



BACKGROUND

This procedure has been collaboratively developed by the Victoria Municipal Building Surveyors Group (**VMBSG**) and Fire Rescue Victoria (**FRV**) to establish best practice guidelines for the inspection of buildings and Places of Public Entertainment (**PoPEs**), whether conducted jointly or independently.

The intent of this procedure is to facilitate general Essential Safety Measures (**ESM**) and exit audits. It is important to note that this procedure should not be utilised in cases where safety concerns regarding a building or PoPE are raised by FRV, other state authorities, or members of the public, as such concerns may necessitate the invocation of emergency powers under section 102 of the Act. Any emergencies that arise must be managed in accordance with the provisions stipulated in section 228J of the Act.

FRV has a service level agreement with the Country Fire Authority (**CFA**) to provide services related to building code audits and inspections in the Country Area of Victoria. FRV personnel are authorised to conduct inspections of buildings and PoPEs in accordance with section 227E of the Act. This section allows for inspections to be performed jointly or separately by the Chief Officer (**CO**) and the Municipal Building Surveyor (**MBS**) for the purposes of safety, compliance, and enforcement.

In this document, the term "Chief Officer" (**CO**) is consistently used to denote either the Fire Rescue Commissioner or the Chief Officer of the Country Fire Authority as defined in the Building Act 1993. Both the FRV Act, and the CFA Act permit the Fire Rescue Commissioner and the Chief Officer of CFA to delegate and authorise FRV staff to perform their legislative functions under the Building Act and associated regulations. As such, when referencing the "Chief Officer" (**CO**), this also encompasses any delegated personnel from FRV.

PROCEDURE

1. The Chief Officer may determine to inspect the ESM in a building or PoPE. Reasons for conducting an inspection include;
 - 1.1 FRV or CFA crews have identified ESM non-compliance or blocked or compromised exits that pose a risk to the public, building occupants, and firefighter safety.
 - 1.2 Reports and/or complaints from members of the public.
 - 1.3 Reports and referrals from other authorities.
2. The MBS may conduct an audit inspection of the ESM in a building or PoPE. Reasons for conducting a compliance audit inspection include.

- 2.1 The MBS and/or Council have adopted a policy to audit a percentage of buildings and PoPEs in the municipality as part of a risk management approach to compliance and safety. (This is considered best practice to manage risk and protect the safety of the public).
 - 2.2 Reports and/or complaints received from members of the public.
 - 2.3 Reports and referrals from other authorities, e.g. VICPOL, WorkSafe, Environment Protection Authority (**EPA**).
 - 2.4 Report from the FRV or CFA delegated officer under section 227E (2) of the Act
3. Where the MBS decides to inspect a building or PoPE, it may request that the CO join the MBS in conducting the inspection, at which point the CO may, at its absolute discretion, agree.
 4. If the CO decides to inspect a building or PoPE, they may request the MBS to accompany them during the inspection, which the MBS may agree to at their discretion.
 5. Where the MBS determines to inspect a building or PoPE separately, the MBS need not notify the CO of the intention to inspect.
 6. A request from the MBS or the CO for a joint inspection must be in writing and provide reasonable notice (at least 10 business days) prior to the inspection. The request should also include details of any reports, suspicions, or concerns related to the reasons for the inspection.
 7. The CO may inspect a building or PoPE separately.
 8. When the CO inspects a building or PoPE, either jointly or separately, in accordance with section 227E(2) of the Act, the CO must submit a written report (**CO Report**) of the findings and any concerns arising from the inspection to the MBS within 5 business days of the inspection. The CO Report will not be provided to the building or PoPE's owners or occupiers.
 9. Where the MBS receives a CO Report, the MBS must.
 - 9.1 Confirm in writing to the CO that the CO Report **has been received** by the MBS within 5 business days and the MBS must provide its advice and the proposed actions intended by the MBS in relation to the CO report, and
 - 9.1.1 *Where a council does not have an MBS employed on staff, the council must have a suitable system in place to ensure acceptance, acknowledgement of receipt and deployment of a suitable response.*
 - 9.2 Where there are matters contained within the CO Report warranting further investigation by the MBS, the MBS shall write to the owner and the occupiers of the building or PoPE advising that the MBS intends to conduct an ESM audit inspection of the building or PoPE, and

- 9.2.1 Advise the owner and the occupiers of the date and time of the inspection, and
 - 9.2.2 Advise the owner and the occupiers of the requirements and obligations placed on owners and occupiers of buildings and PoPEs under the legislation, and
 - 9.2.3 Advise the owner and the occupiers of purpose of the inspection, including;
 - 9.2.3.1 To inspect the Annual Essential Safety Measures Report (**AESMR**) for the building or PoPE, and
 - 9.2.3.2 To inspect the records of any maintenance and repairs carried out in relation to the ESM and exits in relation to the building or PoPE, and
 - 9.2.3.3 To inform the owner that the AESMR and records must be made available for inspection by the MBS (*or delegate of the MBS*), and
 - 9.2.3.4 Remind the owner to ensure that Occupancy Permits in relation to the building or PoPE must be displayed in the approved location, and
 - 9.2.3.5 Inspect the ESM, exits and paths of travel to exits in relation to the building or PoPE.
10. Where the MBS inspects a building or PoPE, either jointly or separately, in accordance with section 227E(3) of the Act, the MBS must provide the owner with a written report signed by the MBS (**MBS Report**) of the findings and any concerns arising from the inspection within 10 business days of the inspection being carried out.
11. The MBS Report to the owner may be in the form of a Notice or Order in accordance with Division 2 of Part 12 of the Regulations.

Who Are We?

Fire Rescue Victoria (FRV) is a modern fire and rescue service that meets the needs of twenty-first century Victoria. FRV operates 47 fire stations in metropolitan Melbourne and 38 regional stations, most of which are co-located with CFA volunteer brigades. FRV responds to fires, complex rescues, road accidents, emergency medical calls, and hazardous chemical spills.

In 2020, following the reform of the Victorian Fire Services (MFB and CFA), FRV entered into a service level agreement with the CFA to provide services related to building code audits, inspections, and compliance for buildings and places of public entertainment (PoPEs). CFA has authorised FRV staff to inspect buildings and PoPEs on behalf of the CFA in the Country Area of Victoria, as required under section 227E of the Act.

The VMBSG is an incorporated association made up of local government building control officers and other professionals committed to promoting and achieving the highest standards in local government building control.

VMBSG provides municipal building surveyors, related professionals, and associated functionaries with a dedicated forum for discussing and resolving issues, as well as developing procedures and policies for managing local government building control.

Legislation and Relevant Enforcement Powers


Section 212 of the Building Act stipulates that, unless expressly stated otherwise in the Building Act 1993 or the Building Regulations 2018, a Council is responsible for the administration and enforcement of Parts 3, 4, 5, 7, and 8, as well as the building regulations within its municipal district. There are 79 municipal councils in Victoria, each of which is required under the Act to appoint a Municipal Building Surveyor.

Buildings categorised under the Building Code of Australia (BCA) as Class 1b and Classes 2-9, along with PoPEs, must implement Essential Safety Measures (ESM) to ensure the safety of the public and individuals accessing these facilities during fires or emergencies related to the building.

Under the Act and Part 15 of the Building Regulations, owners and occupants of these buildings and PoPEs are obligated to maintain ESM to always ensure their effective operation. Additionally, owners must prepare an Annual Essential Safety Measure Report (**AESMR**) to confirm their compliance with these maintenance requirements.

When non-compliance is identified, the responsibility to enforce actions compelling owners and occupiers to remedy the issues generally lies with the MBS and the Council. In circumstances where the CO inspects a building or PoPE, a report detailing non-compliance or unsafe conditions must be referred to the MBS (S227E) for investigation and, if necessary, enforcement action.

Emergency powers concerning buildings and Places of Public Entertainment (PoPE) under the Building Act 1993 (the Act) are also assigned to the MBS, who has the authority to issue Emergency Orders and undertake other actions under the Act related to buildings and PoPEs that pose a risk to public safety or property.

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President

Victorian Municipal Building
Surveyors Group (VMBSG)

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