

ESM VICTORIA Q&A



What are Essential Safety Measures (ESM)?

The term “Essential Safety Measure” is defined in Part 15 of the Victorian Government’s Building Regulations 2018 and includes items listed in Schedule 8 of the Building Regulations, such as:

- air handling systems (used for 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 (incorporate a cooling tower or hot or warm water system)
- fire-isolated passageways and ramps
- paths to exits
- smoke alarms
- smoke-control systems
- sprinkler systems

An ESM Maintenance Schedule is unique to each building. ESMs will vary due to the number of floors, equipment, use and type of building.

What buildings require ESMs?

All non-residential buildings in Victoria (including churches/ church halls /shops /offices /kindergartens etc).

What do Church Councils need to do (Church Council actions)?

Step 1 - For buildings built after 1 July 1994: display your occupancy permit in the foyer

OR

Step 1 - For buildings built before 1 July 1994 where no upgrades have been undertaken: Obtain a Maintenance Determination from a registered building surveyor which will outline your ESM Maintenance Schedule

For all buildings regardless of when they were built:

- Step 2 - Service/maintain (including testing) your ESMs in accordance with the Occupancy Permit or ESM Maintenance Schedule
- Step 3 - Obtain an Annual Essential Safety Measures Report. At least 12 months’ evidence of testing is required to complete an AESMR. If you are not using Statcom, email your completed AESMR and evidence to aesmr@victas.uca.org.au

ESM VICTORIA Q&A



What is an Occupancy Permit?

An occupancy permit is a document that confirms your building surveyor is satisfied the building is suitable for occupation. These should be available for buildings constructed or parts of buildings upgraded after 1 July 1994.

What if we can't find our Occupancy Permit?

If you cannot locate a copy of the Occupancy Permit for buildings constructed or parts of buildings upgraded after 1 July 1994; this can be obtained from your Local Council. A letter of consent that you can provide to your Local Council for a Church Council representative to obtain a copy of the Occupancy Permit is enclosed in the ESM Information Pack; this will need to accompany whatever form your Local Council requires to obtain the Occupancy Permit.

If you fail to obtain a copy of the Occupancy Permit for a post 1 July 1994 building/renovation/extension, a Maintenance Determination and Schedule must be arranged for.

What is a Maintenance Determination and Schedule?

A Maintenance Determination and Schedule is issued for a building by a Registered Building Surveyor. A Maintenance Determination and Schedule sets out the level of performance required to enable the ESM to fulfil its purpose and the frequency and type of maintenance required.

When do Church Councils need to undertake these actions?

As soon as possible as the legislative requirement is already in place and it takes 12 months of testing and keeping of those records in order to sign off an Annual Essential Safety Measures Report. An update to the progress of congregations working towards having their ESM program in place will be reported to the Property Applications Review Team by the end of February 2022.

How much should Church Councils budget for this?

- \$1500-\$2000 (plus GST) for a Maintenance Determination and ESM Maintenance Schedule (for buildings built before 1994 only)
- \$850 (plus GST) for an Annual Essential Safety Measures Report (includes quarterly inspections)
- Further costs for the contractors who will check and maintain your ESMs – this cost is building-specific.

Refer to the 'Understanding costs to set up your ESM program' in the ESM Information Pack.



I've been going to my church for decades and we have never had to do this before. Why now?

The requirements for ESMs and the Annual ESM Report are not new. Previously, this information was supplied to Church Councils via the OHS Manual and included a self-assessment tool. This tool is no longer compatible with current Victorian State Government legislative requirements. An annual report has been a feature of the Building Regulations since 1994.

The Synod Property Services Team have been advising congregations and presbyteries on ESMs for a number of years. We are now communicating with all Church Councils to ensure they understand their obligations.

What if we can't afford it?

ESMs are a legal obligation. Furthermore, we have an obligation to ensure our buildings are safe for all occupants.

For some Church Councils facing these latest costs it may mean addressing bigger questions about being able to afford to use the building. We encourage you to talk to your presbytery about what this will mean for your situation. Topics that could be explored include: are there alternative spaces for you to continue your congregation's ministry and mission without all the costs of running a building yourselves? What building priorities need to be reviewed in order to meet the costs of maintaining your ESMs?

Do we have to use Statcom for the Maintenance Determination and Schedule?

No, but you must engage a Registered Building Surveyor. Other providers we recommend are:

- Kretna Building Surveyors, Ph: (03) 9427 9333, E: office@krneta.com.au
- Hendry, Ph: 1800 875 371, E: info@hendry.com.au
- BSA Building Surveyors, Ph: (03) 5241 2559, E: admin@bsabs.com.au

ESM VICTORIA Q&A



Who can sign off on the Annual Essential Safety Measures Report (AESMR)?

The AESMR can only be signed off if there is either an Occupancy Permit or Maintenance Schedule in place. The AESMR can be signed off by either a contractor, such as Statcom, or by a nominated member of the Church Council where all reasonable steps to ensure that all ESMs have been maintained in a state that enables them to fulfil their purpose and ESMs have been inspected, tested, and maintained in accordance with the Building Act & Regulations. The AESMR does not need to be signed off by a Registered Building Surveyor (please note: Only a Registered Building Surveyor can prepare an ESM Maintenance Determination and Schedule).

Property Services recommends the engagement of Statcom for the sign off of the AESMR, a legal document, as they are qualified and have the required experience.

Can we complete our AESMR without a Maintenance Determination and Schedule?

If your building is built after 1 July 1994 and has an Occupancy Permit you do not require a Maintenance Determination and Schedule.

For buildings built pre 1 July 1994 you must obtain a Maintenance Determination and Schedule first in order to complete your AESMR. This is in line with the Registered Building Surveyor's advice we have received (*"it is the Owner's responsibility to ensure they engage a Registered Building Surveyor to prepare a Maintenance Determination and Schedule – there are no exemptions for buildings pre 1 July 1994. No exemption applies to the safety of occupants, if the building does not have a maintenance determination you must organise one to be prepared by a Registered Building Surveyor"*).

The Property Applications Review Team has recently endorsed the Synod of Victoria and Tasmania's Essential Safety Measures approach which includes a Maintenance Determination and Schedule for buildings pre 1 July 1994 where no upgrades have been made ie no Occupancy Permit. Only a Registered Building Surveyor can prepare an ESM Maintenance Determination and Schedule.

What about buildings that have a mixture of pre 1 July 1994 and post 1 July 1994 sections - do they require a Maintenance Determination?

Yes, unless an Occupancy Permit is available which lists the ESMs required to be maintained.

What are the penalties for non-compliance?

Non-compliance may result in an infringement notice being issued by your Municipal Council or the Fire Authority. Fines may range from \$290 to over \$17,000 for an individual and over \$88,000 if a company is prosecuted.



Can we begin setting up our ESM program in the middle of a lockdown/pandemic?

Yes, fire safety is considered an essential service.

Where can we get more information?

Relevant legislation – Victorian Building Regulations 2018, see Part 15 on page 193

<https://www.legislation.vic.gov.au/in-force/statutory-rules/building-regulations-2018/014>

Victorian Building Authority (VBA)

<https://www.vba.vic.gov.au/consumers/guides/essential-safety-measures>

VBA podcasts

<https://podcasts.apple.com/au/podcast/in-safe-hands-essential-safety-measures/id1536095543>

VBA Essential Safety Measures PRACTICE NOTE 23-2018

https://www.vba.vic.gov.au/data/assets/pdf_file/0008/99368/PN-23-Maintenance-of-Essential-Safety-Measures.pdf

- Your Presbytery
- Statcom: Aaron Mackenzie, National Project Manager, Statcom Systems
Ph: 1300 872 885, M: 0428 313 574 , E: amackenzie@statcomsystems.com.au
- Property Services: Siobhan Reed, Manager Assets & Administration
Ph: (03) 9116 1956 E: Siobhan.Reed@victas.uca.org.au