

High level overview of Essential Safety Measures (ESMs): Responsibilities

The list of essential safety measures, including their performance level, frequency and type of maintenance required must be included with the occupancy permit or certificate of final inspection / maintenance determination for class 1b, 2 to 9 buildings constructed or altered since 1 July 1994 (minimum owner responsibilities differ for pre 1 July 1994 buildings).

Installation and Maintenance

Relevant Building Surveyor (RBS)

- Issue occupancy permit specifying ESMs and related requirements
- Issue maintenance determinations
- Give applicant, owner and council copy of occupancy permit
- Give applicant, owner and council copy of maintenance determination
- Capture requirements of performance solutions
- Prepare or update maintenance schedule
- Give owner copy of maintenance schedule



Municipal Building Surveyor (MBS) or Private Building Surveyor (PBS)

- May cancel an occupancy permit or temporary approval
- May prepare a maintenance schedule if owner has applied for one
- Must give copy of maintenance schedule to the owner



Relevant ESMs Maintenance Contractors

- Inspect, test, maintain and repair ESMs to occupancy permit, maintenance determination and maintenance schedule (AS 1851 and relevant standards)
- Provide owners and owners corporations with service records and log books
- Provide compliance certificate for maintenance of water based fire services, where the cost exceeds \$750



Ongoing Maintenance



Building Owners/Owners Corporations

- Display occupancy permit in approved location
- Make occupancy permit available for inspection
- Comply with ESMs occupancy permit, maintenance determination and maintenance schedule
- Ensure ESMs are not removed from approved locations
- Ensure maintenance, testing and repair of ESMs and completion of annual ESM Report
- Keep records of all ESMs maintenance and repair work
- Ensure annual ESMs report prepared
- Provide on request ESMs maintenance log books and Annual Reports (within 10 years before request)
- May apply to MBS or RBS to prepare a maintenance schedule



Building Occupiers

- Keep exits and paths of travel readily accessible, functional and clear of obstructions
- Provide access to private areas for the purposes of ESM inspections and maintenance



Building work or alterations

Owners/Owners Corporations should check with MBS or private building surveyor to ensure building works do not affect ESMs and complies with Building Act 1993 and Building Regulations 2018



Enforcement

Enforcement of Building Safety under Building Act 1993 and Building Maintenance under Building Regulations 2018

Municipal Councils/Municipal Building Surveyor (MBS)

- Inspection of ESMs and related records and reports
- Serving of an Emergency Order, Building Order for Minor Work, Building Notice or Building Order
- Issuing of infringement notices
- Can request ESM records and Annual Reports (within 10 years before request) which must be made available within 24 hours
- Prosecution and fines



Chief Officer (Fire Rescue Victoria/ Country Fire Authority)

- Inspection of ESMs and related records and reports
- Issuing of infringement notices
- Can request ESMs records and Annual Reports (within 10 years before request) which must be made available within 24 hours



Victorian Building Authority (VBA)

- Issuing of infringement notices
- Prosecution, fines and disciplinary action
- Licensing and registration of building and plumbing practitioners

NOTE - This is a summary document only depicting the ESM responsibilities framework. Please refer to the Building Act and Regulations for specific provisions.