

- PROCEDURE -

## **Asset Management – Building Legislative Compliance**

## Procedure Statement

### Purpose

To provide a framework to ensure that building legislative requirements and obligations are met and monitored.

This procedure supports the Asset Management Policy.

### Scope

This procedure applies to all TAFE SA owned physical infrastructure and equipment assets.

## Roles and Responsibilities

Responsibilities of all persons are detailed within the body of this procedure.

## Procedure Detail

The Facilities and Projects Directorate is required to maintain and improve building compliance. While it is expected that buildings will be compliant to the standard that they were certified to, it is also expected that increasing building compliance to current standards will be implemented based on risk. Risks associated with buildings need to be identified, assessed, prioritised, and managed within the financial resources available.

### Maintaining building compliance

The key mechanism in maintaining building compliance is through statutory maintenance and any associated repairs that occur because of that maintenance.

The Department for Infrastructure and Transport (DIT) maintains a library of approximately 1,500 individual technical data sheets (TDS) covering all building elements and many teaching assets. The TDS explain the minimum maintenance requirements of the building element, the frequency of maintenance and if it is regulated or recommended.

Facilities and Projects is responsible for ensuring that all regulated building elements are maintained per the TDS requirements.

### Degree of building compliance and increasing building compliance

It is not expected that existing buildings will fully comply with current standards and requirements applicable to new buildings. This may not be practicable. The essential requirement is that the risks associated with buildings are identified, assessed, prioritised, and managed with the finances available.

TAFE SA must be able to show that “reasonable and practicable” steps have been taken to deal with risks, although this does not necessarily mean upgrading to current standards.

Risk management/action plans should be prepared as part of infrastructure planning for the asset portfolio and individual sites. Therefore, compliance with the objects of legislation can be achieved by adopting a risk management approach.

### **Maintaining and monitoring legislative changes**

Facilities and Projects is responsible for ensuring information regarding legislative changes are communicated in a timely manner. The information will be sourced via the following sources:

- SafeWork SA
- Office of the Technical Regulator
- local councils
- AGFMA
  - AGFMA monthly newsletter
- Facilities Management (FM) providers
  - Facilities Management Service Providers
  - Facilities Management provider focus group meetings
- SAicorp
- Attorney General's Department
- TAFE SA WHS Business Unit

### **Action to achieve essential compliance upgrades**

Information regarding essential building legislative compliance change will be collated and recorded on the Legislative Update Register (Refer Appendix 1.)

When an essential change is identified that impacts TAFE SA building assets, Facilities and Projects will:

- review and assess the impact
- consider TAFE SA's Legislative Consequence Rating Guide (Refer Appendix 2)
- seek assurance that the compliance change is being assessed, prioritised, and managed with the finances available.

### **Compliance audits**

Regulatory authorities, including councils, SafeWork SA, DIT and SAFA, systematically conduct a range of audits which add assurance that TAFE SA buildings are compliant and well maintained.

## Definitions

Term	Definition
AGFMA	Across Government Facilities Management Arrangement
Asset	<p>An item, thing or entity that has potential or actual value to an organisation.</p> <p>Assets include property, buildings plant and equipment.</p>
Asset Management	<p>TAFE SA's coordinated activities to realise lifecycle value from assets in delivery of its objectives.</p> <p>Realisation of value will normally involve a balance of costs, risks, opportunities, and performance benefits.</p> <p>When asset outputs or service levels are pre-determined and non-negotiable, or when value is negative (for example dominated by risks or liabilities), 'realise lifecycle value' may represent minimising the combination of costs and risks.</p>
Australian and International Standards	Published documents setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they are intended to. They establish a minimum set of requirements which define quality and safety criteria.
DIT	Department for Infrastructure and Transport.
Maintenance	Combination of all technical and administrative actions, including supervision actions, intended to retain an item in, restore it to, or replace it so that it can perform a required function.
Regulatory Compliance	Process by which organisations ensure they are operating in accordance with relevant regulations.
SAFA	The captive insurer for the Government of South Australia.
Statutory Maintenance	Maintenance that must be carried out on an asset to meet local statutes and/or regulatory requirements.
TDS	Technical Data Sheet.

## Associated Documents and References

Document/Reference Title
<a href="#"><u>A Guide for Managing South Australian Government Buildings</u></a>
<a href="#"><u>Asset Management – Management Systems – Requirements</u></a>
<a href="#"><u>Attorney General’s Department</u></a>
<a href="#"><u>Building Code of Australia</u></a>
<a href="#"><u>Code of Ethics for the South Australian Public Sector</u></a>
<a href="#"><u>Crown Land Management Act 2009</u></a>
<a href="#"><u>Dangerous Substances Act 1979</u></a>
<a href="#"><u>Department for Infrastructure and Transport</u></a>
<a href="#"><u>Development Act 1993</u></a>
<a href="#"><u>Disability Discrimination Act 1992</u></a>
<a href="#"><u>Environment Protection Act 1993</u></a>
<a href="#"><u>Environment Protection Regulations 2009</u></a>
<a href="#"><u>Fire and Emergency Services Act 2005</u></a>
<a href="#"><u>Fire and Emergency Services Regulations 2005</u></a>
<a href="#"><u>Heritage Places Act 1993</u></a> (previously titled Heritage Act 1993)
<a href="#"><u>Legislative Compliance Policy</u></a>
<a href="#"><u>Premier and Cabinet Circular PC114</u></a>
<a href="#"><u>PPMF TAFESA 146 Risk Management Policy &amp; Framework</u></a>
<a href="#"><u>SAicorp</u></a>
<a href="#"><u>South Australian Public Health Act 2011</u></a>
<a href="#"><u>Strategic Asset Management Policy and Framework</u></a>
<a href="#"><u>Treasurer’s Instruction 17</u></a>
<a href="#"><u>Treasurer’s Instruction 28</u></a>

[Work Health and Safety Act 2012](#)

[Work Health and Safety Regulation 2012](#)

## Document Control

Approved by			
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Responsible Unit		Facilities and Projects	
Version number		0.# / 1.#	
Date of approval		Day Month 2021	
Next Review Date		Day Month 2023 (at most two years from the approval date)	
PPMF ID		PPMF TAFESA #####	

## Appendix 1 – Legislative update register

Jurisdiction	Date of gazettal	Legislative change	Impacted asset management policy document
<i>Eg: SA, federal</i>	<i>DD/MM/YYYY</i>	<i>WHS Act - Section 19, WHS Reg – Section 292</i>	<i>PPMF   TAFESA   0000</i>
DIT AGFMA	XX/12/2019	TDS H4 Microwave Ovens will be retired – no longer mandated	Preventative Maintenance Plans

## Appendix 2 – TAFE SA legislative consequence rating guide

Rating	Legal, compliance and regulation
<b>5</b> <b>Critical</b>	<p>Sustained failure in TAFE SA’s governance and control framework resulting in significant penalty, loss of registration and authority to deliver services.</p> <p>Non-compliance issues rated ‘Critical’ must be referred to the TAFE SA Board for resolution.</p>
<b>4</b> <b>Major</b>	<p>Systemic legal, compliance or regulatory failure requiring immediate and decisive action by the TAFE SA Board and/or chief executive to prevent significant disruption to TAFE SA’s authority/ability to continue to deliver services or where a criminal prosecution is a possibility.</p> <p>Non-compliance issues rated ‘Major’ must be referred to the TAFE SA Board, through TAFE SA Executive, for resolution.</p>
<b>3</b> <b>Moderate</b>	<p>Repeated legal, compliance or regulatory failures requiring prompt action to prevent any disruption to services.</p> <p>Non-compliance issues rated ‘Moderate’ will generally be resolved at the divisional level, following TAFE SA Executive input.</p>
<b>2</b> <b>Minor</b>	<p>One-off minor legal, compliance or regulatory failure resolved without penalty or major disruption to service delivery.</p> <p>Non-compliance issues rated ‘Minor’ will generally be resolved at the divisional level.</p>
<b>1</b> <b>Insignificant</b>	<p>Immaterial legal, compliance or regulatory failure without penalty and immediate correction action being required.</p> <p>Non-compliance issues rated ‘Insignificant’ will generally be resolved at the divisional level.</p>