



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.
- Victorian Registration and Qualifications Authority (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 enable MACS schools to comply with requirements for buildings, facilities and grounds and essential safety measures.

Scope

This policy applies to:

- MACS primary, secondary, special and special assistance schools and any MACS subsidiaries that operate under the auspice of this policy
- MACS primary, secondary, special and special assistance school principals and staff involved in building, facilities and grounds compliance and essential safety measures
- 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 Child Safety and Risk Management Board Committee
- building, facilities and grounds compliance and essential safety measures records associated with MACS primary, secondary, special and special assistance 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.

Outline the principles that influence or are being addressed through the policy. These are statements (listed as bullet points) about what MACS expects from its schools, community or employees, or what the community or governments expect of MACS.

Policy

1. Building, facilities and grounds compliance

- 1.1. The VRQA Minimum Standards and Requirements for School Registration require 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 Executive Director, as defined in the Procedures associated with this policy.
 - 3.3.2. the Director – Finance and Infrastructure Services, via the Executive Director, is required to report to the MACS Board via the MACS Child Safety and Risk Management Board Committee, as defined in the Procedures for 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.
- 6.2. MACS will provide a centralised service to schools that provides essential safety measure testing and Level 5 asbestos assessment reporting.

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 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 set out the requirements for implementation of this policy and further roles and responsibilities that apply in relation to this policy.

Roles and responsibilities

Role	Responsibility	Reporting requirement (if applicable)
Principal	Follow essential safety testing, maintenance and reporting measures	
Principal	Comply with any building notice or emergency order from a building surveyor or municipal authority	Forward a copy of the report to the Chief Planning and Infrastructure Officer

Delegations and authorities

Role	Description of power/function	Limitations/conditions	Reporting requirement (if applicable)
Principal	Day to day execution, management and reporting on essential safety measures		Annual attestation to the Executive Director
Director, Risk, Infrastructure and Assurance	Report on MACS' schools compliance with essential safety measures		Report to Child Safety and Risk Management Board Committee through the Executive Director

Definitions

Building regulations

The [Building Regulations 2018 and Schedule 8](#)

Competent person

A person who has acquired through training, qualification, experience or a combined 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.

Department of Education (DE)

The Victorian government department with responsibility for education.

Essential safety measures

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:

- 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
- paths of travel to exits
- smoke alarms
- smoke control systems
- sprinkler systems.

Melbourne Archdiocese Catholic Schools Ltd (MACS)

MACS is a reference to Melbourne Archdiocese Catholic Schools Ltd, and / or its subsidiaries, MACSS and/or MACSEYE (*as the context requires*)

Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS)

Melbourne Archdiocese Catholic Specialist Schools Ltd, a wholly owned subsidiary of MACS established to conduct and operate specialist schools.

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

Individual appointed by MACS as principal in a MACS school

School or MACS school

A school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by MACS, directly or through MACSS (as the context requires). References to schools or MACS schools also includes boarding premises of schools operated by MACS schools and specialist schools operated by MACSS.

Victorian Registration and Qualifications Authority (VRQA)

The VRQA is the regulator for all Victorian schools.

Related policies and documents

Supporting documents

Building Compliance and Essential Safety Procedures

Related MACS policies and documents

Emergency Management Planning Policy
Maintenance and Asset Management Policy

Resources

[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](#)

Policy information

Responsible director	Director, Risk, Infrastructure and Assurance
Policy owner	Chief Planning and Infrastructure Officer
Approving authority	Executive Director
Assigned board committee	Child Safety and Risk Management
Approval date	21 September 2022
Risk Rating	Moderate
Date of next review	September 2024
Publication	CEVN,
POLICY DATABASE INFORMATION	
Assigned framework	Infrastructure
Supporting documents	See list of supporting documents and related policies above
Superseded documents	Building Compliance and Essential Safety Measures Policy – v1.0 – 2021 Building Compliance and Essential Safety Measures Policy – v2.0 – 2022 (old template)
New policy	

