

**Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Industry and Science Portfolio  
2015-16 Budget Estimates  
4 June 2015

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**AGENCY/DEPARTMENT:** DEPARTMENT OF INDUSTRY AND SCIENCE

**TOPIC:** Building products, ABCB and Building Minister's forum

**REFERENCE:** Written Question – Senator Carr

**QUESTION No.:** BI-77

In relation to building products, the Australian Building Codes Board and the Building Minister's Forum:

1. How does the Department define non-conforming versus non-compliant building products?
2. What measures are used to determine the prevalence of non-conforming and non-compliant building products? Has there been an increase in the prevalence of such products in the last 12 months? Please provide a summary of the Department's analysis of these trends.
3. What action is the Australian Building Code Board taking regarding the use of non-compliant cladding on high rise buildings? What work is the Board doing with relevant state and territory authorities, like the Victorian Building Authority?
4. What date is the Building Minister's Forum meeting in July?
5. At the Building Ministers' Forum meeting in July, will the Minister recommend that audits are carried out in all states and territories on high rise buildings to determine the prevalence of non-compliant cladding products?
6. For what reason was the roundtable on non-conforming building products held by Minister Baldwin on the 26 November 2014 (as referred to during the Budget estimates hearing) not mentioned in the written response received on the 12 December 2014 No: SI 66?

**ANSWER**

1. Non-conforming building products do not comply with minimum performance levels for design, fabrication and modification. Non-compliant building products are products that are used or installed in a way that is not fit for purpose.
2. Building and construction regulation in Australia is given effect through state and territory legislation. The Commonwealth has no direct role in regulating building products.
3. The ABCB is not a compliance authority and has no powers to investigate the use of non-compliant cladding on high rise buildings. This is a matter for state and territory regulators, which in the case of the Lacrosse fire is being investigated by the Victorian Building Authority (VBA). Through the administrative relationships between the ABCB and state and territory authorities, appropriate information is being shared.

On 25 June 2015, the Board of the ABCB considered several activities that the Office of the ABCB proposes to undertake. Consistent with the ABCB's role, these relate to the review of relevant provisions within the National Construction Code, which will include responding to specific findings of the Metropolitan Fire Brigade's Post Incident Report into the Lacrosse fire.

4. 31 July 2015.

5. Fire safety in high rise buildings will be discussed at the upcoming Building Ministers' Forum (BMF). Ministers will consider potential actions arising from discussion on this issue.
6. The department's interpretation of Question No. SI 66 is that it concerned the clarification of the roles and responsibilities in relation to the regulation of electrical cables.