



# **ADVISORY NOTICE BUILDING**

**08/07**

*Advisory Notices are issued to assist in the interpretation of the Development Act 1993*

*January 2007*

## **ADMINISTRATION:**

### **Fire safety in facilities funded under the *Aged Care Act 1997***

Your attention is drawn to changes made to the national *Aged Care Act 1997* which may have an impact on the administration of fire safety in aged care facilities. These facilities could include certain Class 9a health-care buildings, Class 9c aged care buildings or Class 3 residential aged care buildings.

The amendments made to the Act put obligations onto approved providers of aged care facilities (funded under the *Aged Care Act*) to submit each year in March a *Fire Safety Declaration* to the Department of Health and Ageing that their fire safety obligations under State and local government legislation have been met. The Department has warned providers that failure to return the declaration or provide all of the requested information could result in actions for breach of the Approved Provider's responsibilities under the Act, and that information contained in the completed declaration could be forwarded to a relevant authority (ie a local council) for further investigation under relevant State building control legislation.

Approved providers are required to answer specific questions in a Fire Safety Declaration relating to the compliance of essential fire safety provisions installed in their facility (refer to copy of Fire Safety Declaration documentation attached). If a council is notified by the Department of Health and Ageing that a Fire Safety Declaration indicates a facility may have a compliance issue, then the council may decide to initiate an investigation through section 71 of the *Development Act 1993*, which provides for the establishment of a Building Fire Safety Committee as an appropriate authority and outlines procedures for dealing with fire safety deficiencies in existing buildings.

Councils may need to take these changes to the *Aged Care Act* into account when reviewing inspection policies and when planning work programs for Building Fire Safety Committees.

Further information about the *Aged Care Act 1997* requirements can be sourced through the Department of Health and Ageing's website at [www.health.gov.au](http://www.health.gov.au).

## **Further information**

Department of Primary Industries and Resources

### **Planning SA**

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