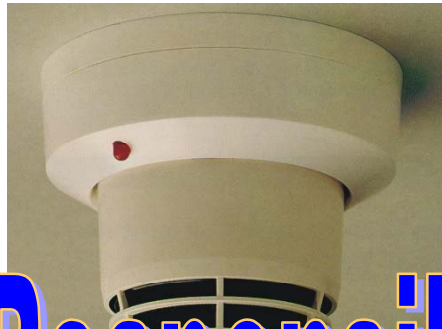


Responsibilities for

Essential Services Maintenance



Overview of Today's Presentation

- Introduction
- Description of Essential Services
- Method of Application
- What owners must do
- Legal Implications



Overview of Today's Presentation

- **Relevant Authorities**
- **Where to from here**
- **Essential Services Report and Manual**
- **Conclusions**



Introduction

- **Purpose – To provide owners with an overview on Essential Services Legislation, compliance requirements and provide some practical methods of application and compliance.**



Introduction

- **The introduction of performance-based regulations under the BCA'96 has promoted a shift from passive to active fire safety systems in buildings**



Introduction (cont.)

- **Substantial evidence is emerging that the lack of essential services maintenance is increasing as a contributing factor in the start or severity of building fires**



Introduction (cont.)

- **Essential services are required to perform only rarely but must work when required otherwise a substantial threat to occupants exists**



Introduction (cont.)

- **As building regulations become more efficient (i.e. remove previous layering of safety systems) then essential service reliability becomes critical**



Introduction (cont.)

- **General maintenance of building fire safety systems has been required for decades**
- **Additional requirements affect occupancy permits issued or building work undertaken since July '94**



Essential Services Regulations from 1 July 1994

- **Statutory controls now under**
Building Act 1993 and Building
Regulations 1994
 - **Part 5 of Act – occupancy permits**
 - **Part 11 of Regulations -
maintenance**



Essential Services Regulations from 1st July 1994 (cont.)

- All prior legislation repealed
- Change in policy
- More detailed requirements for occupancy permits and maintenance of essential services introduced



Essential Services Regulations from 1st July 1994 (cont.)

- Further recent amendments under *Building (Amendment) Regulations* operate from 1st July 1999



Essential Services Regulations from 1st July 1994 (cont.)



- **All existing and new class 1b, 2, 3, 5, 6, 7, 8 and 9 buildings**
- **All places of public entertainment**
 - class 9b buildings >500m² used for public entertainment
- **Crown and public authority buildings included**
 - no liability for offences



Description of Essential Services

- Air conditioning systems - AS 1851.6, MQHY;
- Emergency lifts – BCA E3.4, AS 1735, W;
- Emergency lighting – AS 2293.1, HY;
- Emergency power supply – BCA Spec G3.8, H;
- Emergency warning & intercommunication systems – AS 2220, M;
- Exit doors – BCA Part D, Q;
- Exit signs – AS 2293.2, H;
- Fire brigade connections – AS 1670, AS 1851.8, W;
- Fire control centers – BCA Spec E1.8, Y
- Fire control panels – AS 1851.8, W;



Description of Essential Services (cont.)



- Fire curtains – BCA Spec H1.3, Y;
- Fire dampers – AS 1851.6, Y;
- Fire detectors and alarm - AS 1851.8, W;
- Fire doors AS 1851.7, M;
- Fire extinguishers (portable) – AS 1851.1, H;
- Fire hose reels – AS 1851.2, H;
- Fire hydrants AS 1851.4, H;
- Fire indices for materials AS 1530.3, Y;
- Fire isolated lift shafts – BCA Part C, Y;
- Fire isolated passageways – BCA Part D, Y;
- Fire isolated ramps – BCA C & D, Y;
- Fire isolated stairs BCA C, Y;
- Fire mains AS 1851.4, W;



Description of Essential Services (cont.)



- Fire protective coverings – BCA Part C, Y;
- Fire rated access panels – AS 1851.7, Y;
- Fire rated control joints – BCA Part C, Y;
- Fire rated materials – BCA Part C, Y;
- Fire resisting shafts – BCA Part C, Y;
- Fire resisting structures – BCA Part C, Y;
- Fire shutters – BCA Spec C3.4, Y;
- Fire windows – BCA Specs C3.4, Y;
- Lightweight construction – BCA Pat C1.8, Y;
- Mechanical ventilation systems – AS 1851, M;
- Paths of travel to exits – BCA Part D, Q;

Description of Essential Services (cont.)



- Penetrations in fire-rated structures – C3, Y;
- Smoke alarms – AS 1851.8, M;
- Smoke control measures – AS 1851.6, M;
- Smoke doors – AS1851.7, M;
- Smoke vents – AS 1851.5, H;
- Sprinkler systems – AS 1851.3, W;
- Stairwell pressurisation systems – AS 1851.6, M;
- Static water storage – AS 2118, Y;
- Vehicular access for large isolated buildings - Y;
- Warning systems associated with lifts – E3, Y;
- Any other fire safety matter.



Method of Application

1. Building work post 1st July 1994
and places of public entertainment
 - occupancy permit issued under Part 5 of Act or reg. 11.4 determinations
 - Division 1 of Part 11 of Regulations



Method of Application (cont.)

2. Buildings and places of public entertainment constructed pre 1st July 1994



- Division 2 of Part 11 of Regulations



Post 1st July 1994 Building Work

- To include conditions re essential services
- List of essential services in building on occupancy permit or reg 11.4 determination

Division 1



Post 1st July 1994 Building Work (cont.)

Division 1

- RBS must specify level of performance including frequency and type of maintenance
- Meaning of “essential service” is very broad



Pre 1st July 1994 Building Work

- Any safety equipment, safety fittings or safety measures
 - maintained in a state which enables to fulfil its purpose, and
 - not removed from its original location except for
 - maintenance or
 - with a Building Permit

Division 2



What owners must do

- **Owner/occupier must comply with occupancy permit conditions**
- **Ensure right of entry for maintenance or display of permits/reports etc**



What owners must do (cont.)

- **occ. permits and reg 11.4 determinations post 1st July 1994 must be displayed**
- **occ. permits for all class 9 buildings must be displayed**
- **Approved location must be prominent position accessible to public**



What owners must do (cont.)

- Owner must maintain clear and functional exits and paths of travel
- Records of maintenance checks, services and repair work to be kept on premises for inspection by MBS or MFB



What owners must do (cont.)

- **Must prepare annual essential services report before each anniversary of occupancy permit or reg 11.4 determination**
- **Form 15 to be signed by owner or agent of owner and include**
 - **details of any inspection report of MBS**
 - **details of personnel carrying out maintenance**



What owners must do (cont.)

- **Statement that owner or agent has taken all reasonable steps to ensure:**
 - **essential services operating at required performance level**
 - **maintenance in accordance with occupancy permit or reg 11.4 determination**
 - **no new fire barrier “penetrations”**
 - **information in report is correct**



What owners must do (cont.)

- Owners should ensure that tenants are aware of their obligations regarding essential services and any conditions of occupancy



Legal Implications

- **Occupation of building or place in breach of an occupancy permit is offence**
 - **penalty max \$10,000 natural persons,**
\$50,000 bodies corporate
- **Statement offences under Act and Regulations are criminal offences**



Legal Implications (cont.)

- **Owners cannot “contract out” of criminal liability (to tenants)**
- **Possible increase in exposure to civil liability if failure to comply**
- **Wide meaning of essential services**
 - **negligence or breach of statutory**
 - **duty for damage or injury**



Legal Implications (cont.)

- **Lease cannot transfer liability under Act or Regulations**
- **Standard tenant maintenance obligations unlikely to cover essential services**



Legal Implications (cont.)

- **Failure to comply with regulations by owner may breach lease**
- **Ensure right of entry for maintenance or display of permits/reports etc.**



Relevant Authorities

- **Enforcement responsibilities on councils and municipal building surveyors**
- **Inspection powers – municipal building surveyors and Chief Fire Officers**



Relevant Authorities (cont.)

- **Prosecution, building infringement notices and building notices and orders**
- **Likely increase in council enforcement**



Certification Requirements

- **Regular maintenance of Essential Services elements**
 - fire doors
 - smoke doors
 - emergency lighting and exit signage
 - fire fighting equipment
 - fire detection and alarm system



Where to from here ?

- Existing maintenance contracts may not cover all requirements/essential services
- Contractual responsibilities of contractors may need to be increased



Where to from here ? (cont.)

- Review/revise facilities management or maintenance agreements
- Need for standard contract conditions



Essential Services Report

- **Background information and current Regulation requirements**
- **Description of Essential Services**
- **What owners need to do**
- **Further legal Implications/Obligations**



Essential Services Report (cont.)

- Detailed scope and finding from site investigations
- Issues of non-compliance and solutions
- Conclusions and recommendations



Essential Services Manual

- Owner Details
- Building Details
- Inspector Details
- Essential Services Equipment
- Essential Services Inventory
- Annual Report - Form 15
- 12 Month Inspection Schedule
- Inspection Orders



Essential Services Inspection System
 your inspection compliance system

Essential Services Inspection System

Owner Profile

Owner ID	test
Owner Name	test
Contact	
Position	
Street Address	test
Suburb	Ballarat Office Block
State	Office, 2 storey brick veneer.
Postcode	
Phone	Street Address 132 Hume Road,
Fax	Suburb Ballarat
Mobile	State VIC
E-mail	Postcode 3709
Notes	Contact John McDonald
	Phone 5637 2837
	Fax 5648 7382
	Mobile 0410 329 349
	E-mail heyyou@whatnet.com.au
	Notes test

Conclusions

- **Understand statutory obligations**
- **Statutory obligations are on owners**
- **Additional steps need to be taken from 1st July 1999**
- **Potential increase in liability exposure**



Conclusions (cont.)

- **Review maintenance/services contract arrangements**
- **Opportunity to review risk**
- **Management/legal compliance strategy**
- **Certification implications**



Conclusions (cont.)

- **Essential Services Report**
- **Essential Services Manual set-up**
- **Annual inspection and report available**
- **On site training**



Maintenance
of
Essential
Services

Fire Safety

Risk

Management

