

Module	<b>FACILITIES MANAGEMENT</b>
Jurisdictions	<b>CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT</b>
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## Module Scope

Does the organisation ensure that it meets its obligations when managing facilities?

Does the organisation ensure that it has occupancy certification for applicable buildings and that it complies with certification requirements?

Does the organisation that owns or operates a carpark ensure that it has appropriate policies, systems and procedures in place to ensure the health and safety of carpark users and employees?

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## Module Application

The *FACILITIES MANAGEMENT* module informs the facilities management entity or organisation of their legislated legal obligations. The module also demonstrates effective practical advice and assistance to the facilities management entity to implement procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the organisation.

To fulfil its purpose the module focuses on providing practical assistance to the facilities management entity or organisation establishing and maintaining a robust foundational framework that determines;

- › How the organisation will function;
- › Who is the responsible decision maker;
- › What matters are relevant to the decision-making process; and
- › Whether the desired outcome has been achieved.

Facilities management entities and organisations are expected to be familiar with the broad landscape of legal obligations to which they are subject. The *FACILITIES MANAGEMENT* module should be subscribed by all facilities management entities and organisations, their employees, directors' and authorised officers' and individuals. The aim of the module is to equip the subscriber with knowledge of their obligations and the skills they require to establish relevant systems and processes to ensure compliance throughout their organisation.

Facilities management covers a broad range of tasks and duties that vary according to the types of buildings being managed and the use of the building. The work that facilities managers perform is regulated by a wide variety of laws, primarily aimed at ensuring the health and safety of individuals working, living in, or using the buildings and grounds overseen by facilities managers. As many of the regulatory obligations and requirements are state and territory based a facilities manager's obligations can differ markedly, depending on the jurisdictions in which the properties are located.

The broad scope of the *FACILITIES MANAGEMENT* module is to provide answers to these questions;

- › What are our legal obligations?
- › From where are our legal obligations derived?
- › How can we ensure that we are complying with our legal obligations?
- › What are the consequences if we are not complying with our legal obligations?

The *FACILITIES MANAGEMENT* module covers all legislated legal obligations of facility management entities or organisations and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes throughout the organisation. The module also covers the role of the regulator as well as exemptions to the obligations, if applicable, and how they may or may not apply in particular circumstances.

The module fulfils this objective by comprehensively covering three areas;

- › Legislation;
- › Obligations; and
- › Consequences.

1. The legislative and regulatory landscape from which the primary legal obligations are derived;

- › *Building Energy Efficiency Disclosure Act 2010* (Cth);
- › *Criminal Code Act 1995* (Cth);
- › *Disability Discrimination Act 1992* (Cth);
- › *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- › *Telecommunications Act 1997* (Cth);
- › *Telecommunications (Interception and Access) Act 1979* (Cth);
- › *Work Health and Safety Act 2011* (Cth); and
- › *Building Act 2004* (ACT).

In addition to the commonwealth legislation the module also refers to legislation from all states and territories covering obligations related to;

- Building;
- Utilities and services;
- Civil liability;
- Emergencies;
- Environmental protection;
- Planning and development;
- Public health safety and wellbeing;
- Hazards;
- Heritage;
- Local government;
- Residential tenants; and
- Leasing, unit titles and strata titles.

2. The specific areas where legal and regulatory obligations apply to the facilities management organisation or entity;

- Building occupancy certification requirements in each state and territory.
- General building requirements;
  - Entries and exits;
  - Access for people with a disability;
  - Sanitary, laundry and cooking facilities;
  - Recreational areas;
  - Special use buildings and rooms; and
  - Combustible cladding (QLD).
- Car parking facilities;
  - Physical requirements;
  - Parking for people with a disability;
  - Operation, levies and customer fees; and
  - Safety and traffic control.
- Property repairs and maintenance;
  - Essential;
  - Common property;
  - Emergency;
  - Plans, inspections and reviews;
  - Supply of services;
  - Individual lots; and
  - Horticulture, grounds and landscaping.
- General energy, efficiency and sustainability requirements;
  - Disclosures when selling or leasing; and
  - Green leases.
- The management plans of smoke free areas in licensed premises.

- Heritage;
  - Changes in status;
  - Agreements and covenants;
  - Management plans;
  - Maintenance and repairs;
  - Work and activities requiring approvals or permits;
  - Emergency building work;
  - Change in ownership;
  - Stop orders; and
  - Inspection and investigation.
- Emergency management;
  - Plans;
  - Evacuation routes, procedures and drills;
  - Warning systems;
  - Exits and signage;
  - Power sources;
  - Lighting; and
  - First Aid.
- Fire safety;
  - Detectors, alarms and alarm systems;
  - Equipment and systems;
  - Bushfire prevention;
  - Fire curtains and doors/exits;
  - Fire isolated stairs, passages and ramps; and
  - Smoke control systems.
- Security;
  - Risk management;
  - Access controls;
  - Monitoring and surveillance;
  - Physical security; and
  - Guards and dogs.
- Radiation management procedures and equipment maintenance.
- Air quality, temperature and lighting;
  - Ventilation;
  - Air conditioning and cooling towers;
  - Heating; and
  - Lighting
- Electricity management;
  - Managing electrical risks;
  - Supply;
  - Unsafe equipment and installations;
  - Inspection and testing of equipment and safety switches; and
  - Fuses and circuit breakers.
- Gas supply management.
- Water management;
  - Supply;
  - Legionella;
  - Recycled;
  - Stormwater; and
  - Sewerage.

- Cleaning and pest management.
- Waste management;
  - Classification;
  - Storage;
  - Reuse and recycling;
  - Disposal; and
  - Transportation.
- Machinery, plant and structures;
  - Managing risks;
  - Registration of plant items; and
  - Incidents (Victoria).
- Noise and nuisances;
  - Noise from premises in each state and territory;
  - Construction activities;
  - Air emissions;
  - Odours; and
  - Water.
- Commercial and retail property leasing;
  - Legislative and contractual requirements;
  - Notice of works;
  - Repair;
  - Common property;
  - Relocation;
  - Demolition; and
  - Condition.
- Residential property leases;
  - Standard form contracts;
  - Payments and charges;
  - Bonds and deposits;
  - Vacant possession and quiet enjoyment;
  - Information provided to tenants;
  - Reasonable condition; and
  - Rent.
- Working with local and body corporate laws;
  - Local councils and by-laws; and
  - Owners corporation regulations specific to each state and territory.
- Insurance;
  - Building;
  - Public liability; and
  - Business.

3. Significant consequences can apply to facilities management organisations or entities found to have breached or not complied with their legal obligations. Directors', officers' and managers' can also be found personally liable in some circumstances for certain offences. The actual consequences vary considerably depending on the jurisdiction and the nature and extent of the breach or failure. The *FACILITIES MANAGEMENT* module covers specific consequences in detail. They can include monetary penalties, disciplinary measures and even terms of imprisonment for individuals found to have committed serious offences.

The *FACILITIES MANAGEMENT* module does not cover the rights or entitlements of individuals who have suffered damages or losses due to breaches of obligations by facilities management organisations or entities. The module does not cover the process that an entity or an individual would follow to report or seek compensation for the breach or their loss.

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