

CAN AN OCCUPIER BE RESPONSIBLE FOR THE MAINTENANCE?

Yes. An occupier of a building in which the prescribed essential safety and health features or measures are installed, with a contractual responsibility for the maintenance of these features and measures in the building or part of the building, must maintain them or cause them to be maintained.

WHAT SAFETY AND HEALTH RECORD ARE TO BE KEPT?

The owner is to keep all records that relate to the maintenance of prescribed essential safety and health features and measures undertaken for the last 10 years, in a secure place away from the building, with a copy kept on site.

WHAT OTHER DUTIES DO OWNERS OR OTHERS HAVE UNDER THE ACT IN RELATION TO MAINTENANCE?

An owner of a building who has building work undertaken to the building, so far as is reasonably practicable, is to ensure that sufficient information is supplied to the next owner to maintain the building in accordance with the *Building Act 2000*.

An owner of a building, so far as is reasonably practicable, is also to ensure that the building is used and maintained for the intended purpose in accordance with the *Building Act 2000*.

A builder who carries out building work or a plumber who carries out plumbing work, so far as is reasonable practicable, is to ensure that sufficient information is supplied to the owner for that owner to maintain the building in accordance with the *Building Act 2000*.

A council of a municipal area, as far as is reasonable practicable, is to ensure that the owners of property are informed of their duties in maintaining and using their buildings under the *Building Act 2000*.

WHAT HAPPENS IF AN OWNER DOES NOT COMPLY?

A general manager of a council can issue a building notice to the owner of a building if the essential health and safety features of the building are not maintained in accordance with the *Building Regulations 2004*.

A general manager or the Director of Building Control could also issue an infringement notice for failure to maintain the essential health and safety features and measures.

Non-compliance may also result in a fine of up to \$10,000 for individuals or \$50,000 for companies. More importantly non-compliance could place not only building occupants' lives at risk, but also those in adjoining buildings and passers-by.

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

FOR MORE INFORMATION

Details about the Act, the Regulations, the Director of *Building Control's Specified List* and the Annual Maintenance Statement can be obtained from:

www.wst.tas.gov.au/building

or

Building Standards and Regulation

30 Gordons Hill Road

P O Box 56, ROSNY PARK, 7018

Contact Telephone Numbers -

Workplace Standards Helpline

Telephone: 1300 366 322 (inside Tasmania)

Telephone (03) 6233 7657 (outside Tasmania)

Facsimile: (03) 6233 8338

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MAINTENANCE OF ESSENTIAL SAFETY AND HEALTH FEATURES AND MEASURES

What Building Owners need to know about their responsibilities under the Building Act 2000



Building Standards
and Regulation



Tasmania

Department of Infrastructure, Energy and Resources

NEW TASMANIAN LAWS ON BUILDING AND PLUMBING FROM JULY 1 2004.

The *Building Act 2000*, and the *Building Regulations 2004* and *Plumbing Regulations 2004* made under the Act, commenced on 1 July 2004. The Act introduces significant reforms, including the regulation of the maintenance of buildings. These reforms will affect new and existing building owners and occupiers.

WHY MAINTAIN BUILDINGS?

Building standards for the construction of buildings are worthless if those standards are not maintained throughout the life of the building. The maintenance of any essential safety and health feature or measure included in a building will ensure that the safety system or measure remains at the required operational level.

WHAT TYPES OF BUILDING ARE AFFECTED?

All buildings other than a house or outbuilding are affected.

WHAT DOES THE CHANGE IN LAW REQUIRE?

As from 1 July 2004, a building owner (in accordance with the *Building Regulations 2004*) must maintain any essential safety and health features of their building and any essential safety and health measures necessary to ensure the safety of persons using their building. An owner must also publicly display an annual statement that the features and measures have been assessed by an appropriately qualified person and are performing to a standard to which they were originally designed.

WHAT ARE THE ESSENTIAL SAFETY AND HEALTH FEATURES AND MEASURES?

Essential safety and health features include safety and health equipment, installations and components. Essential safety and health measures include safety and health strategies and management procedures.

The relevant features and measures are prescribed in detail in the *Building Regulations 2004* and refer to the maintenance standards included in the Building Code of Australia (BCA).

Essential safety and health features include:

- the building's fire integrity
- means of egress, signs, and lighting
- fire fighting services and equipment
- air handling systems
- automatic fire detection and alarm systems
- occupant warning systems
- lifts
- standby power supply systems
- mechanical ventilation and hot water, warm water and cooling water systems
- glazed assemblies, and balconies
- refrigerated chambers, strong rooms and vaults
- on-site waste management systems
- backflow prevention devices
- thermostatic mixing valves or tempering valves (in certain buildings).

Essential safety and health measures include:

- building clearance and fire appliance access
- building use and application
- emergency evacuation procedure.

WHAT TYPE OF MAINTENANCE IS REQUIRED?

Details of the relevant frequency of testing and inspection of the features and measures are specified in the *Director of Building Control's Specified List*. The type of maintenance required will depend on the results of inspection and the complexity of the feature or measure included in a building.

WHO DETERMINES THE MAINTENANCE REQUIREMENTS?

For new buildings or alteration and additions to existing buildings completed after 1 July 2004, the Building Surveyor who issues the Occupancy Permit for the building determines a schedule of prescribed essential safety and health features and measures appropriate to the building for which maintenance is required.

For buildings built before 1 July 2004, the owner will need to determine or have determined the appropriate maintenance requirements for their building. For complex buildings it may be necessary for owners to initially engage a specialist to assist in determining the ongoing maintenance requirements. The specialist could be an engineer, building surveyor or maintenance specialist. As a basis to start from, the provisions for new buildings could be used and modified to take account of when the particular features of the building were built and how they were originally required to perform.

HAVE OWNERS OF BUILDINGS BUILT BEFORE 1 JULY 2004 A LEAD IN TIME TO COMPLY?

Yes. An owner of an existing building has a lead time to display the first annual maintenance statement.