

Automatic Fire Alarm System Agreement

Guideline No. 4

Application to Waive AFA False Alarm Charges

Issued under Automatic Fire Alarm System Agreement
Terms and Conditions (AFA-C-01), clause 11

Community Safety Directorate

1 Purpose

The purpose of this document is to provide Automatic Fire Alarm Service Providers (AFASPs) with a guideline for completing and submitting applications to Fire & Rescue NSW (FRNSW) for waiver of Automatic Fire Alarm (AFA) false alarm charges on behalf of their Customers.

2 Scope

The scope of this document is FRNSW charges for false alarms generated from AFASP monitored AFAs.

3 Background

3.1 The Problem of AFA False Alarms

FRNSW is committed to reducing the number of false alarms from AFAs. FRNSW statistics show that approximately 96% of AFA-generated incidents are false alarms. FRNSW has a statutory obligation under the *Fire Brigades Act 1989* to attend to all alarms of fire, including those from AFAs. False alarms divert FRNSW resources that would otherwise be available for genuine emergencies.

3.2 Community Consultation

FRNSW is a member of the Australasian Fire and Emergency Service Authorities Council (AFAC) Unwanted False Alarm Network that is actively reviewing ways to reduce the proportion of false alarms.

FRNSW works with Customers of Protected Premises, fire protection industry groups (including AFASPs), regulatory authorities and local government to reduce false alarms.

3.3 The Purpose of False Alarm Charges

False alarm charges are fines intended to encourage AFASPs and their Customers to maintain fire alarm systems efficiently and effectively and ensure correct occupant behaviour. Properly maintained fire alarms ensure the safety of Protected Premises occupiers and property, and reduce the likelihood of further false alarms requiring FRNSW attendance.

4 Definitions

Term	Definition
AFA False Alarm	An alarm from an AFA where the attending fire brigades find no sign of fire at the relevant premises See paragraph 14: <i>AFASP Monitored AFA False Alarm Codes</i>
Chargeable AFA False Alarm	An AFA false alarm which, in the opinion of FRNSW, can be attributed to any action or inaction of the Customer or other party to maintain the AFA and where the activation of that AFA could have reasonably been prevented. See paragraph 14: <i>AFASP Monitored AFA False Alarm Codes</i>

Note: See also definitions FRNSW “Automatic Fire Alarm System Agreement Terms and Conditions”, clause 1.

Note: Pursuant to section 34 of the *Fire Brigades Act 1989*, a person who tampers with any fire alarm or signalling apparatus for giving notice of fire or who maliciously gives any false alarm of fire is guilty of an offence.

5 FRNSW Entitlement to Charge for AFA False Alarms

FRNSW has the legislative entitlement under the *Fire Brigades Act 1989* (sections 42 and 79A) and the Agreement made between FRNSW and the AFASP, to charge AFASPs for each false alarm received by FRNSW from AFASP monitored AFA networks.

Note: See *Schedule of AFASP Fees and Charges (AFA-P-30)*.

6 AFASP Right to Apply Surcharge

6.1 AFASP Right to Apply Surcharge

An AFASP has the right to apply an administration or other surcharge to the AFA false alarm amount charged by FRNSW.

Note: The application of AFASP surcharges to AFA false alarm charges is an arrangement between the AFASP and its Customers, and is therefore a matter over which FRNSW has no control.

6.2 AFASP Must Disclose Surcharge

An AFASP must fully disclose administration or other surcharges on Customer invoices.

Note: See *FRNSW Automatic Fire Alarm System Agreement Terms and Conditions (AFA-C-01)*, clause 11.12.

6.3 AFASP Surcharges Are Not FRNSW Refundable

In the event of waiving of AFA false alarm charges, any AFASP applied false alarm administration or other surcharges are not refundable by FRNSW.

7 FRNSW AFA False Alarm Charge Leniencies

FRNSW applies two leniencies to AFA false alarm charges. These leniencies provide the AFASP and/or the Customer with the opportunity to have the alarm problem rectified while reducing the risk of incurring false alarm charges.

7.1 60 Day Leniency

FRNSW applies a 60 day leniency period in which the first in a series of AFA false alarms from the same AFA number is not charged. Therefore the second and subsequent AFA false alarms that occur within any 60 day period after the first in the series are charged.

7.2 24 Hour Leniency

FRNSW applies a 24 hour leniency period from the first chargeable alarm with repeat false alarms from the same AFA number. Therefore only one alarm activation from the same AFA number will be charged in a given 24 hour period.

7.3 No Leniencies

AFASP caused AFA false alarms are not subject to leniencies.

Note: See paragraph 11.1: *AFASP Caused AFA False Alarms - AFASP Responsibility* and the Memorandum of Understanding between FRNSW and the Commonwealth.

8 FRNSW AFA False Alarm Charge Waiver Pre-Condition

Note: See paragraph 13: *Process for Applying for Waiver of AFA False Alarm Charges*.

FRNSW will consider applications for waiver of AFA false alarm charges subject to the following pre-condition:

8.1 180 Day Application Submission Limit

The application is received by FRNSW not more than 180 calendar days from the FRNSW billing date inclusive.

8.2 Request for Appeal

If an application for waiver has been rejected a further application addressing FRNSW reason for the rejection may be submitted as an appeal within 30 days of the date of rejection.

9 Criteria for Waiver of AFA False Alarm Charges

Note: See paragraph 13.1: *Process for Applying for Waiver of AFA False Alarm Charges - The Customer*.

Pursuant to section 43 of the *Fire Brigades Act 1989*, waiver or reduction of AFA false alarm charges is at the discretion of the Commissioner.

Note: FRNSW officers attending incidents do not have authority to waive AFA false alarm charges.

FRNSW considers the following criteria when determining Customers' applications for waiver of AFA false alarm charges:

9.1 Criteria 1 – FRNSW Leniency - False Alarm Outside 60 Days

Note:

- FRNSW normally applies leniencies for AFA false alarm charges on the original invoice. An AFASP should apply for a leniency as a waiver only if the Customer considers an eligible leniency has not already been applied.
- See paragraph 7: *FRNSW AFA False Alarm Charge Leniencies - 60 Day Leniency*.

9.2 Criteria 2 – FRNSW Leniency – False Alarm Second or Subsequent Within 24 Hours

Note:

- FRNSW normally applies leniencies for AFA false alarm charges on the original invoice. An AFASP should apply for a leniency as a waiver only if the Customer considers an eligible leniency has not already been applied.
- See paragraph 7: *FRNSW AFA False Alarm Charge Leniencies - 24 Hour Leniency*.

9.3 Criteria 3 – False Alarm Beyond Control of Customer

The AFA false alarm was caused by an event beyond the control of the Customer.

Note:

- FRNSW normally applies exclusions for non Customer caused AFA false alarm charges on the original invoice. An AFASP should apply for an exclusion as a waiver only if the Customer considers an exclusion has not already applied.

9.4 Criteria 4 – FRNSW Goodwill

The Customer provides adequate evidence that the AFA false alarm was unforeseeable and is unlikely to recur.

Goodwill shall only be granted once per AFA number, per Customer in a five year period.

9.5 Criteria 5 – Alarm Installation *Equipment* Repaired or Replaced to Reduce False Alarms

The Customer provides adequate evidence that since the AFA false alarm, the alarm installation equipment (not detector) has been rectified (repaired or replaced) by a properly qualified person employed by a registered alarm installation and servicing company.

Note:

- Essential Fire Safety measures are to be maintained in accordance with the *Environmental Planning and Assessment Regulation 2000*. Evidence indicating system maintenance is not considered grounds for a waiver application to be approved.
- The rectification work is required to directly relate to the cause of the AFA false alarm.
- The evidence must include a written receipt recording the date, cost and description of rectification work performed specific to the alarm installation equipment that transmitted the AFA false alarm.
- The rectification work is not to contravene the requirements of the BCA and Australian Standards applying to the premises.
- See paragraph 10: *FRNSW AFA False Alarm Charge Waiver Limit*.

9.6 Criteria 6 – Alarm Detector Replaced with Different Type to Reduce False Alarms

The Customer provides adequate evidence that since the AFA false alarm, the alarm detector (not equipment) has been rectified (replaced) with a different type by a properly qualified person employed by a registered alarm installation and servicing company.

Note:

- Essential fire safety measures are to be maintained in accordance with the *Environmental Planning and Assessment Regulation 2000*. Evidence indicating system maintenance is not considered grounds for a waiver application to be approved.
- Consideration may be given only where a new detector has replaced an existing or malfunctioning detector, specific to the alarm installation equipment that transmitted the AFA false alarm (pre-used, reconditioned and/or serviced detectors will not be considered).
- The rectification work is required to directly relate to the cause of the AFA false alarm.
- The evidence must include a written receipt recording the date, cost and description of rectification work performed specific to the alarm detector that generated the AFA false alarm.
- FRNSW may require evidence to be submitted demonstrating compliance with the BCA and Australian Standards applying to the premises and/or copies of approvals, where required.
- The rectification work is not to contravene the requirements of the BCA or Australian Standard applying to the premises.
- See paragraph 10: *FRNSW AFA False Alarm Charge Waiver Limit*.

9.7 Criteria 7 – Alarm *Detector* Replaced or Relocated to Reduce False Alarms

The Customer provides adequate evidence that since the AFA false alarm, the Alarm detector (not equipment) has been rectified (replaced with the same detector type and/or relocated) by a properly qualified person employed by a registered alarm installation and servicing company.

Note:

- Essential Fire Safety measures are to be maintained in accordance with the Environmental Planning and Assessment Regulation 2000. Evidence indicating system maintenance is not considered grounds for a waiver application to be approved.
- Consideration may be given only where a new detector has replaced an existing or malfunctioning detector, specific to the alarm installation equipment that transmitted the AFA false alarm. (Pre-used, reconditioned and/or serviced detectors will not be considered).
- The rectification work is required to directly relate to the cause of the AFA false alarm.
- The evidence must include a written receipt recording the date, cost and description of rectification work performed specific to the Alarm detector that generated the AFA false alarm.
- The rectification work is not to contravene the requirements of the BCA or Australian Standard applying to the premises.
- See paragraph 10: FRNSW AFA False Alarm Charge Waiver Limit.

9.8 Criteria 8 – Practices Changed at Protected Premises to Reduce False Alarms

The Customer provides adequate evidence that since the AFA false alarm, practices at the Protected Premises that could cause AFA false alarms have been changed to reduce the likelihood of repeat false alarms of the same type (such as removal of food toasters from rooms, provision of occupier education or training).

Note:

- This waiver criteria shall only be granted once per AFA number, per Customer in a five year period.
- See paragraph 10: *FRNSW AFA False Alarm Charge Waiver Limit*.

9.9 Criteria 9 – Incorrect AFA False Alarm Code Transmitted by FRNSW

The Customer provides adequate evidence that an AFA charge was applied incorrectly as a result of an incorrect AFA false alarm code being transmitted.

Note:

- For a charge to be waived the incorrect code transmitted must have been a chargeable code when the correct code should have been a non-chargeable code.

9.10 Criteria 10 - An Agreement Exists

A current written agreement exists between FRNSW and the Customer for waiver of AFA false alarm charges subject to an AFA false alarm reduction program to be successfully completed within a defined time period.

9.11 Criteria 11 – Rectification Work Conducted to Protected Premises

The Customer provides evidence that rectification work has been conducted on the Protected Premises to address the cause of the AFA false alarms.

Note:

- Essential Fire Safety measures are to be maintained in accordance with the Environmental Planning and Assessment Regulation 2000. Evidence indicating system maintenance is not considered grounds for a waiver application to be approved.
- The rectification work is required to directly relate to the cause of the AFA false alarm.
- The evidence must include a written receipt recording the date, cost and description of rectification work performed specific to the cause of the AFA false alarm.
- The rectification work is not to contravene the requirements of the BCA or Australian Standard applying to the premises.
- See paragraph 10: *FRNSW AFA False Alarm Charge Waiver Limit*.

10 FRNSW AFA False Alarm Charge Waiver Limit

FRNSW imposes a limit of 75% of the financial amount of the waiver of any false alarm charge that is granted against the following criteria:

- Criteria 5 - Alarm Installation *Equipment* Repaired or Replaced to Reduce False Alarms
- Criteria 6 - Alarm *Detector* Replaced with Different Type to Reduce False Alarms
- Criteria 7 - Alarm *Detector* Replaced or Relocated to Reduce False Alarms
- Criteria 8 - Practices Changed at Protected Premises to Reduce False Alarms.

- Criteria 11 - Rectification work conducted to Protected Premises
Note: See paragraphs 9.5, 9.6, 9.7, 9.8 AND 9.11: *Criteria for Waiver of AFA False Alarm Charges*

11 AFASP Caused AFA False Alarms

11.1 AFASP Responsibility for False Alarm Prevention and Charge Payment

Unlike Customer caused false alarms, the prevention of AFASP caused false alarms and the payment of false alarm charges related to them are the sole responsibility of the AFASP. AFASP caused false alarm charges are not claimable from the Customer.

Note: See paragraph 7.3: *FRNSW AFA False Alarm Charge Leniencies - No Leniencies*.

11.2 AFASP Caused AFA False Alarm Categories

There are three categories of AFASP caused AFA false alarms that may incur charges:

11.2.1 Incorrect Alarm Type – Alarm Message Incorrectly in Domestic Alarm Format

The acceptance of an alarm message in *Domestic Alarm Format* when FRNSW discovers that the alarm installation is not a domestic alarm.

11.2.2 Incorrect Alarm Type – Alarm Message In Incorrect Alarm Type Field

The *Alarm Type* field of an alarm message is discovered by FRNSW to be incorrect as indicated by the fire indicator panel.

11.2.3 Network False Alarm – Alarm Message Indicates Wrong Premises Address

The information supplied in the *Address Text* field of the alarm message does not correspond with the information supplied in an official FRNSW application and this discrepancy is sufficiently serious in the opinion of the Commissioner to warrant FRNSW attendance at both locations.

12 Process for FRNSW AFA False Alarm Reporting and Invoicing

12.1 Notification to AFASP of AFA False Alarms

FRNSW notifies AFASPs daily by email of AFA false alarms that have occurred at their Customers' Protected Premises within the previous 24 hour period. This email notification indicates the date, time, AFA Number, FRNSW AFA false alarm '700' code, ESCAD Incident Number and Transaction ID. The notification lists all AFA false alarms.

Note:

- AFASPs are responsible for notifying their Customers of relevant AFA false alarms.
- AFASPs may also obtain their Customers' Protected Premises historical AFA false alarm data directly at any time by accessing *FARMS*.

12.2 Invoicing to AFASP of AFA False Alarm Charges

FRNSW determines whether an AFA false alarm charge applies, and if so includes that charge in the next billing advice and invoice to the AFASP. Billing advices and invoices are issued on or after the first day of the calendar month and contain fees and charges incurred from the first day of the previous month to the last day of the previous month.

Note: See *Schedule of AFASP Fees and Charges (AFA-P-30)*.

13 Processes for Applying for Waiver of AFA False Alarm Charges

Note: See paragraph 8: *FRNSW AFA False Alarm Charge Waiver Pre-Condition*.

13.1 The Customer

Requests the AFASP to submit an application to FRNSW for waiver of AFA false alarm charge, indicating one or more FRNSW criteria for waiver and including substantiating documentation.

Note: See paragraph 9: *Criteria for Waiver of AFA False Alarm Charges*.

13.2 The AFASP

- (a) Receives a request from a Customer to submit an application for waiver of AFA false alarm charges.
- (b) Submits a *Waiver AFA Request* online via *FARMS* on behalf of a Customer, including substantiating documentation.

Note: See *FRNSW Automatic Fire Alarm System Agreement – Terms and Conditions (AFA-C-01)* clause 1.1

13.3 FRNSW

- (a) Receives the *Waiver AFA Request* online via *FARMS* from an AFASP.
- (b) Considers the application.
- (c) Notifies AFASP online via *FARMS* and the Customer by letter, of its determination, within 60 calendar days of application receipt.
- (d) If FRNSW grants the application, FRNSW credits the AFA false alarm charge to the AFASP by the issue of a credit adjustment.
- (e) If FRNSW requests further information it must be provided within 14 days or the application will be rejected.

14 AFASP Monitored AFA False Alarm Codes

The following table indicates the FRNSW charge status of AFASP monitored AFA false alarm codes.

Note:

- AFA false alarms are classified according to codes (known as '700' or 'AFA Stop' codes) by attending FRNSW officers at the end of incidents.

Code	Description	Charge status
AFA reported fire		
100	An actual fire reported by the activation of an AFA detection or fire sprinkler system	Non-chargeable
AFA false alarms - Other		
702	Alarm operated due to extreme weather conditions - includes rain, storm, lightning, thunder, dust, flood, rainwater leaking onto detector	Non-chargeable
706	Council or water supply authority causes pressure fluctuation through water mains	Non-chargeable
707	Alarm operated due to power surge/spike, short circuit or blackout	Non-chargeable
Malicious/mischievous false alarms		
711	Malicious false alarm - includes activation of Break Glass Alarm or Manual Control Point (See also code 762 for unintentional false alarms)	Chargeable
Suspected malfunctions		
731	Sprinkler suspected malfunction - includes loss of pressure and equipment faults	Chargeable
732	Smoke detector suspected malfunction - includes continuous or intermittent fault in detector or FIP (defective apparatus)	Chargeable
733	Heat detector suspected malfunction - includes continuous or intermittent fault in detector or FIP (defective apparatus)	Chargeable
738	Alarm system suspected malfunction (fault in system) - includes fault in wiring, alarm panel, poor maintenance	Chargeable
Simulated conditions - No fire		
751	Smoke detector operated - no fire - smoke from external source - includes bushfire	Non-chargeable
752	Heat detector operated - no fire - includes heat from oven, dryer, heater, hair straightener	Chargeable
756	Cooking fumes - includes toast, foodstuffs	Chargeable

758	Simulated conditions - includes incense, candles, sparklers, smoke machines, smokers' materials	Chargeable
Unintentional false alarms - Not involving suspected malfunctions		
762	Unintentional false alarm - includes activation of Break Glass Alarm or Manual Control Point / damaged sprinkler head not attributed to owner or occupier	Non-chargeable
764	Incorrect operation or service by servicing company personnel	Chargeable
765	Alarm activation due to worker or occupier activities	Chargeable
766	Alarm activation due to poor building maintenance - includes dust, cobwebs, damage, insects	Chargeable
767	Alarm activation due to aerosol use - includes hair spray, insecticides	Chargeable
768	Alarm activation due to steam - includes shower, bath, sauna, kettle, steam room	Chargeable
Fire indicator panel (FIP)		
772	Fire indicator panel active / Alarm signaling equipment not activated	Chargeable
773	Fire indicator panel not active - includes system reset before arrival / Alarm signaling equipment activated	Chargeable

Source: Based on *Standard Operational Guideline: Standard Radio Codes* (SOG No. 2.5, Version 03, February 2015), section 2: *Standard Radio Codes (for Automatic Fire Alarms)*.

15 References

Identifier	Title
AFA-L-20	<i>Notification of AFA False Alarm Charge Waiver Determination</i>
AFA-P-30	<i>Schedule of AFASP Fees and Charges</i>
In Order 2010/17	<i>Reporting False Alarms</i>
SOG2.5	<i>Standard Operational Guideline: Standard Radio Codes, section 6: Radio Codes for Automatic Fire Alarms</i>
	<i>Fire Brigades Act 1989</i>