

Building Compliance and Essential Safety Measures Policy



Introduction

MACS school buildings and essential safety measures are required to be compliant within the regulatory context of:

- Schedule 4 clause 13 of the Education and Training Reform Regulations 2017 (Vic.), which states that a registered school's buildings, facilities and grounds must comply with any laws that apply to the school including local laws and building, planning and occupational health and safety laws.
- VRQA school registration compliance which requires building and facility compliance with local planning regulations and with the Building Code of Australia, Class 9b or equivalent.

Purpose

To establish guidelines for buildings, facilities and grounds compliance and essential safety measures within MACS primary, secondary, special and special assistance schools.

Scope

This policy applies 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
- MACS 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 Board Child Safety and Risk Management Committee
- building, facilities and grounds compliance and essential safety measures records associated with MACS primary, secondary, special and special assistance schools.

Definitions

Acronym/term	Full name and explanatory text
Building Regulations	The Building Regulations 2018 and Schedule 8
Competent Person	A person who has acquired, through training, qualification, experience, or a combination thereof, the knowledge and skills enabling the person to perform the task correctly. In the context of this policy that person would need to be competent in inspecting, testing and maintaining essential safety measures.
DET	The Victorian Government Department of Education and Training
Essential Safety Measures (ESM)	<p>The equipment, infrastructure and processes in place at schools for the safety of the occupants, the property and the surrounding area, as defined in the Building Regulations and includes items such as:</p> <ul style="list-style-type: none"> • air handling systems (smoke hazard management) • exit doors • early warning systems • emergency lifts • emergency lighting • emergency power supply • emergency warning systems • exit signs • fire control centres • fire curtains and doors • fire extinguishers • fire detection and alarm systems • fire hydrants • fire-isolated stairs • fire-rated materials • fire windows • mechanical ventilation (including cooling towers/hot water systems) • fire-isolated passageways and ramps • paths of travel to exits • smoke alarms • smoke control systems • sprinkler systems.
MACS	Melbourne Archdiocese Catholic Schools Ltd
Maintenance Determination	A determination made by the relevant building surveyor under Regulation 215
Maintenance Schedule	A schedule made by the municipal building surveyor or private building surveyor that complies with Regulation 222
Principal	MACS primary, secondary, special and special assistance school principals
School(s)	MACS primary, secondary, special and special assistance school(s)
VRQA	The Victorian Registration and Qualifications Authority, the regulator for all Victorian schools

Principles

A school's buildings, facilities and grounds must meet all legal and health and safety compliance requirements and duty of care.

Essential safety measure maintenance ensures that every building's essential safety measure required is provided and continues to perform:

- at the same level of operation that existed at the time as the issuance of a maintenance determination and issue of the building's occupancy permit
- at the level of operation required due to any upgrade to the system initiated due to alterations to the building and/or the issue of a maintenance determination and issue of the building's occupancy permit.

The Building Regulations require the building owner to maintain essential safety measures so that they operate satisfactorily. The essential safety measures that have to be maintained, and under which regulations or Australian Standard, will be specified on the occupancy permit or maintenance determination.

Policy

1. Building, facilities and grounds compliance

- 1.1 The VRQA Minimum Standards and Requirements for School Registration requires that all school buildings, facilities and grounds must meet all legal and health and safety compliance requirements.
- 1.2 To demonstrate building, facilities and grounds compliance, MACS schools are required to have documented evidence of:
 - 1.2.1 a permit to operate an education centre on the school site(s)
 - 1.2.2 building and facility compliance with local planning regulations and with the Building Code of Australia, Class 9b or equivalent
 - 1.2.3 an essential safety measures register
 - 1.2.4 a maintenance program for buildings, facilities, grounds and essential safety measures
 - 1.2.5 policies and procedures to ensure the school complies with the *Occupational Health and Safety Act 2004 (Vic.)*
 - 1.2.6 documentation that reasonable adjustments have been made for students, staff and visitors with a disability.
- 1.3 Documentation relating to school buildings, facilities and grounds compliance is to be retained as part of the school's permanent records.

2. Essential safety measures

- 2.1 Schools are required to execute effective testing and maintenance of essential safety measures, ensuring:
 - 2.1.1 all essential safety measures are maintained and operating in accordance with the current occupancy permit or maintenance determination
 - 2.1.2 that all exits and paths of travel to exits are maintained and kept clear of all obstructions
 - 2.1.3 the safe evacuation of buildings in the event of an emergency
 - 2.1.4 effective control in the event of a life-threatening situation
 - 2.1.5 protection of the school's building and equipment assets in the event of fire
 - 2.1.6 mitigation of litigation and insurance claim risk.

3. Essential safety measures responsibility and reporting

- 3.1 MACS, as school building owners and occupiers, has a legal responsibility to maintain essential safety measures requirements for the benefit of all who use the building.
- 3.2 The responsibility for ensuring compliance of essential safety measure requirements in MACS schools rests with the MACS Board.
- 3.3 The MACS Board has delegated the day-to-day execution, management and reporting on essential safety measures in MACS schools to principals:
 - 3.3.1 Principals are required to make an annual attestation on essential safety measures to the MACS Executive Director, as defined in the Procedures section of this policy.
 - 3.3.2 The MACS Director – Finance and Infrastructure Services, via the MACS Executive Director, is required to report to the MACS Board via the MACS Board Child Safety and Risk Management Committee, as defined in the Procedures section of this policy.

4. Building types

- 4.1 Building types are defined in the National Construction Code (the Code) – a national technical code adopted by all Australian states and territories, applying to any design and new building work (including in existing buildings), plumbing and drainage work, anywhere in Australia.
- 4.2 While the Code provides a legal framework, the individual states and territories administer the application and administration of the Code, including the issue of permits, approvals, inspections, certificates of occupancy and audits.
- 4.3 In Victoria, schools are required to comply with the essential safety measures defined by building type, age or any maintenance determination, as detailed in the Building Regulations, a subordinate legislation to the *Building Act 1993* (Vic.).
- 4.4 Building types are defined in Appendix 2 of this policy.

5. Essential service measures for buildings and alterations built before/after 1 July 1994

- 5.1 Where school buildings were built or altered before 1 July 1994, as a minimum requirement the principal is responsible for ensuring that any safety equipment, safety fittings or safety measures, including exits and paths of travel to exits, are maintained and fulfilling their purpose, as detailed in the Procedures section of this policy.
- 5.2 Where school buildings were constructed or altered after 1 July 1994 the principal is responsible for ensuring the list of essential safety measures included with the building or alterations' certificate of occupancy/permit or certificate of final inspection is met, including their performance level, frequency and type of maintenance required, as detailed in the Procedures section of this policy.

6. Maintenance and reporting of essential safety measures

- 6.1 Principals are required to follow essential safety testing, maintenance and reporting measures as detailed in this policy and procedures, and as advised by the MACS Board and/or the MACS office Planning and Infrastructure team from time to time.

7. Building notices and emergency orders

- 7.1 Where a school 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 MACS Chief Planning and Infrastructure Officer.

8. Penalties for non-compliance

- 8.1 Student and staff safety is a core MACS value: failure to effectively maintain essential safety measures could place staff, students and other building occupants at risk.
- 8.2 Under the Building Regulations, it is an offence to fail to:
- 8.2.1 maintain any safety equipment, safety fitting or essential safety measure
 - 8.2.2 maintain an essential safety measures testing and maintenance schedule
 - 8.2.3 maintain essential safety measure testing and maintenance records
 - 8.2.4 prepare an essential safety measures report
 - 8.2.5 retain essential safety records on the premises for inspection.
- 8.3 Non-compliance may result in an infringement notice and a fine being issued by the municipal building surveyor or chief officer of the relevant fire brigade.
- 8.4 Non-compliance may also result in prosecution and more substantial fines for both MACS and the school.

Procedures

Building compliance and essential safety measure procedures are detailed at Appendix 1 of this policy.

Related Policies

[Emergency Management Planning Policy](#)

[MACS School Maintenance and Asset Management Policy](#)

References

[Australian Building Codes Board](#)

[Building Act 1993 \(Victoria\)](#)

[DET Building Quality Standards Handbook](#)

[National Construction Code](#)

[Victorian Building Authority](#)

[Victorian Building Authority Essential Safety Measures Maintenance Manual](#)

[Victorian School Building Authority](#)

Responsible director	MACS Executive Director
Policy owner	MACS Director – Finance and Infrastructure Services
Approving body/individual	MACS Board of Directors
Approval date	[Date] [Month] 2021
Date of next review	September 2023 (for an effective date of 1 January 2024)

POLICY DATABASE INFORMATION	
Related documents	Appendix 1 Emergency Management Procedures Appendix 2 Building Classes and Essential Safety Measures Maintenance MACS School Capital Contractual Delegation Instrument
Superseded documents	N/A
New policy	New

Appendix 1: Building Compliance and Essential Safety Measures 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 this policy.
- 1.2 To demonstrate building, facilities and grounds compliance, principals may choose to seek advice from:
 - 1.2.1 MACS 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 VRQA requirement for school buildings, facilities and grounds compliance also requires the principal to ensure the school is compliant with:
 - 1.3.1 the MACS Emergency Management Planning Policy, 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 MACS School Maintenance and Asset Management Policy.
- 1.4 Documentation relating to school buildings, facilities and grounds compliance is to be retained as part of the school's permanent records.

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 may need to 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 preparing an annual essential safety measures report
 - 4.2.4 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
 - 4.2.5 maintaining all reports and records of maintenance checks, safety measures and repair work on school premises
 - 4.2.6 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 log books. 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 MACS Executive Director on essential safety measures execution and compliance using a MACS office-approved template
- forward the asbestos register to the MACS 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 MACS Director – Finance and Infrastructure Services, via the MACS 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 Board Child Safety and Risk Management 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 MACS Chief Planning and Infrastructure Officer.
 - 7.1.3 A register is maintained by the MACS 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 Board Child Safety and Risk Management Committee.

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 MACS School Capital Contractual Delegation Instrument.
- 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.

Appendix 2: 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 or hotels or 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.