

Coalition Senators' Additional Comments

General comments

1.1 Coalition Senators are in firm agreement with the committee's view that 'confidence in the materials we use to build our domestic, commercial and public buildings is of paramount importance to us all'.

1.2 Coalition Senators note that the government has been working consistently to stamp out the use of non-conforming building products.

Building Minister's Forum (Recommendations 1, 3, 5, 6 and 10)

1.3 Coalition Senators note that the Australian Government does not have legislative or regulatory power in relation to buildings; however, the government does have an important role in leading collaboration across jurisdictions through the Building Ministers' Forum (BMF).

1.4 The BMF is working collaboratively to implement a national best practice model for compliance and enforcement consistent with the recommendations of the Building Confidence Report.

1.5 The initial focus will be on reforms to the integrity and transparency of the building certification processes. The BMF will also be exploring a consistent approach to the registration and training of practitioners, and the responsibilities of design practitioners.

1.6 Coalition Senators note that the Australian Government does not have the power to impose penalties, as the regulatory framework governing the built environment relies on the constitutional authority of the state and territory governments.

1.7 Coalition Senators stress that, given the seriousness of the possible implications for safety, state and territory governments should carefully consider the enforcement actions they have in place, including penalty regimes.

1.8 Coalition Senators note that the inappropriate use of combustible cladding is a symptom of a broader issue of non-compliance with state and territory regulatory frameworks that is undermining the effective implementation of the National Construction Code (NCC).

1.9 Coalition Senators commend the Government for recognizing the widespread non-compliance with the NCC, and consequently for providing advice to the BMF to commission Professor Peter Shergold and Ms Bronwyn Weir to undertake assessment of the compliance and enforcement problems within the building system. The BMF released their final report, *'Building Confidence—Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia'*, on 27 April 2018. The BMF has agreed to develop an

implementation plan for national best practice model for compliance and enforcement, in response to the recommendations of the Building Confidence Report.

Penalties regime (Recommendation 11)

1.10 Coalition Senators wish to stress that, as mentioned before, states and territories have responsibility for the built environment, including regulation of products and building materials in accordance with the NCC.

1.11 However, Coalition Senators note that the Federal Safety Commissioner made compliance with the NCC a condition of accreditation under the Australian Government Work Health and Safety Accreditation Scheme in January 2017.

1.12 Coalition Senators wish to highlight that the Federal Safety Commissioner is currently working with state and territory governments and consulting with key industry stakeholders on a framework to implement this function and undertake audit activities across the accredited companies to foster a strong culture of compliance across industry through education and promotion of preventative management systems.

Enforcement of existing importation of asbestos offence (Recommendation 13)

1.13 Coalition Senators wish to draw attention to the government's strong record on taking action to prevent Australians from the scourge of asbestos. Importation of all forms of asbestos was made illegal by the Coalition Government as of 31 December 2003. Border offences relating to asbestos can attract significant fines up to \$210,000 for individuals, \$1.05 million for a body corporate, or three times the value of the goods—whichever is greater. This ban supports the equally strict workplace ban on asbestos, which was also introduced nationally by the Coalition on 31 December 2003. Here, under the model work health and safety laws, the most serious offences are punishable by imprisonment and substantial penalties.

1.14 Coalition Senators further draw attention to the announcement on 30 November 2018 by the Hon. Kelly O'Dwyer, Minister for Jobs and Industrial Relations, and Senator the Hon. Linda Reynolds CSC, Assistant Minister for Home Affairs, that the government will consult shortly on reforms to further strengthen the penalties associated with the unlawful importation of asbestos by increasing penalties, simplifying classification of asbestos materials, and helping to protect the community from illegal importation of asbestos materials into the future. These reforms are further evidence of the Government's commitment to keeping Australia's asbestos border control management processes secure.