

1 August 2019

To: All Mount Hotham Property Owners

## **Essential Safety Measures (ESM) – How and Why to Maintain Your Compliance**

Dear Property Owner,

We have received several queries from owners at Mount Hotham around what Essential Safety Measures (ESMs) are, and why they're important. This correspondence is provided to address these questions, and to assist you with complying with your legal obligations as a property owner at Mount Hotham. It is very important that you read this carefully, and if you have any questions, please do not hesitate to contact us.

### **What ESM's Are**

ESM Stands for *Essential Safety Measure*. These are the installations and features incorporated into your building in order to keep its occupants safe, particularly in the event of an emergency. Because ESM's are so important for keeping yourself and your customers safe, there are reporting requirements for most classes of premises.

ESMs are established by the *Building Act* (Vic) 1993 and the *Building Regulations* (Vic) 2018 and are generally outlined in your building's Occupancy Permit, along with our triennial Building Standards Reports.

### **Why ESM's Are Important**

ESMs keep yourself and your customers safe in the event of an emergency. They also ensure that the appropriate tools are in place to deal with small fires within your premises, which may prevent a minor emergency developing in to a serious one.

In addition to this, being able to demonstrate ESM compliance in the event of an emergency may be crucial in addressing any questions of civil liability and insurance claims that may arise subsequently. Insurers have historically denied claims where compliance cannot be demonstrated. In addition, compliance with all applicable legislation is a condition of every Lease at Mount Hotham. Providing your ESMs to us demonstrates compliance and ensures that a record is kept of that compliance in the event that your records are destroyed or lost.

### **ESM Reporting - What you need to do to meet the requirements**

If your building has ESM reporting requirements, you can find them stated in the appendix to your premises' Building Standards Report. If you do not have this on hand, we can provide you with an electronic copy on request for no charge. The frequency of testing and items that require testing will depend on the class of your building. You must meet the frequency requirements to be compliant with the legislation.

An annual report using the template below is required to be prepared and submitted to MHARMB annually. This is a requirement arising from the *Building Act* and *Regulations*.

If we have identified issues with the maintenance or currency of your ESMs, we will also highlight these in your Building Standards Report.

## How do I fill in the Annual ESM Report?

While the specific items will vary from report to report, the following items are the most common ESMs that are subject to regular testing requirements. Some ESM's are simple to examine and test and may be done by yourself, whereas others will require testing by a qualified person.

*Typical ESM's that you will generally require a contractor to test:*

- fire hose reels;
- portable fire extinguishers and fire blankets;
- illuminated exit signs and emergency lighting; and,
- smoke detection and alarm systems.

We recommend that these ESMs are serviced & tested by qualified contractors as their maintenance and testing requirements are set out in Australian Standards which must be followed. In the event of an insurance or liability claim against your property, compliance with these Standards may be relevant.

*Other ESM's that are most likely in your building:*

- exit doors (and their hardware);
- paths of travel to exit & exit doors in alpine areas;
- fire orders, evacuation plans, and signs on doors noting they open against the path of egress (inwards).

These ESM's may be maintained and tested "in house", with the results of testing recorded in a simple log book.

## Changes to the *Building Act and Regulations*

Changes to the *Building Act & Regulations* have resulted in the template for ESM annual reporting being updated. This new template must be used for your annual reporting. ESM requirements are now outlined at Subdivision 4 of the *Regulations*. If you missed our correspondence about this change in October, you can access templates and further information at the link below.

## Resources, Templates, and Examples

We maintain a webpage with information to assist you in meeting your ESM reporting requirements at:

<http://developmthotham.com.au/buildings/essential-safety-measures/>

The new ESM Template is located on this page, titled '[Approved Form Regulations 223 and 224](#)'. There is also an example of how to fill out the form provided for your reference.

In addition to this, please do not hesitate to contact us or the Country Fire Association if you have any questions regarding your obligations and how to comply with them.

## ESM Workshop

The Resort Management Board is considering offering workshops to further explain how to meet ESM requirements, which may include attendance from qualified testers. If you believe your property would benefit from such workshops being offered in the future, please express your interest to [property@mthotham.com.au](mailto:property@mthotham.com.au).

Yours sincerely

**Mt Hotham Alpine Resort Management Board & Mt Hotham CFA**