

Which Essential Safety Measures certificate is required?

The necessary compliance certificate required to satisfy the respective legislation differs from state to state as detailed below.

State	Act	Regulation	Compliance Certificate
Victoria	Building Act 1993	Building Regulations 2006	Annual Essential safety measures report.
Tasmania	Building Act 2000	Building Regulations 2004	Form 56
South Australia	Development Act 1993	Development Regulations 1993 Minister Spec SA76	Form 3
Western Australia	Local Gov (miscellaneous prov) Act Occupiers Liability Act 1985	Occupation Safety and Health Regulations 1996	N/A
Northern Territory	Building Act 1993	Building Regulations 1993	N/A
Queensland	Fire & Rescue Services Act 1990	Fire & Rescue Services Regulations 1991	Annual Declaration
New South Wales	Environmental Planning and Assessment Act 1979	Environmental Planning and Assessment Regulations 2000	Annual Fire Safety Statement
Australian Capital Territory	Building Act 2004 Emergencies Act 2004	Building Regulations 2008 Fire Safety Policy -05	N/A

As detailed above the maintenance certification is not required in all states, nor is this required to be certified by a building surveyor/certifier, however under each of the states legislation the premises may be inspected by a member of the local council or fire brigade. Upon this inspection all maintenance documentation for the essential safety measures is reviewed and areas of non compliance may result in fines of \$10,000 for individuals or \$50,000 for companies. Even higher penalties apply, including jail terms in some states, if there is an incident and failure to maintain an essential safety measure results in a fatality.

What maintenance standard is required?

From the introduction of the maintenance standard AS1851-2005 building owners have been unsure of their responsibilities in relation to the acceptance to the new maintenance requirements. In some instances building owners/managers have chosen to adopt some elements of this standard for convenience and also the water saving benefits but not enthusiastic in adopting other features.

The below table indicates the building owners requirements in relation to this issue.

Maintenance requirement to ESM per state.	
State	ESM Maintenance Level
Victoria	Building constructed or had alterations after 1994 – As stated on Occupancy Permit. or Building Constructed pre 1994 no alterations – Maintenance required as per initial design of system or item.
Tasmania	Buildings constructed after July 2004 to the requirements listed on the Occupancy Permit Or Building Constructed pre 2004 no alterations – Maintenance required as per initial design of system or item.
South Australia	In accordance with Ministers Spec SA 76 as in force at time of consent of the building work. and Perform to a standard not less than the standard they were originally required to achieve.
Western Australia	Maintenance is required to the system to the most relevant Australian Standard.
Northern Territory	Maintenance is required to the system as detailed in the BCA 2007 NT appendix.
Queensland	To the relevant Australian Standard for the essential safety measures. Or At intervals and at a level a competent person considers sufficient in the interests of safety.
New South Wales	To the relevant standard issued on the fire safety schedule. or Maintained to the system requirements, as from time of the measures installation.
Australian Capital Territory	Building constructed or had alterations after 1997 – As stated on Occupancy Permit. or Building Constructed pre 1997 and no alterations – Maintenance required as per most relevant standard.



If the construction information or certificates of completion are not available for the building it is recommended each situation is accessed and reviewed individually.

It is the advice of this office if you are unsure of your obligations as building owners to contact this office to discuss this matter further.

For more information visit

www.stokesperna.com.au or call 03 9521 9611