



# **CRITICAL DEFECT NOTICE**

*(One Critical Defect per page)*



**Time and date defect identified:** .....am/pm ...../...../.....

**Premises name:** .....

**Address:** .....  
.....

**Description of critical defect:**  
.....  
.....

**Corrective action required:**  
.....  
.....

**Name of Owner/ Occupier\*:** .....  
(\* Please circle the correct option) Print name

**Contact details for Owner/ Occupier\*:** .....  
(\* Please circle the correct option) .....  
Print address

**Has the Owner/ Occupier\* been verbally notified of defect?** \* Yes / No  
(\* Please circle the correct option) (\* Please circle the correct option)

**If notified verbally, on what date was the communication? Date:** ...../...../.....

**On what date was written notification given? Date:** ...../...../.....

**How was notification provided?** \*Fax/ Email/ Hand delivered/ Post  
(\* Please circle the correct option)

**Name of Contractor:** .....  
Print name

**Contractor signature:** .....

**Company:** .....

**Accreditation/ licence number:** .....

The Owner/ Occupier should be aware that failure to rectify the critical defect is in breach of Section 104D of the *Fire and Rescue Service Act 1990* and penalties apply.

The *Building Fire Safety Regulation 2008* allows 1 month maximum after notification to rectify critical defects, this does not negate the obligation of the occupier to initiate where necessary interim measures for the safety of occupants.

**A copy of this form is to be retained by fire contractor.**



# EXPLANATORY NOTES

for

## CRITICAL DEFECT NOTICE



This document should be read when completing a *Critical Defect Notice* in line with requirements of the *Building Fire Safety Regulation 2008*. These *Explanatory Notes* provide instruction and examples as to what constitutes a *critical defect*. This document does not list all types of critical defects.

The definition of a *critical defect* provided in the *Building Fire Safety Regulation 2008* is “a defect that is likely to render the fire safety installation inoperable and the defect is reasonably likely to have a significant impact on the safety of occupants of part or all of the building if a fire or hazardous materials emergency happens”.

For the purposes of these notes: inoperable is defined in the dictionary as “Not able to perform its normal function”.

For the purposes of these notes: significant is defined in the dictionary as “Likely to have a major affect”.

The Queensland Fire & Rescue Service would usually determine a critical defect as something that affects a fire safety installation sufficiently so as to prevent it from performing its normal function.

***In order to be deemed ‘critical’, a defect would normally be seen to significantly affect the installation.***

If a defect is only in part of the installation but constitutes a life risk, such as where people are sleeping or where people have special needs, the defect may be classified as a critical defect. In this case consideration should be given to employing interim measures to ensure the safety of the occupants.

### Example of a Critical Defect

A zone of a fire alarm system, which is inoperable, in any class of building.

**Note:** In a building with sleeping accommodation the example above of a critical defect would require interim measures to be taken by the occupier, which may include:

- Installing 9volt battery operated smoke alarms in strategic locations to provide early warning in the event of fire.
- Employing security guards to patrol the building 24 hours a day.

The following are **not** considered critical defects but are defects and are also required to be repaired within one month:

- Fire extinguishers empty or undercharged, providing there are other extinguishers available.
- Some emergency lights or exit signs not working, but not the whole system.
- Installations temporarily shut down for repairs (if a contractor is in attendance and emergency measures are implemented).
- Exit door hardware not compliant (providing they are not locked).
- Superficial damage to a fire hose reel.
- Superficial damage to a fire hydrant.

Full details of the legislation can be accessed online at the Queensland Legislative website, [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

For further information you can contact the Legislation Implementation Project on (07) 3635 1930 or email at [fireris@emergency.qld.gov.au](mailto:fireris@emergency.qld.gov.au).