



# 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
- Summary
- BCA 9c update
- Certification update



# 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- All prior legislation repealed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 >500m<sup>2</sup> 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,M,Y;
- 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;



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HEALTH & EXTENDED  
CARE

# 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

## Division 2

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**





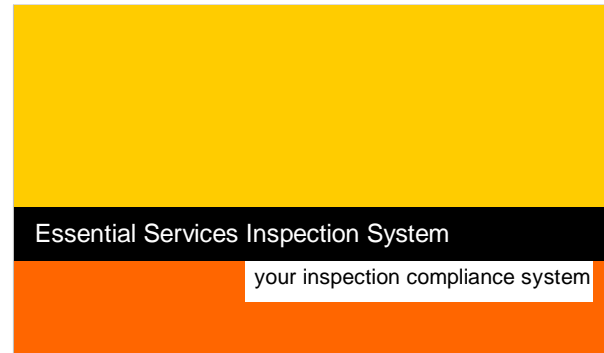
# Essential Services Report (cont.)

- 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



3 Essential Services Inspection System

## Owner Profile

Owner ID	test
Owner Name	
Contact	
Position	
Street Address	
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

## Summary

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

## Summary (cont.)

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



## Summary (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



# Building Code of Australia 1996 – 9c Update

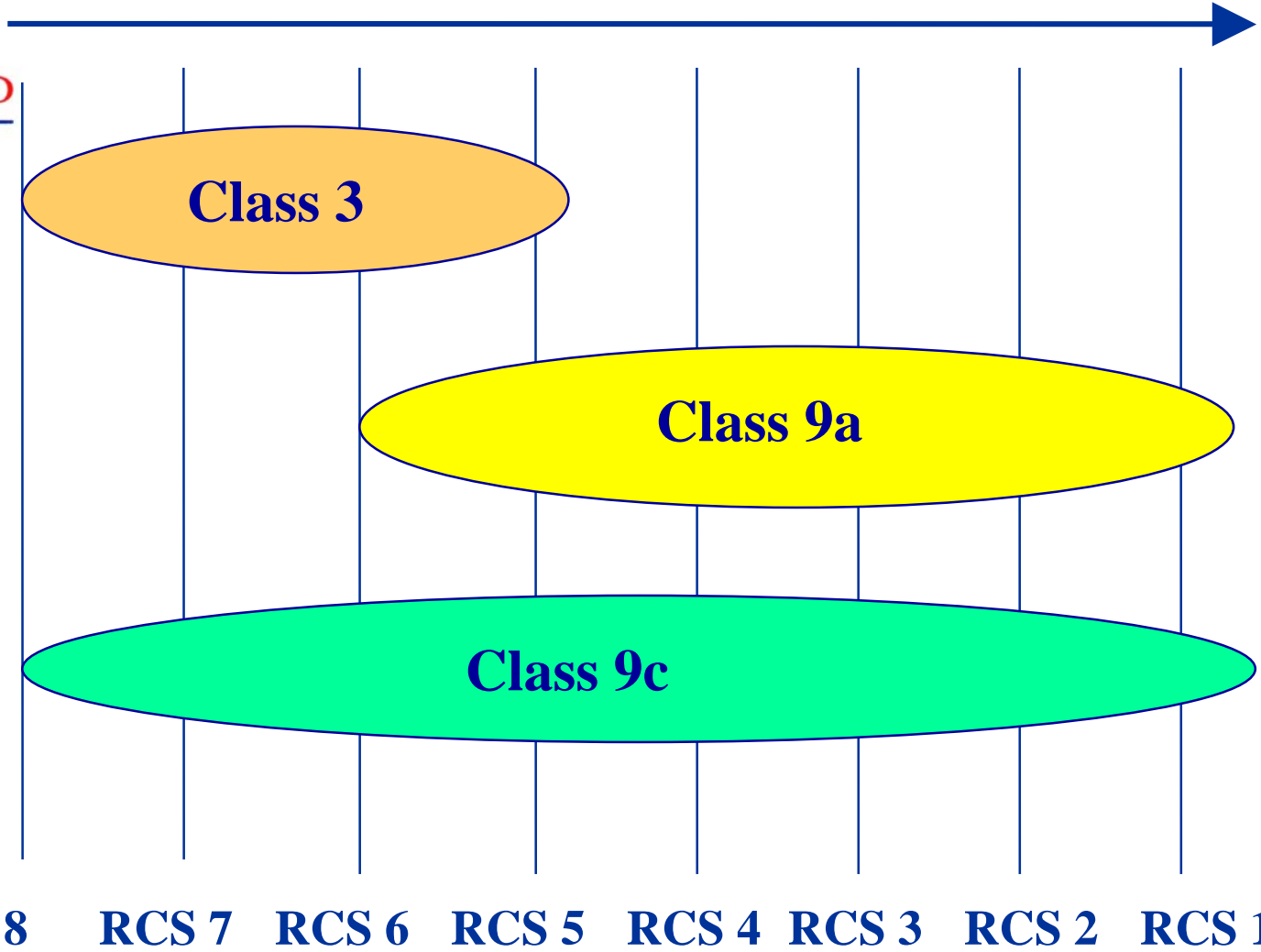
- **Purpose**
  - simplify regulatory requirements
  - facilitate greater flexibility in design
  - review scope for offering

**Ageing-in Place**



LOW CARE

HIGH CARE





# Building Code of Australia 1996 – 9c Update

- JULY 2002
- FOR FIRE SPRINKLER PROTECTION ONLY



# **Building Code of Australia 1996 – 9c Update**

- **Aged Care building Options:**
  - **Current Class 3 Hostel remains**
  - **Current Class 9a Nursing Home remains**



# Building Code of Australia 1996 – 9c Update

## Fire Sprinklers Installed

- Smoke compartments not exceeding 500 m<sup>2</sup> in floor area.
- Kitchen and Laundry Smoke separated





# Building Code of Australia 1996 – 9c Update

## Fire Sprinklers Installed

- 20 m from an exit, or a point from which travel in different directions to two exits is available, in which case the maximum distance to one of those exits must not exceed 40 m

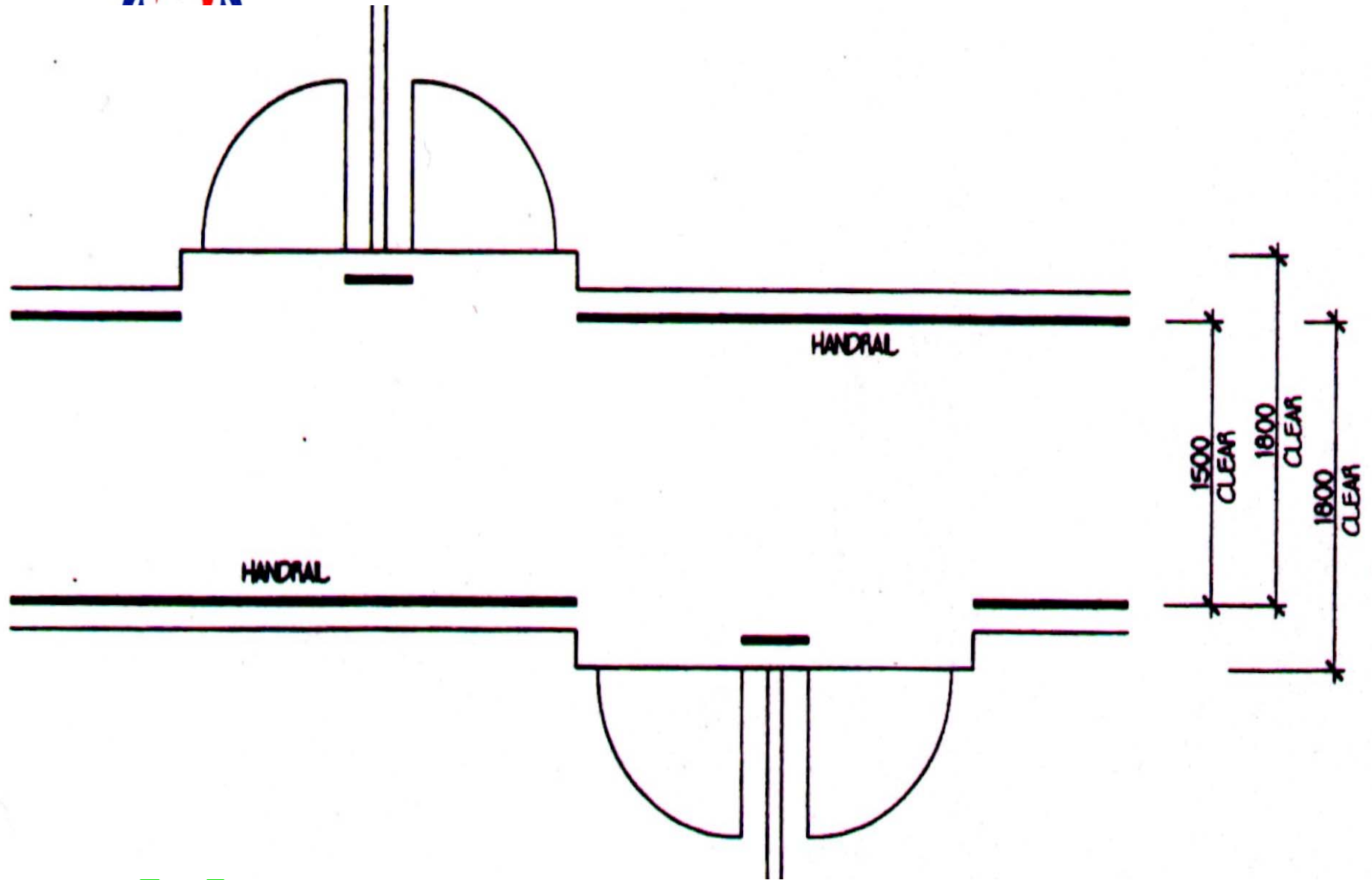


# Building Code of Australia 1996 – 9c Update

## Fire Sprinklers Installed

- Fire hose reels are not required to be installed in a sprinkler protected aged care building







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# Certification Process & Instrument

## Definition of New and Existing Facilities

### NEW BUILDING;

- A new building to replace and existing service (not including an extension)
- A building that has been acquired and not previously used as a Commonwealth Funded Aged Care (CFAC)



# Certification Process & Instrument

## Definition of New and Existing Facilities

### NEW BUILDING (cont.);

- A building that has been acquired and not previously used as CFAC, Certification lapsed or revoked, ceased use as CFAC



# Certification Process & Instrument

## EXISTING BUILDING;

- An existing building that is operating as a CFAC and has achieved Certification status including any extensions or internal renovations
- Detached building extensions may need to be referred to the DH&A for a determination



# Certification Process & Instrument

**How will the ratios be applied on site?**

- **En-suites attributed to room only and there must be sufficient facilities elsewhere**
- **Facilities located in each wing that are “as far as practicable” readily accessible**
- **Separate buildings – within each building**



# Certification Process & Instrument

**When will my facility be reassessed?**

- **Current Certification Status Applies**
- **“Once Certified always Certified”**
- **No sunset clause on current Certification status**





# Certification Process & Instrument

- **Current Certification Status can:**
  - **Be Revoked**
  - **Lapsed by leaving industry**
- **Certification report is considered by the Accreditation Assessors**





# Certification Process & Instrument

- **DH&A is Offering a Free Certification Assessment on selected facilities**
- **Initial selection criteria >15 for Section 1 on previous Instrument**





# Certification Process & Instrument

- **Certificate of Attainment issued**
- **Requested to develop an improvement plan and schedule of works**





# Certification Process & Instrument

- “Duty of Care” for owners to comply
- DH&A – “Duty of Care” over the Victorian requirement for the installation of fire sprinklers by August 2002



# Essential Services?

## BCA 9c?

# Certification?

