

**JAMESONS  
STRATA  
MANAGEMENT.**



# **Fire Regulation Changes**

**AS 1851-2012 Requirements – Effective 13 February 2026**

# Welcome + Your Hosts

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**This webinar will cover changes effective 13 February 2026 that affect every strata building in NSW.  
We'll explain your rights and responsibilities as a lot owner.**

# What We Will Cover This Evening

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- Why fire safety compliance matters to you
- What has changed since 13<sup>th</sup> February 2026
- Your building's obligations (and yours)
- Understanding the Annual Fire Safety Statement (AFSS)
- What to expect from your strata manager
- Renovations & Fire Safety - What you need to know
- Questions you should be asking at AGM's



# Why Fire Safety Compliance Matters

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## Protect Lives

Fire safety systems save lives. Working smoke alarms, fire doors, and sprinklers give residents time to escape.

## Protect Property

Proper maintenance limits fire damage and protects your investment in your home.

## Avoid Penalties

Non-compliance can result in significant fines for your owners corporation – that's your money.

## Insurance Protection

Compliance with regulation also protects your ability to claim against your insurance policy.

Fire compliance isn't just a legal requirement – it's about keeping your home and community safe.



# What Has Changed?

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## **AS 1851-2012 is Now Mandatory**

All fire protection systems must now be serviced according to this Australian Standard. This affects servicing frequency, record-keeping, and how defects are reported.

### **What This Means in Practice:**

#### **Before**

Servicing varied by provider  
Records kept informally  
Defects reported eventually  
Annual statement only

#### **After (13<sup>th</sup> Feb)**

Standardised monthly servicing for 7 key systems  
Onsite logbooks required for 7 years  
Critical defects reported within 24 hours  
Routine service records plus annual statement

# Your Building's Obligations

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As a lot owner, you are a member of the owners corporation. The owners corporation has legal obligations for fire safety.



## **Maintain Fire Safety Measures**

Keep all fire safety equipment in proper working order



## **Service to AS 1851-2012**

Mandatory from 13 February 2026



## **Keep Records On-Site**

Maintain logbooks and service records for 7 years



## **Submit Annual Fire Safety Statement**

Lodge AFSS with council and FRNSW each year



## **Maintain Common Property**

This is a compulsory duty – cannot be avoided

# Pre-1988 Buildings

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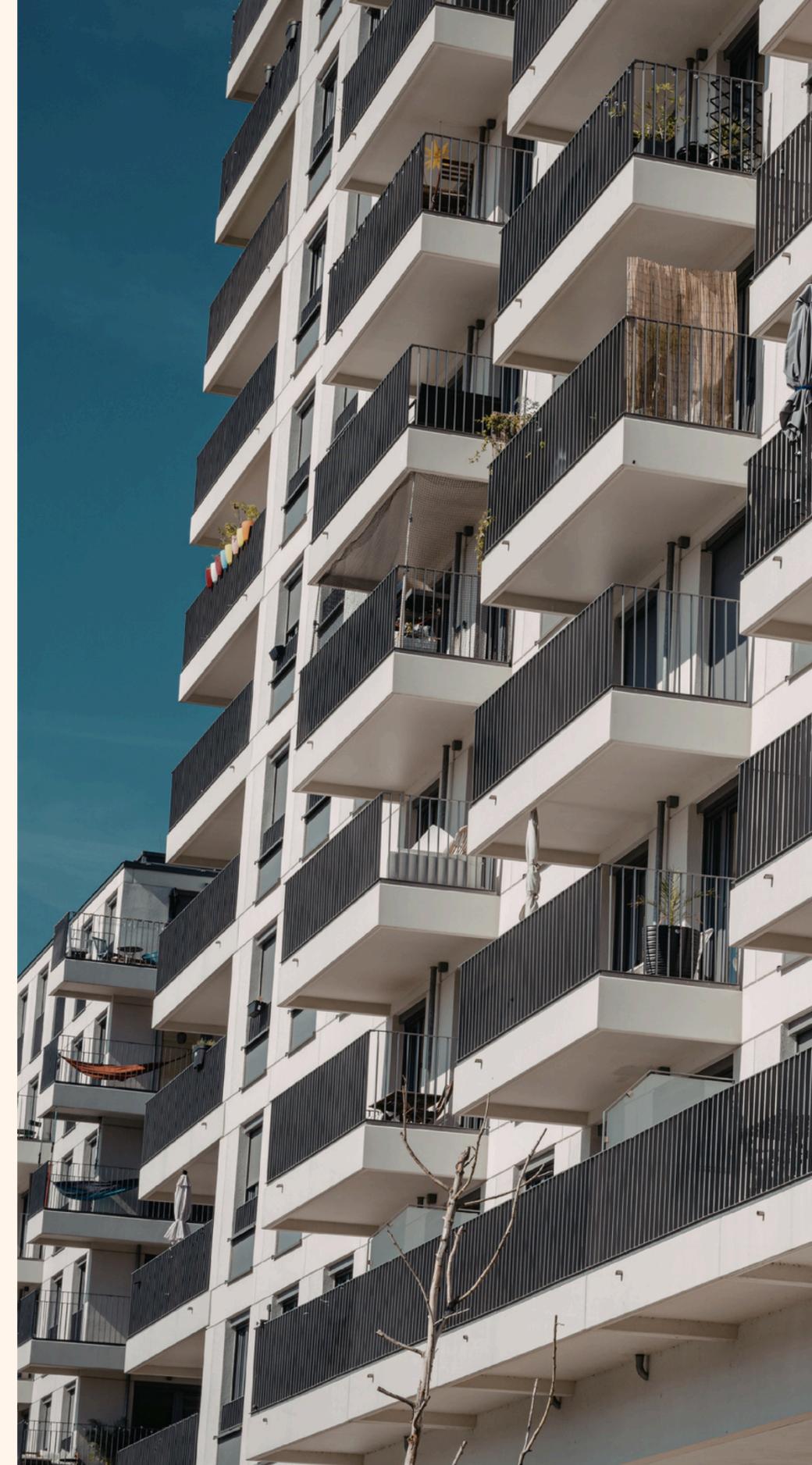
## **Buildings constructed before 1 July 1988 (approximately SP 1-33200)**

These buildings generally don't have an Annual Fire Safety Statement requirement – but they still have obligations.

### **You Still Must:**

- Maintain common property fire measures under s.106 SSMA
- Comply with smoke alarm requirements (Part 13)
- Respond to any Fire Safety Orders from council
- Keep fire doors, extinguishers, exit signs maintained
- Consider upgrading fire safety proactively.
- Fire and Rescue NSW as a regulator that can issue fire safety orders on a property, not just Council

***Case Law: Seiwa Pty Ltd v Owners SP 35042 [2006] confirms s.106 duty cannot be avoided***



# The Annual Fire Safety Statement

## What Is It?

A formal declaration that all fire safety measures in your building have been:

- Assessed by an Accredited Practitioner (Fire Safety) APFS\*
- Found to be capable of performing to their standard

\*Accredited under an approved industry scheme and the owners corporation

## Where Does It Go?

The AFSS must be submitted to:

### 1. Local Council

The council that issued the building's DA

### 2. Fire & Rescue NSW

On the same day as council submission

## When Is It Due?

Within 12 months of the previous statement. Your building has an "anniversary date" – usually tied to the original occupation certificate or first AFSS. Ask your strata manager!



Late or missing AFSS: Up to \$88,000 per offence + \$88,000 for each week of continued failure

# Penalties for Non-Compliance

These penalties apply to the owners corporation – and are paid from the funds you contribute as a lot owner.

Offence	\$ Amount
Failure to maintain Fire Safety Measures (s.81)	\$66,000
Non-compliance with AS 1851-2012 (s.81A)	\$66,000
Failure to keep records on-site (s.81A(2))	\$33,000
Failure to submit AFSS (s.88)	\$88,000



**AFSS Failure is a continuing offence**

**Each week of non-compliance is a separate offence. Potential exposure: \$924,000/month or \$11 Mill/year**

# What to Expect from Your Strata Manager

## They Should

- Coordinate fire safety service contracts
- Ensure AFSS is prepared and submitted on time.
- Report defects to strata committee promptly
- Manage fire safety records and logbooks
- Budget appropriately for compliance costs.
- Clearly communicate with council if a problem is identified

## Your Responsibility

- Attend AGMs and be informed
- Support adequate budget allocations
- Provide access for inspections /repairs
- Report fire safety concerns promptly
- Ask questions about compliance status

No defence to prosecution if access is refused by a lot owner. Allow access for fire safety servicing and inspections.

# Renovations & Fire Safety Compliance

Planning renovations? Fire safety must be part of your planning – some works need special approval.

## Cosmetic Work

### No Approval Needed

Examples:

Painting, hanging pictures, installing hooks/nails, minor patching

**Cannot affect fire safety systems**

## Minor Renovations

### Ordinary Resolution

Examples:

Kitchen updates, flooring, internal reconfiguration (non-structural)

**Cannot involve fire safety changes**

## Major Renovations

### Special Resolution Required

Examples:

Structural changes, waterproofing, external appearance, fire safety systems

**Fire safety work is ALWAYS major**

**Any work affecting fire safety systems – fire doors, sprinklers, alarms, smoke detectors – is classified as a major renovation and requires special resolution approval.**

# Before You Renovate - Fire Safety Checklist

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## Will My Renovation Affect Fire Safety?

- ✘ Relocating or removing fire doors
- ✘ Altering walls with fire detectors
- ✘ Changing sprinkler head locations?
- ✘ Blocking access to fire exits or equipment?
- ✘ Affecting smoke detector placement?
- ✘ Installing new penetrations through fire-rated walls?

## Steps to Take

- ✔ Check your building's by-laws first
- ✔ Notify strata manager of proposed works
- ✔ Get written approval before starting
- ✔ Use licensed, qualified tradespeople
- ✔ Ensure Fire Safety Schedule is updated if required
- ✔ Notify OC when works complete

### Renovating Without Approval?

You may be required to reverse the work at your own expense and could face legal action from the OC.

### Key Reference

Strata Schemes Management Act 2015 ss.108-110 covers renovation approvals.  
Your strata manager can help clarify requirements.

# Questions to Ask at Your AGM

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**Be an informed lot owner. These questions will help you understand your building's compliance status**

1. When is our AFSS due? Has it been submitted on time each year?
2. Who is our fire safety service provider? Are they FPAA accredited?
3. Are we now compliant with AS 1851-2012 requirements?
4. Are all fire safety records being kept on-site for 7 years?
5. Have there been any defects reported? What is being done about them?
6. Is there adequate budget for fire safety maintenance?
7. For pre-1988 buildings: What fire safety measures do we have?
8. Have we received any Fire Safety Orders from Council?



# Key Take Aways

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## **AS 1851-2012 is mandatory from 13 February 2026**

This changes how fire safety is serviced and recorded.

## **Pre-1988 buildings still have obligations**

Section 106 SSMA duty to maintain common property applies to all

## **Penalties are significant**

And they come from your owners corporation funds

## **Renovations**

Affecting fire safety systems need special resolution approval – always check first

## **Be an informed owner**

Attend AGMs, ask questions, and support proper budgeting for fire safety



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# Resources & Further Information

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## Legislation & Standards

**EP&A (Development Certification and Fire Safety) Regulation 2021**

**Strata Schemes Management Act 2015 (ss.108-110 for renovations)**

**AS 1851-2012 Routine service of fire protection systems**

**Building Commission NSW Good Practice Guide**

## Helpful Websites

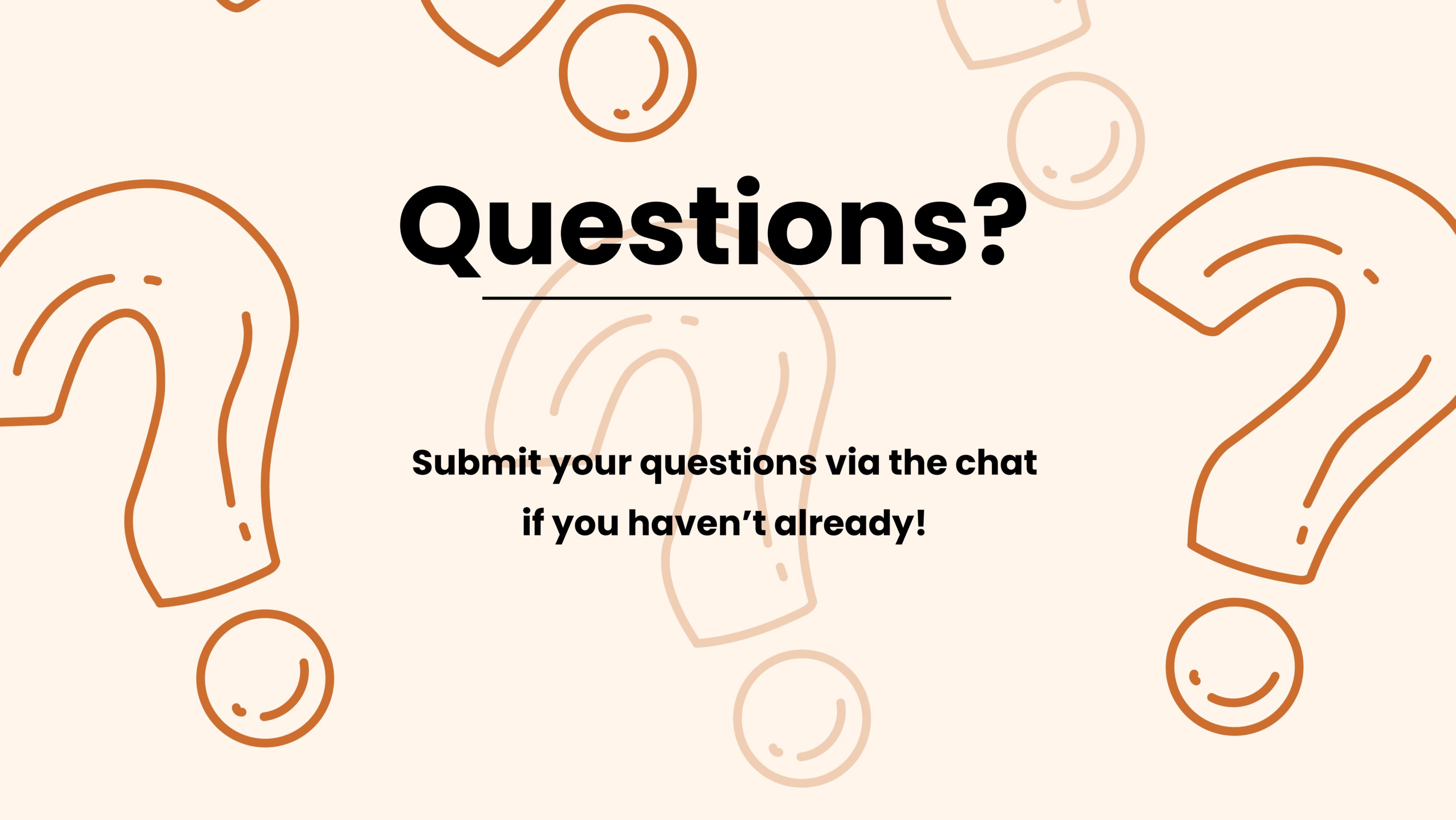
**Fire & Rescue NSW** ([fire.nsw.gov.au](http://fire.nsw.gov.au))

**NSW Building Commission** ([buildingcommission.nsw.gov.au](http://buildingcommission.nsw.gov.au))

**Fire Protection Association Australia** ([fpaa.com.au](http://fpaa.com.au))

**Building Commission NSW Good Practice Guide** ([nsw.gov.au/strata](http://nsw.gov.au/strata))

**This webinar recording, the slides and the FAQ's will be emailed to you before the end of the week.**



# **Questions?**

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**Submit your questions via the chat  
if you haven't already!**

# **Thank You**

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**JAMESONS.**