

Building Act 2000

Essential Facts about Essential Safety

Owners of all commercial, industrial or public buildings that contains essential safety and health features and measures have been required to display an Annual Maintenance Statement since July 2006.

A replacement Statement for the 2009–2010 year now needs to be displayed.

To continue to obtain maximum value from the safety standards applied to new buildings, those standards must be maintained throughout the life of the building. The *Building Act 2000* introduced systems to ensure that the safety and health features in buildings are maintained in good working order. Tasmania was one of the last States to introduce this legal requirement.

All existing buildings (other than single dwellings or non-habitable buildings or structures such as a garage) are required to have essential health and safety features and measures (if there are any) maintained. Most farm buildings and some other buildings will not contain any prescribed features and measures and therefore will not require a Maintenance Statement. **The attached Self Assessment Procedure will help building owners to determine what action is required.**

The intent of the law is to ensure that proper maintenance is carried out for the benefit of building occupants and the public and underpins existing legal requirements. Some essential safety features such as fire protection equipment, are already required to be maintained under the General Fire Regulations. All employers also have a duty to maintain safe and healthy workplaces under the Workplace Health and Safety Act and regulations. The Building Act does not require upgrading of any existing buildings to the current Building Code standards.

Some owners will already be maintaining their building's safety features but will need to display the Annual Maintenance Statement conspicuously near the building entrance. Others will need to have an initial assessment performed to establish a maintenance schedule and then carry out the maintenance, or they may not need to do anything at all. If a building contains prescribed features or measures, it may be necessary to engage a building surveyor or other maintenance expert to conduct an initial assessment (a once only procedure and cost) and provide owners with a maintenance schedule to follow in future years.

Owners are required to display an **Annual Maintenance Statement** (see a sample copy of Form 56, attached to this brochure) certifying that the required maintenance has been carried out. This will certify that the essential features and measures have been assessed by an appropriately qualified person and are operating to the standard to which they were originally designed and installed.

In complex buildings, many of those essential features and measures will need to be regularly inspected, tested and maintained by maintenance experts with technical skills. On the other hand, owners or employees (for example fire wardens or facility managers) if appropriately trained, will be qualified to check simpler issues such as clear exit paths, exit door handles will operate, safety glazing is not broken etc.

Refer to the second part of the attached Self Assessment Procedure to see what are the prescribed essential safety and health features and measures.

For more information contact:

- Workplace Standards Tasmania Helpline 1300 366 322 or 03 6233 7657 or go to website www.wst.tas.gov.au/building
- your Council's building department.

This Statement (**Approved Form 56**) is available for downloading and printing from the Workplace Standards Tasmania website – go to www.wst.tas.gov.au/building
 Choose **Search** at the top right hand side of the page, type 'form 56', then press **Enter**.
 Or telephone the Workplace Standards Tasmania Helpline 1300 366 322

ANNUAL MAINTENANCE STATEMENT

Regulation 47

Building details:

Name: Building description
 Located at: Address
 Suburb/postcode

Form **56**

Owner / Occupier details:

Name:
 Address: Phone No:
 Fax No:
 Email address:

Statement details:

This statement is in relation to Occupancy Permit No.(s) issued on: Date:
 (only applicable to building work carried out after 1 July 2004)

Explanatory Notes:

This form must be displayed in a prominent place in the main public entrance to the building or main building of a complex of buildings.

Where an occupancy permit has been issued this Statement must be replaced every year no later than 14 days after the anniversary date of the building's occupancy permit or in other cases by the anniversary date of the display of the first annual statement.

As the **owner** or **occupier with contractual responsibility** (delete one not applicable) of this building, I have ensured that the essential health and safety features and the essential health and safety measures have been assessed by an appropriately qualified person and are performing to standard required by the *Building Regulations 2004*.

(delete one not applicable) Name: [print] Signed: Date:

(Note: Occupier applies to an occupier with contractual responsibility for maintenance)

Maintenance Self Assessment Procedure – Does the *Building Act 2000* mean that I have to do anything?

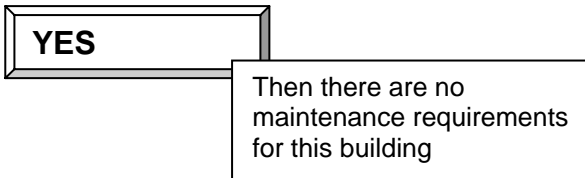
Maybe not, but you will need to assess each building on your property. Just follow the steps from 1– 4 to find out. Keep a copy for your records.

1. Is your building a Class 1a dwelling?

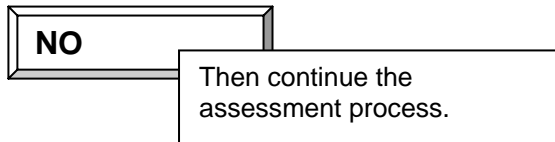
This is either:

- A single detached dwelling house or unit; or
- A single storey dwelling house or unit separated from another dwelling by a fire proof wall, *with no other dwellings above or below your dwelling.*

Note that guest houses, hostels, bed and breakfast and similar tourist accommodation buildings are not Class 1a buildings.



If you answered:

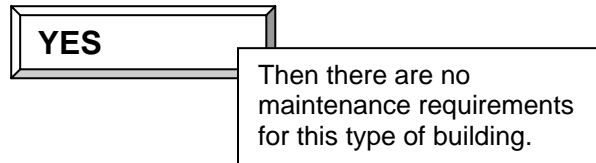


2. Is the building a non-habitable building, outbuilding or structure such as a private garage, carport, shed or the like?

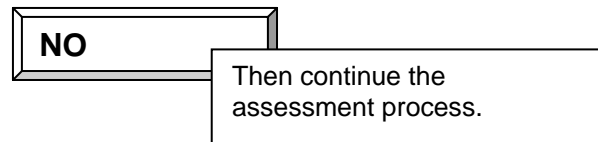
**An outbuilding is a detached building subordinate to the main building such as:*

- | | |
|------------------|------------------------------------|
| • An aviary | • Kennel |
| • Boatshed | • Pigeon loft |
| • Cycle shed | • Conservatory |
| • Fowl house | • Summer house |
| • Fuel shed | • Shade house |
| • Garden shed | • Tool house |
| • Glass house | • any similar subordinate building |
| • Greenhouse | |
| • Implement shed | |

If you answered:



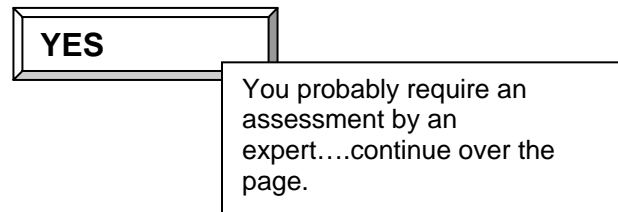
If you answered:



3. Is your building being used as:

- a workplace?; or
- a place used by the public? (including a hotel/ motel, guest house or other type of tourist accommodation, a shop, café, or a nightclub); or
- a place of sleeping accommodation such as a block of flats, units or apartments where there are a number of individual dwellings situated one above the other?

If you answered:



BUT

If you do answer “yes” to the building being used by the public, and the building is a “Place of Assembly” and you do not have a Certificate of Occupancy for that building, you will need to get a Building Surveyor to issue an Occupancy Permit. You may also need a Place of Assembly Licence from the Council.

A **place of assembly** includes:

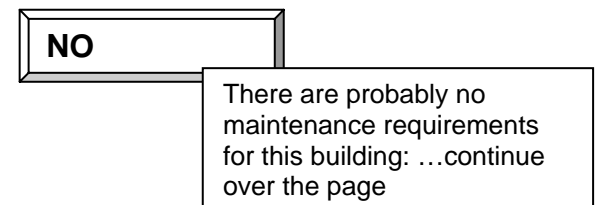
- any place or area used for the entertainment of members of the public; and
- any place or area used for the assembly of members of the public for social and recreational purposes; and
- any school or other place or area used for community or public purposes.

‘public’ includes any person working in an enclosed public place.

‘public event’ means any performance, exhibition, spectacle, circus, festival, food festival, pageant, regatta, sports event, dance, publicly advertised lecture or other similar entertainment for the public.

‘public place’ includes a place to which the public ordinarily has access, whether or not by payment or invitation.

If you answered:



The second part of your assessment is for you to see if any of the essential safety and health features and measures do exist in your building?

If you need clarification phone
Workplace Standards Tasmania on
1300 366 322 or go to:
www.wst.tas.gov.au/building

4. Is the building used as a workplace, by the public or as sleeping accommodation; and Does the building contain any of these types of safety features?

Required building fire integrity features:

- fire walls
- proscenium walls (stages)
- fire resistant floors or ceilings
- fire windows or shutters, fire or smoke doors
- Ceilings resistant to the spread of fire

Required means of egress:

- identifiable pathway to an exit
- fire doors
- exit door hardware including lever latches or push panic bars.

Signs:

- exit signs & directional exit signs and other warning signs.

Lighting:

- emergency lighting and artificial lighting required to assist occupant movement & egress.

Fire fighting services and equipment:

- Portable fire extinguishers
- Fire hydrants
- Fire hose reels
- Sprinkler system
- Fire control centre

Mechanical Air-handling systems:

- Smoke hazard management system
- Mechanical ventilation or air conditioning system

Automatic fire detection & alarm systems:

- Smoke and heat detection system
- Smoke and heat alarm system

Occupant Warning Systems:

Passenger Lifts:

Standby Power Supply Systems: (for essential safety and health)

Glazed assemblies: (windows and doors – for structural adequacy and weatherproof)

Refrigerated Chambers, strong rooms and vaults: (which people can enter and become trapped)

Hot water, warm water and cooling water system: (other than a single system in a flat or accommodation unit)

Balconies and balustrades (Check for structural adequacy)

Plumbing features required to be maintained by the *Plumbing Regulations 2004*:
(i) on-site waste water management system
(ii) a testable backflow prevention device
(iii) thermostatic mixing valves

Prescribed essential safety and health measures:

- Large isolated building clearance and fire appliance access.
- Emergency evacuation procedures.

Any other feature or measure provided in a building as a result of an alternative solution (performance solution), which was designated by a building surveyor as an essential safety and health feature or measure.

**If you answered 'yes' to any of these features or measures you will need to comply with the Building Act, and:
You may need to engage expert assistance (such as from a building surveyor) to properly assess your building and develop a maintenance schedule for you to follow each year.**