

What you need to know about

Maintaining essential safety measures in your building



When the construction of a building is complete, the building owner is responsible for its upkeep and maintenance, particularly its safety features or essential safety measures.

The maintenance of essential safety measures will ensure that the safety systems dealing with predominantly fire situations within the building remain at the required operational level throughout the life of the building. The required maintenance depends on the complexity of the safety measure, equipment or feature and the experience of the person carrying out the inspection or test.

What is an essential safety measure?

An essential safety measure is defined under the *Building Regulations 2006* (the Regulations) as an item listed in Tables I1.1 to I1.11 of the National Construction Code Series Volume One, Building Code of Australia Class 2-9 buildings (BCA), except the item in Table I1.4 relating to artificial lighting. This may include safety systems such as:

- Air conditioning systems
- Exit doors
- Early warning systems
- Emergency lifts and lighting
- Emergency lighting
- Emergency power supply
- Emergency warning systems
- Exit signs
- Fire control centres
- Fire curtains and doors
- Fire extinguishers
- Fire detectors and alarm system
- Fire hydrants
- Fire isolated stairs
- Fire rated materials
- Fire windows
- Mechanical ventilation
- Passage ramps
- Path of travel to exits
- Smoke alarms
- Smoke control systems
- Sprinkler systems

What type of buildings are affected?

All buildings other than a house or outbuilding are affected. These include the following Classes as defined in the BCA:

- Class 1b: Some boarding houses, guest houses or hostels
- Class 2: Buildings containing sole-occupancy unit (e.g. apartments, blocks of flats)
- Class 3: Backpacker accommodation, residential parts of hotels or motels, residential parts of schools, accommodation for the aged, disabled or children
- Class 4: A dwelling in another class of building
- Class 5: Offices for professional or commercial purposes
- Class 6: Shops or other buildings for sale of goods by retail cafés, restaurants, milk bars, dining rooms, and bars
- Class 7: Buildings used for car parks, storage or display of goods.
- Class 8: Laboratories or buildings for production or assembly of goods
- Class 9: Public buildings such as health care buildings or assembly buildings, nightclubs, bars etc.

When the construction of a building is complete, the building owner is responsible for its upkeep and maintenance, particularly its safety features or essential safety measures.

What does the law require?

The Regulations require you as the building owner to maintain safety fittings, equipment and safety features, or “essential safety measures”.

There are different obligations under the Regulations dependent on when the building was built or when building work occurred on that building. This is dealt with below.

Part 12 of the Regulations contains two divisions. Division 1 deals with maintenance of buildings and public entertainment and Division 2 deals with swimming pool and spa maintenance and operation.

Division 1 is then further divided into 3 subdivisions.

Subdivision 1 buildings constructed or altered since 1 July 1994,

Subdivision 2 sets out requirements for buildings constructed prior to 1 July 1994,

Subdivision 3 sets out the requirements for the maintenance of exits and paths of travel.

There are different obligations under the Regulations dependent on when the building was built or when building work occurred on that building.

What are my responsibilities?

Councils have a responsibility under building legislation for the enforcement of building safety within their municipality. Building owners have an obligation to ensure that an essential safety measure, piece of safety equipment, fitting or other safety measure is maintained so that it operates satisfactorily.

Building occupiers have an obligation to ensure all exits and paths of travel to exits are kept readily accessible, functional and clear of obstructions.

Buildings built before 1 July 1994

(see below for renovations or alterations)

If your building was built before 1 July 1994, you are required to prepare an annual essential safety measures report. You are responsible for ensuring that any safety equipment, safety fittings or safety measures are maintained and fulfilling their purpose. This includes exits and paths of travel to exits. You must also keep records of maintenance checks, safety measures and repair work so a municipal building surveyor or chief officer of the fire brigade can inspect them. These documents must be made available to the municipal building surveyor or the chief officer within 24 hours of notification.

And remember, if building work is carried out, these circumstances may change, so it is worth checking with a building surveyor to see what you need to do to comply with the Regulations.

Buildings constructed or altered since 1 July 1994

If your building was constructed or altered since 1 July 1994, the list of essential safety measures, including their performance level, frequency and type of maintenance required would be included with your occupancy permit or certificate of final inspection.

You are required to prepare an annual essential safety measures report on the buildings essential safety measures. You may choose to engage specialist maintenance contractors to assist in the preparation of the report. Owners are required to:

- Display all current occupancy permits.
This document can be framed, placed in a sealed, transparent or glass covered notice board or for multiple pages, the pages may be laminated so they can be suspended or fixed to the building
- Place it in a prominent position as approved by the building surveyor
- Check with your building surveyor to determine when compliance is required
- The annual essential safety measures report is to be in accordance with the approved form (copies of this form are available from the Building Commission website)
- All essential safety measure reports and records of maintenance checks, safety measure and repair work are to be kept on the premises for inspection and must be made available for inspection with 24 hours of notification.
- The agent of the owner may complete the annual safety measures report if written delegation is provided.

By meeting these requirements you as the owner will have greater knowledge of the safety of your building and the system of building maintenance is transparent.

What happens if an owner doesn't comply?

The municipal building surveyor or chief officer of the relevant fire brigade is responsible for the enforcement of these Regulations.

Non-compliance may result in an infringement notice issued by Council or the Fire Brigade over \$1200* and furthermore, non compliance may result in prosecution in which a fine may be imposed of over \$60,000* for an individual or over \$300,000* for companies for each breach of the Regulations. More importantly, non-compliance could place not only building occupants at risk but also those of passers-by and the occupants of adjoining buildings.

Adequate maintenance is the best means of ensuring that fire safety systems will operate reliably if an emergency arises.

Non compliance may result in a fine of over \$60,000* for individuals or over \$300,000* for companies.

*Fines and infringements increase annually.

Need more information?

For additional information on the maintenance of essential safety measures please refer to Practice Notes on the Building Commission website. Essential Safety Measures Maintenance Manuals can be purchased from the Building Commission.

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