
Discussion paper: Building Manuals - A Response to the Building Confidence Report

Overview

The **Building Confidence Report** <https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/building_ministers_forum_expert_assessment_-_building_confidence.pdf> (BCR), published in 2018, identified issues with the regulatory oversight of the construction of Class 2 - 9 buildings in Australia. It noted that owners of Class 2 - 9 buildings do not always receive complete information about their buildings, which affects their ability to properly maintain their buildings and make informed decisions about their use. This may impact the safety of building users.

Recommendation 20 of the BCR is: **That each jurisdiction requires that there be a comprehensive building manual for [Class 2 - 9] buildings that should be lodged with the building owners and made available to successive purchasers of the buildings.**

In response to this recommendation, the BCR Implementation Team has developed a discussion paper. It covers the problems caused by building owners not having accurate and complete information about their buildings, and seeks your views on:

- the information that should be collected in building manuals
- where information, collected for building manuals, should be stored
- who should oversee creation of a building manual
- possible processes to create building manuals, and
- the types of buildings that should require a building manual.

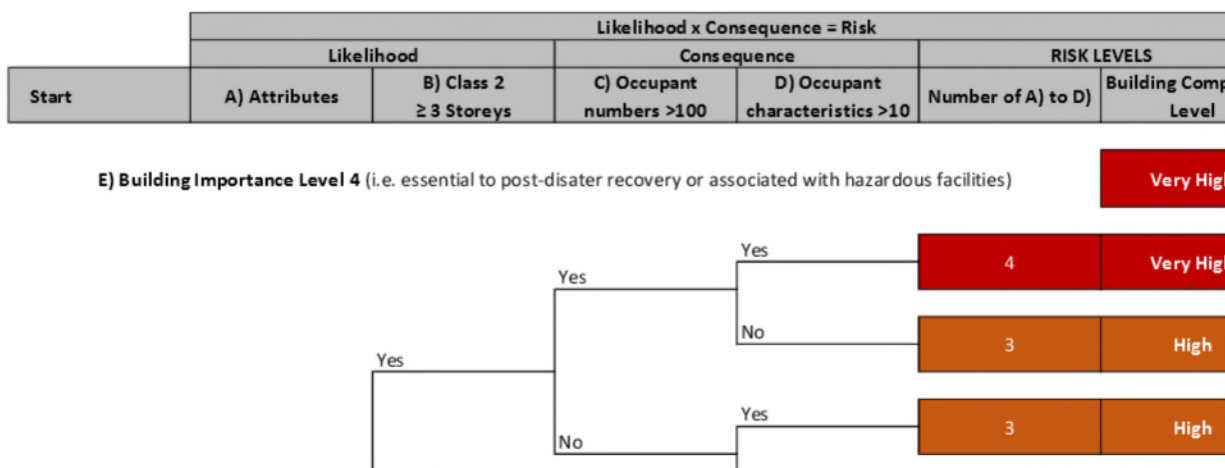
You can access the discussion paper below or download a copy at the bottom of this page.

Building Manuals - A response to the Building Confidence Report

1. all of *building complexity criteria* A (Attributes), B (Class 2), C (Occupant numbers), and D (Occupant characteristics); or
2. *building complexity criteria* E (Building Importance Level 4).

Building complexity decision process

Figure 3 Building complexity decision process



Why we are consulting

Introduction of a requirement that certain buildings have building manuals will impact industry and building owners. It may increase accountability of developers and builders of new buildings by requiring that they provide accurate and complete information to building owners and potential building owners. This should allow building owners and potential building owners to:

- properly assess whether they would like to invest in a building
- fulfil their responsibilities under the law, such as properly maintaining buildings that they own, and
- make informed decisions about using buildings that they own.

In turn, this will increase the safety of building users by reducing building defects that are created due to incorrect or inadequate maintenance or inappropriate use of buildings.

We will use your feedback on the discussion paper to develop model guidance for states and territories. Your feedback will help us improve this guidance and consider practical processes for developing and accessing building manuals.

Providing comment

Comments are open until **11:59PM AEST Sunday 16 May 2021**. Only comments submitted using the online form will be considered.

A preview of the consultation form is provided below.

If you have a question about this consultation, please contact

BCRImplementationTeam@abcb.gov.au.

Information collection

Information about saving your answers for later

More information

Save and come back later

The "save and come back later" button gives you the option to save your work. Enter your email address to receive an email with a link to return to your survey response before the closing date.

Amending responses

This survey contains skip logic which prevents you from going backwards to the previous page/s if you wish to change your responses. However, the survey will allow you to navigate back to the "first" page and you won't lose your responses.

Important: Please ensure that you have read and understood the below statements before proceeding

Privacy Collection Statement

The Australian Building Codes Board (ABCB) is bound by the Australian Privacy Principles (APPs) outlined in Schedule 1 of the *Privacy Act 1988* (Cth) (Privacy Act), which regulates how entities may collect, use, disclose and store personal information.

Your personal and sensitive information is being collected by the ABCB Office to assist the ABCB to carry out its functions, to inform the consultation process and for other purposes including to communicate with individuals or organisations about their submission.

The personal and sensitive information collected as part of the submission process may be disclosed to and used by the following individuals or organisations:

- the Department of Industry, Science, Energy and Resources or the ABCB Office, and the staff of the Department and the ABCB Office;
- the ABCB, its committees and any working groups established by the ABCB, and their staff and advisors;
- the Commonwealth Government, and State and Territory Ministers responsible for building regulation and policy, and their staff and advisors;
- other Commonwealth or State and Territory government departments and agencies;
- any consultant or contractor engaged by the ABCB for the purpose of undertaking work in respect of the subject matter of the submission process.
- any organisation for any authorised purpose with your express consent, for the purposes set out above.

Personal and sensitive information obtained will be stored and held in accordance with the ABCB's obligations under the *Archives Act 1983* (Cth). Further information about how the ABCB collects, uses and discloses personal information is set out in its **Privacy Policy** <<https://abcb.gov.au/Footer/Privacy>> .

If you have an enquiry or request relating to your personal information, please contact:

Privacy Contact Officer
Australian Building Codes Board
GPO Box 2013
Canberra ACT 2601

Confidential Information Statement

All submissions and comments will be published unless they are marked 'commercial-in-confidence'. However, any contact details you provide within your submission will be redacted prior to the submission being published.

In order to promote debate and transparency, the ABCB prefers that all submissions and comments be provided in a way that does not require confidentiality to be maintained. However, it recognises that in some circumstances you may want to provide information in confidence.

It is the responsibility of the person making the submission to ensure that any 'commercial-in-confidence' information is clearly identified. Please consider if you can structure your response to keep only some parts confidential. If only part of your submission is confidential, you can provide the confidential part as a separate submission so that the ABCB can publish the non-confidential part of the submission.

Where confidentiality is requested for an entire submission, it will not be published by the ABCB, nor will your name or organisation details; however, see the comments below regarding Regulation Impact Statements.

Please note that we may still disclose the confidential part of your submission to any of the above identified users of the information as part of the consultation process and we will use reasonable efforts to ensure that the recipients keep the submission confidential.

Submissions for Regulation Impact Statements will be made public in accordance with the Council of Australian Government's **Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies** <<https://www.pmc.gov.au/resource-centre/regulation/best-practice-regulation-guide-ministerial-councils-and-national-standard-setting-bodies>> . A summary of the views expressed in the submissions will be published as part of the Regulation Impact Statement.

The ABCB or the ABCB Office may also disclose confidential information in circumstances where:

- we are required or authorised by law disclose it;
- you agree to the information being disclosed; or
- someone other than you has made the confidential information public.

Your submission, comments, opinions and responses will not be published if the ABCB or the ABCB Office considers that your submission, comments, opinions and responses may contain

potentially defamatory statements or other offensive comments.

By making a submission to this consultation you agree to the collection of the information you provide in your submission; and the use and disclosure of the information you provide in your submission as outlined above.

(Required)

Please select only one item

☐

Publish response

☐

Publish response anonymously (this will remove personal identifiers including, name and organisation)

☐

Do not publish

Personal information

What is your name?

Name

What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

On whose behalf are you making this submission?

Please select only one item

- ☐ I am making this submission on my own behalf
- ☐ I am making this submission on behalf of a business
- ☐ I am making this submission on behalf of an industry body
- ☐ I am making this submission on behalf of a government agency

What is your organisation (if relevant)?

Organisation

Which best describes your industry sector?

Please select only one item

- ☐ Building Commercial ☐ Building Residential ☐ Building Commercial and Residential
- ☐ Building and plumbing products ☐ Building Certification/ Surveying
- ☐ Architecture and design ☐ Engineering ☐ Plumbing
- ☐ Compliance, testing and accreditation ☐ Legal and Finance
- ☐ Specialist - disability access ☐ Specialist - energy efficiency ☐ Specialist - fire safety
- ☐ Specialist - health ☐ Specialist - hydraulic/ plumbing ☐ Student/ apprentices
- ☐ Trades and other construction services ☐ Education
- ☐ Community and Non-Government organisations ☐ Government ☐ General Public
- ☐ Other

Please select your State or Territory

Please select only one item

- ☐ ACT ☐ NSW ☐ NT ☐ Qld ☐ SA ☐ Tas ☐ Vic ☐ WA

Building ownership experience

Information about these questions

The first part of this consultation includes questions about your experience owning, managing and tenanted buildings. These questions are designed to give us context about your views on the draft discussion paper and its proposals.

All questions are optional.

Do you own a building or part of a building (e.g. an apartment or strata-titled property)?

Please select only one item

☐ Yes ☐ No

Building ownership experience

What type of building do you own? If you own more than one building, please select all applicable.

Please select all that apply

- ☐ Residential – apartments
- ☐ Residential – accommodation other than houses and apartments, e.g. boarding houses
- ☐ Commercial – office buildings
- ☐ Commercial – retail and services buildings, including restaurants and cafes
- ☐ Commercial – carparks, warehouses and buildings for wholesale businesses
- ☐ Commercial – factories and laboratories (excluding health-care laboratories)
- ☐ Commercial – hospitals, health care buildings and health-care laboratories
- ☐
- Commercial – buildings for gatherings e.g. schools, childcare centres, sports facilities, night clubs
- ☐ Commercial – aged care homes ☐ Unsure

Approximately how many years old is the building you own? If you own more than one building, please provide the ages of the oldest and newest.

As a building owner, or an owners corporation to which you belong, how confident are you that you have the right information about your building to properly manage and maintain it so it is safe for building users and you fulfil your legal responsibilities?

Please select only one item

- ☐ Very confident ☐ Somewhat confident ☐ Not very confident
☐ Not confident at all

Do you, or an owners corporation to which you belong, use a manager to help you manage and maintain your building?

Please select only one item

- ☐ Yes ☐ No ☐ Unsure

Building ownership experience

How confident are you that your manager has the right information about your building to properly manage and maintain it so it is safe for building users and fulfils your legal responsibilities as an owner?

Please select only one item

- ☐ Very confident ☐ Somewhat confident ☐ Not very confident
☐ Not confident at all

Building management experience

Are you a building manager, such as a facility or strata manager?

Please select only one item

- ☐ Yes ☐ No

Building management experience

What type of building do you manage? If you manage more than one building, please select all applicable.

Please select all that apply

- ☐ Residential – apartments
- ☐ Residential – accommodation other than houses and apartments, e.g. boarding houses
- ☐ Commercial – office buildings
- ☐ Commercial – retail and services buildings, including restaurants and cafes
- ☐ Commercial – carparks, warehouses and buildings for wholesale businesses
- ☐ Commercial – factories and laboratories (excluding health-care laboratories)
- ☐ Commercial – hospitals, health care buildings and health-care laboratories
- ☐
- Commercial – buildings for gatherings e.g. schools, childcare centres, sports facilities, night clubs
- ☐ Commercial – aged care homes ☐ Unsure

Approximately how many years old is the building you manage? If you manage more than one building, please provide the ages of the oldest and newest.

How confident are you that you have the right information about buildings that you manage to properly manage and maintain them so they are safe for building users?

Please select only one item

- ☐ Very confident ☐ Somewhat confident ☐ Not very confident
- ☐ Not confident at all

Building tenancy experience

Are you a tenant in a building, or part of a building (e.g. an apartment or strata-titled property)?

Please select only one item

☐ Yes ☐ No

Building tenancy experience

What type of building do you tenant? If you lease more than one building, please select all applicable.

Please select all that apply

- ☐ Residential – apartments
- ☐ Residential – accommodation other than houses and apartments, e.g. boarding houses
- ☐ Commercial – office buildings
- ☐ Commercial – retail and services buildings, including restaurants and cafes
- ☐ Commercial – car parks, warehouses and buildings for wholesale businesses
- ☐ Commercial – factories and laboratories (excluding health-care laboratories)
- ☐ Commercial – hospitals, health care buildings and health-care laboratories
- ☐
- Commercial – buildings for gatherings e.g. schools, childcare centres, sports facilities, night clubs
- ☐ Commercial – aged care homes ☐ Unsure

Approximately how many years old is the building you tenant? If you lease more than one building, please provide the ages of the oldest and newest.

How confident are you that you have the right information to use your building safely?

Please select only one item

☐ Very confident ☐ Somewhat confident ☐ Not very confident
☐ Not confident at all

Discussion paper terms and definitions

Related information

The second part of this consultation includes the questions from the discussion paper. The numbers of these questions match the questions in the discussion paper.

Terms and definitions

The discussion paper proposes that these terms could have consistent definitions across jurisdictions:

- as-built documentation,
- building data,
- building manual,
- essential building services,
- record of maintenance, and
- maintenance schedule.

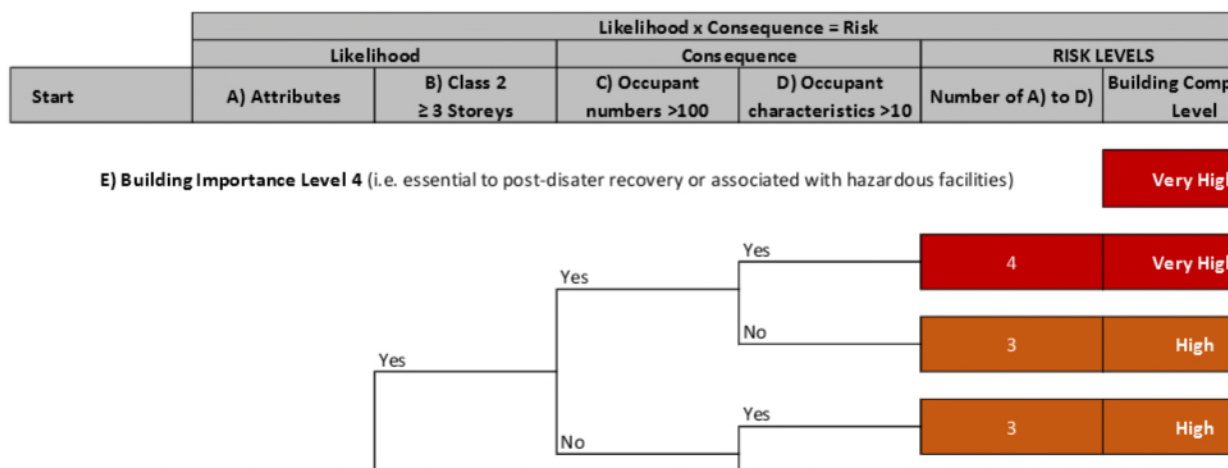
Please refer to page 8 of the discussion paper for further information, including the proposed definitions.

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- all of *building complexity criteria* A (Attributes), B (Class 2), C (Occupant numbers), and D (Occupant characteristics); or
- building complexity criteria* E (Building Importance Level 4).

Building complexity decision process

Figure 3 Building complexity decision process



1. Do you agree that the terms listed above should have nationally consistent definitions?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

2. Do you agree with the draft definitions for the terms?

Please select only one item

☐ Yes ☐ No ☐ Unsure

If you do not agree, please provide details of why and how the definitions can be improved.

Draft building manual dataset

Related information

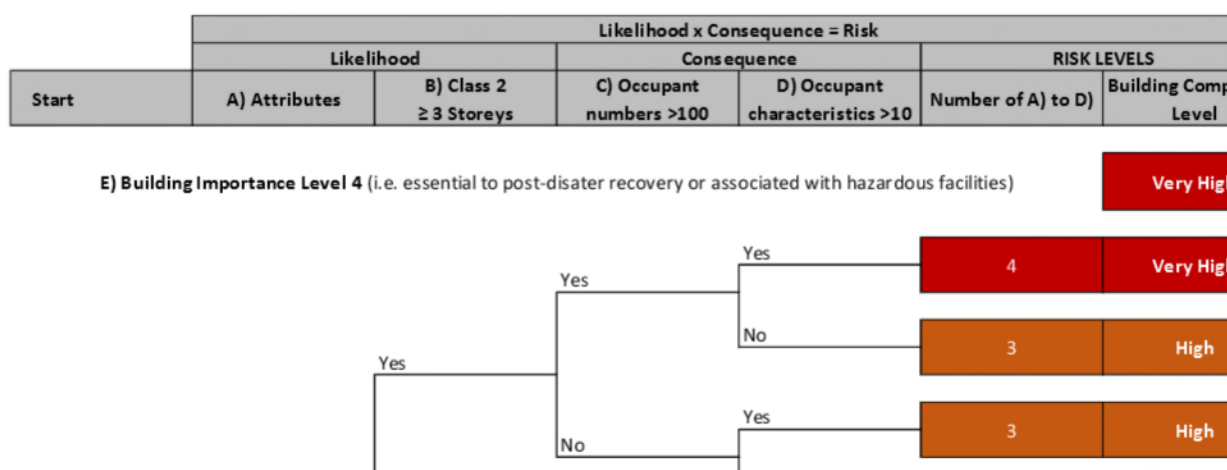
The discussion paper proposes a draft dataset for building manuals. Please refer to page 11 for further information.

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Building complexity decision process

Figure 3 Building complexity decision process



3. Do you agree that the draft dataset could give building owners the information they need to maintain and operate their buildings safely?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

4. What changes can you suggest to improve the dataset (e.g. removing items that would not be helpful to building owners and other potential users of building manuals)?

Building manual processes - creating manuals

Related information

The discussion paper includes examples of how building manuals could be created. Please refer to page 16 for further information.

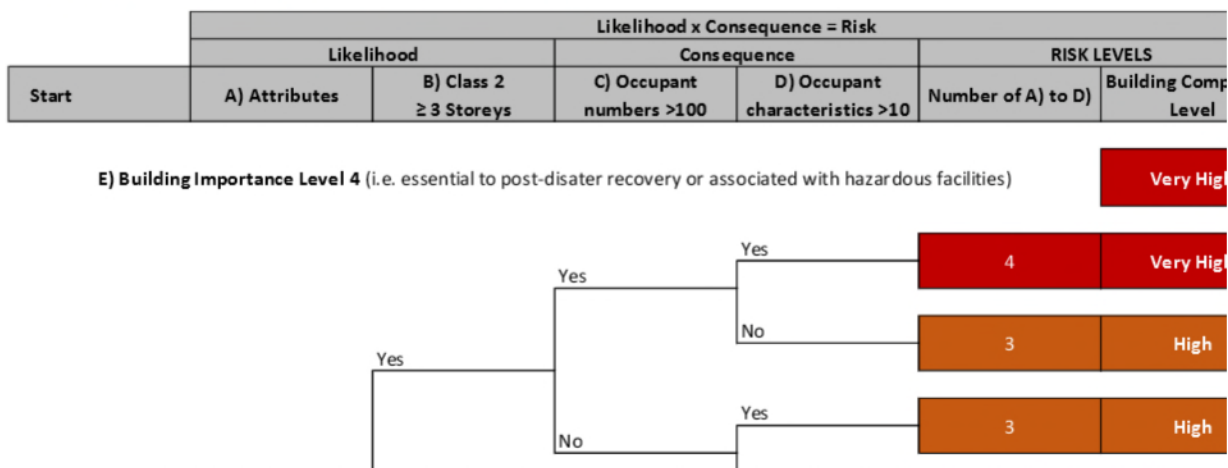
The two model processes included in the discussion paper are also available as a separate document for easier reading.

Building Manuals - A response to the Building Confidence Report

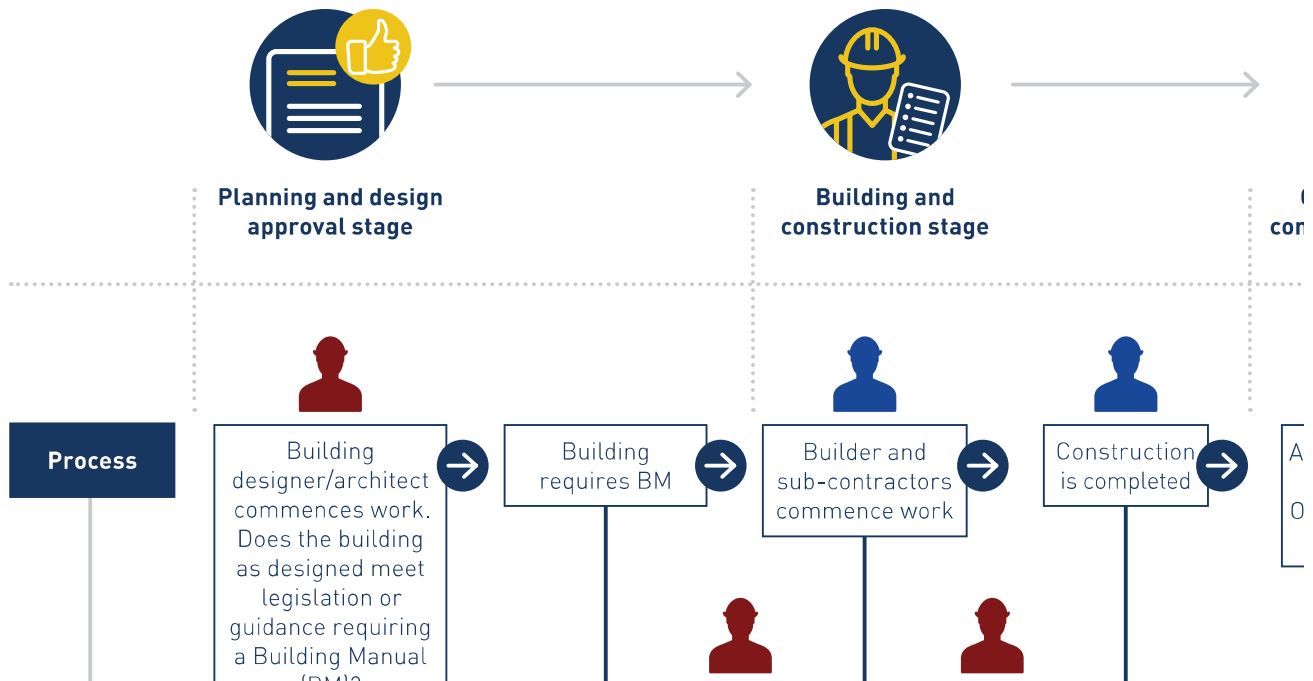
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2. *building complexity criteria* E (Building Importance Level 4).

Building complexity decision process

Figure 3 Building complexity decision process



BM Process (Building surveyor-cc)



5. Do you believe building surveyors should have a role in verifying the content of building manuals?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

If you don't believe building surveyors should verify the content of building manuals, who should perform this role instead (e.g. a developer, site manager or a contracted third party)?

6. Should people who create or verify the content of building manuals be subject to requirements, such as holding certain qualifications or having completed certain training?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

What requirements would you suggest?

7. If you work in the building industry, what guidance, training and/or assistance is needed to ensure building manuals given to building owners, following construction of new buildings, are accurate and complete?

8. Do you agree occupation approvals should only be issued if there is an accurate and complete building manual?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

If you agree, how would you address issues that may be caused by construction models that permit progressive occupation?

9. It has been suggested that for strata buildings, developers should have to provide a bond of one per cent, which is released once the building manual is accepted by the new owners corporation. Do you agree with this incentive?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

10. Other than withholding occupation approvals and bonds, what other incentives or penalties should be considered to ensure developers and builders fulfil the requirements of a building manual?

If you agree with incentives or penalties, what conditions, if any, should states and territories consider in implementing them?

What exemptions from incentives or penalties, if any, should be considered?

How could the issues around progressive occupation be addressed?



Building manual processes - updating manuals

11. This paper proposes that information about a building should continue to be recorded during its life. Do you agree that, provided older versions of the building manual are accessible to building owners and it is clear which version of the building manual a person is accessing, new information should continue to be added to the building manual during the life of a building?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

If you do not agree, what other approach would you suggest?

12. What guidance, training and/or assistance is needed to ensure building owners can understand, use and maintain the information in building manuals?

13. If a building owner gives responsibility for maintenance decisions to another person, such as a building manager, should the building manager also have legal responsibility for ensuring the building manual is updated?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

14. Should there be incentives and penalties for building owners and building managers to ensure they continue to record information about buildings they own or manage?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

What types of incentives and penalties do you believe would be effective?

Building manual processes - storage, format, access and ownership

15. Do you believe the building manual should be stored by government(s), individual building owners, and/or by a service provider?

Please select all that apply

☐ Government(s) ☐ Building owners ☐ Service provider ☐ Other

If other, please specify

Why?

16. Do you believe governments need to play a role in delivering building manuals or should this be left to the market?

Please select only one item

- ☐ Governments should have a role ☐ It should be left to the market ☐ Other
☐ Unsure

If other, please specify

Why?

17. Stakeholders have commented that digital storage formats can become obsolete in a shorter time than the life of a building. Do you have any comments about the digital format of building manuals and how this issue can be addressed?

18. Under existing state and territory disclosure legislation, certain building information must be provided to potential owners prior to a contract of sale. If it is not provided or is provided late and materially impacts the potential owners, they have the right to cancel the contract. Do you agree that legislation for a building manual should contain similar provisions?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

19. Do you have any concerns about building information being available to potential buyers?

Please select only one item

☐ Yes ☐ No ☐ Unsure

If yes, what are your concerns?

20. Some stakeholders have suggested accurate and complete building manuals should be a condition of signing large leases e.g. for office buildings. Do you agree?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

21. Apart from privacy, security and intellectual property, what issues do you believe should be carefully considered prior to introducing building manuals?

22. Who should be considered the legal owner of information about a building?

Please select only one item

- ☐ Government(s) ☐ Building owner(s) ☐ Building/facility/strata manager(s)
☐ Other

If other, please specify

Why?

Types of buildings that require a building manual

Related information

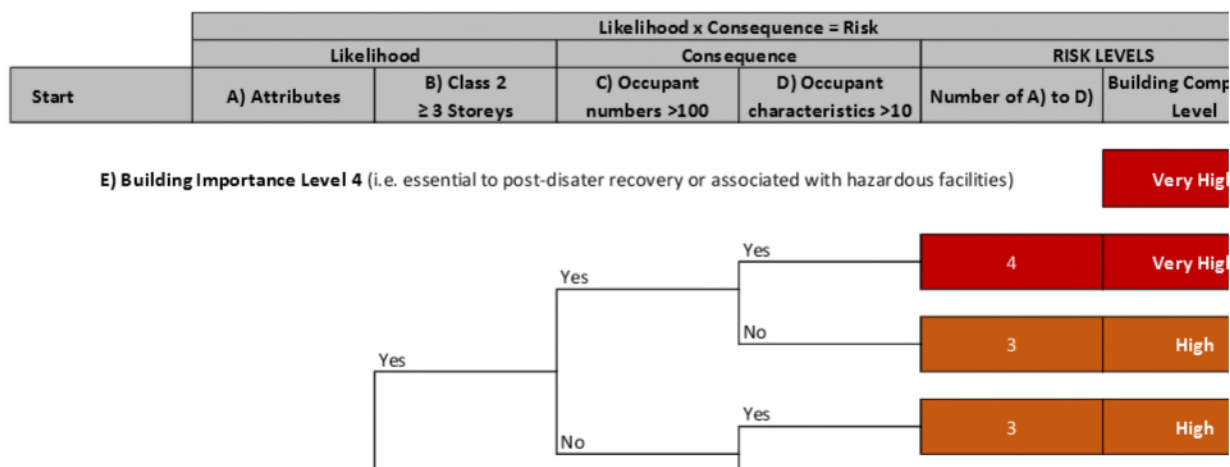
The discussion paper examines several options for the types of buildings that should require building manuals. It proposes that new Class 2 - 9 buildings should require a building manual. Please refer to page 24 for further information.

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Building complexity decision process

Figure 3 Building complexity decision process



23. Do you agree the most appropriate option is all new Class 2 – 9 buildings (Option 3)?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

24. Do you agree the same dataset could be used for all new Class 2 – 9 buildings?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

General questions

25. Do you agree this discussion paper explains the problems caused by building owners not having access to information about their buildings?

Please select only one item

☐ Yes ☐ No ☐ Unsure

If you are aware of any problems that are not explained in this paper, please provide details.

26. Do you agree with the benefits of building manuals, as identified in this paper?

Please select only one item

☐ Yes ☐ No ☐ Unsure

Why?

27. Who do you believe will benefit from building manuals and to what extent?

	A lot	A little	No change
Building owners <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Building/facility/strata managers <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Building users including tenants <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developers <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Builders <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sub-contractors <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Architects and building designers <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Building surveyors <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Government agencies e.g. fire services <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
General public <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

28. If you are aware of any extra benefits not covered in the discussion paper, please provide details.

29. Do you believe there are drawbacks to building manuals?

Please select only one item

☐ Yes ☐ No ☐ Unsure

What are they and why?

30. Who do you believe will be negatively impacted by building manuals and to what extent?

	A lot	A little	No change
Building owners <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Building/facility/strata managers <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Building users including tenants <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developers <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Builders <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sub-contractors <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Architects and building designers <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Building surveyors <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
General public <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

31. Are there any other comments you would like to make about building manuals? Please explain.