

# Welcome to the FES webinar series

*Understanding Your  
Maintenance Schedule  
Responsibilities*

10 March 2022



Leading community safety  
Protecting people and assets

# Webinar series

## *Understanding Your Maintenance Schedule Responsibilities*

- **Welcome & Introductions**
- **Presentations**
  - Recording will be sent to all registered attendees after the event
- **Questions**
  - Please use Q&A button (*not “Chat”*)
  - Addressed towards end of today’s session
  - If time doesn’t permit, will be answered afterwards



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Protecting people and assets**

# Welcome

- **Stuart Yarnall** Director & General Manager, **Fire Equipment Services (FES)**
- **Rob Lind** Safety & Quality Manager, **Fire Equipment Services (FES)**
- **Fire Equipment Services**
  - **Established in 1902** and is the trading name and commercial division of **Fire Rescue Victoria (FRV)**, a Victorian Statutory Authority and operates in support of the Fire Rescue Victoria Act 1958
  - All **surpluses support** operational efforts of Fire Rescue Victoria (FRV) in **protecting communities**
  - Our purpose is to lead **community safety** by partnering with clients to protect their **people and assets**
  - Vision is to be the trusted leader in **Fire Safety** and **Emergency Management** for **Technical expertise, Responsive service** and **Regulatory compliance**
  - Partners with facility managers, major corporations and small organisations to provide advice and support to **ensure compliance** within a **highly complex regulatory environment**

## *Understanding Your Maintenance Schedule Responsibilities*

- Welcome & Introductions
- Rob Lind (FES)
- Q&A

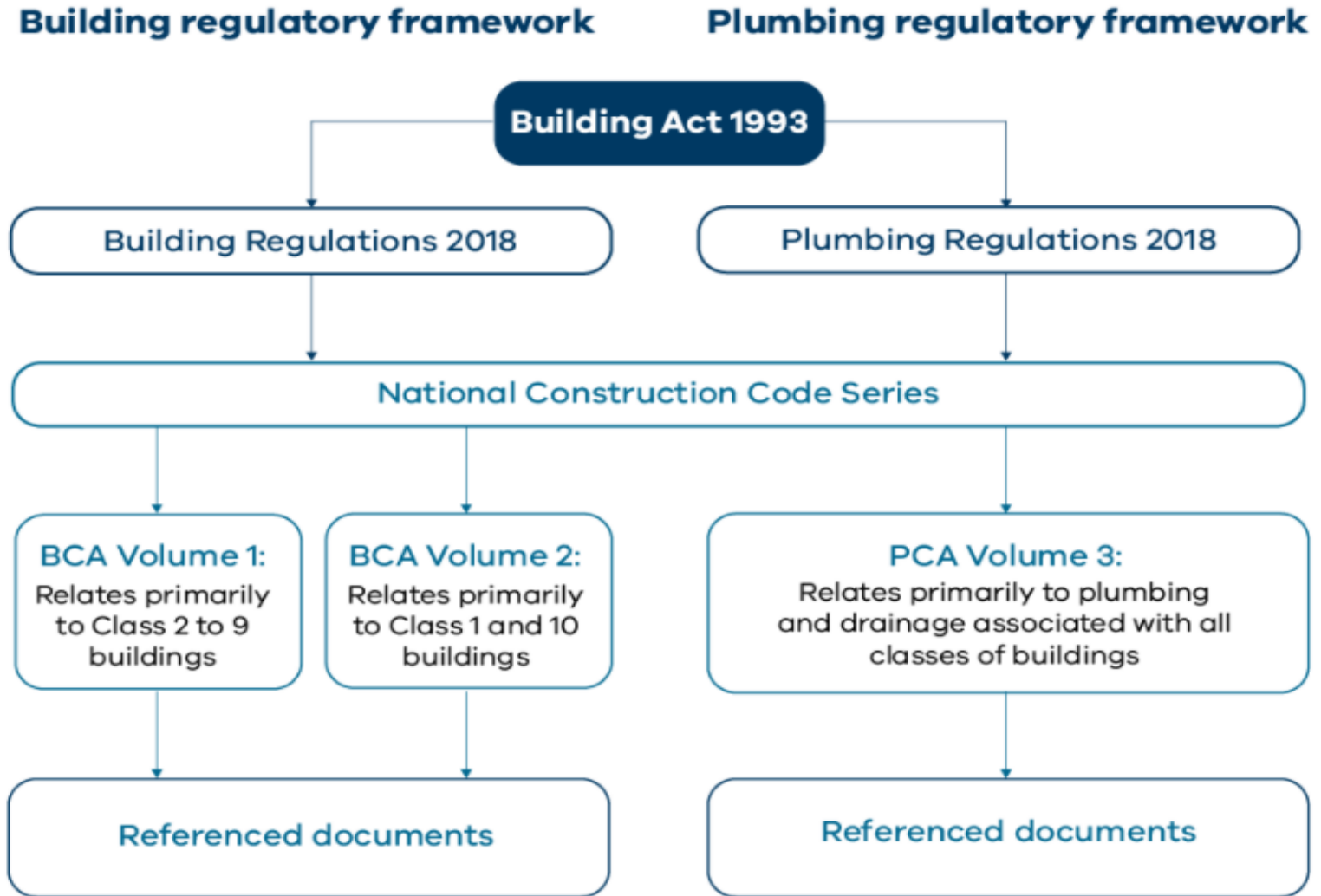


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Topics we will cover off today:

1. What is an ESM?
2. Why maintain ESMs?
3. Who is responsible for ESM maintenance?
4. Owner's responsibilities
5. Approved forms
6. Building Regulations – Key changes
7. Conclusion
8. Resources

1. What is an ESM?



## 1. What is an ESM?

- A measure required under the Building Act (1993) in Schedule 8 of the Building Regulations (2018) for the safety of persons  
*... or other measures determined by RBS!*
- Since 1st July 1994 ESMs are specified on Occupancy Permits (OP) and Maintenance Determinations (MD).
- Post 1994 Buildings – OPs and MDs must specify the minimum level of maintenance for the ESMs listed.
- Pre 1994 Buildings – ESMs must be maintained in a state which enables the ESM to ***fulfil its purpose.***

### Schedule 8—Essential safety measures

Regulation 214

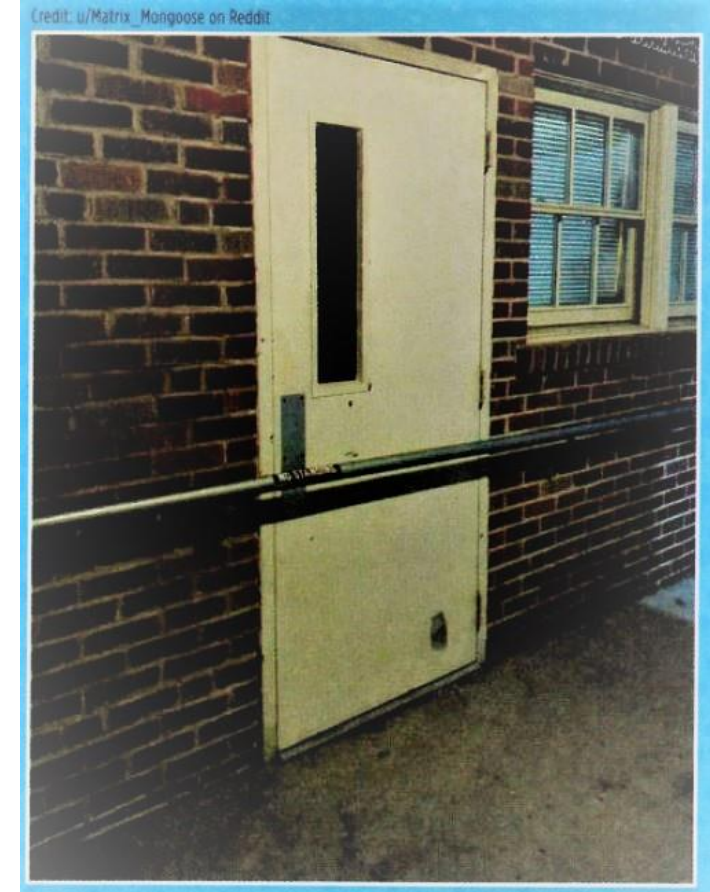
#### Part 1—Building fire integrity

Column 1 Item	Column 2 Safety measure
1	Building elements required to satisfy prescribed fire-resistance levels
2	Materials and assemblies required to have fire hazard properties
3	Elements required to be non-combustible, provide fire protection, compartmentation or separation
4	Wall-wetting sprinklers (including doors and windows required in conjunction with wall-wetting sprinklers)
5	Fire doors (including sliding fire doors and their associated warning systems) and associated self-closing, automatic closing and latching mechanisms
6	Fire windows (including windows that are automatic or permanently fixed in the closed position)
7	Fire shutters
8	Solid core doors and associated self-closing, automatic closing and latching mechanisms
9	Fire-protection at service penetrations through elements required to be fire-resisting with respect to integrity or insulation, or to have a resistance to the incipient spread of fire
10	Fire protection associated with construction joints, spaces and the like in and between building elements required to be fire-resisting with respect to integrity and insulation
11	Smoke doors and associated self-closing, automatic closing and latching mechanisms
12	Proscenium walls (including proscenium curtains)

## 2. Why maintain ESMs?

- Occupant safety
- Firefighter safety
- Property safety
- Mandatory\* requirement for Class 1b to Class 9 buildings
- To avoid potential enforcement action

\* ESMs must be maintained even if the building is not occupied (vacant) (Building Reg 195)





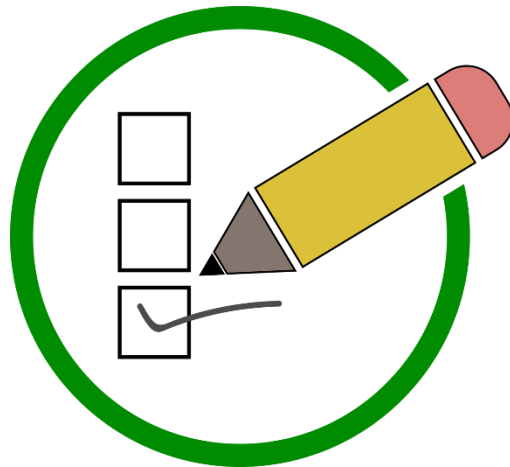
3. Q: Who is responsible for ESM maintenance?

- a. Owners
- b. Occupiers
- c. Owners and Occupiers
- d. Service providers ('competent persons')
- e. All of the above



3. Who is responsible for ESM maintenance?

A: **c. Owners and Occupiers** are responsible ... They may each authorise others to perform this maintenance, but the responsibility rests with owners/occupiers.



## 3. Who is responsible for ESM maintenance?

### Building Regulations 2018 (Part 15):

#### DIVISION 1:

Maintenance of Essential Safety Measures

- Under Division 1, the **owner** is responsible to maintain ESMs

#### DIVISION 2:

Maintenance of Exits and Paths of Travel

- Under Division 2, the **occupier** is responsible for maintenance of exits and paths of travel

## 4. Owner's responsibilities:

- Maintain ESMs in a state that enables the ESM to ***fulfil its purpose***; and
- Ensure ESMs have been ***inspected, tested*** and ***maintained*** in accordance with the Building Act and Regulations.
- Maintenance ***records*** must be kept and made available\*
- Including a record of ***rectification*** of defects.



\* Building owner/s or their agent must ensure all documentation is available for inspection **within 24 hours** of a request by the Municipal Building Surveyor or Chief Fire Officer.

## 5. Approved forms:

Approved ESM Forms are available on the Victorian Building Authority (VBA) website

### a. Maintenance Determination (MD)

- Issued by a Relevant Building Surveyor (RBS) if an ESM is required to be provided or *altered* by
  - a building permit that does not require an occupancy permit; or
  - an Emergency Order or Building Order issued under Part 8 of the Building Act.
- Specifies frequency and type of inspection, testing and maintenance for each ESM as specified in the OP or MD.

*Building Act 1993  
Building Regulations 2018*

**MAINTENANCE DETERMINATION**  
*Regulation 215*

Building/s or part of building or place <i>(List name and address of buildings/parts below)</i>	Description of use of the building or part of building or place	Classification under the National Construction Code <i>(Note: the classification should be consistent with any current occupancy permit for the building).</i>

This determination has been issued because the Essential Safety Measures (ESM) listed below have been required to be provided or altered in the above building or place by *(delete whichever does not apply)*:

Building permit no.: *(insert no.)* ..... dated: *(insert date)* ..... for which there is a Certificate of Final Inspection no.: *(insert no.)* ..... issued: *(insert date)* .....

Building Order dated: *(insert date)* .....

Emergency Order dated: *(insert date)* .....

Regulation 216 of the *Building Regulations 2018* requires that the owner of the building or place must ensure that each ESM listed below:

- performs at the level to fulfil its purpose as specified below; and
- is inspected, tested and maintained in accordance with the requirements specified below.

Essential Safety Measures	The level of performance that each essential safety measure must achieve to fulfil its purpose	The frequency and type of maintenance required for each essential safety measure	The frequency and type of testing and inspections required for each essential safety measure

Signed: ..... Date: .....

*(Relevant Building Surveyor)*

Print Name: .....

## b. Maintenance Schedule (MS) Reg 222

A building constructed **before** 1 July 1994 with **NO alterations\***

- Owners can engage a Building Surveyor to prepare or update a Maintenance Schedule to list the ESMs.

A new building constructed on or **after** 1 July 1994 with **NO alterations\*** carried out under a Building Permit, Emergency Order or Building Order

- The Occupancy Permit should list all the ESMs and their maintenance requirements.

A new building constructed on or **after** 1 July 1994, that **HAS** had **alterations\*** carried out under a Building Permit, Emergency Order or Building Order, which provide or alter an ESM

- The Occupancy Permit and the Maintenance Determinations should collectively identify ESMs and their maintenance requirements.

\* *Alterations* include altered **use** of the building (which may also require a Planning Permit)

*Building Act 1993  
Building Regulations 2018  
MAINTENANCE SCHEDULE  
Regulation 222*

Building/s and/or place of public entertainment (place) <i>List name and address of building/s or place below</i>	Description of use of the building and/or place

*Table 1 – Building/s or Place of Public Entertainment (place) Identification*

This schedule has been issued:

\*a) at the request of the owner under regulation 220; **OR**  
 \*b) because an essential safety measures (ESMs) is specified in relation to a building or place in –  
 \*(i) an occupancy permit under regulation 194 (complete table 2 below); **OR**  
 \*(ii) a maintenance determination under regulation 215 (include date/s below)  
 [\*delete either 'a' or 'b' above]  
 [\*if 'a' is deleted, delete 'i' or 'ii' if either is not applicable]

Occupancy permit number	Date of occupancy permit/s or maintenance determinations

*Table 2 – Details of Occupancy Permit/s (where issued on or after 1 July 1994) and Maintenance Determination/s*

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The owner of the building and/or place must ensure that each ESM listed below:

- performs at the level to fulfil its purpose as specified; and
- is inspected, tested and maintained in accordance with the requirements specified below.

Essential Safety Measures <i>List all ESMs specified in an occupancy permit or maintenance determination in chronological order according to the date on which each ESM was required to be provided</i>	Date of occupancy permit or maintenance determination for which the ESM is specified in an occupancy permit or maintenance determination relating to the building and/or place. <i>Insert date that each ESM was required to be provided in chronological order</i>	Document or legislation which lists ESM and the maintenance requirements for those ESMs relating to a building and/or place. <i>Insert occupancy permit no., maintenance determination date</i>	The level of performance that each ESM is required to achieve to fulfil its purpose	The frequency and type of maintenance, testing and inspections required for each ESM

*Table 3 – ESMs for buildings/places completed on or after 2 June 2018*

Essential Safety Measure	BCA or other provision to which ESM has been installed and is to operate	Frequency and type of maintenance required

*Table 4 – ESMs for buildings/places completed on or after 1 July 1994 to 2 June 2018*

## 6. Building Regulations (2018) – Key changes:

- **Maintenance of ESMs** – Reg 226 places an obligation on a non-occupying owner of a building or place – irrespective of the age of the building or place – to maintain the ESMs so they can fulfil their purpose. This obligation continues even if the building is vacant.
- **Condition of occupancy** – Reg 195 clarifies that it is a condition of occupying a building or place that the ESMs are inspected, tested and maintained. In addition, if a Maintenance Determination is made, and an Occupancy Permit applies to the building, it is a condition of occupancy that the ESMs are inspected, tested and maintained. For ease, the RBS must issue the owner with a Maintenance Schedule under Reg 218, which consolidates all of the ESMs to be maintained into one list.
- **Maintenance Schedules** – Reg 218 is designed to simplify information for the owner by encouraging the use of maintenance schedules. The RBS must now prepare or update the maintenance schedule for a building or place when they amend an occupancy permit or issue a maintenance determination.
- **ESM annual report (AESMR)** – Reg 224 requires an owner to include a statement in their ESM annual report in relation to their compliance obligations.

## 7. Conclusion:

- ESMs MUST be maintained for all buildings (class 1b to 9), occupied or vacant
- This maintenance protects people & property – Duty of care
- Owners AND their appointed agents are responsible
- Tenants *may* be responsible for PoT, Exits and Discharge from exits
- Records MUST be kept and made available (within 24 hours)
- Building Regulations changed in 2018
- OH&S Act provides for Workplace Manslaughter prosecution (from July 21)
- Penalties may include fines or gaol for non compliant owners, agents or providers
- We want all our people to ***come home safely!***



## 8. Resources:

- Building Regulations – 2018 (416 pages)
- Building Regulations - 2018 Overview of changes (4 pages)
- ESM Responsibilities – VBA (1 page)
- VBA Maintenance Schedule Template (3 pages)
- VBA PN 23-2016 – ESM Maintenance (17 pages)
- VBA PN 23-2018 – ESM Maintenance (7 Pages)
- VBA PN 24-2018 – Occupancy Permits (3 pages)
- VBA PN ESM-02 – Maintenance of ESMS (6 pages)

\*\* These resources are available on the FES website: [www.fes.com.au](http://www.fes.com.au).

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# Your Questions?

Our experts are ready to answer:




- Rob Lind
- Akshar Anand
- Leonie Sudarsana

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## Where to find more information

- **Phone:** 1300 855 163
- **Email:** [enquiry@fes.com.au](mailto:enquiry@fes.com.au)
- **Web:** [www.fes.com.au](http://www.fes.com.au)
- **Social media:**
  -  [@FESBurwood](#)
  -  [@fire\\_equipment\\_services](#)
  -  [@Fire-equipment-services](#)

# Thank You



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