



## A MESSAGE FROM THE MANAGING DIRECTOR

### Warning to Owners on Building inspections

Following a number of recent enquiries from property owners and managing agents it seems that Municipal Councils are currently on the move checking if buildings are safety compliant and suitable for occupancy.

These are serious inspections and generally activated with the owner receiving a NOTICE OF ENTRY which allows authorised Officers to inspect a property to determine if any person has contravened the *Building Act 1993* or the *Building Regulations 2006*.

### Notice of Entry Inspections may include:

- Photographs, measurement and sketches of the building and work concerned
- Compliancy of Essential Safety Measures to the building
- Certificate of Occupancy Permit.

If Council believes there has been a contravention of the building Act or building regulations they will give the owner 30 days to show cause why they should not undertake works as set out in the Building Notice. Insufficient cause within this time may result in a Building Order being served and at worst the building could be shut down.

### The Owner needs to act quickly!

- 1 Ensure that all Essential Safety Measures are compliant and make available relevant log books, service reports and records of maintenance. Essential Safety Measures (ESMs) include fire safety equipment; exit doors/latching systems; paths of travel to exits; emergency lighting system; smoke alarms and other building safety equipment.
- 2 Ensure a copy of a current "Certificate of Occupancy" permit is prominently located in the building, accessible to the occupants and available on request for inspection by the municipal building surveyor or chief officer.
- 3 Call AESI for immediate no obligation advice and assistance (no charge for AESI clients).

David Hassett MD AESI

## Case Study



### LANDLORD DILEMMA

If you have an investment in the property market there are many unexpected exposures that you need to protect against. This was clearly evidenced by a recent decision in the Queensland Court of Appeal when a mother of four was stuck by a needle while holidaying in a 'filthy' Brisbane apartment. After no response to her constant complaints it was while she was cleaning dirty and sticky internal stairs that an infected discarded needle, hidden by dust and fluff, pierced through a rubber glove and became stuck in her finger. In a subsequent Court hearing it was judged that 'a reasonable' person (the landlord), should have taken the precaution of properly cleaning the premises. The Court found in favour of the mother and awarded her \$494,750 in damages and costs!

## Did You Know?

Fire safety is always a contentious issue in retail/commercial leases, particularly in terms of which party (tenant or landlord) bears the responsibility to take care of installation, replacement and repair work. In a recent court case, even though the lease stated that fire safety is the responsibility of the tenant the Court decided that the works required to make the property fire safe were of a structural nature and therefore the Landlord was deemed responsible for the alterations and the costs.





## FIRES ... AND THE IMPORTANCE OF A FACILITY MANAGER

In a large business operation it is often the Facility Manager who is responsible for the day to day operations of the building and to ensure that all facilities are in good working order and running smoothly.

Perhaps however the most important responsibility he has is the protection against fire and the safety of the building and its occupants. To this end the Facility Manager needs to have a thorough knowledge of the building's fire protection plans and procedures including the maintenance of the Essential Safety Measures and provision of the annual safety audit. He may also need to overcome such hurdles as management complacency to fire safety often resulting in a lack of funds and the issue being a low priority.

The reality however is that fires can happen when least expected and it is the Facility Manager who should play a proactive role in convincing management of the dangers of fire and that prevention is the key to protecting lives and minimising business loss.

## NEED MORE INFORMATION?

Please locate us on [www.AESI.com.au](http://www.AESI.com.au)

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## Winter Tip

### KEEP IT NEAT AND IT WON'T OVERHEAT

The message to Shops, Offices and Factories this winter is "Keep it neat and it won't overheat". Remember to untangle twisted extension cords, particularly under desks and work benches.

#### Check power points & power boards:

- Overloaded power points and power boards can overheat and quickly cause a fire.
- Fire services recommend only using power boards with built in safety circuit breakers.
- Place power boards on their sides to prevent dust build up in unused points.
- Regularly check that all plugs are firmly fixed in power boards.
- Ensure adequate ventilation is provided for power boards.
- Regularly inspect power boards and leads for signs of damage and degradation.



### IN AN EMERGENCY: Call Triple Zero 000

Just a reminder that Triple Zero (000) should be called when police, fire or ambulance attendance is needed in a life-threatening or time critical situation.

Be prepared to describe your location as accurately as possible. Your mobile phone only shows call-takers your billing address, not your current GPS location.

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