

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



### **SUMMARY OF ABMA BUILDING MANAGEMENT CODE CONTENT & CHAPTERS**

#### **1. Who is the "ABMA"**

- 1.1 "ABMA" stands for "ABMA Building Compliance Accreditation Agency Limited", a not-for-profit community service dedicated to providing a supportive pathway for residential strata and mixed-use commercial schemes and their appointed Committees, strata managers, caretakers and building managers toward compliant maintenance of the common property for the full life cycle of the building.
- 1.2 The ABMA, via the Independent Review Panel, is the custodian of the ABMA Building Management Code©

#### **2. What is the ABMA Building Management Code©**

- 2.1 The ABMA Building Management Code© is an industry guidebook to existing legislation in Australia relating to the maintenance of the common property. Over 100+ Acts, Regulations, Australian Standards and codes of practice are represented and/or referenced in the ABMA Building Management Code©.
- 2.2 It is the objective standard for the building management industry.
- 2.3 Each state and/or territory in Australia has a specific ABMA Building Management Code©.
- 2.4 The ABMA Building Management Code© is renewed annually so as to report changes to legislation occurring each year. Each New Year edition highlights legislative changes occurring since the prior year edition.

#### **3. Is the ABMA Building Management Code© mandatory or compulsory?**

- 3.1 There is no legislation that states you must subscribe to the ABMA Building Management Code©, however every page/chapter of the ABMA Building Management Code© refers to legislation which is mandatory.

#### **4. How much does it cost to subscribe to the ABMA Building Management Code©?**

- 4.1 Annual subscription includes an e-Version and hard-copy book for \$198.00 incl. GST.
- 4.2 Subscription renews on 1<sup>st</sup> January each New Year.
- 4.3 Subscription is made via: -
  - 4.3.1 Internet – [www.abma.org.au](http://www.abma.org.au) – online purchase and instant access to e-Version.
  - 4.3.2 Telephone – **1800 123 262** to purchase over the telephone during normal business hours.
  - 4.3.3 Email – [help@abma.org.au](mailto:help@abma.org.au) to request Tax Invoice for payment and order.

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



### 5. Chapters

5.1 Each ABMA Building Management Code© has the same structure and format for each state/territory.

5.2 The Chapters in the ABMA Building Management Code© are: -

- 5.2.1 Chapter 1 – **Introduction**
- 5.2.2 Chapter 2 – **Glossary & Definitions**
- 5.2.3 Chapter 3 – **Application**
- 5.2.4 Chapter 4 – **New Building Establishment**
- 5.2.5 Chapter 5 – **Hand-Over & Induction**
- 5.2.6 Chapter 6 – **Categorisation of Buildings**
- 5.2.7 Chapter 7 – **Roles & Responsibilities**
- 5.2.8 Chapter 8 – **Skills & Competency**
- 5.2.9 Chapter 9 – **Essential Services**
- 5.2.10 Chapter 10 – **Fire Protection Systems**
- 5.2.11 Chapter 11 – **Non-Essential Services & Capital Infrastructure**
- 5.2.12 Chapter 12 – **Soft Services – Cleaning & Waste Disposal**
- 5.2.13 Chapter 13 – **Soft Services – Gardening**
- 5.2.14 Chapter 14 – **Recreational Areas**
- 5.2.15 Chapter 15 – **Swimming Pools & Spas**
- 5.2.16 Chapter 16 – **Minor Works**
- 5.2.17 Chapter 17 – **Work Health & Safety**
- 5.2.18 Chapter 18 – **Reporting & Record Keeping**
- 5.2.19 Chapter 19 – **Relationships & Code of Conduct**
- 5.2.20 Chapter 20 – **Performance Management**
- 5.2.21 Chapter 21 – **Project Management & Capital Upgrades**
- 5.2.22 Chapter 22 – **Landlords & Tenants Maintenance & Compliance Responsibilities**
- 5.2.23 Chapter 23 – **The Facilities Management Plan**
- 5.2.24 Chapter 24 – **Regulatory Compliance via Self-Assessment**
- 5.2.25 Chapter 25 – **Managing a Defective Building Work Claim**
- 5.2.26 Chapter 26 – **Help & Advice**
- 5.2.27 – **Bibliography**
- 5.2.28 – **Index**

### 6. Chapter Structure

6.1 Each Chapter has “**Part A – Compliance Standards**” – These are the statutory rules and obligations imposed upon the industry.

6.2 Each Chapter has “**Part B – Implementation Guidelines**” – These are practical ideas, guidelines and “hints” for how to discharge obligations efficiently in our industry.

6.3 Each Chapter of the ABMA Building Management Code© has a similar structure. “Part B – Implementation Guidelines” include the following sections: -

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



- 6.3.1 Introduction – What is the Chapter about?
- 6.3.2 Background – Why is this Chapter important to be included?
- 6.3.3 Definition – What is included in the scope of the Chapter?
- 6.3.4 Roles & Responsibilities – Who is responsible for duties and obligations?
- 6.3.5 Competency & Capability – What capability is required to deliver the duties?
- 6.3.6 Building Management Standards – What standard is required of the duties?
- 6.3.7 Performance Management Standards – How to ensure the correct standard is delivered.
- 6.3.8 Relevant Legislation & Standards – What Acts, Regulations are relevant?

### 7. Chapter 1 - Introduction

7.1 This chapter will inform the reader about: -

- 7.1.1 How the ABMA Building Management Code© came about
- 7.1.2 The objective of the ABMA Building Management Code©
- 7.1.3 Definition of “building management”
- 7.1.4 Introduction to life cycle indicators for buildings and assets
- 7.1.5 Introduction to skills required to be a caretaker or building manager
- 7.1.6 Overview of how to utilise the ABMA Building Management Code© into the Building Management Plan and Management Rights

7.2 **Highlights and specific points of interest in Chapter 1 – Introduction include:** -

- 7.2.1 **Page 19 – Table 1C “Asset Life Cycle Indicators”** – this shows time frames for anticipating upgrades and/or replacement of assets. This is used by the Body Corporate and sinking fund forecaster to plan capital upgrades and ensure sufficient funds are in the sinking fund account.
- 7.2.2 **Page 20- 1.71** – this section details competency and capability levels required for building managers and caretakers to work in the industry

### 8. Chapter 2 – Glossary & Definitions

- 8.1 This chapter provides the reader with a list of unique industry terms that are commonly used in building management and caretaking.
- 8.2 When looking for answers, we recommend the reader starts with this chapter for quick reference.

### 9. Chapter 3 - Application

- 9.1 This chapter introduces the reader to ideas on how to utilise the ABMA Building Management Code© in everyday building management scenarios.

### 10. Chapter 4 – New Building Establishment

- 10.1 This chapter provides information and guidance to the reader about setting up a brand new building for the new Caretaker or Building Manager. This chapter will inform the reader about: -

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



- 10.1.1 What documents to harvest from the original owner (i.e. Developer) at the first Annual General Meeting of the Body Corporate
- 10.1.2 What documents to harvest from the original builder at the first Annual General Meeting of the Body Corporate

### 10.2 Highlights and specific points of interest in **Chapter 4 – New Building Establishment** include: -

- 10.2.1 **Page 62 – 4.31 to Page 66** – this section is a list of documents that the new owner (i.e. Body Corporate) should harvest from the original owner (i.e. Developer) and the original builder at the first AGM

**CHAPTER 4 NOTE** – *The first AGM is an important milestone in the life of a community titles scheme and it is very important that the documentation is harvested from the original owner and original builder. Legislation mandates that the Developer/Builder must comply with requests for information. It will be very difficult and costly for the Body Corporate to get this information at a later stage.*

### 11. Chapter 5 – Hand-Over & Induction

- 11.1 This chapter provides information and guidance to the reader around handing over corporate information (records, plans, contracts, certificates, keys, registers, intellectual property, etc.) from an outgoing service provider to an incoming service provider. For example, maintenance records from the outgoing Caretaker to the incoming Caretaker. This chapter will inform the reader about: -

- 11.1.1 What documents to harvest from the outgoing service provider (e.g. Strata Manager or Caretaker) prior to payment of the outgoing service provider's final claim.

### 11.2 Highlights and specific points of interest in **Chapter 5 – Hand-Over & Induction** include: -

- 11.2.1 **Page 80 – 5.31 to Page 83** – this section is a list of documents that the new service contractor (e.g. Strata Manager or Caretaker) should harvest from the outgoing service contractor.
- 11.2.2 **Page 84 – 86 Table 5A – “Hand-Over & Induction Checklist Example”** – this table provides an example of how the incoming service provider can prepare a checklist to ensure they harvest all the documents they need from the outgoing service provider.

**CHAPTER 5 NOTE** – *It is common for the incoming service provider to “blame” issues on the lack of information passed on by the outgoing service provider at Hand-Over & Induction. The more comprehensive and complete the suite of records passed on to*

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



*the incoming service provider, the easier and more streamlined the takeover process is, for all concerned.*

### 12. Chapter 6 – Categorisation of Buildings

12.1 This chapter provides information and guidance to the reader around the legal classification of the building and what that means in terms of maintenance of the common property for the life of the building. This chapter will inform the reader about: -

- 12.1.1 Building Code of Australia classifications and the occupancy certificate (e.g. Certificate of Classification in Queensland)
- 12.1.2 Licensing Act requirements for works on common property in relationship to the class of building
- 12.1.3 Property Council of Australia guide to office building quality standards
- 12.1.4 BCCM Act regulation modules in Queensland

12.2 Highlights and specific points of interest in **Chapter 6 – Categorisation of Buildings** include: -

- 12.2.1 **Page 101 – Table 6A – “BCA Classifications of Buildings & Structures”** – this table provides an example of how the Building Code of Australia classifies buildings and structures in Australia.

### 13. Chapter 7 – Roles & Responsibilities

13.1 This chapter provides information and guidance to the reader around the various roles and responsibilities shared between the stakeholders to the “*Building Management Plan*” (i.e. the “*Building Management Team*”). This chapter will inform the reader about: -

- 13.1.1 The “*Building Management Team*” is the individuals and/or entities involved in discharging obligations around the maintenance and compliance of common property
- 13.1.2 The “*Building Management Plan*” is the documented quality management system agreed to be adopted to ensure proper maintenance and compliance for the life cycle of the scheme
- 13.1.3 The ultimately responsible party to ensure maintenance and compliance on the common property is always the Building Owner (i.e. Body Corporate)
- 13.1.4 Other stakeholders to the “*Building Management Team*” are the Strata Manager, the Caretaker, the Committee, the service contractors, etc.

13.2 Highlights and specific points of interest in **Chapter 7 – Roles & Responsibilities** include: -

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



13.2.1 **Page 115 – Table 7A – “Building Owner Key Result Areas”** – this table demonstrates how the Building Owner is central to all functions within the building.

**CHAPTER 7 NOTE** – *While the building owner may delegate duties to suitably qualified stakeholders, the building owner cannot delegate its liability.*

### 14. Chapter 8 – Skills & Competency

14.1 This chapter provides information and guidance to the reader around the important skills and competency levels required to be established in order to satisfactorily deliver the various roles and responsibilities shared between the stakeholders to the “Building Management Plan” (i.e. the “Building Management Team”). This chapter will inform the reader about: -

14.1.1 The “Building Management Team” is the individuals and/or entities involved in discharging obligations around the maintenance and compliance of common property. Each individual and/or entity must be properly skilled and qualified to do the role they are engaged to do – even voluntary roles.

14.2 Highlights and specific points of interest in **Chapter 8 – Skills & Competency** include: -

14.2.1 **Page 139 – 8.36** – this section lists the key stakeholders to the delivery of the requirements of the “Building Management Plan”, which are: -

**14.2.1.1** The Building Owner

**14.2.1.2** The Building Manger or Caretaker

**14.2.1.3** The Strata Manager

**14.2.1.4** The service contractor/s

14.2.2 **Page 140 – 8.38** - this section details the competency standards and/or skills required by the key stakeholders to the “Building Management Plan” in order for them to deliver the duties properly.

**CHAPTER 8 NOTE** – *Well informed and well trained people are the building owner’s best guarantee of compliance and optimal return on investment for the full life cycle of the building.*

### 15. Chapter 9 – Essential Services

15.1 This chapter provides information and guidance to the reader around the maintenance of essential services infrastructure. This chapter will inform the reader about: -

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



- 15.1.1 The definition of essential services infrastructure (i.e. infrastructure that is essential to the function, durability and amenity of the building), for example: -
- 15.1.1.1** Electricity, water, gas and utility services
  - 15.1.1.2** Drains and sewerage
  - 15.1.1.3** Sanitary plumbing fittings and fixtures
  - 15.1.1.4** Air handling and ventilation
  - 15.1.1.5** Lighting and illumination
  - 15.1.1.6** Waterproofing and cyclone proofing
  - 15.1.1.7** Fire safety installations
  - 15.1.1.8** Energy efficiency ratings
  - 15.1.1.9** Structural standards
  - 15.1.1.10** Access and egress
  - 15.1.1.11** Safety, privacy and security
  - 15.1.1.12** Fall prevention (balustrade and grab rails)
  - 15.1.1.13** Letterbox to Australia Post standard

- 15.1.2 The state and national legislation that mandates maintenance of essential services infrastructure
- 15.1.3 The certificates, tags, log books and various records of maintenance required to be produced when being audited
- 15.1.4 Penalties for non-compliance when discovered by the regulatory authority

### 15.2 Highlights and specific points of interest in **Chapter 9 – Essential Services** include: -

- 15.2.1 **Page 164 – Table 9A “Essential Services Maintenance Frequencies & Records”** – this table provides an example of what essential services infrastructure elements are and their respective maintenance frequencies.

**CHAPTER 9 NOTE** – *The Building Act and National Construction Codes require that, as a condition of issuance of an Occupancy Certificate (or Certificate of Classification in Queensland), all infrastructure installed and approved at the time of certification, must be maintained to the current Australian Standard to ensure that the infrastructure continues to function as it was intended, for the full life cycle of the building.*

## 16. Chapter 10 – Fire Protection System

- 16.1 This chapter provides information and guidance to the reader around the maintenance of the fire protection system within the property, which forms part of the essential services infrastructure of the building. This chapter will inform the reader about: -

- 16.1.1 The definition of fire protection system infrastructure (i.e. infrastructure that protects people and property in the event of fire)

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



- 16.1.2 The legislation that mandates maintenance of fire protection system infrastructure
- 16.1.3 Records of maintenance required to be produced when being audited
- 16.1.4 Penalties for non-compliance if discovered by the regulatory authority
- 16.2 **Highlights and specific points of interest in Chapter 10 – Fire Protection System include: -**
  - 16.2.1 **Page 194 – Table 10B “Building Owner’s Compliance Checklist”** – this table provides an example of what the Building Owner needs to check and ensure is compliant with respect to the fire protection system of the building.
  - 16.2.2 **Page 201 – Table 10F “AS1851 Fire Systems Maintenance Certification Requirements”** – this table is an excerpt from the Australian Standard and outlines records of compliance that the regulator may request to see during an audit.

**CHAPTER 10 NOTE** – *Failure to maintain the fire protection system, or any part of the system, may result in infringement penalties issued by the regulatory authority and/or insurance claims voided in the event of a fire.*

### 17. Chapter 11 – Non-Essential Services & Capital Infrastructure

- 17.1 This chapter provides information and guidance to the reader around the maintenance of non-essential and capital infrastructure contained within the scheme land, which forms part of the functionality, amenity and capital value of the property. This chapter will inform the reader about: -
  - 17.1.1 The definition of non-essential services infrastructure (i.e. infrastructure that is not mandatory to install in the property, but adds value to the asset), for example: -
    - 17.1.1.1 Swimming pool
    - 17.1.1.2 Landscaping and water features
    - 17.1.1.3 Recreational facilities and common ablutions
    - 17.1.1.4 Pavilions, porticos, gate houses and gazebos
    - 17.1.1.5 Planter boxes
    - 17.1.1.6 Cleaner’s store or gardener’s shed
    - 17.1.1.7 Fencing
    - 17.1.1.8 Reception facilities
  - 17.1.2 The legislation that mandates maintenance of non-essential and capital infrastructure
  - 17.1.3 Records of maintenance required to be produced when being audited
  - 17.1.4 Penalties for non-compliance if discovered by the regulatory authority



# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



17.2 Highlights and specific points of interest in **Chapter 11 – Non-Essential & Capital Infrastructure** include: -

17.2.1 **Page 218 – Table 11A “Programmed Maintenance Frequencies & Records”** – this table provides an example of what how a Building Owner and/or Caretaker may schedule maintenance of essential, non-essential and fire systems infrastructure.

### 18. Chapter 12 – Soft Services – Cleaning & Waste Disposal

18.1 This chapter provides information and guidance to the reader around the industry standards and “best practice” guidelines for the cleaning of the common property. This chapter will inform the reader about: -

18.1.1 The definition of recurrent cleaning duties versus periodical/extra cleaning duties

18.1.2 Cleaning industry “colour coding” for cleaning zones

18.1.3 Cleaning standards compliance levels

18.1.4 Competency standards and skills required by cleaners

18.1.5 The legislation that mandates work health and safety requirements for cleaners

18.1.6 Records of maintenance required to be produced when being audited by the WHS Department

18.1.7 Penalties for non-compliance if discovered by the regulatory authority

18.1.8 Glossary of Soft Services Definitions for the cleaning industry

18.2 Highlights and specific points of interest in **Chapter 12 – Soft Services – Cleaning & Waste Disposal** include: -

18.2.1 **Page 246 – Table 12B “Cleaning Standards Compliance Levels – Internal Zones”** – this table provides clear standards for acceptable cleaning upon completion of services as well as in-between services. It also states what would NOT be considered an acceptable level of cleaning.

18.2.2 **Page 254 – Table 12D “Workplace Compliance – Soft Services”** – this table shows the shared responsibilities to ensure compliance under the Work Health & Safety legislation by the Building Owner, the Caretaker and the cleaner.

**CHAPTER 12 NOTE** – *Cleaning standards are arguably one of the most disputed areas under a Caretaking Agreement. This chapter of the ABMA Building Management Code© introduces measurable and objective standards, which have been endorsed by the Independent Review Panel, including representatives from the Building Services Contractors Association of Australia (representing commercial cleaners).*

### 19. Chapter 13 – Soft Services – Gardening

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



19.1 This chapter provides information and guidance to the reader around the industry standards and “best practice” guidelines for the maintenance of lawns, gardens and landscaped areas of the common property. This chapter will inform the reader about: -

- 19.1.1 The definition of recurrent gardening duties versus periodical/extra gardening duties
- 19.1.2 Gardening industry standards for lawn mowing and edging, weeding, trimming hedges, etc.
- 19.1.3 Gardening standards compliance levels
- 19.1.4 Competency standards and skills required by gardeners
- 19.1.5 The legislation that mandates work health and safety requirements for gardeners
- 19.1.6 Records of maintenance required to be produced when being audited by the WHS Department
- 19.1.7 Penalties for non-compliance if discovered by the regulatory authority
- 19.1.8 Guidelines for the maintenance and care of gardening equipment

19.2 **Highlights and specific points of interest in Chapter 13 – Soft Services – Gardening** include: -

- 19.2.1 **Page 273 – 13.2** – this section clearly identifies what is considered recurrent gardening services (i.e. reasonably anticipated, routine, day-to-day tasks) that would be required under a Caretaking Agreement.
- 19.2.2 **Page 274 – 13.2.2** – this section clearly identifies what gardening works would NOT be considered recurrent gardening services but would instead be considered periodical (i.e. not reasonably anticipated or routine, including emergency issues) or specialist services (i.e. that require a specialist contractor to deliver).
- 19.2.3 **Page 276 – Table 13A – “Lawn Care Standards”** – this table provides measurable standards for lawn mowing (cutting heights and frequencies) and edging.
- 19.2.4 **Page 285 – Table 13D – “Garden Maintenance Standards Compliance Levels”** – this table provides clear standards for acceptable gardening upon completion of services as well as in-between services. It also states what would NOT be considered an acceptable level of gardening

### 20. Chapter 14 – Recreational Areas

20.1 This chapter provides information and guidance to the reader around the industry standards and “best practice” guidelines for the maintenance of recreational areas and facilities within the common property. This chapter will inform the reader about: -

- 20.1.1 The definition of recreational areas

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



- 20.1.2 Redirect reader back to prior chapters for maintenance of any essential, non-essential and fire protection systems contained within the recreational area/s
- 20.1.3 Redirect the reader back to prior chapters for cleaning/gardening
- 20.1.4 Refer the reader to future chapters relating to pools, spas, Work Health & Safety, etc.

### 21. Chapter 15 – Swimming Pools & Spas

21.1 This chapter provides information and guidance to the reader around the industry standards and “best practice” guidelines for the maintenance of swimming pools and spas installed on the common property. This chapter will inform the reader about: -

- 21.1.1 The definition of a swimming pool and what legislation relates to the maintenance of the pool structure (e.g. fence, gates, signs, chlorinator, pumps, etc.)
- 21.1.2 Industry standards for cleaning and maintaining the pool area.
- 21.1.3 Industry standards for testing, balancing and maintaining the water quality – including keeping daily records
- 21.1.4 Competency standards and skills required by pool cleaners and water quality managers
- 21.1.5 The legislation that mandates work health and safety requirements for pool works
- 21.1.6 Records of maintenance required to be produced when being audited by the WHS Department
- 21.1.7 Penalties for non-compliance if discovered by the regulatory authority
- 21.1.8 Guidelines for recording daily water test records in accordance with the Queensland Health guidelines and local authority by-laws

21.2 Highlights and specific points of interest in **Chapter 15 – Swimming Pools & Spas** include: -

- 21.2.1 **Page 325 – Table 15A – “Standard of Chemical Testing, Equipment & Frequencies”** – this table confirms the Q-Health frequencies for testing shared pool and spa water.
- 21.2.2 **Page 327 – Table 15C – “Sample Test Record Template”** – this table provides the reader with an example of the minimum standard of daily water test record keeping required.

**CHAPTER 15 NOTE** – A “shared pool” is defined as a pool that enables multiple users from a community to use it (e.g. a community titles scheme). Daily testing of pool water quality is mandatory. Twice (or more often) daily testing is recommended in high use periods and/or hot weather.

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



### 22. Chapter 16 – Minor Works

22.1 This chapter provides information and guidance to the reader around what would be considered “Minor Works” for a Caretaker to do under the Caretaking Agreement. This chapter will inform the reader about: -

22.1.1 The definition of “Minor Works”

22.1.2 What would NOT be considered “Minor Works”

22.1.3 Regulatory authority trade contractor licensing rules that impose limitations on whether a Caretaker can do works or not

22.1.4 Manufacturer and supplier warranty stipulations that impose limitations on whether a Caretaker can do works or not

22.1.5 The legislation that mandates work health and safety requirements for building works

22.1.6 Records required to be produced when undertaking “Minor Works”

22.1.7 Penalties for non-compliance if discovered by the regulatory authority

22.2 **Highlights and specific points of interest in Chapter 16 – Minor Works include: -**

22.2.1 **Page 340 to 343** – this section defines “Minor Works” and lists examples of what would be considered “Minor Works”.

**CHAPTER 16 NOTE** – *The intention of trade licensing rules is to ensure that, where a trade license class is available for a certain type/class of work, only a Licensed person/entity does that type/class of work. In NSW, for example, a “Minor Works” trade license exists, so in order to undertake “Minor Works” in NSW the individual or company would need to hold the “Minor Works” trade license to do so. It is an offence to do any form of work that falls to an existing license class, if you do not hold that license.*

### 23. Chapter 17 – Work Health & Safety

23.1 This chapter provides information and guidance to the reader around what each Body Corporate and building manager need to do to remain compliant under strict WHS laws. This chapter will inform the reader about: -

23.1.1 The definition of a “PCBU”

23.1.2 What is a WHS Plan and how to develop one

23.1.3 Who is responsible for implementing the WHS Plan

23.1.4 The legislation that mandates work health and safety requirements in community titles schemes

23.1.5 Records required to be produced to prove vigilance under the WHS laws

23.1.6 Penalties for non-compliance if discovered by the regulatory authority

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



23.2 Highlights and specific points of interest in **Chapter 17 – Work Health & Safety** include: -

23.2.1 **Page 362 17.31** –this sections lists all the actions the building owner and building manager must take (and keep records of) in order to safely manage the common property under WHS legislation.

**CHAPTER 17 NOTE** – *Under the Commonwealth WHS legislation all building owners and building managers are defined as "persons conducting a business or undertaking" with respect to works done on the common property. Ensuring that safe site management practices occur in accordance with the legislation is the responsibility of the building owner. "Duties" may be delegated to the building manager, however the building owner cannot delegate its liability.*

### 24. Chapter 18 – Reporting & Record Keeping

24.1 This chapter provides information and guidance to the reader around what each Body Corporate and building manager need to keep in terms of compliance records. An audit trail is the evidence of compliance required to prove vigilance – either under legislative requirements or the service contract. This chapter will inform the reader about: -

24.1.1 The distinction between statutory (mandatory) records and advisory (recommended) records

24.1.2 List of examples of statutory records that relate to maintenance of the common property

24.1.3 Recommended reporting requirements to track diligence in discharging responsibilities

24.1.4 The legislation that mandates work health and safety requirements in community titles schemes

24.1.5 Penalties for record keeping non-compliance if discovered by the regulatory authority

24.2 Highlights and specific points of interest in **Chapter 18 – Reporting & Record Keeping** include: -

24.2.1 **Page 381 18.31** – this sections provides a list of records to be kept under legislative requirements.

24.2.2 **Page 382 18.33** – this section provides guidance around advisory reporting that supports the building manager in tracking activities on the common property and communicating with the building owner, in accordance with the service agreement.

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



**CHAPTER 18 NOTE** – *In any audit or investigation the assessor will always review records first. The best evidence of compliance comes in the form of adequate records. When the records are not in order, the assessor may go looking for other issues.*

### 25. Chapter 19 – Relationships & ABMA Code of Conduct

25.1 This chapter introduces the reader to acceptable standards of professional behaviour in line with safe work practices around managing the risk of psychological injury in the workplace. With information technology providing easy means of faceless communication, a sharp increase in slander and defamation claims is occurring in our industry resulting from inappropriate emails and/or text messages publishing inappropriate, libellous and insulting comments between Committees, Lot Owners and service contractors. This chapter will inform the reader about: -

25.1.1 The legislation that mandates work health and safety requirements in community titles schemes, including exposure to stress related illness

25.1.2 How the building owner, Committee, Lot Owner/s and service contractors have responsibilities under the legislation [as a “PCBU”] to maintain a safe and healthy workplace

25.1.3 What behaviour would be considered negative workplace behaviour (e.g. bullying and harassment)

25.1.4 Penalties for non-compliance if discovered by the regulatory authority

25.2 **Highlights and specific points of interest in Chapter 19 – Relationships & ABMA Code of Conduct** include: -

25.2.1 **Page 404 19.4** – this sections details the ABMA Code of Conduct

**CHAPTER 19 NOTE** – *Both parties to any service agreement have dual/shared responsibilities to conduct themselves in an acceptable professional manner. When a Caretaking Agreement requires the duties to be discharged in accordance with the ABMA Building Management Code© it binds the building owner to the same professional standards of behaviour prescribed under this chapter.*

### 26. Chapter 20 – Performance Management

26.1 This chapter introduces the reader to professional standards of managing and supporting satisfactory performance under a service agreement. Performance management is the systematic process of supporting and ensuring satisfactory service delivery and is essential to sustained compliance under any service agreement This chapter will inform the reader about: -

26.1.1 How to develop a performance management plan

26.1.2 How to encourage stakeholder engagement in the performance management plan

26.1.3 Internal and external options and strategies

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



26.1.4 How to measure performance against the objective standard

26.1.5 How to effectively manage difficulties and continuing non-compliance issues

26.2 Highlights and specific points of interest in **Chapter 20 – Performance Management** include: -

26.2.1 **Page 426 20.6. 2.** – this sections details importance of clarifying the standard within the performance management process. Many disputes arise out of misaligned expectations of service delivery standards or misconceptions about what duties are included in the contract and what aren't.

**CHAPTER 20 NOTE** – *The ABMA institution supports compliance through its Early Dispute Prevention Services. Parties to a service agreement may seek "Clarification of a Standard" by completing the form of the same name at [www.abma.com.au](http://www.abma.com.au) or by calling the Help & Advice Line: - Freecall 1800 123 262 during business hours.*

### 27. Chapter 21 – Project Management & Capital Upgrades

27.1 This chapter provides information and guidance to the reader around how to manage a capital upgrade, replacement or repair project on the common property. This chapter will inform the reader about: -

27.1.1 Conducting a feasibility study for the project

27.1.2 Discovering whether the works are "assessible" [i.e. requiring a Private Certifier or building approval etc.]

27.1.3 Understanding what permits, insurances, applications and certifications are legally required for the project

27.1.4 Getting a proper scope of works and project specification done for tendering

27.1.5 Entering into an iron-clad contract

27.1.6 Technical substantiation of the built works and reliable warranties for making successful defect claims

27.2 Highlights and specific points of interest in **Chapter 21 – Project Management & Capital Works** include: -

27.2.1 **Page 437** – the Building Owner Checklist on this page will support Committee's to plan out their project and find the right Project Manager for the works.

### 28. Chapter 22 – Landlords & Tenants Maintenance & Compliance Responsibilities

28.1 This chapter provides information and guidance to the reader around the interface of responsibilities between the private lot owner [Landlord] and the common property [Body Corporate or Owner's Corporation] from the perspective of managing regulatory compliance. What is the private lot owner's compliance

# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



relationship with the scheme's compliance obligations? This chapter will inform the reader about: -

- 28.1.1 Private lot compliance obligations [i.e. what does the Landlord need to do?]
- 28.1.2 Common property compliance obligations [i.e. what does the Body Corporate or Owner's Corporation need to do?]
- 28.1.3 Entry and exit survey cleaning standards for inspectors and bond cleans
- 28.1.4 Compliance duties that interface the private lot and common property

28.2 **Highlights and specific points of interest in Chapter 22 – Landlords & Tenants Maintenance & Compliance Responsibilities include: -**

- 28.2.1 **Page 454** – Exit Survey cleaning standards table [interior zones]
- 28.2.2 **Page 462** – Exit Survey cleaning standards table [exterior & general zones]
- 28.2.3 **Page 464** – Private Property and Common Property interface compliance checklists for Landlords and Committees

### 29. Chapter 23 – The Facilities Management Plan

29.1 This chapter provides information and guidance to the reader around the Facilities Management Plan, what it is and how to develop and implement one. This chapter will inform the reader about: -

- 29.1.1 Understanding what the FMP is
- 29.1.2 What are the minimum inclusions to have in the FMP?
- 29.1.3 How to go about developing a site-specific FMP and implementing it into the scheme
- 29.1.4 Periodical reviews of the FMP

29.2 **Highlights and specific points of interest in Chapter 23 – The Facilities Management Plan include: -**

- 29.2.1 **Page 476** – basic FMP inclusions list.

### 30. Chapter 24 – Regulatory Compliance via Self-Assessment

30.1 This chapter provides information and guidance to the reader around how to self-assess regulatory compliance around the maintenance of common property of a residential strata or mixed-use commercial scheme. This chapter will inform the reader about: -

- 30.1.1 Building establishment and getting the "As Constructed" documentation filed for posterity
- 30.1.2 Setting up the quality management system for the full life of the building [i.e. the Facilities Management Plan]



# CODE CHAPTER & CONTENT SUMMARY

## ABMA Building Management Code© Frequently Asked Questions



30.1.3 Performance management systems for ensuring adherence to systems and standards

30.1.4 Using the self-assessment checklist [or ABMA online self-assessment tool] to self-check

30.2 Highlights and specific points of interest in **Chapter 24 – Regulatory Compliance via Self-Assessment** include: -

30.2.1 **Page 493** – the General Compliance Checklist on this page will support the Committee or building manager to get started on the self-assessment journey.

### 31. Chapter 25 – Managing a Defective Building Work Claim

31.1 This chapter provides information and guidance to the reader around how to manage a claim for building defects under the statutory builder's warranty. This chapter will inform the reader about: -

31.1.1 Preserving legal rights and understanding site-specific limitations for claims

31.1.2 Understanding defect liability periods and the nature of defects [what can be claimed under the warranty]

31.1.3 Obtaining the building contract and "As Constructed" plans, warranty documentation etc.

31.1.4 Getting an independent building defect assessment review done

31.1.5 Formal notification to the builder and demand for rectification

31.1.6 Lodging a formal complaint with the regulator or warranty insurance claim

31.1.7 Technical substantiation of remedial works

31.1.8 Civil options for pursuing the builder for rectification

31.2 Highlights and specific points of interest in **Chapter 25 – Managing a Defective Building Work Claim** include: -

31.2.1 **Page 502** – defect claim process list

31.2.2 **Page 510** – construction systems table

### 32. Chapter 26 – Help & Advice

32.1 This chapter provides information and guidance to the reader around where to go for further information and assistance. This chapter will inform the reader about: -

32.1.1 Supporting services and impartial advice available to the industry via the ABMA

32.1.2 How to formally clarify a building management or caretaking standard

32.1.3 How to formally notify your service contract counterpart when a performance issue or difficulty has arisen

32.1.4 How to raise an objection to a service contract delivery standard

# CODE CHAPTER & CONTENT SUMMARY

ABMA Building Management Code©

## Frequently Asked Questions



32.1.5 How to assess whether deliver standards deem to satisfy the requirements of the service contract, statutory requirements and/or the ABMA Building Management Code©

32.2 Highlights and specific points of interest in **Chapter 26 – Help & Advice** include: -

32.2.1 **Page 524** – This section provides contact information for associations, government organisations and departments that may provide further assistance to the reader.

### 33. Chapter 27 – Bibliography

33.1 This section provides a list of Acts, Regulations, Australian Standards, Codes of Practice, guidelines and documents referred to in the ABMA Building Management Code©

### 34. Chapter 28 – Index

35. This section highlights frequently queried words and/or phrases and where they are referenced within the Code, complete with page numbers, for ease of location.