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YSP Podcast Transcript: 465 - Taking the lead on fire safety (before the tragedy)

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Intro: Welcome to Your Strata Property, the podcast for property owners looking for reliable, accurate and bite-sized information from an experienced and authoritative source.

Amanda Farmer: Hello, and welcome to the pod this week. I'm your host, strata lawyer, Amanda Farmer. And I've got a rare treat for you today. Two guests, not one, two. Marty Hearne and Amelia Causer, both from Quantum Fire Protection. Operating now for over five years, Quantum Fire is focused on serving buildings from two to over 700 units, helping them meet their specific legislative requirements.

Marty Hearne is the General Manager at Quantum Fire, and Amelia Causer is the Business Development Manager. I'm really pleased that both Marty and Amelia could be part of this conversation, especially noting that Amelia brings to the table over 15 years of experience as a strata manager.

And you'll hear me ask Amelia about the role strata managers have to play when it comes to convincing their clients to embark on voluntary, not mandatory, not legally required, but voluntary fire safety upgrades. That is indeed the topic of today's conversation. I'll take you right on over now to my chat with Marty Hearne and Amelia Causer of Quantum Fire.

Marty and Amelia, welcome to the show.

Marty Hearne: Thanks, Amanda, thanks very much for inviting us.

Amelia Causer: Yes, thanks for having us on. Amanda.

Amanda Farmer: Pleasure to have you here. It's been a little while since we've had our fire guys, as I like to call you on the show. It's always good to catch up with you, find out what the hot topics, pun intended, are in our space at the moment. So thank you for joining me. I understand that Quantum Fire has identified a bit of a gap in the strata sector, and you've got a new initiative that you have developed or are still developing to fill that gap.

Let's start there. Let me know what's going on. What's this gap?

Marty Hearne: So at the moment, and there's been a very clear push throughout the industry, particularly in New South Wales, from the Building Commissioner and the Building Commissioner's office. But Quantum is currently championing, or we're looking at across the board, just a general improvement in biosafety. So that's across all types of buildings. But more significantly, the issue is with older buildings, particularly those that were built in times when the current level of code wasn't where it is today.

Amelia Causer: So pre-1998, when a lot of.. oh '88. You're the expert on that, Marty. When a lot of buildings didn't have the requirement for Annual Fire Safety Statements, commonly known as AFSS in the strata world.

Marty Hearne: Yes. So it's about looking at older Buildings that have rudimentary, if any, fire safety measures in place and working with the owners and strata managers to introduce voluntary upgrades to bring the overall level of safety of those buildings up to something that's more commensurate with modern era and addresses some of the learnings and leveraging the experience that we gain from what is fundamentally disasters that have taken lives and had massive toll on loss of property and the like.

Amanda Farmer: Okay, so I'm hearing that what you're identifying are some older buildings that don't necessarily have the fire safety protections that they need in place and are needing to do upgrades. But these are not mandatory. You've said they're voluntary upgrades. Now. I know, and many of our listeners will know that, some, most certain, I don't know. I'll leave this to you. Strata buildings need to have these Annual Fire Safety Statements. AFSSs.

Are you telling me that some buildings don't? And can you share a little bit about why that's the case?

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Marty Hearne: Yes. The buildings that were constructed in the 80s and older than the 80s, a lot of them haven't been caught up with and asked to provide an annual statement. And that annual statement is there to demonstrate that each of the fire safety measures in that building have been kept up and will perform in the event of emergency.

So once an Annual Fire Safety Statement is requested from a building or the owners of a building, that obligation is then an annual obligation to report back to council, and provide them with confidence that the fire measures in that building are being maintained to a serviceable level.

Amanda Farmer: So pre-80s or pre, did you say 88?

Marty Hearne: I believe it was around 88 that the introduction of the AFSS became, and it's going back quite a long time now, so I may be out by a few years. But it coincided loosely with the introduction of the Building Code of Australia and new requirements around construction that were introduced during that era.

Amanda Farmer: Yes. So buildings that might be older than that, sort of late 80s, may not necessarily have an obligation to submit an Annual Fire Safety Statement. So, may not be across fire safety compliance because in their minds, they don't have to. The council is there, checking in that they've submitted their Annual Fire Safety Statement.

Of course, there may be some older buildings that do have to because they've done some upgrades, and in doing those upgrades, development applications, getting approvals from council, they've had to deal with their fire safety compliance. What are the risks, what are the risks from your perspective, for these older buildings that may not have their compliance up to scratch?

Marty Hearne: So if you're talking about residential or class two buildings. A lot of the older buildings that don't hold modern fire safety measures, there's regular issues around maintenance of whatever assets are there, whatever fire assets are there. Often, there's only rudimentary fire protection in place. That really doesn't leverage any of the learnings over the modern era around building construction and what we've learned with fire protection.

And often things like just simple things like smoke alarms being out of date, issues with the ability for occupants to egress the building in the event of an emergency. One of the fundamentals of modern fire protection is compartmentation and containing a fire to a particular area within that building to allow occupants to escape, to minimise damage and to reduce the chances of that fire spreading.

Those types of issues are prevalent more with older styles of construction. And where there's no ongoing requirement for an AFSS or the maintenance of those fire service measures or the demonstration that those measures do perform to the manner in which they were intended when they were installed, that's what produces the risk. And that's where there's been an active drive. David Chandler from the building commissioner's office has been very vocal and very active over the last six to eight years in introducing change and uplifting the overall capability.

And that has now been handed over to our new building commissioner, who has got a task ahead of him to carry that forward.

Amelia Causer: On this note, I actually personally live and bought into a strata scheme. I think the era is 1967, 1968, 40 lot scheme, solid as a rock. Having been a strata manager for 15 years, I well and truly did my due diligence on the capital works fund capabilities to deal with any of these upgrades because we aren't subject to an Annual Fire Safety Statement at all. So this is something that is well and truly on my radar. We don't have fire doors throughout the building.

There's no requirement for smoke alarms, and I know most of them don't have smoke alarms. There's, you know, very minimal measures, and they are not currently required to be tested. Although Marty will be able to speak a bit more to this. But with the introduction of the mandatory AS 1851 changes, all existing measures, I believe, will be required to be maintained anyway.

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So even if you don't have an AFSS that will now be enforced, always, was a requirement, I understand, but probably hasn't been happening.

So yes, it's something that the compartmentalisation, which Marty mentioned before, if a fire starts, for example, I've got an apartment above me, I'm sure that their ceilings would not stop it from ripping into their apartment from mine or vice versa. The fire doors would not be existent because they're hollow core doors. So all that sort of thing is key to stopping something affecting someone else in their apartment.

Amanda Farmer: That's kind of terrifying to me to think that there are buildings out there that don't have fire doors at the front of each apartment and that that's okay and that that is technically legal. I mean, you know, you hear about people saying, "Oh, don't go to council about anything, don't go to council to complain, we might get a fire order."

Is that the kind of situation where council could come in and issue an order? I mean, in what kinds of situation does council do that? And, should buildings be concerned about that and concerned to address these items before they get hit with a fire order?

Marty Hearne: Most certainly, yes. I mean, any opportunity or any invitation that attracts attention of council to take a look at a building, particularly the older buildings, then you know, that will open up the door for what could eventuate and a full audit of the building's fire protection services.

And often that will result in a fire order and some upgrade instructions from council under the EP&A, and the EP&A regulation is the regulation that's legislated and gives council their power to enforce these types of upgrades. The risk's real and warranted. So what we're talking about with voluntary upgrades is we're talking about getting on the front foot.

We're talking about getting out there, working with owners, working with owners committees, working with strata managers and encouraging taking control of that situation, getting the right upgrades in place ahead of time before they reach a point where they're under instruction by fire order. They're given no control over how they go about implementing it.

They're told when they've got to achieve this by and their focus on what's more important and the ability to decide what's more important within those upgrades and the sequence of those upgrades is taken away from them, and that's given to council. And it's essentially, it's a control situation. We all need to do the very best we can. There's a liability, there's an onus on owners committees and strata managers to make sure the occupants have a safe environment.

But the way we achieve that, how we go about getting to that point, that's what we're talking about. So making sure that owners are protected, committees are protected, they're doing the best they can, they're taking their due diligence, they're taking their control and getting on the front foot in bringing in place measures that will protect occupants before they reach a point where that control is taken away from them. That's the fundamental behind what we're talking about today.

Amanda Farmer: And Amelia's just said it sounds like there's some change on the horizon. Perhaps there's an Australian Standard that maybe hasn't been enforced very well or at all to date, and it's going to be. Can you speak a little bit about that?

Marty Hearne: So I can talk quite a bit about Australian Standard. 1851 is the standard for the maintenance of fire protection services. The standard has been legislated for, to be followed by fire practitioners in other states in Australia for decades now. This is not new, this is not a new standard. It was around in 2005, it was updated in 2012. The standard has been the benchmark and the guideline for New South Wales over that time. But New South Wales never followed the trend and implemented that as legislation.

Amanda Farmer: Right.

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Marty Hearne: So that's the change now. That's bringing about a lot of conversation, it's bringing about a lot of fear, it's bringing about a lot of concern. The reality is, what's in that standard is not alien to the industry, and it just means that we actually now need to. The onus is now on owners of buildings to ensure that some of the particularly the longer term or the long sequence maintenance intervals are maintained and that the overall upkeep of their fire systems does fall in line with the standard.

Whereas previously it became quite frustrating for fire operators, fire protection operators like ourselves, where we would recommend and provide clear pathways to good, strong maintenance, but there was no recourse if they chose not to go down that path.

Amanda Farmer: So, can you share some examples about that, perhaps? Because I just think about buildings that I'm familiar with, and when you talk about maintenance of fire services, I just think, well, you get the smoke alarms checked, you get the fire extinguishers checked, you make sure things aren't out of date, the fire hose reel works. I'm thinking of a reasonably old building, nothing too complex.

When you're talking about maintenance of these fire services, what should buildings be doing and what is this standard that is about to become legislation going to require them to do that they might not be doing now?

Marty Hearne: So we have the IFSS process, and that provides a structure around what's got to be done every year, and it validates that those services can meet that minimum standard of performance. The items that come up more frequently with 1851, maybe some fire aspects that exist in the building, but they're not on the fire safety schedule. I've seen buildings that have no fire doors on their fire schedule, yet they exist in the building, and you can come across fire doors that are clearly not going to perform as they should in the event of fire.

But the owners will err on the side of spending money where they have to and not spend money on replacing doors that really do need replacement. There's other things. There's five yearly interval maintenance cycles around hydrant systems, there's 10 yearly maintenance cycles around detection systems, there's 20 year cycles around sprinkler systems. There's a lot of other maintenance aspects that need to be followed that just haven't been over the years by a lot of owners.

Amanda Farmer: Because they could get their AFSS without doing those things, and that's all that they were concerned about, getting that ticked off.

Marty Hearne: That's right. There was no recourse if they didn't go down that path.

Amanda Farmer: So, are we about to go through another period, and this period probably kicked off? What am I going to say? Maybe two or three years ago? You'll tell me what you've experienced. But I feel like we've been through a period in the past where the standard for fire safety changed, increased.

We now had to have accredited fire safety practitioners looking at these items and buildings, including my own, were suddenly getting advice from these fire safety practitioners that we need to upgrade these services in your building, where the year before we were told that they were fine, and it felt as an owner, "Oh, hang on, what's changed? . All the standards have changed. Suddenly, we've got to do this where last year we haven't changed anything, nothing's broken. But all of a sudden, we have to fix something. All of us. The fire doors were fine, and now they're not."

Is this now going to be happening again next year, and should our owners and our strata managers be prepared for that and be prepared to explain that, perhaps to owners that this is the reason why it's happening?

Marty Hearne: Yes, that's a really good question. And it's a question we get asked quite regularly, don't we, Amelia?

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Amelia Causer: We do.

Marty Hearne: So I think we need to consider what has happened over the last six to eight years is there's been introduction of certification requirements for fire safety assessors. There's more rigour around fire safety schedules and AFSSs. There's been more focus around the Building and Practitioners Design functions and the Act that's been introduced around uplifting the capability there. There's been a lot of change to bring buildings in line with the construction methods and requirements, and fire safety systems that need to be there.

Now, fundamentally, whilst yes, there's been some change, the fundamental principles of construction haven't dramatically changed in the last 30 years. And people look at me when I say that and will say, "How can that be?" The reality is the BCA was introduced in its close to its current form in 1995, and the updates that have occurred to that over the years have been, yes, there's been enhancements, but the fundamental principles really haven't changed.

So to answer your question, Amanda, when we get asked, "Why have I got to do all this work that I didn't have to do in years gone by?" the reality is that the changes that we're seeing now are more about enforcing that building code and enforcing that legislation than it is about changing and updating the legislation. Not to say it hasn't changed, there's been changes and updates, but fundamentally it's very consistent with what it used to be.

Amelia Causer: And the qualifications of the testing, you know, people who carry it out and that sort of thing is now much more in line with what it should be because it's such a serious service, you know, that impacts life, safety, asset value, injury, all sorts of things.

So, having Joe Blow from used to be a plumber doing a multi-million dollar sprinkler system throughout a 300 lot scheme or something like that, it's just not in line with what you'd really want. So it's important.

Amanda Farmer: Which is a good thing. It's a good thing to know. Now, if we are getting these certificates signed off, it's because the services are up to scratch, and it's not because somebody who wasn't qualified has missed something.

Amelia Causer: Yes.

Amanda Farmer: So, Amelia, I know that you have many years of experience as a strata manager. What's your advice to managers who are on the other side of this? How can they be convincing their committees, their owners perhaps, to spend money on things that, technically, right now, they might not have to spend money on? We're encouraging owners to be proactive, to implement these voluntary measures for now so that they don't have to suffer the pain down the track that Marty was talking about. How do our managers share this message?

Amelia Causer: We know how easy it is for strata managers to go to their owners corporations and say, "Hey, we recommend that you spend this money voluntarily to make your life easier down the track." They're very receptive to it. Not very at all. But. And I'm guilty of that, having you know, worked in the strata space for so long, I was previously in my earlier days of the opinion that you change fire providers from one year to the next, the next one's going to pick up on non-compliances, and they will be in for a rude shock.

So it creates more work for the strata manager, it creates more work for the owners corporation and expense. But when you actually look at it from the bigger picture, which is first and foremost, safety, life, like who wants to be a victim of or have a loved one be a victim of a tragic thing that could be prevented? It makes a lot of sense. It's also better for your asset value ultimately.

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So as an owner selling in a strata scheme, I did choose to take the risk because I did thorough review of the capital works fund capacity for these things, which I know are on the horizon. Not everyone has that benefit - not working in the industry. But if the owners corporations are made aware that, you know, they'll be proactively maintaining their asset, essentially, which will give them higher sale prices ultimately when they do go to market.

So there's safety, there's asset value, there's also the expense control, which goes back to what Marty was saying. If you wait for this reactive fire order from council due to maybe someone in the building wants to submit a DA that immediately will trigger a fire order, it's out of your hands. The introduction of Strata Hub with the New South Wales Government in recent years will provide a tool, which will essentially make it very easy for all councils to know which buildings aren't subject to submitting Annual Fire Safety Statements.

And that will help, something we've been aware of for a while - that will help identify these schemes and give a process for rollouts of fire orders. So these things are on the horizon in whatever area that looks like. And if you're on the front foot, that gives owners more time to investigate suppliers, tradespeople, get their quotes, think about funding via stage special levies rather than being reactive with - you have a quick time frame to turn around notice of intention to submit a fire order, get all your ducks in a row, raise special levies, which could be very excessive and if you don't comply within their time frame, you could be subject to fines.

So it's about something that is going to happen eventually, one way or another, and how you want to deal with that.

Amanda Farmer: Yes, there's some really key messages there for our strata managers to be sharing with their committees. From the legal perspective, it's often my message too, that you never want to be subject to an order, whether that's a tribunal order, whether that's a fire order, because it just means you've got to do the work, whatever that work may be, quickly, and that means it's going to be more expensive and you're not going to have that choice. And if you don't meet the deadline, there can be further penalties.

So it's just always better, whether you're talking about just the general repair and maintenance of common property or these five specific upgrades and repairs, always better to do it on your own terms. And I think if we can have more managers sharing that message with their committees and with owners, the better. And look, I also always say at the end of the day, you, as strata managers, you give the advice, you advise, and it is for your clients to decide.

At least you have told them, and you can point to the minutes of that meeting where you have told them. So when the fire order comes in, we don't like to say "I told you so," but it's there.

Amelia Causer: You've done your best.

Amanda Farmer: Yes.

Amelia Causer: 100%. And we've put together a process to make the jobs easier for building managers, strata managers. We've got all the legwork done in the background to specify from beginning to end what that looks like. If you want to put this initiative to your owners corporations, whether it be, you know, an email off to your committee or put it on an agenda of the next meeting for consideration, there's a document which outlines benefits, the step-by-step process, and the expected costs as well.

So there's a little bit of clarity there. Each building will be different because they'll be subject to their own BCA requirements based on the layout, lot number, and what have you. But it's all there waiting, and it makes it a lot easier for strata managers as well because we all know they're very busy.

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Amanda Farmer: Fantastic. Is that a document that's ready now that our listeners can get access to? Our strata managers can start using? How do they get their hands on that?

Amelia Causer: Yes, absolutely. So the document is targeted for the information of strata managers at the moment, and if they want to reach out to us directly at Quantum - Marty or myself - the easiest email is probably just hello@quantumfire.com.au. Nice to remember. Or, our website also has our capability statement, which outlines a little bit more on how we can help with this process, how you can contact us, and also the capabilities around annual safety statement, maintenance, certification and upgrades of buildings, fire order management, all that sort of thing. And that is quantumfire.com.au.

Amanda Farmer: Perfect. I will make sure that email address and web address is in the show notes for this episode. I mean, that sounds to me like a really easy way for our strata managers, and by extension, then our committees, to get started on this and understand a little bit more about the steps that they can be taking to ensure the safety of their residents and their future legal compliance.

Speaking of the future, where do you see fire safety compliance heading in the next five to ten years or so? Is this just going to keep coming at our buildings? Is there something that's not happening now that you think should be happening?

Marty Hearne: So my opinion, and obviously everyone has their own take on this in the industry, it's a lot of people that are involved, but my opinion is that the works and the changes that the Building Commission's office have implemented over the last six to eight years, the introduction of fire safety assessor qualifications and accreditation, and also the changes around introducing 1851, but everything is targeted towards bringing that base standard of quality and compliance up to where it needs to be.

I think the fundamental work that's been done so far has been done largely. I know that there's a - currently there's a review of Standard, AS 1851, taking place to modernise it, because it is an older standard now. It's about 13 years since it was updated. But the next five to 10 years, I believe, will be about going forward now and executing and implementing against that base work and that effort that's been put in place to provide better protocols around ensuring compliance and ensuring safety amongst their occupants.

Amelia Causer: I think, unfortunately - or fortunately, depending which way you look at it - in the strata space, everything is getting more legislated, more complex and harder for strata managers to stay on top of the different aspects. But when it comes to something like this, which is why I pivoted into fire from strata management. Although still very heavily involved in strata management, it's just such a key facet of keeping people safe and protecting assets.

And we don't want to have to have a reactive situation like Grenfell Tower in Sydney. I know there was a Melbourne incident. There's all these things which seem to trigger broad reform and reactive reform, and if we can do that in a way that makes sense, is economical over time, and, you know, avoids even some small amount of tragedy, it's going the right way.

Marty Hearne: I think it's worth remembering and understanding what the building code is there for and why we have a building code, and that that is our opportunity to capture all the lessons that we've learned over time from the disasters that have cost lives from events that have resulted in people being removed from their homes or worse.

And I think that, you know, there's always that desire in the back of people's minds: how do I save money? How do I achieve an outcome? It might not necessarily be fully compliant, but it's close enough. This is a - it looks very arduous on the surface, but it's a prescribed way of achieving what we know to be a significant step forward in safety. And when we do experience something as awful as Amelia mentioned, Grenfell or, you know, Quakers Hill was an awful disaster.

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And that's the constant reminder to take a look at how we're doing things and what we're doing and what's important and how do we make the improvements and learn the lessons from those tragedies to make them available to everyone. And I think that if we stop and take a look at the building code, the maintenance standards, the safety steps that are in place, the AFSS process, the fire order process, even these things are there for a reason.

They're there to try and stop the loss of life and the serious impacts that come out of these absolute tragedies that, you know, we talk about from time to time. We took the opportunity of bringing a legal team in to talk to our staff at one of our recent development days and it was great because not only did it give everyone the opportunity to pause and take stock of what it is we're actually doing here, but it also sheds some light on, you know, there's a liability here and it's a real one and it's a legal liability.

And it's not just in how we conduct ourselves on a day-to-day basis, but it's the big picture. And that liability is shared. It's shared across ourselves, it's shared across strata managers, it's shared across owners committees, and it's shared across all the trades and all the construction building capability that goes into the buildings that we occupy today. And I think that that's important just as an underline to really remind ourselves why we're doing this.

Amanda Farmer: Great place to wrap up. Thank you, Marty Hearne and Amelia Causer from Quantum Fire Protection, for joining us today and trying to get our buildings on the front foot when it comes to their safety, the fire safety, and the safety of their residents.

Amelia Causer: Thanks, Amanda.

Amanda Farmer: I'll make sure that those links to contact you for our managers to reach out for your guides so they can get started helping their buildings are in the show notes for this episode over yourstrataproperty.com.au/podcasts. Thank you both very much.

Amelia Causer: Thank you.

Marty Hearne: Thanks, Amanda. It's been a pleasure.

Outro: Thank you for listening to Your Strata Properties, the podcast which consistently delivers to property owners reliable and accurate information about their strata property. You can access all the information below this episode via the show notes at yourstrataproperty.com.au.