

Building Regulation News Updates are issued as and when necessary, to keep the Tasmanian Building Industry informed of developments occurring in the industry, Building Code of Australia (BCA) and its referenced documents and legislation.

ESSENTIAL MAINTENANCE COMPLIANCE DATE EXTENDED

BUILDING ACT 2000

Purpose

This News Update is to advise all Councils, Permit Authorities, Building Surveyors and Owners of Class 1b and Class 2 to 9 buildings, that the date for compliance with the requirements for maintenance of essential safety and health features and measures in buildings will be extended by a year. The owners of existing buildings containing the prescribed essential safety and health features and measures, **now have until 14 July 2006 to display the annual maintenance statement.**

Many owners of existing buildings have not been made aware of their new obligations in sufficient time to enable the first Annual Maintenance Statement to be made by 14 July 2005. Also, a shortage of expert assessors needed to assess complex buildings has caused the Minister the Hon Bryan Green MHA to authorise an extension to the compliance date. This will be achieved by amending the regulations.

The **maintenance provisions do not apply to houses and non-habitable buildings** and in general will not apply to farm buildings. They only apply where essential safety and health features are built in to a building. This would usually mean that the building is a workplace for a number of people.

Background

The *Building Act 2000* imposes duties on “commercial” building (Class 1b and Class 2 – 9) owners and managers to maintain essential safety and health features and measures in those buildings, to the standard applicable when they were new. Owners are required to display an annual statement that the inspection and maintenance has been done.

Class 1b buildings are bed and breakfast type establishments, Class 2 are blocks of flats, Class 3 are hotels and motels, Class 4 are dwellings attached to other buildings, Class 5 are offices, Class 6 are shops, Class 7 are warehouses, Class 8 are factories and Class 9 buildings are public buildings.

Most States now have regulations to maintain the essential safety and health features and measures of buildings. Prior to the *Building Act 2000*, owners of commercial buildings were required to maintain fire protection equipment under the General Fire Regulations, and every workplace had a duty of care to maintain a building in a safe and healthy state under Occupational Health and Safety laws. These requirements still apply.

Most prudent building owners are already carrying out the requirements of the Building Act - the only change is that there is a legal obligation to keep records and sign a simple statement that is to be displayed near the main entrance.

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 (fire walls etc)
- exits, exit signs, and emergency lighting
- fire hydrants, hose-reels and extinguishers
- mechanical air handling systems
- automatic fire detection and alarm systems
- occupant warning systems
- lifts
- standby power supply systems
- mechanical ventilation and special hot water, warm water and cooling water systems
- high risk glazing, and balconies
- refrigerated chambers, cool rooms, strong rooms and vaults
- on-site waste-water management systems
- backflow prevention devices
- thermostatic mixing valves or tempering valves (in certain care buildings).

Essential safety and health measures include:

- building clearance (very large isolated buildings) and fire appliance access
- building use and application
- emergency evacuation procedure.

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*.

Reminder: For more information on maintenance requirements visit the web site www.wst.tas.gov.au/building

or request a coloured brochure from the Helpline 1300 366 322

PLACES OF ASSEMBLY

Under the *Building Act 2000*, all Places of Assembly built before 1994 and which did not have a Certificate of Occupancy are now required to get a new Occupancy Permit. The date for compliance with that requirement will now also be extended to 1 July 2006

Graeme R Hunt
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