fail-safe devices | p) Fire windows |
| c) Automatic fire detection and alarm systems | q) Lightweight construction |
| d) Automatic fire suppression systems | r) Mechanical air handling systems |
| e) Emergency lifts | s) Perimeter vehicle access for emergency vehicles |
| f) Emergency lighting | t) Portable fire extinguishers |
| g) Emergency warning and intercommunication systems | u) Safety curtains in proscenium openings |
| h) Exit signs | v) Smoke alarms and heat alarms |
| i) Fire control centres and rooms | w) Smoke and heat vents |
| j) Fire dampers | x) Smoke dampers |
| k) Fire doors | y) Smoke detectors and heat detectors |
| m) Fire hose reel systems | z) Smoke doors |
| m) Fire hydrant systems | aa) Solid core doors |
| n) Fire seals protecting openings in fire-resisting components of the building | ab) Standby power systems |
| | ac) Wall-wetting sprinkler and drencher systems |
| | ad) Warning and operational signs |

Part 7: Glossary

accreditation holder means a person who holds accreditation under an accreditation scheme. This person may be a competent fire safety practitioner if they hold accreditation under an accreditation scheme that has been recognised by the Secretary.

accreditation scheme is operated by an organisation that sets out the requirements an individual must meet to hold accreditation under that scheme. This scheme may be recognised by the Secretary to accredit competent fire safety practitioners to perform a specific function for the purpose of the EP&A Regulation.

applicant organisation means a company registered under the *Corporations Act 2001* (Cth) or incorporated association that has submitted an application to the Secretary seeking recognition of its accreditation scheme to accredit persons as competent fire safety practitioners to perform a specific function.

code of conduct is a set of principles, values and rules of behaviour expected of accreditation holders (as referred to at item (i) in **Part 2** of this Guideline).

competent fire safety practitioner means a person that is recognised to perform a specific function under the EP&A Regulation.

recognised accreditation scheme is a scheme recognised by the Secretary to accredit competent fire safety practitioners to perform a specific function for the purpose of the EP&A Regulation.