

Thank you for the opportunity to address the Committee today. I note that the inquiry has added more additional Terms of Reference to which the MFB will not address.

The MFB submission has not altered per-say, albeit that there have been more developments since our last appearance.

- As a result of the Grenfell fire in London (14/6/17) the MFB (CO) has prioritised the current and proposed engagement strategy relative to the use of non-compliant materials.
  - I must say that the MFB and other services have been actively advocating for change since our own experience of the Lacrosse fire in Melbourne (25/11/2014).
  - To that end I need to emphasise our disappointment at the apparent lack of movement by Regulations since that time.
- Lacrosse was a wakeup call
  - Since then I believe our Regulators etc. have been rubbing the sleep from their eyes
  - Now with the tragic event of Grenfell everyone has woken up albeit some 2½ years since we had a similar fire in our own backyard.

What are the similarities and issues?

- Number of fires involving cladding worldwide
- Some remedial action
- Loss of life (2-80)
- High rise fire safety

Chief Officers' position – Use of non-complaint materials

This is a formal position that details the expectations of the MFB Chief Officer in relation to performance-based building design in the context of the Metropolitan Fire Brigades Act 1958 and the Building Act 1993.

*MFB Position*

*The development of this formal position is to inform the following three key factors which relate to the MFB's intent in the built environment:*

- 1. Where issues have been identified in relation to a structure or structures the MFB will actively engage to ensure an appropriate community safety outcome is achieved.*
- 2. We will encourage and support the implementation of all appropriate measures through the relevant authorities to allow the identification of structures where the risk is elevated.*
- 3. We will actively advocate for the best policy settings in relation to the built environment and support the revision of regulatory and legislative tools such that the best outcomes for community safety are achieved.*

The Metropolitan Fire Brigade, consistent with the Metropolitan Fire Brigades Act 1958 and Emergency Management Act 2013 will provide for fire safety, fire suppression, fire prevention services and emergency response services.

It will do so in accordance with the Emergency Management Victoria, Strategic Control priorities which direct that the protection of the lives of responders and community members takes precedence over all other activities. In doing so, it must be recognised that community safety is a shared responsibility. All members of the Victorian community have a role to play in protecting their own lives and those of fellow citizens.

In the built environment, there is a chain of responsibility which is detailed in legislation and extends from the building concept stage through to building occupation. The legislative environment places obligations on a range of parties to ensure buildings are “Safe for Occupation” and fit for purpose.

The MFB released its PIA in April of 2015. The document (MFB) made a number of recommendations in terms of fire safety and practitioner interpretation of the regulations and only one of such has had an impact.

- Balcony sprinklers (>25m)
- Real risk lies within buildings <25m

Lack of take up of the recommendations altogether

Development of a Reform Paper

- Fire and Building Safety (Nov 15) Paperwork for Reform of the Building Regulatory Regime that provides some 21 options for change in the Vic context

## Context

The MFB supports the retention of key features of the current regulatory framework. The MFB considers that the intent behind and fundamental structure of the current regulatory framework is sound and had the potential to effectively regulate building control in Victoria. However, it has been confirmed in 2 reports of the Victorian Auditor General's Office that there have been failures in the effective regulation and enforcement of the system by the state regulator.

Further, there is confusion between the regulatory responsibilities of state and local government particularly in relation to building works where a private building surveyor has been appointed. This had led to regulatory failure, an inconsistent regulatory response to complaints and a general under-performance of building practitioners.

The MFB does not advocate for wholesale change. Rather this report identifies opportunities to improve regulatory controls in key areas to improve building safety outcomes and the performance of building practitioners. The MFB views these changes as necessary. The proposals in this paper are consistent with the statutory functions of the MFB to provide for the prevention of fire and other emergencies and the protection of life and property.

## Change

The MFB recognises that change can be slow. It can also be perceived as costly. The MFB will advocate for the changes proposed in this report whenever the opportunity presents itself. The MFB accepts that this is not, nor should it be, the most important party in building regulation in Melbourne or Victoria.

The MFB is, however, in a unique position. If change does not occur it is the MFB who must attend the catastrophic fires that will occur. It is the MFB who must decide to send more fire fighting appliances to some buildings because the risk to life is greater than if the building was constructed properly. These appliances travel at speed on Melbourne's roads; which is not without risk. It is also the MFB who must enforce potentially hefty false alarm charges for such buildings if there are false alarms occurring when multiple fire fighting appliances are sent.

It is the MFB fire-fighters who must confront risks and try to assist scared, vulnerable, elderly and/or infirm worried residents. It is the MFB Chief Officer who must make decisions about whether the risk at a fire is so great that fire fighters must be withdrawn to protect their own safety, with residents consequently unable to be assisted as they otherwise would.

The MFB's view is that change is needed so that the MFB is not forced to make these decisions and the community does not bear the human and financial cost of regulatory failure. The public should have confidence in their fire brigade. The MFB cannot provide the level of confidence in fire fighting response to some buildings in Melbourne because, frankly, the buildings should never have been built in the way they were.

To that end the costs of the reforms proposed here will be broadly cost-neutral. They represent proactive measures to address risk and will save the cost associated with reactive responses to significant fires and, possibly the loss of many lives.

The report contains a number of proposals described in the context of the current regulatory system. Appendix 1 contains Table A which lists the proposals broken down by reference to the life-cycle of a building and the fire safety issues that arise. Table B in Appendix 1, summarises additional proposals that the MFB has developed and will advance to the Victorian Government for consideration.

The MFB will debate and discuss the issues in this report with interested parties. The MFB hopes that, within a few years, as a consequence of these matters having been addressed the concerns raised here will become less relevant and the metropolitan district where the MFB attend fires will be a safer place for Melbournians and their visitors.

### The Current Position and opportunities –

As a result of Grenfell there has been a significant response

- Cladding TASKFORCE – authorised by the Minister for Planning
- Working groups consisting of industry stakeholders, one of which is AFAC

Current Draft RIS on DRAFT Vic Building Regulations that Close July 18

Minister Update MFB Position released by the MFB to put a stay on the release of the RIS due to

- Taskforce
- Senate and possible Coronial