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Fire Safety and Budget Accommodation: The Building and Other Legislation Amendment Bill 2001

*The Palace Backpackers' Hostel Fire in Childers on 23 June 2000 prompted the Queensland Government to establish a Fire Safety Taskforce to review fire safety standards in Queensland's budget accommodation buildings. The **Building and Other Legislation Amendment Bill 2001 (Qld)** introduced on 11 December 2001 implements the recommendations of that Taskforce by ensuring that new and existing budget accommodation buildings – such as backpacker hostels, boarding houses, hotels and similar shared accommodation style premises – meet minimum fire safety standards. The laws will also apply to budget accommodation buildings built before 1992, thereby encompassing those older, timber structures that pose the greatest fire hazard.*

Owners of budget accommodation buildings will have 12 months from the commencement of the new laws to implement the basic provisions of a new Fire Safety Standard – the installation of smoke alarms and emergency lighting - and a further two years within which to make other necessary building upgrades, such as improved emergency exits, to comply with the remainder of the Standard. All buildings will be required to have a Fire Safety Management Plan.

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1 INTRODUCTION

The Palace Backpackers' Hostel Fire in Childers on 23 June 2000 prompted the Queensland Government to establish a Fire Safety Taskforce to review fire safety standards in Queensland's budget accommodation buildings. The **Building and Other Legislation Amendment Bill 2001 (Qld)** (the Bill), introduced on 11 December 2001, implements the recommendations of that Taskforce by ensuring that new and existing budget accommodation buildings – such as backpacker hostels, boarding houses, hotels and similar shared accommodation style premises – meet minimum fire safety standards. The laws will also apply to budget accommodation buildings built before 1992, thereby encompassing those older, timber structures that pose the greatest fire hazard.

Owners of budget accommodation buildings will have 12 months from the commencement of the new laws to implement the basic provisions of a new Fire Safety Standard – the installation of smoke alarms and emergency lighting – and a further two years within which to make other necessary building upgrades, such as improved emergency exits, to comply with the remainder of the Standard.

All budget accommodation buildings will be required to have a Fire Safety Management Plan enabling potential guests and residents to satisfy themselves that there are adequate measures in place for the safe evacuation of building occupants in the event of a fire. Authorised local government officers and fire officers will be given increased powers for inspecting such buildings to determine whether the owners are complying with the measures.

2 BACKGROUND

When introducing the new Bill, the Hon Nita Cunningham MP, Minister for Local Government and Planning, noted that Queensland has benefited considerably from the influx of international and interstate backpacker tourists who have contributed \$480 million annually to the Queensland economy over the past 20 years.¹ It is important that such visitors are not be discouraged by any perceived lack of adequate fire safety standards in backpacker hostels or similar style accommodation.

¹ Hon J I Cunningham MP, Minister for Local Government and Planning, Building and Other Legislation Amendment Bill 2001 (Qld), Second Reading Speech, *Queensland Parliamentary Debates*, pp 4423-4425, p 4424.

There are also many people on low incomes or pensions who reside in boarding houses or shared accommodation facilities. Many of those residents suffer from a range of physical and mental disabilities, or are elderly, and require ongoing care. It is vital that those vulnerable people are also protected.

2.1 THE CHILDERS BACKPACKERS' HOSTEL FIRE

The fire at the Childers Palace Backpackers' Hostel on 23 June 2000 claimed the lives of 15 young people from Australia and other countries, including Britain. The hostel was a hundred years old, had been converted from a hotel to backpackers' accommodation, and was heritage-listed. From the accounts of survivors, it appeared that fire alarm systems were not operating.² People who were familiar with the hostel said that there was only one exit door leading outside from the top floor at the rear of the building. However, it is understood that the hostel had complied with all existing regulatory requirements for that style of accommodation and that the local council had had no concerns about the way that the hotel had been modified to become a backpackers' hostel.³

There have been fires causing deaths in other high-density accommodation buildings of this type in Australia in the past. Over the past decade, New South Wales and Victoria have introduced laws to impose stricter safety standards on budget accommodation buildings. Those measures are examined in Section 6.

2.2 THE PROBLEM

The Childers backpacker fire indicated the pressing need for improved fire safety standards in older budget accommodation buildings. The main features of such buildings that make them susceptible to fire hazard are –

- many are old, some almost 100 years old;
- they are predominantly of timber construction;
- they tend to have a higher occupancy with many beds to one dormitory.

An example illustrates the problem. Soon after the Childers tragedy, an Irish backpacker was interviewed by a reporter inside the timber-framed 80-year-old Highlander Hotel at

² Editorial, 'A tragedy in Childers', *Age*, 24 June 2000. Downloaded from <http://www.theage.com.au>.

³ Hedley Thomas, 'Pensioner foretold blaze trap', *Courier-Mail*, 26 June 2000, p 6.

Mareeba (costing \$16.50 per night for a bed in a six-bed dormitory). She is reported as stating that you ‘...could smoke in here. Someone’s pulled the smoke alarm apart in the common room ‘cos it kept going off... It was too...annoying’. Upstairs, while there were freshly drawn floor plans, there was only rudimentary fire-fighting equipment (one hose reel and an extinguisher). Besides the disengaged smoke alarm near the common room, it was reported that there were no other fire detection systems, no emergency lighting, and only two old white escape ladders perched on the front balcony. Smoking was permitted in the dormitories. There was no means by which the hotel operators could ascertain the number of occupants at any one time.⁴

2.3 GOVERNMENT REACTION

Shortly after the fire at the hostel in Childers, the Queensland Government ordered fire authorities to conduct safety audits on budget accommodation around the State and established a high-level Fire Safety Taskforce to review Queensland’s fire safety legislation. Brochures on fire safety, written in a number of languages, have been provided in all budget accommodation buildings for guests as they check in, at Internet cafes, and on popular Internet websites that backpackers tend to visit.

Within days of the Childers fire, a ‘raid’ was conducted at Brisbane’s City Backpackers’ hostel. Fortunately, only minor defects in fire safety equipment were revealed. Similar blitzes were repeated at many unregistered, cheap accommodation buildings and a number in the northern regions of the State were given one week to upgrade fire safety standards or face closure.

It is understood that a survey undertaken by Cairns City Council inspectors in Cairns (a city attracting around 70% of the backpacker tourists to Queensland) around the time of the Childers fire found that, of the 54 hostels in the city, only 16 operated within council by-laws.⁵ The Council closed four hostels that posed an unacceptable risk, including one where 26 people lived in four bedrooms. The Council’s health services manager said that in the case of one hostel he saw, you ‘wouldn’t put your dog in it, it was so disgusting’.⁶ Another seven hostels voluntarily agreed not to trade as hostels and to seek

⁴ Nikki Voss, ‘The backpacker hostel disasters waiting to happen’, *Courier-Mail*, 9 July 2000 p 4.

⁵ Nikki Voss, ‘The backpacker hostel disasters waiting to happen’.

⁶ Stefanie Balogh, ‘Fire-trap hostels still in business’, *Australian*, 16 June 2001, p 6.

reclassification from the Council. However, the Council's health services manager noted that most backpackers' hostels had a good reputation and an unblemished safety record.⁷

It was reported that safety inspections of 263 of the 276 backpackers' hostels in Queensland over the two months following the Childers backpackers' hostel fire had revealed a number of fire safety defects. The Emergency Services Minister considered about 10% of those to be serious, including blocked emergency exits, no fire evacuation procedures, and overcrowding.⁸ The audit was subsequently broadened to include other budget accommodation buildings, such as boarding houses and hotels with sleeping quarters.

The chair of the Queensland Backpacker and Independent Travellers Association, Mr Stephen Welsh, is reported as stating that the abovementioned audit should rid the industry of illegal accommodation operations and that the legitimate hostel industry was fully supportive of the audit and happy to comply if shortfalls were identified in their own operations.⁹ However, he feared that backpackers' hostels would be tarnished by being 'lumped in' with other budget hostels and went on to suggest that industry continue to be consulted before the introduction of new laws.¹⁰

2.4 THE CURRENT REGULATORY ENVIRONMENT

Fire safety standards for budget accommodation buildings vary according to when the building was constructed. Building standards have become progressively more rigorous, particularly when Queensland adopted the Building Code of Australia, which applies to buildings constructed after 1 January 1992. However, many backpackers' hostels and other budget accommodation facilities were built before 1976. Those buildings need only comply with the standards in force at the time of their construction and need to obey contemporary laws only if owners undertake major building work or seek to reclassify the building. Many local governments have local laws governing fire safety issues in those older buildings but the requirements and stringency vary considerably. In addition, fire service authorities have lacked the power needed to enforce fire safety rules.

The Palace Backpackers' Hostel in Childers was a building that pre-dated contemporary fire safety regulations.

⁷ Justine Nolan, 'Hostels closed in safety blitz', *Courier-Mail*, 11 August 2000 p 7.

⁸ Justine Nolan, 'Hostels closed in safety blitz'.

⁹ Justine Nolan, 'Hostels closed in safety blitz'.

¹⁰ Jacob Greber, 'Low-cost hostels high risk to lives', *Courier-Mail*, 3 October 2000, p 1.

The **Building Act 1975 (Qld)** applies to budget accommodation buildings constructed after the Act commenced. The Act mandates the construction of buildings to uniform standards and provides for a system of building certification to ensure that relevant standards, including fire safety standard, are met. However, the fire safety standards that were set were not overly rigorous.¹¹

It was not until January 1992, when the **Building Code of Australia (BCA)** was adopted in Queensland, that new budget accommodation buildings had to comply with much stricter standards for fire safety. The BCA contains technical provisions for the design and construction of buildings and provides standards for matters such as structure, fire resistance, access and egress to the building, firefighting equipment, health and amenity of occupants etc. Until 1996, the BCA contained prescriptive building standards but these were replaced in 1996 with performance-based standards so that innovation in the use of materials, construction or design methods was not inhibited, provided that the performance required by the BCA was still met.

The BCA applies in each state and territory by virtue of legislation that prescribes the BCA to fulfil the necessary requirements for obtaining building approval from relevant government bodies. For Queensland, that legislation is the **Standard Building Regulation 1993 (Qld)** (made under the *Building Act 1975*). The Regulation controls the actual construction and alteration of buildings as well as occupancy, certification of works etc. It thus provides for appropriate levels of safety and amenity for building occupants. However, pre-1992 budget accommodation buildings do not currently have to conform to the BCA unless they are renovated or altered or their classification under the BCA changes.

The **Fire and Rescue Authority Act 1990 (Qld)** is also relevant in this context. Part 9A, Division 2 sets out the obligations of the building occupier, such as maintaining a clear means of escape in the event of fire and maintaining prescribed fire equipment. The **Building Fire Safety Regulation 1991 (Qld)** provides the detail of how the foregoing duties are to be carried out, the type of records that must be kept, information required to be given to employees, and penalties for breach.

The Building Fire Safety Taskforce Report (considered in Section 3) found that the scope for Government to improve regulatory response within the current legislative framework was limited and legislative change would be needed.

¹¹ Queensland. Queensland Government, *Regulatory Impact Statement – Proposed Amendments to Building Fire Safety Legislation in Budget Accommodation*, June 2001.

3 BUILDING FIRE SAFETY TASKFORCE

In the wake of the fire at the Palace Backpackers' Hostel at Childers, the Queensland Government established a Building Fire Safety Taskforce to investigate and review building and fire safety matters in Queensland. The Taskforce was chaired by the Chief Commissioner of the Queensland Fire and Rescue Authority (QFRA)¹², Mr Wayne Hartley. Membership of the Taskforce was drawn from various stakeholders, including industry bodies and government agencies. It reported to the then Minister for Emergency Services on 31 August 2000.¹³

Its terms of reference were –

- to identify the effectiveness of and to evaluate current fire safety laws and the enforcement of existing measures, in addition to links with other laws;
- to evaluate resources dedicated to administering and enforcing fire safety legislation; and
- notwithstanding the coronial inquiry, to provide the Minister for Emergency Services with a preliminary report containing options and recommendations for strengthening the fire safety legislative and enforcement framework.

3.1 REVIEW OF BUDGET ACCOMMODATION BUILDINGS

The focus of the Fire Safety Taskforce Report was on budget accommodation buildings due to the higher life safety risk involved, although some of its recommendations could have broader application to other types of buildings.¹⁴

The two types of budget accommodation considered were –

- **low-cost rental accommodation buildings**, defined as buildings with shared facilities in which unrelated persons would ordinarily reside, even if free of charge (ie hostels and boarding houses; certain accommodation for residents with a disability requiring a carer; hotels providing sleeping accommodation; temporary or portable buildings such as those found in construction or mining towns); and

¹² Now the Queensland Fire and Rescue Service.

¹³ Queensland. Queensland Fire and Safety Rescue Authority, 'Building Fire Safety in Queensland Budget Accommodation', *A Report Resulting From the Fire in the Palace Backpackers' Hostel, Childers*, 31 August 2000.

¹⁴ Fire Safety Taskforce Report, p 3.

- **backpacker accommodation** as defined under Commonwealth Department of Tourism Guidelines for Backpacker Accommodation –

a building or part of a building providing low cost accommodation for travellers and which is not used as their principal place of residence and includes dormitory style sleeping rooms.

In the nine weeks up to 31 August 2000, the QFRA conducted over 1,500 inspections of budget accommodation buildings. Apart from seven backpacker buildings that had been closed by local councils, the QFRA issued an immediate closure notice on a further such building in Mackay for non-compliance with fire safety laws.¹⁵ However, the audit of registered backpacker accommodation revealed that the buildings were, in general, of an adequate standard of fire safety and that the operators of those establishments were cooperative and rectified any faults discovered by the QFRA officers within an acceptable timeframe.¹⁶

The QFRA found that out of the 614 low-cost rental accommodation buildings and 111 backpackers' hostels inspected across Queensland, 47% and 38% respectively were considered 'high risk' to occupants. Only 58% of the low-cost rental premises had smoke alarms fitted and only 34% had emergency lighting. While backpackers' hostels did better with smoke alarm installation (81%), only 46% had emergency lighting.¹⁷ For both types of buildings, it was found that battery operated smoke alarms were unsuitable (hard-wired smoke alarms or commercial systems were more likely to remain operational), and that more than half had inadequate, or no, fire separation to prevent the spread of fire.¹⁸

3.2 RECOMMENDATIONS

The Fire Safety Taskforce Report made 12 recommendations for improving fire safety in budget accommodation. The **key recommendation** was for a minimum standard of building fire safety to be imposed to provide life safety protection in all budget

¹⁵ Fire Safety Taskforce Report, p 6.

¹⁶ Fire Safety Taskforce Report, p 9.

¹⁷ Fire Safety Taskforce Report, pp 12-13; 'Report exposes budget hostel fire traps – the Findings', *Courier-Mail*, 3 October 2000, p 2.

¹⁸ Fire Safety Taskforce Report, pp 12-13.

accommodation, regardless of when built, to conform with current requirements for new buildings as required by the BCA.¹⁹

The Taskforce noted that the implementation of a number of its recommendations required legislative change, particularly to the *Fire and Rescue Services Act 1990* (especially Part 9A dealing with building fire safety) and the Building Fire Safety Regulation 1991. Such would improve consistency of application and enforcement. Compliance with new standards was seen as essential and amendments to achieve this were also recommended. It was recommended that legislation be amended to enable authorised QFRA officers to issue on-the-spot fines, a measure that has been recently implemented by the Government.²⁰

To minimise the financial burden on building owners, it was suggested that implementation of the safety reforms be staged over a three-year period. The recommended phased approach has been incorporated in the provisions of the new Bill. The Taskforce recommendation was for owners of non-compliant budget accommodation buildings (irrespective of when built) to install an early warning system (eg a hard-wired smoke alarm system) within 12 months of commencement of the new fire safety laws. Within a further two years, upgrades to achieve compliance with current fire safety requirement aspects of the BCA would be required. Features of such improvements may include sprinkler systems; fire detection and alarm systems that are superior to hard-wired smoke alarms; fire-hose reels; emergency lighting and illuminated exit signs; and portable fire extinguishers.²¹

Further recommendations made by the Taskforce included the establishment of education and awareness programs for owners, occupiers and stakeholders; adequate resources being given to local government, QFRA and other agencies involved in administration and compliance; and that the Government consider providing technical advice and support to the budget accommodation industry in achieving compliance with standards of fire safety recommended in the Report.²²

¹⁹ Fire Safety Taskforce Report, pp 6-7.

²⁰ Fire Safety Taskforce Report, p 9.

²¹ Fire Safety Taskforce Report, p 7.

²² Fire Safety Taskforce Report, pp 10-12.

3.3 INDICATIVE COSTS

The Report stated that there would be some financial consequences for the budget accommodation industry and agencies involved in compliance and monitoring of fire safety. It was recognised that some marginal businesses might be forced to close resulting in an increased demand for public housing from displaced residents. Thus, it was suggested that strategies be developed to minimise adverse impacts.²³

4 REGULATORY IMPACT STUDY

In May 2001, the Queensland Government convened a Regulatory Impact Study (RIS) to examine the costs and benefits of different legislative options to improve fire safety in budget accommodation buildings. It was undertaken because the Government's preliminary assessment of the potential changes, as recommended by the Taskforce Report, indicated that there might be considerable costs to the community.²⁴ The RIS was released for public consultation on 8 June 2001.

The analysis for the RIS was undertaken by an independent body. The range of options considered was developed in consultation with industry and a pilot study was developed to assess the cost of compliance.

At the time the RIS was announced, the Opposition Emergency Services spokesman is reported to have claimed that the Government seemed prepared to compromise safety by attempting to make the upgrades required affordable to budget accommodation building owners.²⁵

The RIS favoured Government regulation to achieve improvement in fire safety standards in budget accommodation over any voluntary compliance mechanism or industry accreditation system. It considered that the current situation showed that a voluntary compliance approach had little hope of being effective without strong incentives or sanctions. The shortcoming of industry accreditation was its reliance on potential occupants of budget accommodation buildings being armed with sufficient information about requisite levels of fire safety standards when many of those people suffer from disabilities, or are on low incomes, or have other problems inhibiting their ability to make effective and informed choices.

²³ Fire Safety Taskforce Report, p 8.

²⁴ *Regulatory Impact Statement*, p ii. .

²⁵ Peter Morley, 'Backpackers wait for fire safety upgrade', *Sunday Mail*, 6 May 2001, p 14.

The RIS said that the government regulation approach had the advantages of reasonable certainty for operators, and potential and existing occupants, that the premises did meet minimum fire safety requirements and, also, that non-complying competitors will be penalised. For the public, it had the benefit of demonstrating that the Government had made fire safety an issue of concern and had acted to protect those persons most unable to look after themselves.²⁶

The RIS noted, however, that the direct benefits from improvements to building fire safety standards would be relatively low because, despite the tragic consequences of the Childers fire, there have been few fires in Queensland's budget accommodation buildings. There is also no evidence to suggest that there has been a change in backpacker confidence concerning the State's budget accommodation. Indeed, it is understood that Queensland's backpacker market grew by 20% in the three year period up to June 2001, surpassing the national increase of 16%.²⁷

Building upgrades for backpacker hostels and other budget accommodation buildings were costed at between \$13.3 million and \$230.8 million, depending upon the upgrade option chosen.

4.1 RANGE OF UPGRADE OPTIONS

The RIS examined five options for upgrading the fire safety standards of existing budget accommodation buildings. Those range from Option 1 – the Fire Safety Taskforce Report's overall recommendation that a minimum standard of fire safety be imposed to provide life safety protection in all existing budget accommodation in line with current requirements of the BCA – to Option 5, which is to maintain the status quo. Each upgrade option was given a percentage effectiveness assessment in achieving life safety and property protection, based on the expertise and opinions of Building Codes Queensland and the QRFA.

The upgrade alternatives can be summarised as follows –²⁸

- **Option 1** – compliance with the fire life safety requirements of the BCA (within 3 years) by either of two methods set out below:
 - **Option 1A** (the most stringent and expensive) – compliance with **BCA prescriptive life safety requirements** to achieve not just protection of life

²⁶ *Regulatory Impact Statement*, p 14.

²⁷ Sam Strutt, 'Tourism finds its Saviour', *Australian Financial Review*, 7 December 2001, p 13.

²⁸ *Regulatory Impact Statement*, pp 15-21.

but also minimisation of property damage by increasing the fire resistance of the building (such as upgrades to the walls, floors, ceilings, installing fire-rated doors where required);

- **Option 1B** – compliance with **BCA performance life safety requirements**. It differs from Option 1A in that instead of requiring upgrades to the fire resistance of the building, it opts for the installation of a sprinkler system in rooms and corridors. Suitable egress, firefighting equipment and early warning systems are also necessary, as with other options considered;
- **Option 2 (sprinklers, emergency lighting, and early warning systems)** – 3 years to comply – no upgrade to fire resistance of the building and only minimal improvements to egress (eg upgrades to stairways). However, this option, unlike options 3 and 4, requires the installation of fire sprinklers in rooms and corridors;
- **Option 3 (suitable egress, fire fighting equipment, and early warning systems only)** – 3 years to comply;
- **Option 4 (early warning systems only)** – 12 months to comply;
- **Option 5 (do nothing)**.

The RIS found that options 1-4 would all provide greater life safety by mandating installation of early warning systems which alert occupants when they need to evacuate a building, a situation improved further in those options providing for fire sprinklers. The more stringent options would also improve property protection.

The RIS considered that **option 4** may not do enough to address the high risk of typical budget accommodation buildings, particularly in supported accommodation where many residents have disabilities. This option was found to be 60% effective in achieving life safety but only 20% in achieving property protection (as no design or engineering improvements are required). It was the least expensive option considered. The incremental cost of upgrade for a typical budget accommodation building was estimated at approximately \$13.3 million and compliance costs were placed at \$1.7-\$1.9. Any benefits would decline unless there were very strict compliance measures in place.

It was considered that **options 1B** and **2** yielded benefits which were comparable to option 1A. However, **option 1A** was almost five times more expensive (\$230.8 million in capital costs with compliance costs of between \$2.28-\$2.47 million) than option 1B (\$51.5 million in capital costs and compliance costs of between \$3.19-\$3.39 million) because of the upgrade to fire resistance of the building required by option 1A. However, option 1A was assessed at about 90% effective in achieving life safety whereas option 1B was assessed as being 95% effective in doing so. Option 1B thus provided the greatest fire life safety protection of all the options considered and was less expensive than option 1A.

It was found that the weekly rent increase if option 1B was taken would range from \$6.02 for backpackers to \$16.43 for tenants of boarding houses. For option 4, the increase ranged from \$2.24 for backpackers to \$4.80 for boarders.

4.2 COMPLIANCE OPTIONS

The RIS considered three compliance options. Each had as a basic requirement that the occupier of the building must develop a Fire Safety Upgrade Plan (the Plan) and seek approval of it by local government. The Plan could contain matters such as the upgrade program, occupancy numbers, fire safety installation details etc.

The main difference between the three compliance options considered was in terms of the frequency and stringency of auditing of the Plan by local government or the QFRA. There would be sanctions imposed for breaches. The cost could be met through inspection fees.

4.3 IMPACTS

The RIS noted a number of impacts that could cause concern.

It noted that many **local governments** may not have suitably qualified or experienced staff to carry out inspections of buildings for compliance. In addition, compliance requirements would place additional demands on **QFRA** resources.

In terms of the industry, it considered that **backpacker operators** are likely to have increased upgrade and compliance costs that they may not be able to fully absorb and which would be passed on to backpackers (option 1B possibly causing a weekly rent increase of \$6.02). However, it has been estimated that even a rise of up to \$17.50 per week would not significantly affect the competitiveness of Queensland as a backpacker destination.²⁹

Boarding house operators and **supported accommodation operators** are likely to be considerably affected by high compliance costs. Tenants of such premises are mainly persons suffering some form of disability or are elderly, are dependent on pension support, and many require some form of care or supervision. The cost of upgrades to boarding houses may also be higher than for other budget accommodation buildings because of lower tenancies. If the owners cannot absorb costs, tenants may not be able

²⁹ *Regulatory Impact Statement*, p 40.

to afford increased rents.³⁰ There is economic data to indicate that up to 25% of boarding house tenants and 10% of supported accommodation residents may become homeless, thus placing strain on public housing and disability support services.³¹ Where such accommodation is forced to close, the same result may occur.

Non-government organisations operating budget accommodation, mainly charitable bodies such as the Salvation Army running crisis accommodation, facing similar economic impacts, may be forced to withdraw services or close down operations.

5 THE BUILDING AND OTHER LEGISLATION AMENDMENT BILL 2001 (QLD)

The Bill is part of a package of a general overhaul of fire safety laws, including new regulations that commenced in the week preceding introduction of the Bill which allow firefighters to issue on-the-spot fines for fire safety breaches. That measure also accords with a recommendation of the Fire Safety Taskforce Report.

The Bill amends the *Building Act 1975* (Qld) and the *Fire and Rescue Service Act 1990* (Qld) to achieve changes examined below. The Minister for Local Government and Planning, the Hon Nita Cunningham MP, stated that the standards and compliance mechanisms set out in the Bill are the bare minimum to ensure that occupants of budget accommodation buildings are safe, and that any upgrade costs faced by owners are reasonable.³²

5.1 OBJECTIVES

The main purpose of the new laws is to achieve a satisfactory standard of fire safety in all budget accommodation by requiring those buildings that are not approved under the BCA to comply with a Fire Safety Standard for the safe evacuation of occupants. A further object of the amendments is for owners of new and existing budget accommodation buildings to prepare and implement a Fire Safety Management Plan.³³

³⁰ Under option 1B, weekly rentals may increase by \$16.43 and by \$4.80 under option 4.

³¹ *Regulatory Impact Statement*, p 42 citing an Economic Associates Pty Ltd Survey (2001). This company undertook independent analysis for the RIS.

³² Hon J I Cunningham MP, Building and Other Legislation Amendment Bill 2001 (Qld), Second Reading Speech, p 4425.

³³ Building and Other Legislation Amendment Bill 2001 (Qld), *Explanatory Notes*, pp 1-3.

The new measures (under the proposed amendments made by the Bill to the *Building Act* and the *Fire and Rescue Service Act*) will apply to all new and existing budget accommodation buildings, even those built prior to 1992.

5.2 AMENDMENTS TO THE BUILDING ACT

The *Building Act 1975* authorises regulations concerning the occupation of buildings. The Standard Building Regulation 1993 regulates the actual construction and alteration of buildings and it is proposed that it will ‘call up’ a new Fire Safety Standard to apply to all budget accommodation buildings.

Clause 4 of the Bill will insert a **proposed new Part 2A** into the *Building Act*, dealing with fire safety for budget accommodation buildings.

5.2.1 Definition of Budget Accommodation Building

The definition of a ‘budget accommodation building’ to be inserted into the *Building Act* is similar to that used in the Fire Safety Taskforce Report and in the RIS. The same definition is used for the purpose of amendments to the *Fire and Rescue Services Act 1990*, discussed below.

Under **proposed new s 12B**, a **budget accommodation building** is a building that has shared bathroom and sanitary facilities (other than a laundry) providing accommodation for six or more persons and is of the following type –

- boarding house, backpacker hostel and the like (note that no separate definition of ‘backpacker hostel’ is provided);
- hotel accommodation;
- accommodation for persons who have an intellectual or physical disability and require full time or part time care (eg supported accommodation).

Excluded from the definition are motels; correctional facilities; juvenile detention centres; aged care facilities; houses or townhouses; home units; and health care units.

5.2.2 Fire Safety Standard

A **proposed new Part 2A, Division 2** will be inserted into the *Building Act* to provide that a regulation may prescribe a Fire Safety Standard for ensuring the safe evacuation of all occupants of a budget accommodation building in the event of fire: **proposed new**

s **12C(1)**. The Standard Building Regulation 1993 and the Building Fire Safety Regulation 1991 will give legislative backing to the Standard.³⁴

The Standard may contain provisions regarding the maximum number of occupants; implementation of fire safety systems such as early warning systems (eg hard-wired smoke alarms); evacuation procedures; features for extinguishing or containing the fire; and training programs for staff and occupants about fire management and prevention and emergency evacuation. The contents of the Standard are not limited to the foregoing matters: **proposed new s 12C(2)**. A draft Fire Safety Standard tabled in Parliament when the Bill was introduced is discussed in Section 5.5 of this Brief.

Note that the Chief Executive of the Department of Local Government and Planning may issue **guidelines** about ways of complying with the Fire Safety Standard after consulting with any appropriate entity about them. The guidelines must be publicly notified and available for public inspection, and published on the Department's website: **proposed new ss 12D-F**.

Note that the owner of a budget accommodation building must have regard to the guidelines in ensuring that their building conforms to the Standard: **proposed new s 12S(2)**. In addition, under the **proposed new s 12S(1)**, an entity (eg local government) must have regard to the guidelines when it carries out its authorised powers or functions.³⁵

5.2.3 Requirements for Pre-1992 Budget Accommodation Buildings

A **proposed new Part 2A, Division 3** will be inserted into the *Building Act* to ensure that budget accommodation buildings built, or for which building approval was obtained, or application for approval was made, prior to 1 January 1992 (when the BCA commenced in Queensland) complies with proposed minimum standards for the safe evacuation of occupants.

As a minimum requirement, owners must install **early warning systems** (eg hard-wired smoke alarms, flashing lights) and **emergency lighting**, as required by the Fire Safety Standard, within **12 months** after the Standard commences. This minimum requirement reflects option 4 considered in the RIS. The owner has **three years** to implement the remainder of the Standard: **proposed new s 12H**. The maximum penalty for non-

³⁴ The Standard will override local laws regulating fire safety in budget accommodation buildings to the extent of any inconsistency.

³⁵ See also **proposed new s 104FH** of the *Fire and Rescue Services Act 1990* (Qld).

compliance will be \$12,375. When the Standard has been developed it will be clearer what upgrade option considered by the RIS appears to have been adopted.

An owner may seek an extension of time from the local government within which to comply. This can only be granted if the local government is satisfied that refusal would cause undue hardship to the building's occupants. An example of that is if the building faces closure through inability to meet the expense of conforming within the prescribed timeframe and its occupants would be forced onto the street. The extension of time may be granted subject to reasonable conditions (eg a timetable of improvements to be made over the relevant time), and if the owner does not adhere to the conditions, a maximum penalty of \$12,375 may be imposed. Refusal to agree to an extension is appealable: **proposed new s 12I**.

A **proposed new s 12J** allows owners to apply to the local government for **advice** on whether their building complies with the Fire Safety Standard. The decision about whether the building complies or not must be made within 20 business days after receiving the application. If it is determined that the building does not conform, the decision notice must inform the owner of the reasons, rights of review, and what needs to be done to make the building conform. The owner must comply with that notice or face a penalty of up to \$12,375. The decision can be appealed to the Building and Development Tribunal.³⁶

The President of the Local Government Association of Queensland has criticised the proposal for local governments to assist owners in assessing whether buildings needed to be upgraded in order to comply with the new laws. Mr Playford is reported as saying that two-thirds of local governments do not have the necessary expertise to undertake such a role and that there would be a considerable increase in the cost of professional indemnity insurance that would ultimately be passed on to ratepayers. Mr Playford considered that a simpler solution would have been to allow owners to apply to qualified building certifiers to assess compliance.³⁷

It is understood that owners will be able to seek the advice of a building professional or a fire engineering consultant as an alternative way of assessing whether their building complies with the Standard or whether further improvements are necessary.³⁸ In addition, the availability of the abovementioned guidelines should reduce the need to seek advice from local government.

³⁶ Established under the *Integrated Planning Act 1997* (Qld). See **proposed new s 12K** of the *Building Act 1975*.

³⁷ Erin O'Dwyer, 'Councils criticise state on hostels', *Courier-Mail*, 17 December 2001, p 6.

³⁸ Building and Other Legislation Amendment Bill 2001 (Qld), *Explanatory Notes*, p 10.

5.2.4 Fire Safety Management Plans – Improvements to All Buildings

A **proposed new Part 2A, Division 4** will apply to **all** budget accommodation buildings, irrespective of when they were, or are, built.

In the case of installing early warning systems and emergency lighting (the minimum requirements of the Fire Safety Standard), no development approval from local government is needed (it is self-assessable development under the *Integrated Planning Act 1997* (IPA)).

However, many budget accommodation buildings will require further upgrade work to avert fire risk (eg adding emergency exits, more stairways), and owners will be allowed a three year period within which to make the improvements. Such upgrades will constitute ‘building work’ under the IPA and therefore need development approval from the relevant local government under the Integrated Development Assessment System established by the IPA.

In addition to the IPA’s mandatory requirements for an application for development approval, a Fire Safety Management Plan (FSMP), discussed in detail in Section 5.3 of this Brief, must accompany the application. If the local government is satisfied that the development application does not comply with the Fire Safety Standard or that the FSMP does not comply with the Standard or does not conform to what a FSMP will have to look like (under new provisions to be inserted in the *Fire and Rescue Service Act*), the application must be refused, unless compliance can be achieved by imposing reasonable conditions: **proposed new s 12Q**.

Note that a private certifier is prohibited from approving building work as complying with the Fire Safety Standard: **proposed new s 12Q(3)**.

5.2.5 Alternative Solutions

Proposed new s 12R will apply in situations where development approval is given and the work involves ‘alternative solutions’ provided under the BCA. The performance-based BCA does not prescribe the use of particular materials, forms of construction, or design methods provided that the building will nevertheless meet the relevant performance requirement of the BCA (ie the part of the BCA requiring mandatory compliance). The focus is upon objectives rather than upon prescriptive requirements.

There are two building solutions that can be followed to meet the performance requirements. One is the ‘deemed to satisfy’ provision that has examples of materials, components, design and construction methods which, if used, will result in compliance. The other building solution is an ‘alternative building solution’. An ‘alternative solution’

may be approved if it can be demonstrated that the solution complies with the relevant performance requirement of the BCA.³⁹

In the context of the new laws, an ‘alternative solution’ for a budget accommodation building to achieve compliance with the Fire Safety Standard may be fire safety management procedures, approved by the relevant local government. The *Explanatory Notes* provide an example. Residents of a building may have a range of disabilities that would render alarms and lighting redundant in facilitating their safe evacuation and a sprinkler system might need to be installed instead. The alternative solution to such an expensive system is if there are staff on hand around the clock who could be used to quickly evacuate the residents in the event of a fire.⁴⁰

Under the **proposed new s 12R**, the local government which has given development approval must carry out annual inspections to ensure that compliance with the Standard and the FSMP is occurring and, also, to inspect the owner’s records that demonstrate compliance. The Minister for Local Government and Planning has suggested that those inspections could coincide with other inspections required under relevant local laws.⁴¹

5.3 AMENDMENTS TO THE FIRE AND RESCUE SERVICE ACT 1990

It is intended that **Part 9A, Div 2** of the *Fire and Rescue Service Act 1990* will be amended and a **proposed new subdivision 3** inserted to govern Fire Safety Management Plans (FSMPs): **cl 12**.

A **proposed new s 104FA** will give an owner 12 months within which to prepare and implement a FSMP for a budget accommodation building constructed, or whose construction was approved, or an application for approval was made, before the commencement of s 104FA. As indicated above, amendments to the *Building Act* will require that FSMPs also accompany development applications for building work to carry out fire safety improvements other than the installation of smoke alarms and emergency lighting. Thus, all budget accommodation buildings will be covered by FSMPs under the new measures.

³⁹ The Building Code of Australia, *Codes and Standards Information Page*, Fire Protection Association of Australia, downloaded from <http://www.fpaa.com.au/standards>.

⁴⁰ Building and Other Legislation Amendment Bill 2001 (Qld), *Explanatory Notes*, p 14.

⁴¹ Hon J I Cunningham MP, Building and Other Legislation Amendment Bill 2001 (Qld), Second Reading Speech, p 4424.

A **proposed new s 104FC** sets out the required **contents** of a FSMP which all serve to achieve the safe evacuation of all building occupants in the event of a fire and to meet the Fire Safety Standard. Included are matters such as the allowable number of building occupants; evacuation plans that specify arrangements for occupants with disabilities; training programs for staff and occupants; a list of details of the prescribed fire safety installations; and the proposed maintenance schedule. Suitable building plans showing where the fire safety installations are located must be nearby. FSMPs seem similar to the Fire Safety Upgrade Plans considered in the RIS.

As with the new Fire Safety Standard, the Chief Executive of the Department of Emergency Services may issue **guidelines** aiding preparation of FSMPs.⁴² The Chief Executive may also give the occupier or owner of a building a notice requiring steps to be taken to rectify non-compliance with a FSMP.⁴³

In preparing a FSMP, the owner must have regard to the information in the Fire Safety Standard guidelines and the fire safety management plan guidelines.⁴⁴

The owner must ensure that the FSMP is implemented or face a maximum fine of \$7,500. The FSMP must be kept up-to-date and reflect any change in circumstances that affects its compliance with the Fire Safety Standard. The FSMP must also be accessible for free inspection at the premises, ensuring that potential guests or residents of the building can satisfy themselves that the building has appropriate procedures and systems for safe evacuation in place.⁴⁵

5.4 MONITORING COMPLIANCE

Currently, QFRS⁴⁶ officers and local government officers cannot exercise power of entry in relation to parts of buildings used as a dwelling unless the occupier has given approval.

⁴² See **proposed new ss 104FD-104FF** of the *Fire and Rescue Service Act 1990 Act 1990* (Qld) which set out similar requirements about public notice and access as for the fire safety standard guidelines.

⁴³ See **amendments to s 104G** of the *Fire and Rescue Service Act 1990* by **cl 13** of the Bill.

⁴⁴ See **proposed new s 12S(3)** of the *Building Act 1975* (Qld) and **proposed new s 104FH(3)** of the *Fire and Rescue Services Act 1990* (Qld).

⁴⁵ **Proposed new ss 12O-12P** of the *Building Act 1975* (Qld); **proposed new ss 104FB** and **104FG** of the *Fire and Rescue Services Act 1990* (Qld).

⁴⁶ The Queensland Fire and Rescue Service (QFRS), formerly the QFRA.

Under the proposed changes, it will be made clear that this restriction does not apply to an investigation to monitor compliance with fire safety standards.

Clause 9 of the Bill will amend **s 55** of the *Fire and Rescue Services Act 1990* to enable authorised fire officers to enter budget accommodation buildings to investigate whether or not fire safety measures and prevention measures, including the implementation of a FSMP, have been taken, or are being maintained.

Amendments to the *Local Government Act 1993* will enable local government officers to inspect records that owners of budget accommodation buildings will have to keep under the proposed new Part 2A of the *Building Act 1975* and will also give the officers powers of entry into those buildings to monitor compliance with Fire Safety Standards, FSMPs, and the requirements of the new Part 2A of the *Building Act 1975*: see **Part 4 of the Bill**.

5.5 DRAFT FIRE SAFETY STANDARD

When the Bill was introduced, a draft Fire Safety Standard was tabled so that all members, owners of budget accommodation buildings and the public had the opportunity to ascertain what criteria may be applied to budget accommodation buildings.

The draft Standard is a performance-based ‘code’ that allows for alternative solutions to be developed and approval sought for them. Provided that the purpose of the Standard is met (ie ensuring that budget accommodation buildings provide for the safe evacuation of occupants), an ‘acceptable solution’ might be approved by a local government assessing the development. The local government will refer the application to the QFRS for advice about the suitability of the alternative solution. A decision is made after considering that advice and the relevant performance criteria set out in the Standard.

The draft Standard sets out 13 performance criteria for matters and the corresponding ‘acceptable solution’. The matters covered are: early warning systems, emergency lighting, occupant density, emergency escape, fire exits, travel distances, fire hydrants, fire hose reels, fire extinguishers, sprinklers, smoke hazard management, and exit signage.

For example, the performance criteria for the protection of exits is –

to protect evacuation occupants from a fire in the building, exits must be fire isolated, to the degree necessary, appropriate to the number of storeys connected by, and passed through by, the exits; the fire safety system installed; the function or use of the building; and fire brigade intervention.

The corresponding 'acceptable solution' is that –

every required exit is fire-isolated unless it connects not more than 2 consecutive storeys in a budget accommodation building. One extra storey may be included if it is only for the accommodation of motor vehicles ..., or the building has a sprinkler system complying with [the relevant BCA specification].

The draft Standard provides a schedule of maintenance options for fire safety systems listing the options appropriate for the particular building by adding or deleting the items to a *Schedule of Essential Fire Safety Maintenance*. Continuing with the above example, the Schedule may require three-monthly inspections to ensure there are no obstructions to exits and no alterations have been made.

5.6 NEW FIRE PROTECTION EQUIPMENT RULES

On 1 July 2001, new measures came into effect requiring contractors who install fire protection equipment (eg extinguishers, passive systems, sprinklers, hose reels and hydrants) to be licensed by the Queensland Building Services Authority.⁴⁷ That new licensing model appears to be consistent with a recommendation made by the Fire Safety Taskforce Report regarding possible licensing of fire protection practitioners and contractors to carry out testing and maintenance of fire safety installations.⁴⁸ It also comes in the wake of an Australian Competition and Consumer Commission investigation into price fixing and anti-competitive behaviour in Queensland's fire protection industry.

Contractors and others installing and maintaining such equipment must have relevant technical qualifications; two years' experience in the field; and companies have to meet financial requirements. Unlicensed contractors can be prosecuted and fined up to \$24,000.

At the time of commencement of the laws, QFRS Chief Commissioner, Mr Hartley (who chaired the Fire Safety Taskforce) commented that while these new laws had followed a general improvement in fire safety standards in the budget accommodation industry, a bad fire could occur again unless owners and operators took on more responsibility for maintaining fire safety systems, such as smoke alarms, and for training staff to assist with

⁴⁷ 'New fire gear rules', *Courier-Mail*, 11 January 2001, p 8.

⁴⁸ Fire Safety Taskforce Report, Recommendation 4, p 10.

evacuations of patrons. Mr Hartley reportedly suggested that the powers of fire officers needed to be increased.⁴⁹

5.7 RESPONSE TO THE BILL

Opposition Emergency Services spokesman, Mr Ted Malone MP, is reported as saying that the new standards were lenient and that he believed that sprinklers, at least, should be a mandatory requirement in all multi-level accommodation. He is said to have suggested that the Government had chosen the cheapest option to lessen the financial impact on the industry.⁵⁰

The Minister for Local Government and Planning has reportedly responded that the proposed laws were formulated following extensive consultation and were the most cost-effective way of implementing new standards without compromising safety.⁵¹ It is understood that the new laws have undergone consultation with relevant stakeholders such as local government, travel industry groups, professional bodies and government agencies.⁵²

The Australian Tourism Taskforce Chief Executive, Mr Christopher Brown, is reported as commenting that the new retrospective standards were necessary for Queensland's ongoing reputation as a safe destination for budget travellers and that every state should follow suit. He said that while there would be extra costs to operators, the laws were in the best interests of the tourism industry.⁵³ However, it is reported that some Queensland tourism operators have urged caution in seeking emergency upgrades in hostels, saying that cost of such measures need to be weighed against the risks posed.⁵⁴

⁴⁹ Stephanie Balogh, 'Fire chief warns of a new Childers', *Australian*, 21 June 2001, p 6.

⁵⁰ Chris Jones, 'Get tough fire laws in wake of Childers', *Courier-Mail*, 4 December 2001, p 7.

⁵¹ Erin O'Dwyer, 'Councils criticise state on hostels', *Courier-Mail*, 17 December 2001, p 6.

⁵² Building and Other Legislation Amendment Bill 2001 (Qld), *Explanatory Notes*, pp 4-5.

⁵³ 'Backpacker safety a must for tourism', Australian Tourist Commission, Newscentre, 5 December 2001, downloaded from the ATC Online website at <http://www.atc.net.au>.

⁵⁴ Cathy Prior, 'Hostels resist safety reforms', *Australian*, 5 December 2001, p 4.

5.8 QUEENSLAND HERITAGE ACT 1992

One issue that may emerge is the impact of the *Queensland Heritage Act 1992* (Qld) on the new fire safety laws. If a budget accommodation building has been registered as a place of heritage significance under that Act, any proposed development must first be approved by the Queensland Heritage Council. Approval will not be given if the development may reduce or damage that heritage significance unless there is no prudent or feasible alternative to the development.

The RIS considered that, in determining whether there is a prudent or feasible alternative, the Council may believe that improvements to the fire safety of a building may save it from destruction of that heritage value by fire. It is understood that to date the Council has not rejected fire safety improvement applications and is concerned with recommending ways of minimising the impact of development on heritage values. Those suggestions may, however, pose additional costs on a budget accommodation building owner.⁵⁵

6 FIRE SAFETY LAWS IN OTHER JURISDICTIONS

There are no national laws that regulate fire safety in existing budget accommodation but new backpacker hostels have to comply with the BCA. It appears that other jurisdictions will be regarding the implementation of the new Queensland laws with interest. The main jurisdictions which have taken most legislative action, apart from local government regulation, are Victoria and New South Wales.

6.1 VICTORIA

Following the death of nine intellectually disabled people in a fire at budget accommodation known as Kew Cottages, the Government tightened fire safety laws. Under the Building Regulation 1994 (Vic), a fire sprinkler system complying with relevant standards must be installed in residential care buildings constructed before August 1997. A residential care building is one that accommodates persons requiring physical assistance in conducting their daily activities and to evacuate the building during an emergency. It includes supported residential services, hostels or nursing homes. Fire safety guidelines were developed and the Government worked with the State's fire

⁵⁵ *Regulatory Impact Statement*, pp 10-11.

services to make those residences comply. Provision is made in the guidelines for fire drill training and training for staff on evacuation procedures.⁵⁶

However, the Victorian Fire Service considers that upgrades are necessary to require all 'class-three' premises (backpackers' hostels, boarding houses and motels) to be retrospectively fitted with hard-wired smoke alarms following an audit in early 2001 that found that of the 25 class-three premises inspected, there was a 34% failure rate for battery smoke alarms. The Service was also startled to discover a licensed 120-bed backpacker hostel in the inner city area had only two of its 38 smoke alarms in working order.⁵⁷

6.2 NEW SOUTH WALES

Legislation was introduced to regulate fire safety after the 1989 Downunder Kings Cross backpackers' hostel fire to give local governments and fire authorities special enforcement powers in relation to buildings posing a fire risk.⁵⁸ Authorised fire officers can inspect buildings when requested by the relevant local government or where the Commissioner of the NSW Fire Brigade has received written complaint that adequate provision for fire safety has not been made for a building. In addition, the Commissioner can ask a council to carry out fire safety inspections of buildings.

Orders can also be given to owners of buildings about fire safety measures, including owners or managers of shared accommodation buildings. Note that where an order could make a resident homeless, consideration has to be given to whether satisfactory alternative accommodation in the area can be arranged by the resident, and, if not, the resident must be provided with information about alternatives and given appropriate assistance.

However, authorities have recently uncovered unregulated 'backyard' operators who run cramped budget accommodation premises around Sydney and two local governments were seeking to test their powers to shut down illegal hostels in court. It is reported that such operators circumvent council laws by granting short-term rental subleases for

⁵⁶ Hon Dr D Naphine MLA, Minister for Youth and Community Services, 'Community-based Accommodation', Questions Without Notice, 13 May 1997, *Victorian Legislative Assembly Hansard*, p 1132.

⁵⁷ Stefanie Balogh, 'Fire-trap hostels still in business', *Australian*, 16 June 2001, p 6.

⁵⁸ See esp the *Environmental Planning and Assessment Act 1979* (NSW).

suburban houses to backpackers, thus giving the appearance of legitimate shared accommodation where stringent fire safety standards are not required.⁵⁹

⁵⁹ Stefanie Balogh, 'Fire-trap hostels still in business'.

APPENDIX A – MINISTERIAL MEDIA STATEMENT

Cunningham Introduces Tough New Fire Safety Standards

11 December 2001

Queensland has established the benchmark for other states to follow through tough new fire safety standards for the budget accommodation sector, Minister for Local Government and Planning Nita Cunningham said today.

Mrs Cunningham introduced the Building and Other Legislation Amendment Bill, which aims to prevent another tragedy like the Childers backpacker hostel blaze from occurring, in the State Parliament today.

The legislation results from the recommendations of a taskforce report following the Childers fire which claimed 15 lives last year.

“The new standards will require operators of budget accommodation - including backpackers hostels, hotels, boarding houses and supported accommodation approved and built before the Building Code of Australia was introduced in 1992 - to ensure smoke alarms and emergency lighting are installed, within 12 months,” Mrs Cunningham said.

“Further upgrades, such as adding emergency exits, may be necessary in some cases.

“In those cases, operators will be given three years to comply.”

Emergency Services Minister Mike Reynolds said the Bill also requires operators to prepare and implement fire safety management plans, using guidelines from the Queensland Fire and Rescue Service, detailing fire safety procedures, evacuation plans, fire safety installations and maintenance records.

“These changes ensure budget accommodation sector in Queensland will be safe, and affordable, for our visitors from interstate and overseas,” Mr Reynolds said

“Extensive consultation was carried out with industry in relation to the changes.

“The legislation introduces fire safety standards for buildings approved and built before January 1, 1992, because they previously were not required to meet modern fire safety standards.”

For further information, contact Ruth Evans on 3227 8825.

APPENDIX B – NEWSPAPER ARTICLES

Timeline of backpacker fires

Downloaded from <http://www.smh.com.au/news/0006/23/update/news5.html>

September, 1989 - Six travellers from Austria, Sweden, Denmark and the UK killed when fire sweeps through the Downunder Hostel in Sydney's Kings Cross.

Serial arsonist Gregory Allan Brown later convicted of manslaughter and sentenced to 18 years jail. Hostel operators Baroku Pty Ltd ordered to pay damages in 1998 after legal action launched by four survivors.

March, 1993 - Ocean View Lodge in Fremantle, Western Australia, damaged by fire in an arson attack. About 130 backpackers safely evacuated.

June, 1995 - Governor-General Bill Hayden calls for better fire control systems in backpacker hostels because as older style buildings they are more vulnerable to blazes.

August, 1996 - City Heart Hostel in Rockhampton, Queensland, gutted by fire in an arson attack. Ten backpackers safely evacuated.

January, 1997 - 200 tourists flee a fire in Downtown Backpackers Hostel in Melbourne, one suffering smoke inhalation.

June, 1997 - One English backpacker killed in a house fire at Woolloomooloo. Two other travellers and two Australians escape unharmed.

January, 2000 - Two Dutch backpackers charged after setting fire to the back door of a crowded Sydney bar because they were refused entry.

June 23, 2000 - Fifteen people, believed to be young overseas tourists, die after fire tears through a Queensland backpackers hostel.

Title **Get tough fire laws in wake of Childers.**

Author **Chris Jones**

Source **Courier-Mail**

Date Issue **04/12/01**

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Every hostel and boarding house in Queensland will be required to have smoke alarms and emergency lighting fitted within a year under new State Government legislation.

Nearly 18 months after the Childers backpacker hostel fire that killed 15 people, the Government will finally implement its long-promised tough new fire safety standards for budget accommodation. The legislation, to be introduced into State Parliament next week, will also give firefighters and some local government officials the power of entry to inspect budget accommodation living areas.

Budget accommodation operators will have 12 months to implement evacuation plans, establish maintenance records and put in place management plans detailing fire safety procedures. Those buildings assessed as high risk will then be given two more years to undergo further safety upgrades.

The Building and Other Legislation Amendment Bill will complement new regulations which came into force on Saturday allowing firefighters to issue on-the-spot fines for fire safety standard breaches. It also comes five months after a Queensland Fire and Rescue Service audit of the state's budget accommodation found just 60 per cent of the buildings had smoke alarms, and of those only 50 per cent were operational.

Emergency Services Minister Mike Reynolds yesterday said the tough new standards would put Queensland ahead of every other state in terms of budget accommodation fire safety.

"These changes will ensure that we have affordable and safe budget accommodation for Queenslanders and for our visitors from interstate and overseas," Mr Reynolds said.

Opposition emergency services spokesman Ted Malone said he was surprised that standards were so lenient. Sprinklers at least should be mandatory in all multi-level accommodation, he said.

Mr Malone said he suspected the Government had chosen the cheapest option to lessen the financial impact on the industry.

Premier Peter Beattie said it was not unreasonable to expect "moderately priced" smoke detectors, emergency lighting and fire safety management plans. He believed the industry would understand why the Government had to give firefighters and some local government officers powers to inspect budget accommodation.

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