



Fire Protection Association Australia

# Code of Practice

Version FPAA001-2008

# Foreword

As the Assistant Treasurer and Minister for Competition Policy and Consumer Affairs I am pleased to have the opportunity to launch this Code of Practice for the fire protection industry. Benchmarks for delivery of services and products are extremely important in an industry where services and product play a critical role in our safety and security. I congratulate the Fire Protection Association Australia in promoting benchmarks to the fire protection industry through this Code of Practice.

The new Fire Protection Association Australia Code of Practice, launched on 28 August 2008, represents a major milestone in delivering voluntary compliance in the fire protection industry.

This Code underscores the aims of Fire Protection Association Australia (FPA Australia) through excellence in education and representation, to promote the protection of life, assets and the environment from fire and other emergencies. The fire protection industry is relied upon by all members of the community to provide reasonable safety precautions, and provides an essential service to our ongoing safety.

As the major technical and educational organisation for the fire protection industry, FPA Australia is firmly committed to promoting integrity and competitive processes within the industry. In keeping with this commitment the Code of Practice has been developed to foster professional relations with clients and the community and provide a benchmark for the delivery of services provided by FPA Australia members.

This Code of Practice is the outcome of discussion between practitioners, end-users and industry stakeholders. The end result is a document that emphasises best practice in all areas and promotes reliable safety measures for the community.

The Australian Government fully supports and encourages the fire protection industry's adoption of this Code of Practice and believes it is evidence of the industry's commitment to the protection of life, assets and the environment.

I encourage the fire protection industry to observe this code of practice, not just through meeting the documented requirements, but by undertaking behaviour that exceeds the code's expectations.

I commend the Fire Protection Association Australia for introducing this code of practice and praise their members' on-going commitment to better serve the community.

The Hon Chris Bowen MP  
Assistant Treasurer  
Minister for Competition Policy and Consumer Affairs

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# The Code of Practice

## 1.1 Introduction

FPAA001-2008: Fire Protection Association Australia Code of Practice (the Code) prescribes the principles, standards of behaviour and service delivery requirements for all Fire Protection Association Australia (FPA Australia) Corporate Members.

Compliance with this Code will uphold integrity and competitive processes. It will foster professional relations with clients and the community and is the benchmark for the delivery of services provided by FPA Australia Members.

Code Compliant Companies shall always act to uphold the intent of the Code and the reputation of FPA Australia.

Companies that are corporate members of FPA Australia and who have signed the declaration that they will comply with this Code are bound by the provisions of the Code. They may also use the “Code of Practice Compliant” logo in advertising, subject to the FPA Australia Guidelines for using this Logo.

# Objectives of the Code

## 2.1 Objectives

Compliance with this Code will ensure FPA Australia Code Compliant Companies operate with integrity and are competent, efficient and competitive. It also supports FPA Australia's commitment to the protection of life, assets and the environment. To this end it:

- a) promotes high standards of service delivery through compliance with the full spirit of and intent of all laws, regulations, standards and codes that pertain to the fire protection industry;
- b) promotes goodwill, positive client relations and responsible corporate behaviour, through the observance of statutory requirements and contractual agreements and through the application of integrity in all dealings with clients, competitors and the community;
- c) promotes environmental responsibility and sustainable use of resources;
- d) promotes the employment and development of competent and skilled persons who hold the appropriate qualifications and accreditation where required.

## 2.2 Application

This Code applies to all activities undertaken by FPA Australia members that are Code Compliant Companies. In this Code, the following definitions apply:

**Authority Having Jurisdiction:** The organisation, office or individual responsible for approving equipment, materials and installation, or a procedure.

**Board:** The Board of Directors of FPA Australia.

**Client:** Any party that seeks the services of a Code Compliant Company as defined in this Code.

## Objectives of the Code

**Code Compliant Company:** A corporate member of FPA Australia that has demonstrated Code compliance.

**Code Signatory:** A new member still to submit Code compliance documentation.

**Code of Practice Strategic Advisory Committee (COPSAC):** Committee responsible for the review and evaluation of the Code and its administration.

**Principal:** Any party inviting and receiving tenders.

**Regulatory Authority:** A government agency that regulates an area of activity by codifying and enforcing rules and regulations, or provides supervision or oversight, for the benefit of the public at large.

**Service Delivery:** The full range of services and products that FPA Australia's Code Compliant Members provide for their clients.

**Tenderer:** Any party submitting tenders, their agents, contractors, sub-contractors, consultants, suppliers and where applicable, head contractors.

**Work:** A project, task or service that a Client commissions a Code Compliant Company to carry out in accordance with this Code and other relevant documents.

# Rules for Applying the Code

## 3.1 Acceptance of FPA Australia's Articles of Association

Code Compliant Companies must continue to comply with their obligations as stated in the Fire Protection Association Australia – Memorandum and Articles.

## 3.2 Employees of Code Compliant Companies

Code Compliant Companies shall ensure their employees are educated in the provisions of this Code and ensure that all the work they are responsible for is compliant with this Code.

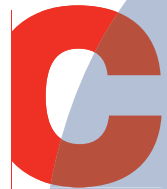
## 3.3 Observance of Applicable Legislative Controls

Code Compliant Companies and their Clients shall observe all legislative requirements, including Trade Practices and Consumer Affairs legislation that pertain to the conduct of business both within the State(s) or Territory of operation and the Commonwealth of Australia.

## 3.4 Contract Administration

All parties involved in the administration of contracts shall:

- a) Uphold all contractual obligations and deliver to the Client the agreed products and/or services as stipulated in the contract.
- b) Where variations to contracts are unavoidable, Clients shall be advised promptly.



- c) Respond promptly to requests for information and cooperatively support efforts to resolve problems, claims and disputes to avoid adversarial action.
- d) Protect commercial-in-confidence information.
- e) Support the management and entitlements of contractual obligations and ensure timely processing and security of payments.

### **3.5 Adherence to Quality System Standards**

Code Compliant Companies should administer contractual documentation and work to be consistent with outcomes required from adherence to the relevant Australian, New Zealand and ISO standards for Quality Systems for which they are certified.

It is preferred, but not mandatory, that all parties should be certified for compliance by an appropriately recognised independent authority to the applicable standard where possible.

### **3.6 Commitment to Best Practice**

Code Compliant Companies shall strive for best practice in relation to:

- compliance with relevant codes and standards regardless of whether such compliance is required by law;
- compliance with relevant acts and regulations;
- high level of quality of work;
- timely completion of projects;
- occupational health and safety;
- environmental management.

Code Compliant Companies shall also ensure that dealings with Clients and the community, including advertising, is always accurate and truthful and is not misleading.

### **3.7 Conditions of Tender**

This code supports fair and equitable tender processes and endorses the tendering principles in AS4120: Code of Tendering. Tendering should be based upon, and consistent with, the principles outlined in this standard.

### **3.8 Conflict of Interest**

Where there is a conflict of interest or potential conflict of interest, whether it be financial or non-financial, it shall be declared, assessed and resolved in favour of the public interest. Where there is any doubt concerning a conflict, the party with the potential conflict shall withdraw from any decision making part of the issue.

### **3.9 Making Reference to the Code of Practice**

A Principal may request a Tenderer to comply with this Code by notification. Where compliance is required it should state:

All Tenderers shall comply with FPAA001-2008: Fire Protection Association Australia Code of Practice as published by FPA Australia. The tender document shall include a statement that the tenderer agrees to comply with this Code for the duration of any contract that may be awarded.

If any Tenderer is unable to comply with the Code, this must be stated within the tender submission. This inability may be taken into account by the Principal when considering this or any subsequent tender and may result in this or any subsequent tender being passed over.

An obligation rests with the Tenderer to demonstrate intention to comply with this Code.

### **3.10 Anti-Competitive Conduct – Trade Practices Act**

There are a number of unfair business practices that are unlawful, whether under Trade Practices Act, other legislation or under case law. Such practices include but are not limited to, collusion, price fixing, receiving payment for work not completed and entering and inspecting premises without the owner's or tenant's permission, and representing that a party has authority to enforce fire safety legislative requirements when they do not.

### **3.11 Business Integrity**

Code Compliant Companies must not make disparaging or untrue statements or demonstrate unethical behaviour towards any company.

### **3.12 Breaches**

FPA Australia will investigate reported breaches of non compliance with this Code regardless of whether authorities such as the Office of Fair Trading or the Australian Competition and Consumer Commission undertake an investigation for breaches against the Trade Practices Act.

### **3.13 Delivery of Services and Products**

Work undertaken by FPA Australia Code Compliant Companies encompasses the delivery of a broad range of services and products and this Code will apply to all fields of work undertaken by Code Compliant Companies.

### **3.14 Design, Manufacture, Installation and Commissioning of Fire Systems and Equipment**

Where there is a legislative imperative to do so, this Code requires compliance with all relevant Australian Standard(s). Where there is not a legislative imperative, Code Compliant companies shall endeavour to comply with all relevant standards.

Acceptable exceptions to using an applicable standard could include:

- When variations to Australian Standards are requested or acknowledged by the Client as suitable for their needs.
- Where alternative system and equipment designs or installation procedures are employed for which there is no applicable Australian Standard, compliance with this Code can be obtained when such alternatives result in performance that gives results equivalent to, or in excess of, those that are expected of an Australian Standard.
- Where an applicable Australian Standard does not exist this Code also recognises the utilisation of technical specifications and procedures published by bodies such as the NFPA – National Fire Protection Association (USA), ISO – International Standards Organisation and the BSA – British Standards Association as being acceptable minimum benchmarks where the utilisation of such Codes does not contravene any requirement set out by a Regulatory Authority, Authority Having Jurisdiction or the insurer.
- The use, by Code Compliant Companies, of technical specifications as published by the Loss Prevention Council, FM Global (formerly Factory Mutual), Independent Risk Insurers, or other recognised laboratory may be referenced where the application of such a technical specification is a requirement of a Client's insurers or forms part of a fire engineered solution under the Building Code of Australia.

Where acceptance of equipment or systems is required by a Regulatory Authority or Authority Having Jurisdiction or insurer, such approval remains the prerogative of that authority or insurer. A breach of this Code exists where acceptance by the Regulatory Authority or Authority Having Jurisdiction or insurer is required but not obtained.

### **3.15 Maintenance of Fire Systems and Equipment**

This Code endorses the Australian Standards that set out the requirements for the regular inspection and testing of fire equipment. Unless otherwise determined by the Authority Having Jurisdiction, fire protection systems and equipment should be inspected and maintained according to the requirements set out in the Australian Standards deemed appropriate.

Regulations in several States and Territories may require the maintenance of certain fire protection equipment and/or systems to a specific Australian Standard. Where State or Territory Government Regulations set out specific maintenance requirements for such systems, compliance with such Regulations constitutes compliance with the maintenance provisions of this Code.

Where a client sets their own requirements for the inspection and testing of fire protection systems, adherence to these will be acceptable so long as the work carried out by the Code Compliant Company does not contravene any requirement set by the Authority Having Jurisdiction.

### **3.16 Other Services**

There are a number of specialised services provided by Code Compliant FPA Australia Members that are not covered in sections 3.14 and 3.15. This work may relate too, but not be strictly limited to, planning and design, fire safety engineering, emergency response planning, risk consultancy, personnel training and product testing. Code Compliant Companies whose operations would be classified under Other Services shall, where there are legislative imperatives to do so, comply with all relevant standards and regulatory requirements. In other cases they shall apply best practice methods.

## **3.17 Compliance with the Building Code of Australia**

### **General**

Where the Building Code of Australia (BCA) and a design meeting the Performance Requirements of the BCA requires the design and/or installation of fire protection systems and equipment, they shall be designed and installed in accordance with at least the minimum requirements set out in the BCA or, in the absence of BCA requirements, other standards as applicable.

### **Performance-Based Fire Engineered Solutions**

For performance-based fire engineering solutions, as permitted within the scope of the BCA, designs involving Alternative Solutions and/or Deemed-To-Satisfy provisions should meet all the Performance Requirements, as stated within the BCA. This should be achieved to the satisfaction of:-

- An independent third party practitioner (acceptable to the appropriate Regulatory Authority) who is responsible for the certification of such design solutions; and
- The appropriate Regulatory Authority, where State Legislation deems there must be a review of such designs involving Alternative Solutions, by that Authority.

## **3.18 Commitment to Environmental and Sustainable Practices**

Code Compliant Companies shall apply and promote practices that reduce environmental impacts and contribute to the sustainable use of resources and energy.

### **3.19 Environmental Management**

Code Compliant Companies shall work within any applicable legislative requirements that manage and minimise environmental impacts.

### **3.20 Conservation and Sustainability**

FPA Australia recognises the conservation and sustainable use of resources, particularly water, is a major community priority. Without compromising fire safety, Code Compliant Companies will encourage initiatives to minimise the use of resources including options for reuse.

### **3.21 Licensing, Accreditation and Competent Persons**

Code Compliant Companies shall support licensing and accreditation of practitioners and professionals working in their disciplines.

### **3.22 Qualified and Competent Persons**

Code Compliant Companies shall employ appropriately qualified persons. Qualification shall be determined in accordance with the appropriate Australian Qualification Framework competencies or Higher Education Sector Qualification or a recognised industry certification program. Where licensing or accreditation legislation does not exist, Code Compliant Companies shall commit to any staff including trainees to be appropriately trained and/or supervised. Code Compliant Companies shall support the continuing development of appropriate staff.

### **3.23 Commercial Conflict**

It is not the intent of this Code to address matters that are based on commercial or competitive conflict between members who are signatory to it. In such instances the parties should take independent advice on these issues.

# Code Administration



## 4.1 Code of Practice Strategic Advisory Committee

The Code of Practice Strategic Advisory Committee (COPSAC) is established to supervise the administration of the Code and is responsible to the Board.

The Committee shall be made up of:

- Executive Director – Chair
- One member from industry with technical experience.
- One member from industry with marketing experience.
- One consumer representative.

## 4.2 Role of Code of Practice Strategic Advisory Committee

The Code of Practice Strategic Advisory Committee (COPSAC) is responsible for reviewing the administration of the Code. To achieve this, the Committee must:

- a) Conduct a review (at least once every three years) of the Code.
- b) Develop and implement a strategy to increase consumer and industry awareness of the Code.
- c) Provide educational material to ensure all signatories are aware of how the Code operates.
- d) Submit all proposed amendments to the Board for approval.
- e) Oversee the effective operation and administration of the complaints handling procedure.

- f) Collate data of complaints received and their outcomes – such as:
  - business name;
  - type of complaint;
  - frequency of the complaint;
  - how the complaint was resolved;
  - time taken to deal with the complaint; and
  - outcomes or sanction(s) imposed.
- g) Prepare and include in FPA Australia Annual Report data and consolidated analysis on Code Compliance by COPSAC during that year including:
  - The nature of any breaches to the Code that occurred during the year (minor and severe breaches).
  - The number of times each type of breach occurred.
  - Progress, outcomes, resolutions and any matters which have been pursued but remain unresolved.

### **4.3 Procedures**

COPSAC must operate in accordance with the following procedures:

- a) Membership to the Committee will be for a period of two years, with members eligible for a further two years. The members of the committee are appointed by the Board.
- b) A member of the Committee must disclose any conflict of interest or likelihood of a conflict of interest, in any matter under consideration.
- c) The Committee may from time to time second one or more experts to assist it in its deliberations. Experts and observers do not have voting rights.
- d) The Committee must meet at a minimum once per year.  
The Chair may request more frequent meetings on a needs basis.
- e) Decisions of the Committee must be made unanimously or by a majority vote of members.

# Code Compliance



## 5.1 Complaint Initiated by FPA Australia

FPA Australia may instigate investigation without receipt of a written complaint where it has reason to believe that a Code Compliant Company is acting in breach of the Code provisions.

## 5.2 Monitoring Code Compliant Companies

Code Compliant Companies are responsible for meeting obligations to maintain compliance. FPA Australia reserves the right to request Code Compliant Companies to complete self audit documentation to demonstrate processes and procedures are in place to meet compliance requirements. FPA Australia also reserves the right to conduct a compliance audit or to appoint an independent auditor to conduct such an audit.

## 5.3 Reporting and Investigating a Potential Breach by a Code Compliant Company

Suspected breaches of the Code must be reported in writing to the Executive Director FPA Australia with the complainant identifiable and contactable and include:

- A brief outline of the complaint; and
- Copies of all correspondence exchanged between the complainant and the Code Compliant Company in regards to the complaint being reported to FPA Australia.

The Code does require the complainant to first raise a complaint with the Code Compliant Company and attempt to resolve the dispute before a formal complaint is lodged with FPA Australia.

The exception would be a complaint covered under section 3.10 of this Code.

## Code Compliance

The Executive Director will initially investigate the validity of a reported breach of the Code. If the validity of the complaint is sustained the Executive Director will recommend to COPSAC that a formal investigation be undertaken. Relevant stakeholders will be written to and a file established to keep records of all correspondence received and sent in regards to the complaint.

The Executive Director will:

- a) receive allegations about breaches of this Code;
- b) investigate all alleged breaches;
- c) determine whether a breach has occurred, and if appropriate, refer the matter to the Code of Practice Strategic Advisory Committee.

Alleged breaches of this Code can be reported to:

Executive Director  
Fire Protection Association Australia

PO Box 1049 Box Hill  
Victoria Australia 3128

Tel: (03) 9890 1544

Fax: (03) 9890 1577

## **5.4 Sanctions for Breach**

If the outcome of an investigation determines a breach of the Code, the Board of Directors may decide on, but are not limited to, one or a combination of the following options:

- a) Require a formal apology for the breach from the Code Compliant Company.
- b) Require the Code Compliant Company to take specified remedial action to correct the breach and avoid re-occurrence.
- c) Advise the Code Compliant Company to undertake corrective action to meet the Client's reasonable expectations.
- d) Seek a written undertaking from the Code Compliant Company that the breach will not be repeated.
- e) Send a formal warning to the Code Compliant Company that they may be suspended unless certain actions are taken.
- f) Cancel the membership of the offending company.
- g) Inform the Code Compliant Company to take immediate steps to cease using the Code Compliant Logo and must not imply in any way that it is a member of the Association.
- h) Refer the matter to the appropriate Regulatory Authority (e.g. Office of Fair Trading or Australian Competition and Consumer Commission).

The Code Compliant Company determined to be in breach of the Code has the avenue to appeal a finding by COPSAC by raising the matter with the Board of Directors of FPA Australia.



# Promotion and Advertising Code Compliance

FPA Australia will promote the benefits of using a Code Compliant Company to provide fire protection systems and equipment and/or related products and services.

## **6.1 Licence to Use Code Compliant Logo**

Code Compliant Companies are granted licence to use the “Code of Practice Compliant” logo, in accordance with FPA Australia Guideline Licensed use of FPA Australia logo.

## **6.2 Cessation of Membership**

The Licence to use the “Code of Practice Compliant” logo is withdrawn upon cessation or suspension of membership and the former member shall immediately cease and desist from using this logo, any other application of the FPA Australia logo and any type of reference to holding membership to the Association, in any way, manner or form. This shall require removing any documents from distribution that contain the “Code of Practice Compliant” logo or any other form of the FPA Australia Logo.

# Register of Code Signatories

## 7.1 Annual Requirements

To be registered with FPA Australia as a Code Compliant Company, the member must have signed the Code of Practice Declaration with their annual membership renewal and remain a financial corporate member of FPA Australia.

## 7.2 Listing of Compliant Companies

FPA Australia will maintain a register of all current Code Compliant Companies.

## 7.3 Website Listing

FPA Australia will provide a website listing of Code Compliant Corporate Platinum, Corporate Gold and Corporate Silver members who have signed the Code of Practice Declaration. Code Compliant Companies should make reference to the Code on their websites and promote the Code to their clients.

## 7.4 Removal from Register

Cessation of membership, either voluntary, or through suspension, or failure to provide a current signed Code of Practice Declaration with membership renewal, will result in removal from the listing of Code Compliant Companies and the website listing.





# Code Review and Amendment

## 8.1 Review

COPSAC is responsible for the review, evaluation and administration of the Code. In conducting its review, where appropriate, the committee will consult with groups affected by the Code. The review shall make recommendations to the Board for consideration.

## 8.2 Amendment

The Board may at any time resolve to amend the Code. Once an amendment of the Code has been made, the Board will ensure that: each Member of FPA Australia promptly receives notice of the amendment; and the amendment is adequately publicised so that consumers and organisations that are not Members of FPA Australia may be made aware of the amendment.





**FPA Australia**

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