

THE CLOCK IS TICKING, BUT HAVE THE BUILDING OWNERS SET THE ALARM?



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The latest amendment to Victoria's Building Regulations which govern building owner's responsibilities for the maintenance of essential safety measures has largely passed unnoticed. Few building owners and facility managers are aware of the new obligations being enacted on the 13 June 2009 on building owners, namely that all buildings old and new will require the owner to sign an 'annual essential safety measures report' (AESMR) for the previous 12 months.

The building regulations have removed the designation of buildings as either Division 1 or Division 2. All buildings (except houses) will require the AESMR every 12 months, starting in June 2009, for the preceding 12 months, regardless of when it was built.

Who mandates Essential Safety Measures?

When a building is constructed or altered, upon completion of the building works, the building surveyor will either issue an Occupancy Permit or a Certificate of Final Inspection. Both of these documents will contain a list of Essential Safety Measures.

Where do Essential Safety Measures come from?

The Building Regulations in Part 12 nominate Table I1.1 to I1.11 of Volume One (Commercial Buildings) of the Building Code of Australia as the Essential Safety Measures applicable for all buildings in Victoria. Also included are mechanical ventilation systems, items specified in alternative solutions by the building surveyor and items nominated under previous regulations.

What are Essential Safety Measures?

Essential Safety Measures can either be active or passive, and examples of active systems are sprinkler systems, emergency lighting, mechanical ventilation, and smoke alarm systems. Examples of passive systems are fire rated materials, fire windows, paths of travel and fire isolated stairs.

Most passive items in a building are not well known, since they can be design safety features built into the fabric of the building such as fire control joints and fire indices, or building element safety features such as discharge from exits into a public space, that are not often used.

What Does the Law Require?

Since the building regulations are very specific and carry punitive measures for non compliance, a building owner who ignores the regulations or is ill advised will be exposed very quickly in the event of injury or death in a building caused by the poor maintenance of Essential Safety Measures.

Table 1 is a brief summary of the obligations of various entities nominated in the regulations concerning the maintenance of essential safety measures.

It's all in the timing

All new buildings and buildings constructed before the 1 July 1994 which have had subsequent alterations occur after this date are all currently subject to the existing AESMR's. On the 13 June 2009, all new and existing buildings, whether altered or not, will require a signed AESMR by this date.

To be able to sign the AESMR on the 13 June 2009 the building owner must also be capable of providing the maintenance/ inspection records for the preceding 12 months (13/6/08 to 13/6/09) to either the municipal building surveyor or chief fire officer upon request.

Owners or property managers responsible for large building portfolios need to be mindful of not falling into the trap of organising a single date for their AESMR on all their buildings. The logistics of preparation, sourcing contractors, performing maintenance and the issue of providing multiple AESMR on the one day would be a horrendous undertaking. Remember you are certifying for the preceding 12 months of compliance relative to essential safety measure maintenance, and your systems, contractors and verification methods must be up to scratch for you to sign each AESMR each year.

▶▶ cont...page 26



Table 1: Building Regulations 2006, Part 12 Maintenance of Buildings

Owner	Agent	Occupier	Person	Requirement to:
1205				Must comply with maintenance determination
1207				Must ensure maintenance schedule available to authorities
1208				Must prepare the AESMR annually
1209	1209			AESMR must contain certain criteria including signature
1211				AESMR and maintenance records must be made available to authorities
1214				AESMR required for buildings built before 1 July 1994
1215	1215			AESMR content for buildings built before 1 July 1994
1216				AESMR and maintenance records must be made available to authorities for buildings built before 1 July 1994
1217				Responsibility for maintenance for buildings built before 1 July 1994
		1218		Maintenance of exits, efficient condition, clear etc.
		1220	1220	Maintenance/ operation of swimming pool fences, gates etc.

We recommend owners or property managers stagger their 12 month commencement dates for each building well before the 12 month period commences to meet the June 2009 date, which in turn will allow for staggered dates for the signing of AESMR's. This will also allow your consultants, contractors and employees sufficient time and capability to provide the services needed.

When it comes to collating all the relevant information required to sign off the AESMR, and understanding the legal obligations of the building owner from a statutory and workplace safety point of view, it is wise to have a system in place to verify whether all items have been maintained to the correct level.

Hendry Group building inspectors performing annual audits on buildings are finding numerous cases of shortcomings when producing evidence and records to prove that the appropriate maintenance has taken place over the preceding 12 months. Effectively this means that although someone may sign the AESMR, if the maintenance has not been done (or not proven to be done) the AESMR won't be worth the paper it's written on. Additionally, signing the AESMR will not afford you any legal protection should something go wrong.

Glenn Talbot from Verified has the hard evidence to back this up. Glenn's company Verified has been managing and tracking fire safety maintenance delivery for thousands of buildings nationally for the past six years. Their accumulated data proves that simply engaging a specialist maintenance provider to perform the required maintenance (whether through a managing agent, facility manager, or directly) is not going to deliver the outcome for which owners or buildings managers are likely to be charged. There is a significant gap between what is required and what is being delivered in the market place.

Such a gap exists that the new Australian Standard for fire protection maintenance AS1851-2005 has attempted to address the situation by tightening up the requirements significantly, to ensure the standard of service provided by

the contractor is to a high level. Irrespective of these new requirements however, Verified continue to see a high percentage of tests not being completed.

The comparison of results from actual routine maintenance delivered against the requirements of the Regulations and Australian Standards shows a consistently poor level of compliance. When Verified initially implement management of the process across a property portfolio most managers are shocked to learn that there are huge gaps in the maintenance, even though they have paid for it to be done.

Why is this so, and what is the problem?

It is the total reliance on that specialist sub contractor to deliver the requirements that are right for your building. It seems that due to the complexity and specialist nature of fire protection maintenance, most building managers rely on the provider to do the right thing, and it is proving not to be a good tactic. Owners and building managers cannot measure if, when, or how the maintenance is being delivered, are assuming the work has been done because the invoices get paid.

Across thousands of sites Verified statistics paint a quite different picture:

Monthly tests completed	70%
Quarterly test completed	30%
6 monthly tests completed	9%
Yearly tests completed	69%
3 yearly tests completed	65%
INVOICES PAID	100%

Definitive measurement of the process is required, since, as the management dictum says – “you cannot manage what you cannot measure.”

