



Building Compliance and Essential Safety Measures Procedures

Purpose

These procedures are to be used in MACS schools to implement the Building Compliance and Essential Safety Measures Policy.

Scope

These procedures apply to:

- MACS primary, secondary, special and special assistance schools
- MACS primary, secondary, special and special assistance school principals and staff involved in building, facilities and grounds compliance and essential safety measures
- Executive Director and MACS office staff involved in building, facilities and grounds compliance and essential safety measures on behalf of MACS primary, secondary, special and special assistance schools
- external contractors appointed by MACS to assist MACS schools with building compliance and essential safety measures
- MACS Child Safety and Risk Management Board Committee
- Building, facilities and grounds compliance and essential safety measures records associated with MACS primary, secondary, special and special assistance schools

Procedures

1. Building, facilities and grounds compliance

- 1.1 The principal is responsible for ensuring that for all school buildings, facilities and grounds, all legal and health and safety compliance requirements are met and retained as detailed in points 1.2 and 1.3 of the Building Compliance and Essential Safety Measures Policy – Schools.
- 1.2 To demonstrate building, facilities and grounds compliance, principals may choose to seek advice from:
 - 1.2.1 General Manager, Infrastructure Services and Capital Delivery
 - 1.2.2 the Victorian WorkCover Authority, to establish compliance with occupational health and safety requirements
 - 1.2.3 the Victorian Building Authority or a local municipal building surveyor, to establish compliance with relevant building legislation, including matters relating to combustible cladding containing expanded polystyrene or aluminium composite panels with a polyethylene core.
- 1.3 Demonstration of the Victorian Registration and Qualifications Authority (VRQA) requirement for school buildings, facilities and grounds compliance also requires the principal to ensure the school is compliant with:
 - 1.3.1 the Emergency Management Planning Policy - Schools, including where applicable to the school, compliance with bushfire preparedness for schools on the Bushfire At-Risk Register or in an area of heightened bushfire risk
 - 1.3.2 the Maintenance and Asset Management Policy - Schools.

- 1.4 Documentation relating to school buildings, facilities and grounds compliance is to be retained as part of the school's permanent records.
- 1.5 MACS will provide an external contractor to perform essential safety measures audits, maintain compliance records and prepare an annual essential safety measures report for MACS schools.

2. Essential safety measures for school buildings

- 2.1 Principals must be fully aware of:
 - 2.1.1 their responsibilities in managing and operating school buildings.
 - 2.1.2 the commission date or year of build for each school building or any subsequent action, such as a maintenance determination, which may affect the required essential safety measures for the building.
 - 2.1.3 their responsibilities in the ongoing testing and maintenance of essential safety measures in the school's buildings.

3. Identifying essential safety measures

- 3.1 For buildings constructed prior to 1 July 1994, the applicable essential safety measures were listed in the building regulations. The school should engage suitably qualified and competent persons to establish the essential safety measures and outline a level of maintenance. In some instances, this may involve detailed inspection and research of historical documentation to establish the essential safety measure and frequency and type of maintenance.
- 3.2 For buildings constructed after 1 July 1994, the required essential safety measures should be listed on the occupancy permit, including the level of performance that is to be maintained. Where an occupancy permit was not required, the building surveyor should have provided written advice.
- 3.3 The principal is required:
 - 3.3.1 prepare a maintenance schedule for each building, in accordance with the requirements for the building's age and/or occupancy certificate
 - 3.3.2 ensuring the school's essential service measures are maintained at a level of performance specified by the relevant building surveyor and to the required Australian Standard.

4. Requirements for buildings – essential safety measures

- 4.1 Buildings should have a list of essential safety measures and performance levels, type and frequency of maintenance required included with the building's occupancy permit, certificate of final inspection or maintenance determination, including requirements for:
 - 4.1.1 building fire integrity
 - 4.1.2 means of egress
 - 4.1.3 signs
 - 4.1.4 lighting
 - 4.1.5 firefighting services and equipment
 - 4.1.6 air handling systems
 - 4.1.7 automatic fire detection and alarm systems
 - 4.1.8 occupant warning systems
 - 4.1.9 lifts
 - 4.1.10 standby power supply systems
 - 4.1.11 building clearance and fire appliances
 - 4.1.12 other essential safety measures
 - 4.1.13 building use and application.

- 4.2 Principals are responsible for:
- 4.2.1 preparing an essential services testing and maintenance plan in accordance with the requirements of the building's occupancy permit or certificate of final inspection
 - 4.2.2 executing essential safety measures testing and maintenance, in accordance with the building's occupancy permit or certificate of final inspection
 - 4.2.3 having a current copy of the building's occupancy permit on display in the building, for Class 9 buildings, and Class 2 to 8 buildings constructed or altered since 1 July 1994
 - 4.2.4 maintaining all reports and records of maintenance checks, safety measures and repair work on school premises
 - 4.2.5 making essential safety measure records available for inspection within 24 hours of notification if requested by the MACS office, the local municipal building surveyor or the chief officer of the relevant fire brigade.
- 4.3 Testing and maintenance execution records can be in the form of maintenance record tags or logbooks. These do not fulfil the requirement for a separate maintenance record system.
- 4.4 Buildings that have not had an upgrade safety assessment for more than approximately 20 years or where no records exist should be assessed under the current requirements and a maintenance determination issued. This determination will ensure that the students in these older buildings continue to be provided with an appropriate level of protection.
- 4.5 The local municipal building surveyor or chief officer of the relevant fire brigade has the power under Part 8 of the *Building Act 1993* (Vic.) to require updates to the building including essential safety measures, where they are of the opinion that the building poses a risk to the public.

5. Essential safety measures testing and maintenance

- 5.1 The carrying out of testing and maintenance procedures on essential safety measures is dependent on the complexity of the service and the experience of the person carrying out the inspection.
- 5.2 Essential safety measures testing and maintenance may be conducted by the service installer, an external contractor or internal school maintenance personnel.
- 5.3 Principals may appoint a person suitably qualified and experienced in the testing or maintenance they are required to perform, once the principal has determined that the person engaged to carry out that task is competent to do so.
- 5.4 Where the principal appoints a person to undertake the testing or maintenance, they must ensure that the work meets the minimum standards required for the nature of the test or maintenance undertaken, as detailed in the Building Regulations.

6. Essential safety measure reporting

- 6.1 The MACS board requires the following essential safety measure reporting:
- 6.1.1 Principals are required to:
 - make an annual attestation to the Executive Director on essential safety measures execution and compliance using a MACS office-approved template
 - forward the asbestos register to the Director, Finance and Infrastructure Services, annually, using a MACS office-approved template
 - work with a MACS-appointed external contractor to prepare an Annual Essential Safety Measures Report as required.
 - 6.1.2 The Director, Risk, Infrastructure and Assurance, via the Executive Director is required to prepare an annual consolidated management report on essential

safety measures and infrastructure compliance for the MACS Board via the MACS Child Safety and Risk Management Board Committee, at a time determined by the Board.

7. Building notices and emergency orders

- 7.1 Where a principal receives a building notice or emergency order from a municipal building surveyor or other government authority the principal must:
- 7.1.1 immediately comply with the notice as this relates to the safe occupancy of a building; and
 - 7.1.2 forward a copy of the notice to the Chief Planning and Infrastructure Officer.
 - 7.1.3 A register is maintained by the Chief Planning and Infrastructure Officer to record all building notices and the associated actions.
 - 7.1.4 This register will be accessible to the MACS Board via the MACS Child Safety and Risk Management Board Committee.
- 7.2 Under the MACS delegation instrument, the a responsible principal has authority to respond to all building notices and emergency compliance orders served by authority.

8. Penalties for non-compliance

- 8.1 Principals must comply with any enforcement action issued by the local municipal building surveyor, an infringement notice issued by an authorised officer and any essential safety measure instruction issued by the MACS office.
- 8.2 Where an enforcement action has been taken by the municipal building surveyor, the MACS Board has authorised the principal as the person/agent to respond, as detailed in the [School-based delegations for MACS schools](#).
- 8.3 It is an offence to not comply with an issued building enforcement action or infringement notice.
- 8.4 Non-compliance may also result in prosecution and more substantial fines for both MACS and the school.

Definitions

Refer to the Building Compliance and Essential Safety Measures Policy for definitions of terms used in this policy.

Roles, responsibilities and reporting

Role	Responsibility	Reporting requirement (if applicable)
Director, Risk, Infrastructure and Assurance	Provision of an external contractor to perform essential safety measures audits, maintain compliance records	Prepare an annual essential safety measures report for MACS schools for Executive Director, Child Safety and Risk Management Board Committee and Board
Chief Planning and Infrastructure Office	Maintain register to record all building notices and the associated actions	Register will be accessible to MACS Board via MACS Child Safety and Risk Management Board Committee
Principal	Responsible for ensuring that for all school buildings, facilities, and grounds, all legal and health and safety compliance requirements are met in accordance with the policy	Annual attestation to the Executive Director

Role	Responsibility	Reporting requirement (if applicable)
Principal	Documentation relating to school buildings, facilities and grounds compliance	Retain as part of the school's permanent records
Principal	Maintain asbestos register for the school	Forward annually to the Director, Finance and Infrastructure using MACS template
Principal	Must comply with any enforcement action issued by the local municipal building surveyor, an infringement notice issued by an authorised officer and any essential safety measure instruction issued by the MACS office.	
Principal/MACS appointed external contractor	Prepare Annual Essential Safety Measures Report	

Delegations and authorities

Role	Description of power/function	Limitations/conditions	Reporting requirement (if applicable)
Principal	Authority to respond to all building notices and emergency compliance orders served by authority		

Appendices

Appendix 1: Building classes and essential safety measures maintenance.

Policy information

Responsible director	Director, Risk, Infrastructure and Assurance
Policy owner	Chief Planning and Infrastructure Officer
Approving authority	Director, Finance and Infrastructure Services
Assigned board committee	Child Safety and Risk Management
Approval date	16 January 2023
Risk rating	High
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POLICY DATABASE INFORMATION	
Assigned framework	Infrastructure
Related policy	Building and Essential Safety Measures Policy – Schools – 2022
Superseded documents	
New procedure	New procedure

Appendix 1: Building classes and essential safety measures maintenance

All buildings, other than a house or outbuilding, require essential safety measures, including the following classes of buildings as defined in the National Construction Code series. Further details of the types of building included in each class is detailed in the National Construction Code.

Building class	Building type
Class 1b	Some boarding houses, guest houses or hostels
Class 2	Buildings containing sole-occupancy units which are dwellings (e.g., apartments, blocks of flats)
Class 3	Backpacker accommodation, residential parts of hotels, motels, residential parts of schools, accommodation for the aged, disabled or children
Class 4	A dwelling in another class of building
Class 5	Offices for professional or commercial purposes
Class 6	Shops or other buildings for sale of goods by retail, cafes, restaurants, milk bars, dining rooms and bars
Class 7	Buildings used for car parks, storage or display of goods
Class 8	Laboratories or buildings for production or assembly of goods
Class 9	Public buildings such as healthcare buildings or assembly buildings, schools, churches, etc