



17IR0265

29 August 2017

Mr Mark Fitt
Committee Secretary
Senate Economics References Committee
PO Box 6100
Parliament House
Senate Economics Committee
SG.64
CANBERRA ACT 2600

**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide

45 Pirie Street
ADELAIDE SA 5000
GPO Box 464
Adelaide SA 5001
Tel 08 8207 1723
Fax 08 8207 1736

via email: economics.sen@aph.gov.au

Dear Mr Fitt

Thank you for the opportunity to appear before the Committee on 31 July 2017 in relation to the Committee's inquiry into Non-conforming building products.

I now provide further information in response to various questions taken on notice.

Response to Senator Xenophon - Page 41 of Hansard - Copies of Correspondence

Following the fire at the Lacrosse Apartments in Melbourne, by letter dated 23 February 2016 the Deputy Premier and Minister for Planning, the Hon John Rau MP, wrote to various authorities and representative bodies reminding them to remain vigilant on this issue.

Attachment 1 to this response to questions taken on notice includes the letters dated 16 July 2017 from the Deputy Premier, writing again to various authorities and representative bodies, including councils, private certifiers, the Local Government Association of South Australia, the Country Fire Service of South Australia, the Metropolitan Fire Service of South Australia, South Australian Government Agencies and Departments, the Housing Industry of Australia (South Australia), the Property Council of Australia (South Australia), the Master Builders Association (South Australia), and the Urban Development Institute of Australia (South Australia).

Attachment 2 to this response to questions taken on notice includes the responses to the Deputy Premier's letter dated 16 July 2017 received on or before 16 August 2017.

Response to Chair - Page 43 of Hansard - Copies of Correspondence

I enclose (Attachment 3) a copy of my letter of 24 August 2016 to the Hon Peter Dutton MP, Minister for Immigration and Border Protection. I am advised that a response to my letter is yet to be received. A meeting request was also sent to Minister Dutton's office on 26 August 2016 with no reply.

Response to Senator Hume - Page 45 of Hansard - Off-cuts

Robin Johnson Engineering (RJE) built four switchrooms along the Seaford / Lonsdale railway line. One cement panel product used in the construction was verified to contain chrysotile asbestos.

SafeWork SA issued an improvement notice to RJE regarding all asbestos containing materials at the site, including all offcuts.

Greencap (formerly AEC) was engaged to by RJE to advise on the safe removal of all asbestos containing materials. SafeWork SA was advised that all identified asbestos materials left the site via a licensed waste contractor, this included offcuts in site bins and any potentially contaminated cutting and sanding equipment.

SafeWork SA was advised that the removal was monitored and cleared by DEMS Consultants and the waste transfer certificate was uploaded by the licensed asbestos removalist onto SafeWork SA's database in November 2015.

Response to Senator Xenophon - Page 46 of Hansard - SAHMRI building cladding

The SAHMRI building and other buildings within the Adelaide CBD are subject to a comprehensive building audit process led by the Department of Planning, Transport and Infrastructure and in conjunction with the Adelaide City Council.

The details and scope of the building audit is set out in a later answer below.

Confirmation as to whether any building that is the subject of the building audit has any "polyethylene material" on it, which is understood to be a reference to the "Alpolic/PE" material, is subject to phase 2 of the building audit.

Phase 2 of the building audit for the CBD is currently underway and has not yet been completed.

With respect to the second question from Senator Hume, it is understood in the context of the inquiry that this question concerned the New Royal Adelaide Hospital (NRAH). In this regard, as above, confirmation as to what type of aluminium composite cladding is used on any building that is the subject of the building audit is subject to phase 2 of the building audit.

Response to Senator Xenophon - Page 47 of Hansard - Terms of reference of the audit

In response to recent concerns relating to the use of aluminium composite panel cladding product on buildings and in the interest of public safety, the Department of Planning, Transport and Infrastructure has taken the lead on a comprehensive building audit process. The audit process has been developed in consultation with the Adelaide City Council, the Metropolitan Fire Service of South Australia, and the Country Fire Service of South Australia.

The aim of the audit is to identify any non-complying use of aluminium composite cladding on buildings more than two storeys.

The audit has prioritised buildings that have occupants who are likely to be unfamiliar with means of escape or require assistance to escape including residential buildings more than two storeys such as apartments, hotels, motels, aged care facilities, hospitals, schools, and assembly buildings.

The audit has three distinct phases as illustrated in Attachment 4.

Phase one of the audit “identification”, identifies the outer limits of the potential buildings that require investigation. This phase is achieved in two steps.

Step one involves a review of available planning and building documentation associated with the approval planning and building consents required for the construction of any buildings more than two storeys. Depending upon the relevant planning or building authority, in most cases this information is held by local councils. The information will show which buildings of more than two storeys within any given local council area have used aluminium composite cladding panels.

Step two involves considering how the building is used and in that context understanding the likely level of risk to any building occupants’ safety. Buildings of more than two storeys with occupants who may be expected to require assistance to escape the building in a fire, or where occupants are likely to reside are to be prioritised in this audit. For example, this includes schools, hospitals, aged care facilities, hotels, and residential buildings.

Phase two “investigation” involves the complex task of considering a range of available information relating to the buildings identified in phase one of the audit. Available information ranges from documentation such as certified building plans and any approved variations, to undertaking a site inspection, and if necessary, independently testing any cladding. All relevant information will be considered against the National Construction Code and any fire mitigation methods are available in the relevant building to determine the level of risk (if any) in which the use of the cladding on any particular building poses to the occupants.

It should be noted that the CSIRO has advised the Department of Planning, Transport and Infrastructure that the testing of any aluminium composite cladding panels requires approximately 6 to 8 weeks and that the CSIRO is the only entity in Australia that can carry out a test of this calibre in accordance with Australian Standard 1530.1.

Phase three “response” of the audit is a determination of what is a proportionate response to the level of risk identified in phase two of the audit. This may range from only notifying a building owner of the relevant level of risk but not requiring the building owner to take any further action, through to issuing a notice to the building owner identifying the level of risk and requiring immediate action to remove or mitigate the level of risk in accordance with the National Construction Code. For example additional sprinklers could be retrospectively installed or panels could be intermittently replaced to create fire breaks in the façade of the building. In low risk situations, owners could enter into agreements with local councils through their respective building fire safety committees to upgrade fire safety measures over an agreed period of time.

Response to Senator Xenophon - Page 49 of Hansard - Quality of welds

In South Australia the responsibility for assessing developments to ensure they comply with the National Construction Code (and referenced documents such as the Australian Standard relating to steel structures) generally resides with local councils and private certifiers. Councils also have powers to inspect buildings during the construction phase to ensure they comply with any relevant approvals; issue stop work notices and impose emergency rectification notices. Councils also have powers to require building owners to retrospectively rectify safety related matters.

South Australia, through the Building Regulators Forum set up under the Building Ministers Forum, is committed to continually improve its building regulatory framework to ensure the safety of occupants of buildings.

Response to Senator Xenophon - Page 49 of Hansard - Certification of hidden aspects of buildings

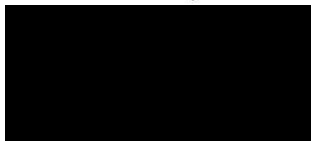
Contractually, the State set out in its design requirements that the facility must meet relevant Australian Standards and the requirements of the National Construction Code: Building Code of Australia (BCA).

The *Development Act 1993* and the *Development Regulations 2008* require building work contractors to build in accordance with approved documentation.

Specifically section 45 of the *Development Act 1993* states that if an item or material that does not comply with the *National Construction Code* is incorporated into a building and the failure to comply is attributable (wholly or in part) to an act or omission of a person who designed, manufactured, supplied or installed the item or material, then that person is guilty of an offence.

I trust this information is of assistance to the Committee.

Yours sincerely



John Rau
Deputy Premier
Minister for Planning
Minister for Industrial Relations

Attachment 1



In reply please quote

2017/13678/01

GENERIC LETTER TO
STATE GOVERNMENT AGENCIES

DEVELOPMENT DIVISION

50 Flinders Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

Telephone: 1800 752 664

ABN 92 366 288 135

Dear Chief Executive,

ALUMINIUM COMPOSITE CLADDING - RISK-BASED AUDIT OF BUILDINGS

On 14 June 2017 a fire destroyed the Grenfell Tower in London. The cause of the Grenfell Tower fire is yet to be confirmed. However, media reports suggest that an aluminium composite panel product ('ACP') may have contributed to the intensity and rapid spread of the fire. This incident is similar to the 2014 Lacrosse apartment fire in the Docklands Melbourne.

In response, the Minister for Planning recently announced that all buildings in the CBD must be audited as a matter of priority. This task is being undertaken by my Department in conjunction with the City of Adelaide, with a report to be forwarded by late July 2017.

Following the completion of the audits in the City of Adelaide, high risk buildings in the rest of the state will also be audited and investigated as necessary.

Priority has been given to buildings where occupants are unfamiliar with means of escape or require assistance to escape, in particular:

- Class 2 and 3 residential buildings more than 2 storeys (e.g. hotels, motels, apartments, student accommodation);
- Class 9 buildings (e.g. schools, aged care facilities, hospitals, health care buildings, community halls, sports stadiums and other public assembly buildings); and
- Approved after 2010 and currently occupied, currently under construction or currently being subject to an assessment process.

Attached is the proposed audit process for your information. This information will shortly be made available on the SA planning portal.

To allow an orderly and effective audit of government held, leased or occupied buildings and the proper management of any related issues or concerns, I ask that all queries and comments are directed to my Department in the first instance so that there is a central repository of queries and responses. This will also ensure consistency and reduce duplication, and is in accordance with the role of my department in leading building safety and compliance.

It is anticipated that in relation to Crown buildings, the Department will need access to approved plans and documentation in order to investigate and identify any responsibility for non-compliances. Accordingly, I am asking that you nominate the most appropriate contact from your agency that is best placed to assist my Department in addressing this matter and coordinating any agency actions.

Could you please provide the contact details of an appropriate departmental representative to my Department by telephone on 1800 752 664 or email to [REDACTED]

If you have any queries, or wish to discuss this matter further please do not hesitate to contact me.

Yours faithfully,

Michael Deegan
CHIEF EXECUTIVE

August 2017

Enc

1. Media Release dated 3 July 2017
2. Letter to councils advising of the commencement of building audits
3. Aluminium composite cladding – building audit process

The Hon John Rau MP



11677694

13 July 2017

LETTER TO
ALL PRIVATE CERTIFIERS

**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide

45 Pirie Street
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Tel 08 8207 1723
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Dear Sir/Madam

Important - Non-Compliant Aluminium Cladding

On 14 June 2017 a fire destroyed the Grenfell Tower in London. The cause of the Grenfell Tower fire is yet to be confirmed. However, media reports suggest that an aluminium composite panel cladding product ('ACP') may have contributed to the intensity and rapid spread of the fire.

This recent event underscores my concerns with any likely fire risks associated with ACP in South Australia. I write to you to raise your awareness of this particular issue and to advise you of immediate actions required in response.

Steps you can take

Remain vigilant when assessing applications

I ask that you please advise your members that I have requested councils and private certifiers to use the powers afforded to them by the *Development Act 1993* (the Act) and *Development regulations 2008* to determine if they consider this to be an issue with respect to buildings in South Australia. In particular I have asked that councils and private certifiers:

- a) be vigilant when assessing applications for building rules consent that contain ACP;
- b) in relation to their inspection responsibilities under the Act, prioritise the inspection of buildings with ACP;
- c) seek explanations and testing certificates where they suspect a non-complying ACP has been used, or substituted for an approved and complying ACP;
- d) do not issue a Certificate of Occupancy if they suspect a non-complying ACP may be present; and
- e) utilise their Building Fire Safety Committee should they suspect that existing buildings have been constructed with non-complying ACP.

Share information

If you have any knowledge or evidence of buildings having non-compliant ACP that may pose a risk to the building occupants, or have any other concerns regarding the use of non-

complying building products, could you please report such evidence to the relevant council as a matter of highest priority.

Stay informed

The Department will upload regular information and any relevant updates to the SA Planning Portal. I ask you to regularly visit the Portal for information and if possible, provide a link to this information on your website and promote this through various communication channels you may have. The Portal and relevant information can be found at www.saplanningportal.sa.gov.au.

Steps the South Australian Government is taking

Through my Department and the SA Planning Portal we will keep you and the public informed. In addition to this, I am taking the following steps:

1. National Advocacy

I will continue to advocate on behalf of South Australia to the Commonwealth for urgent action and leadership with respect to the use of ACP cladding and the safety concerns that this product raises.

In addition, on 30 June 2017 as part of the Building Ministers Forum I agreed to commission an expert to investigate and report back as quickly as possible about the broader compliance and enforcement issues within the building and construction system.

I have attached a copy of the BMF Communique that further details the range of outcomes agreed on 30 June 2017.

2. Working with local councils

With the safety and health of people as a first priority, the Department will work with councils to undertake building audits with respect to the use of ACP cladding.

The audits will utilise a risk-based approach to ensure they are undertaken on buildings that represent the highest risk first. Buildings known or suspected to have used ACP cladding and which have one or more of the following characteristics will be audited and investigated:

- More than 2 storey (with greater priority being given to buildings where occupants are unfamiliar with means of escape or require assistance to escape such as hotels, motels, schools, aged care facilities, hospitals, assembly buildings).
- Approved after 2010 and currently occupied, currently under construction or currently being subject to an assessment process.

I am advised that the CBD is likely to hold the most buildings that meet the above criteria. The Department has therefore begun working with the Adelaide City Council to prioritise audits of city buildings.

For other councils, I have asked that they review and advise the Department of any buildings in their council area that meet the above criteria. The Department will work with these councils to progress audits and investigations of such buildings.

3. Reforms to related laws and regulations

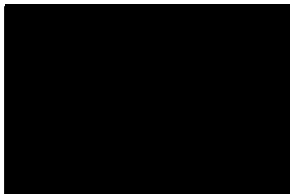
We are fortunate that in South Australia we have existing laws and regulations that, for example, mandate the use of sprinklers and the need for at least two fire exits (unlike the tragic circumstances of the Grenfell Tower).

That said, other measures may be appropriate.

I have directed my Department to provide me with urgent advice with respect to areas for possible reforms that will improve South Australia's position with respect to the use and regulation of ACP cladding and other building products that may be unsafe or otherwise harmful.

Could you please acknowledge receipt of this letter and provide the contact details of a suitable representative to my Department by email at [REDACTED] or telephone 1800 752 664.

Yours sincerely



John Rau
Deputy Premier
Minister for Planning

The Hon John Rau MP



11677694

LETTER TO

INDUSTRY / STAKEHOLDERS

Government
of South Australia

13 July 2017

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
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Dear Sir/Madam

Important - Non-Compliant Aluminium Cladding

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This recent event underscores my concerns with any likely fire risks associated with ACP in South Australia. I write to you to raise your awareness of this particular issue and to advise you of immediate actions required in response.

Steps you can take

Remain vigilant when assessing applications

I ask that you use the powers afforded to you by the *Development Act 1993* (the Act) and *Development regulations 2008* to determine if you consider this to be an issue with respect to buildings in South Australia. In particular I ask that you:

- a) be vigilant when assessing applications for building rules consent that contain ACP,
- b) seek explanations and testing certificates where you suspect a non-complying ACP has been used, or substituted for an approved and complying ACP;
- c) do not issue a Certificate of Occupancy if you believe non-complying ACP may be present.

Share information

If you have any knowledge or evidence of buildings having non-compliant ACP that may pose a risk to the building occupants, or if you have any other concerns regarding the use of non-complying building products, could you please report such evidence to the relevant council as a matter of highest priority.

Stay informed

The Department will upload regular information and any relevant updates to the SA Planning Portal. I ask you to regularly visit the Portal for information and if possible, provide a link to

this information on your website and promote this through various communication channels you may have. The Portal and relevant information can be found at www.saplanningportal.sa.gov.au.

Steps the SA Government is taking

Through my Department and the SA Planning Portal we will keep you and the public informed. In addition to this, I am taking the following steps:

1. National Advocacy

I will continue to advocate on behalf of South Australia to the Commonwealth for urgent action and leadership with respect to the importation and use of non-complying ACP cladding and the safety concerns that this product raises.

In addition, on 30 June 2017 as part of the Building Ministers Forum I agreed to commission an expert to investigate and report back as quickly as possible about the broader compliance and enforcement issues within the building and construction system.

I have attached a copy of the BMF Communique that further details the range of outcomes agreed on 30 June 2017.

2. Working with local councils

With the safety and health of people as a first priority, the Department will work with councils to undertake building audits with respect to the use of ACP cladding.

The audits will utilise a risk-based approach to ensure they are undertaken on buildings that represent the highest risk first. Buildings known or suspected to have used ACP cladding and which have one or more of the following characteristics will be audited and investigated:

- More than 2 storey (with greater priority being given to buildings where occupants are unfamiliar with means of escape or require assistance to escape such as hotels, motels, schools, aged care facilities, hospitals, assembly buildings).
- Approved after 2010 and currently occupied, currently under construction or currently being subject to an assessment process.

I am advised that the CBD is likely to hold the most buildings that meet the above criteria. The Department has therefore begun working with the Adelaide City Council to prioritise audits of city buildings.

For other councils, I have asked that they review and advise the Department of any buildings in their council area that meet the above criteria. The Department will work with these councils to progress audits and investigations of such buildings.

3. Reforms to related laws and regulations

We are fortunate that in South Australia we have existing laws and regulations that, for example, mandate the use of sprinklers and the need for at least two fire exits (unlike the tragic circumstances of the Grenfell Tower).

That said, other measures may be appropriate.

I have directed my Department to provide me with urgent advice with respect to areas for possible reforms that will improve South Australia's position with respect to the use and regulation of ACP cladding and other building products that may be unsafe or otherwise harmful.

Could you please acknowledge receipt of this letter to my Department by email at [REDACTED] or telephone 1800 752 664.

Yours sincerely

[REDACTED]

John Rau
Deputy Premier
Minister for Planning

The Hon John Rau MP



**Government
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Deputy Premier
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11677694

LETTER TO CEO
COUNCILS

13 July 2017

Dear Chief Executive Officer

Important - Non-Compliant Aluminium Cladding

I refer to my letter dated 24 February 2016 (a copy is **enclosed** for your reference).

On 14 June 2017 a fire destroyed the Grenfell Tower in London. The cause of the Grenfell Tower fire is yet to be confirmed. However, media reports suggest that an aluminium composite panel cladding product ('ACP') may have contributed to the intensity and rapid spread of the fire.

This recent event underscores my concerns with any likely fire risks associated with ACP in South Australia. I write to you to raise your awareness of this particular issue and to advise you of immediate actions required in response.

Steps you can take

Remain vigilant when assessing applications

I ask that you use the powers afforded to you by the *Development Act 1993* (the Act) and *Development Regulations 2008* to determine if you consider this to be an issue with respect to buildings in your local government area. In particular I ask that you:

- a) be vigilant when assessing applications for building rules consent that contain ACP;
- b) in relation to your inspection responsibilities under the Act, prioritise the inspection of buildings with ACP;
- c) seek explanations and testing certificates where you or your officers suspect a non-complying ACP has been used, or substituted for an approved and complying ACP;
- d) do not issue a Certificate of Occupancy if you or your officers suspect a non-complying ACP may be present; and
- e) utilise your Building Fire Safety Committee should you suspect that existing buildings have been constructed with non-complying ACP.

Share information

If you have any knowledge or evidence of buildings having non-compliant ACP that may pose a risk to the building occupants, or have any other concerns regarding the use of non-

complying building products, could you please report such evidence to my Department by email at [REDACTED] as a matter of highest priority.

Stay informed

The Department will upload regular information and any relevant updates to the SA Planning Portal. I ask you to regularly visit the Portal for information and if possible, provide a link to this information on your website and promote this through various communication channels you may have. The Portal and relevant information can be found at www.saplanningportal.sa.gov.au.

Steps the SA Government is taking

Through my Department and the SA Planning Portal we will keep you and the public informed. In addition to this, I am taking the following steps:

1. National Advocacy

I will continue to advocate on behalf of South Australia to the Commonwealth for urgent action and leadership with respect to the use of ACP cladding and the safety concerns that this product raises.

In addition, on 30 June 2017 as part of the Building Ministers Forum I agreed to commission an expert to investigate and report back as quickly as possible about the broader compliance and enforcement issues within the building and construction system.

I have attached a copy of the BMF Communique that further details the range of outcomes agreed on 30 June 2017.

2. Working with local councils

With the safety and health of people as a first priority, the Department will work with councils to undertake building audits with respect to the use of ACP cladding.

The audits will utilise a risk-based approach to ensure they are undertaken on buildings that represent the highest risk first. Buildings known or suspected to have used ACP cladding and which have one or more of the following characteristics will be audited and investigated:

- More than 2 storey (with greater priority being given to buildings where occupants are unfamiliar with means of escape or require assistance to escape such as hotels, motels, schools, aged care facilities, hospitals, assembly buildings).
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I am advised that the CBD is likely to hold the most buildings that meet the above criteria. The Department has therefore begun working with the Adelaide City Council to prioritise audits of city buildings.

For other councils, I have asked that they review and advise the Department of any buildings in their council area that meet the above criteria. The Department will work with these councils to progress audits and investigations of such buildings.

3. Reforms to related laws and regulations

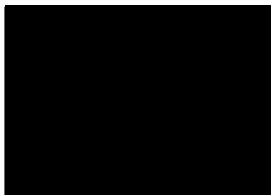
We are fortunate that in South Australia we have existing laws and regulations that, for example, mandate the use of sprinklers and the need for at least two fire exits (unlike the tragic circumstances of the Grenfell Tower).

That said, other measures may be appropriate.

I have directed my Department to provide me with urgent advice with respect to areas for possible reforms that will improve South Australia's position with respect to the use and regulation of ACP cladding and other building products that may be unsafe or otherwise harmful.

Could you please acknowledge receipt of this letter and provide the contact details of an appropriate Council representative to my Department by email at [REDACTED] or telephone 1800 752 664.

Yours sincerely



John Rau
Deputy Premier
Minister for Planning

The Hon John Rau MP

LETTER TO CEO
LGA



**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
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Minister for the Public Sector
Minister for Consumer and
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Minister for the City of
Adelaide

45 Pirie Street
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Tel 08 8207 1723
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11677694

13 July 2017

Ms Lorraine Rosenberg
President
Local Government Association
GPO Box 2693
Adelaide SA 5001

Dear Ms Rosenberg

Important - Non-Compliant Aluminium Cladding

On 14 June 2017 a fire destroyed the Grenfell Tower in London. The cause of the Grenfell Tower fire is yet to be confirmed. However, media reports suggest that an aluminium composite panel cladding product ('ACP') may have contributed to the intensity and rapid spread of the fire.

This recent event underscores my concerns with any likely fire risks associated with ACP in South Australia. I write to you to raise your awareness of this particular issue and to advise you of immediate actions required in response.

Steps you can take

Utilise statutory powers

I ask that you please urgently remind councils to use the powers afforded to them by the *Development Act 1993* (the Act) and *Development Regulations 2008* to determine if they consider this to be an issue with respect to buildings in their local government areas. In particular I ask that councils:

- a) be vigilant when assessing applications for building rules consent that contain ACP;
- b) in relation to your inspection responsibilities under the Act, prioritise the inspection of buildings with ACP;
- c) seek explanations and testing certificates where they suspect a non-complying ACP has been used, or substituted for an approved and complying ACP;
- d) do not issue a Certificate of Occupancy if they suspect a non-complying ACP may be present; and
- e) utilise their Building Fire Safety Committee should they suspect that existing buildings have been constructed with non-complying ACP.

Share information

If you have any knowledge or evidence of buildings having non-compliant ACP that may pose a risk to the building occupants, or have any other concerns regarding the use of non-

complying building products, could you please report such evidence to my Department by email at [REDACTED] as a matter of highest priority.

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In addition, on 30 June 2017 as part of the Building Ministers Forum I agreed to commission an expert to investigate and report back as quickly as possible about the broader compliance and enforcement issues within the building and construction system.

I have attached a copy of the BMF Communique that further details the range of outcomes agreed on 30 June 2017.

2. Working with councils

With the safety and health of people as a first priority, the Department will work with councils to undertake building audits with respect to the use of ACP cladding.

The audits will utilise a risk-based approach to ensure they are undertaken on buildings that represent the highest risk first. Buildings known or suspected to have used ACP cladding and which have one or more of the following characteristics will be audited and investigated:

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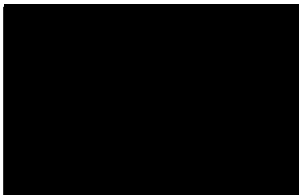
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Could you please acknowledge receipt of this letter and provide the contact details of a suitable Local Government Association representative to my Department by email at  or telephone 1800 752 664.

Yours sincerely



John Rau
Deputy Premier
Minister for Planning

Attachment 1a

Name of SA councils contacted in relation to non-conforming building products

Adelaide City Council	Adelaide Plains Council	City of Unley
Adelaide Hills Council	City of Marion	City of Victor Harbor
Alexandrina Council	Mid Murray Council	Wakefield Regional Council
Barossa Council	City of Mitcham	Corporation of the Town of Walkerville
District Council of Barunga West	District Council of Mount Barker	Wattle Range Council
Berri Barmera Council	City of Mount Gambier	City of West Torrens
City of Burnside	District Council of Mount Remarkable	Corporation of the City of Whyalla
Campbelltown City Council	Rural City of Murray Bridge	Wudinna District Council
District Council of Ceduna	Naracoorte Lucindale Council	District Council of Yankalilla
City of Charles Sturt	Northern Areas Council	District Council of Yorke Peninsula
Clare and Gilbert Valleys Council	City of Norwood, Payneham & St Peters	
District Council of Cleve	City of Onkaparinga	
District Council of Coober Pedy	District Council of Orroroo Carrieton	
Coorong District Council	District Council of Peterborough	
District Council of Copper Coast	City of Playford	
District Council of Elliston	City of Port Adelaide Enfield	
Flinders Ranges Council	Port Augusta City Council	
District Council of Franklin Harbour	City of Port Lincoln	
Town of Gawler	Port Pirie Regional Council	
Regional Council of Goyder	City of Prospect	
District Council of Grant	Renmark Paringa Council	
City of Holdfast Bay	District Council of Robe	
Kangaroo Island Council	Municipal Council of Roxby Downs	
District Council of Karoonda East Murray	City of Salisbury	
District Council of Kimba	Southern Mallee District Council	
Kingston District Council	District Council of Streaky Bay	
Light Regional Council	Tatiara District Council	
District Council of Lower Eyre Peninsula	City of Tea Tree Gully	
District Council of Loxton Waikerie	District Council of Tumby Bay	

Name of state government agencies and organisations contacted in relation to non-conforming building products

Department of Planning, Transport and Infrastructure (SA)
Development Assessment Commission (SA)
Housing Industry Association (SA)
Master Builders Association (SA)
Local Government Association (SA)
South Australian Metropolitan Fire Service
Australian Institute of Building Surveyors (SA)
Royal Institute of Chartered Surveyors
Engineers Australia - SA Division
Australian Institute of Architects - SA Chapter
South Australian Country Fire Service
Safework SA
Consumer and Business Services (SA)
Australian Building Codes Board
Building Minister's Forum
Building Rules Assessment Commission (SA)
Property Council of Australia (SA)
Office of Design and Architecture SA
Department of Energy, Water and Natural Resources (SA)
Real Estate Institute of South Australia
Victorian Building Authority
Department of Planning and Environment (NSW)
Department of Lands, Planning and the Environment (NT)
Department of Housing and Public Works (QLD)
Department of Justice (Tas)
Department of Commerce (WA)
ACT Government
Department of Environment, Land, Water and Planning (Vic)
Department of State Development (SA)
Primary Industries and Regions SA

[illegible]

CONFIDENTIAL

Attachment 2

Attachment 3

The Hon John Rau MP



16IR0340

27 August 2016

The Hon Peter Dutton MP
Minister for Immigration and Border Protection
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600
By email: minister@border.gov.au

**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide
45 Pirie Street
ADELAIDE SA 5000
GPO Box 464
Adelaide SA 5001
Tel 08 8207 1723
Fax 08 8207 1736

Dear Minister

I refer to my letter to the Minister for Employment, Senator the Hon Michaelia Cash, dated 8 June 2016 (attached). In that letter, I raised the obligations of the Australian Border Force ("ABF") in preventing the importation of asbestos into Australia.

I have recently been informed by SafeWork SA of the presence of friable asbestos containing material in 8 reaction vessels at the Nyrstar site in Port Pirie. Investigations by SafeWork SA confirmed that the vessels had recently been imported from China. Further safety investigations are ongoing as a matter of priority.

As you are aware, the importation of asbestos into Australia is prohibited. The increasing number of building products containing asbestos being imported into Australia is a cause for serious concern to the South Australian Government.

Blaming trade unions for the importation of asbestos products is laughable. Australia's border control measures require strengthening to ensure that the community is protected from dangerous, asbestos-laden products.

The South Australian Government calls for increased random testing, with border surveillance targeting imports from countries with a known history of asbestos contamination, and a review of the relevant Commonwealth legislation to ensure it adequately regulates the importation of asbestos.

My office will be in contact to arrange a meeting with you to discuss these issues at a suitable time.

Yours sincerely

A black rectangular box redacting the signature of John Rau.

John Rau
Deputy Premier
Minister for Industrial Relations

Enc: Letter to Senator the Hon Michaelia Cash, 8 June 2016

The Hon John Rau MP



**Government
of South Australia**

Deputy Premier
Attorney-General
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Fax 08 8207 1736

161R0207

June 2016

Senator the Hon Michaelia Cash
Minister for Employment
Parliament House
CANBERRA ACT 2600

Dear Senator

Importation of asbestos containing materials

SafeWork SA recently informed me that an Adelaide based company, Australian Portable Camps, which builds portable buildings for the mining and construction sectors, has imported asbestos containing materials from China and used them in the manufacture of their products.

This is the second instance of this type with SafeWork SA currently investigating Robin Johnson Engineering Pty Ltd, who imported asbestos contaminated building products used in the construction of switchrooms/control rooms.

SafeWork SA is well progressed in an investigation into the recent matter and working with the Department of Immigration and Border Protection (Australian Border Force) to assist with a stocktake of materials against Customs records. Importer information indicates that the Chinese manufacturer of the asbestos containing materials was Feicheng Lutai Science and Technology Co Ltd.

I urge you to raise this matter with your colleague the Honourable Peter Dutton MP, Minister for Immigration and Border Protection, with a view to exploring how we can ensure compliance with the import ban at the borders. There has been a ban on the importation of asbestos since 2003, however these recent examples indicate that there is an obvious need for tighter controls on the importation of materials containing asbestos. Because these building materials have breached our borders, workers have potentially been exposed to asbestos fibres and will now have to live with the potential health risks associated with exposure to asbestos.

Yours sincerely


John Rau
Deputy Premier
Minister for Industrial Relations

Attachment 4

Building audits

In response to recent concerns relating to the use of aluminium composite panel cladding product on buildings and in the interests of ensuring public safety, the Department of Planning, Transport and Infrastructure is leading a building audit process with local councils.

IDENTIFICATION

Phase 1

Buildings that have or may have the relevant cladding of interest must first be identified.

Buildings approved after 2010 with the following characteristics will be prioritised:

- Residential buildings more than 2 storeys including:
 - > Apartments
 - > Hotels
 - > Motels
- Aged care facilities
- Hospitals
- Schools
- Assembly buildings
- Any buildings with occupants who are likely to be unfamiliar with means of escape or require assistance to escape

INVESTIGATION

Phase 2

Buildings identified in Phase 1 will be investigated (which may include inspections and review of approved plans and documentation) to determine as follows:

Consideration will be given as to a proportionate response (if any) that may be taken under Phase 3

No

Is the cladding used in a manner that poses or is likely to pose a real risk to the safety of occupants?

Yes

A proportionate response in line with the level of risk will be taken under Phase 3

RESPOND

Phase 3

Under the *Development Act 1993* an authorised person may undertake a range of actions.

These actions range from issuing notices to alert a relevant person of any risk to safety, through to issuing emergency orders that require immediate action be undertaken.

Any responses should be proportionate with the risk identified under Phase 2.

The next phases will be informed by the outcomes of Phase 1.