

IN THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
AT MELBOURNE
BUILDING AND PROPERTY LIST

R115/2014

IN THE MATTER of s. 11A of the *Small Business Commissioner Act 2003*, and

IN THE MATTER of the referral of matters for an advisory opinion to the Victorian Civil and Administrative Tribunal pursuant to s. 125 of the *Victorian Civil and Administrative Act 1998*

GEOFFREY MARTIN BROWNE (in his capacity as THE SMALL BUSINESS COMMISSIONER)

Applicant

LIST OF ESSENTIAL SAFETY MEASURES

The term ‘essential safety measure’ is defined at Regulation 1202 of the *Building Regulations 2006* as containing the three components listed below. The category of essential safety measures is defined by reference to the *Building Regulations 2006* which in part draw upon the definition provided by the *Building (Interim) Regulations 2005* as in force before their revocation, pursuant to Schedule 1 of the *Building Regulations 2006*, which in turn make reference to the *Building Regulations 1994* as in force before their revocation by Schedule 1 of by the *Building (Interim) Regulations 2005*.

The first component

“an item specified in Column 2 of Part 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 or 12 of Schedule 9 that is required by or under the [Building Act 1993] or these Regulations to be provided in relation to a building or a place of public entertainment”

The following table lists those items identified at Schedule 9.

PART 1—BUILDING FIRE INTEGRITY

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>

1	Building elements required to satisfy prescribed fire-resistance levels
2	Materials and assemblies required to have fire hazard properties
3	Elements required to be non-combustible, provide fire protection, compartmentation or separation
4	Wall-wetting sprinklers (including doors and windows required in conjunction with wall-wetting sprinklers)
5	Fire doors (including sliding fire doors and their associated warning systems) and associated self-closing, automatic closing and latching mechanisms
6	Fire windows (including windows that are automatic or permanently fixed in the closed position)
7	Fire shutters
8	Solid core doors and associated self-closing, automatic closing and latching mechanisms
9	Fire-protection at service penetrations through elements required to be fire-resisting with respect to integrity or insulation, or to have a resistance to the incipient spread of fire
10	Fire protection associated with construction joints, spaces and the like in and between building elements required to be fire-resisting with respect to integrity and insulation
11	Smoke doors and associated self-closing, automatic closing and latching mechanisms
12	Proscenium walls (including proscenium curtains)

PART 2—MEANS OF EGRESS

<i>Column 1</i>	<i>Column 2</i>
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<i>Item</i>	<i>Safety Measure</i>
1	Paths of travel to exits
2	Discharge from exits (including paths of travel from open spaces to the public roads to which they are connected)
3	Exits (including fire-isolated stairways and ramps, non fire-isolated stairways and ramps, stair treads, balustrades and handrails associated with exits, and fire-isolated passageways)
4	Smoke lobbies to fire-isolated exits
5	Open access ramps or balconies for fire-isolated exits
6	Doors (other than fire or smoke doors) in a required exit, forming part of a required exit or in a path of travel to a required exit, and associated self-closing, automatic closing and latching mechanisms

PART 3—SIGNS

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Exit signs (including direction signs)
2	Signs warning against the use of lifts in the event of fire
3	Warning signs on sliding fire doors and doors to non-required stairways, ramps and escalators
4	Signs, intercommunication systems, or alarm systems on doors of fire-isolated exits stating that re-entry to a storey is available
5	Signs alerting persons that the operation of doors must not be impaired
6	Signs required on doors, in alpine areas, alerting people

	that they open inwards
7	Fire order notices required in alpine areas

PART 4—LIGHTING

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Emergency Lighting

PART 5—FIRE FIGHTING SERVICES AND EQUIPMENT

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Fire hydrant system (including on-site pump set and fire-service booster connection)
2	Fire hose reel system
3	Sprinkler system
4	Portable fire extinguishers
5	Fire control centres (or rooms)

PART 6—AIR HANDLING SYSTEMS

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Smoke hazard management systems— (a) automatic air pressurisation systems for fire-isolated exits;

	<p>(b) zone smoke control system;</p> <p>(c) automatic smoke exhaust system;</p> <p>(d) automatic smoke-and-heat vents (including automatic vents for atriums);</p> <p>(e) air-handling systems that do not form part of a smoke hazard management system and which may unduly contribute to the spread of smoke;</p> <p>(f) miscellaneous air handling systems covered by Sections 5 and 11 of AS/NZS 1668.1 serving more than one fire compartment;</p> <p>(g) other air-handling systems.</p>
2	Carpark mechanical ventilation system
3	Atrium smoke control system (see item 1d for smoke and heat vents)

PART 7—AUTOMATIC FIRE DETECTION AND ALARM SYSTEMS

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Smoke and heat alarm system
2	Smoke and heat detection system
3	Atrium fire detection and alarm system

PART 8—OCCUPANT WARNING SYSTEMS

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Sound system and intercom system for emergency purposes

2	Building occupant warning system
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PART 9—LIFTS

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Stretcher facilities in lifts
2	Emergency lifts
3	Passenger lift fire service controls

PART 10—STANDBY POWER SUPPLY SYSTEM

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Standby power supply system

PART 11—BUILDING CLEARANCE AND FIRE APPLIANCES

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>
1	Open space around large isolated buildings
2	Vehicular access around large isolated buildings

PART 12—MECHANICAL VENTILATION AND HOT, WARM AND COOLING WATER SYSTEMS

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Safety Measure</i>

1	Mechanical ventilation systems incorporating cooling tower systems (other than a system serving only a single sole-occupancy unit in a Class 2 or 3 building or a Class 4 part of a building)
2	Mechanical ventilation systems incorporating Hot and Warm water systems (other than a system serving only a single sole-occupancy unit in a Class 2 or 3 building or a Class 4 part of a building)

The second component

“any other item that is required by or under the [Building Act 1993] or these Regulations to be provided in relation to a building or place of public entertainment for the safety of persons in the event of fire and that is designated by the relevant building surveyor as an essential safety measure”

The third component

“any other item that is an essential safety measure within the meaning of Division 1 of Part 12 of the Building (Interim) Regulations 2005 as in force before their revocation”

This component picks up the following definition of ‘essential safety measure’ at regulation 1202 of the *Building (Interim) Regulations 2005*:

- “(a) any of the following items required by these Regulations to be provided in relation to a building or a place of public entertainment—
- (i) an item listed in Tables I1.1 to I1.11 of Volume 1 of the [Building Code of Australia], except the item in Table I1.4 relating to artificial lighting;
 - (ii) a mechanical ventilation system or a hot water, warm water or cooling water system in a building, other than a system only serving a single sole occupancy unit in a Class 2 or 3 building or a Class 4 part of a building; or
- (b) any other item that is required by or under the Act or these Regulations to be provided in relation to a building or place of public entertainment for the safety of persons in the event of fire and that is designated by the relevant building surveyor as an essential safety measure; or
- (c) any other item that is an essential service within the meaning of Division 1 of Part 11 of the Building Regulations 1994 as in force before their revocation”

Paragraph (a) of this definition

Tables I1.1 to I1.11 of Volume 1 of the Building Code of Australia (BCA) (except the item in Table I1.4 relating to emergency and artificial lighting) identifies an extensive range of Safety Measures, concerning:

- Building Fire Integrity (I1.1)
- Means of Egress (I1.2)
- Signs (I1.3)
- Fire Fighting Services and Equipment (I1.5)
- Air Handlings Systems (I1.6)
- Automatic fire Detection and Alarm Systems (I1.7)
- Occupant Warning Systems (I1.8)
- Lifts (I1.9)
- Standby Power Supply Systems (I1.10)
- Building Clearance and Fire Appliances (I1.11)

together with relevant BCA provisions for determining standard of performance.

Paragraph (c) of this definition

The following is a list of the items which, if required to be provided in relation to a building or place of public entertainment under the *Building Regulations 1994*, as those regulations were in force before their revocation, constitute an 'essential service' for the purposes of regulation 11.2 of those regulations:

Air conditioning systems
 Emergency lifts
 Emergency lighting
 Emergency power supply
 Emergency warning and intercommunication systems
 Exit doors
 Exit signs
 Fire brigade connections
 Fire control centres
 Fire control panels
 Fire curtains
 Fire dampers
 Fire detectors and alarm systems
 Fire doors
 Fire extinguishers (portable)
 Fire hose reels
 Fire hydrants
 Fire indices for materials
 Fire isolated lift shafts
 Fire isolated passageways

Fire isolated ramps
Fire isolated stairs
Fire mains
Fire protective coverings
Fire rated access panels
Fire rated control joints
Fire rated materials applied to building elements
Fire resisting shafts
Fire resisting structures
Fire shutters
Fire windows
Lightweight construction
Mechanical ventilation systems
Paths of travel to exits
Penetrations in fire-rated structures
Smoke alarms
Smoke control measures
Smoke doors
Smoke vents
Sprinkler systems
Stairwell pressurisation systems
Static water storage
Vehicular access for large isolated buildings
Warning systems associated with lifts

Regulation 11.2 of the *Building Regulations 1994* also provides that an 'essential service' includes any other item which is required by or under those regulations or the *Building Act 1993* to be provided in relation to a building or place of public entertainment for the safety of the people in the event of fire and which is designated by the relevant building surveyor as an essential service.