

Discussion paper: Draft National Building Product Assurance Framework - A Response to the Building Confidence Report

Overview

In 2017, Building Ministers commissioned an independent expert examination of systemic problems affecting compliance with the National Construction Code(NCC). The resulting ***Building Confidence Report*** <https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/building_ministers_forum_expert_assessment_-_building_confidence.pdf> (BCR) made 24 recommendations for a best practice model for compliance and enforcement, to strengthen effective application of the NCC.

Recommendation 21 of the BCR is that: Building Ministers agree a position on the establishment of a compulsory product certification system for high-risk building products.

Following initial analysis by the BCR Implementation Team, the Australian Building Codes Board (ABCB) advised Building Ministers that a compulsory scheme for high risk building products may not address the compliance issues identified in the BCR. Building Ministers subsequently agreed to consider *“a holistic package of measures to provide a reliable conformity assessment framework, including product conformance information, particularly where those products are used in complex buildings.”*

In response to this, the BCR Implementation Team has prepared a discussion paper to aid in the development of a National Building Product Assurance Framework. The Framework seeks to address the problems associated with building product safety.

The paper explores a number of areas for reform and seeks your views on the current problems and proposed solutions.

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



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Why we are consulting

The discussion paper explores a number of areas for reform and seeks your views on the current problems and proposed solutions.

Feedback received via the consultation survey will shape the final National Building Product Assurance Framework.

Providing comment

Comments are open until **11:59PM AEST Sunday 6 June 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.

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

Preferred Terms

Preferred terms are used throughout the discussion paper and are detailed in the Glossary. The BCR noted that each jurisdiction has developed different ways of describing the same or similar terms and processes. This makes it difficult sometimes to compare systems and share results, as well as for businesses, practitioners and consumers operating across jurisdictions or at a national level. To address this, the BCR recommended development of preferred language for jurisdictions to consider adopting as they revise and amend their laws (BCR recommendation 22).

If agreed by the Australian Building Codes Board and Building Ministers, the preferred terms will be consolidated into a Preferred Terms Publication. Current legislative terminology used across Australia has been considered when developing the proposed terminology and is relevant to application in this discussion paper. The agreed terminology used in the Preferred Terms Publication will not be considered legal definitions unless adopted by jurisdictions.

1 Do you agree with the definitions for the preferred terms detailed in the discussion paper Glossary?

If not, what preferred term/s do you disagree with and why? How should they be changed?

Element 1 – NCC evidence of suitability requirements

2 Do you agree with the description of the issues relating to the NCC Evidence of Suitability provisions? Are there other issues to be considered?

Please provide detail.

3 Do you agree with the proposal to set minimum and consistent information requirements across each evidence of suitability pathway (Proposal 1.A)?

Please provide detail.

**4 Do you agree with the proposed changes to increase the rigour across each evidence of suitability pathway?
(Proposal 1.B)**

Please provide detail.

5 If any, what are the issues with requiring a statutory declaration being provided as part of another form of documentary evidence (Proposal 1.B)?

Please provide detail.

6 Please provide feedback on the further comprehensive changes to the evidence of suitability that are proposed (Proposal 1.C), including other changes that should be considered.

Please comment.

7 Are the proposed changes to the Evidence of suitability handbook appropriate? (Proposal 1.D) Are there other changes that will improve its usefulness?

Please provide detail.

Element 2 – Information obligations for manufacturers and suppliers

8 Are the identified challenges with establishing product conformity accurately detailed, and are there other challenges that should be considered?

Please provide detail.

9 If any, what are the issues with respect to the availability of building product information that should be addressed?

Please list.

10 In relation to Proposal 2.A, please select a preference.

Please select only one item

I agree with the proposal to require “all products intended to be associated with a building” be accompanied by a mandatory minimum level of information.

The requirement be broadened to “could reasonably be used in a building”.

The requirement should be limited to products intended to be used in higher risk applications, such as structural and fire related applications.

Other

If other, please provide detail.

11 Do you agree that the required information should be based on the example provided by Product Technical Statements? If no, what would be the right information? (Proposal 2.A)

Please provide detail.

12 Have all the costs to manufacturers and suppliers from requiring Product Technical Statements been considered? (Proposal 2.A)

Please select only one item

- Agree with costs as described Disagree with costs for manufacturers Disagree with costs for suppliers
 Disagree with costs for manufacturers and suppliers Unsure

Why?

13 Is there value in facilitating the development of industry conformance schemes (Proposal 2.B)? Are there additional services these schemes could offer that would support compliance?

Please provide detail.

14 In relation to the proposal for minimum product conformance assessment for certain manufactured building products (Proposal 2.C), please select a response.

Please select only one item

- I agree with the proposal for minimum product conformance assessment for certain manufactured building products
- There are additional triggers that should be considered There are additional assessment paths to determine conformance
- Other

Please provide comment to support your selected response

Element 3- Product labelling and traceability

15 Do you agree that there is a need for improved product labelling and/or traceability?

Why?

16 What are the gaps/shortcomings in the existing labelling requirements? If any, what are the particular products or, classes of products that need priority attention?

Please provide detail.

17 Do you support mandating labelling requirements in accordance with Standards Australia Technical Specification 5344:2019 across building product standards (Proposal 3.A)?

Why?

18 What opportunities are available with digital technologies to enhance building product traceability (Proposal 3.B)?

Please list.

19 What else can be done to improve product labelling and traceability? Are there examples where it is being done well?

Please provide detail.

20 The options under consideration in this part would require regulatory impact assessment, and that cost would be offset against current costs to rectify problems with some products. With that in mind, do you have information that might help point to the costs or benefits involved?

Please provide detail.

Element 4- Research, surveillance and information sharing

21 If anything, what is needed to improve research, surveillance and information sharing across the product assurance system?

Please provide detail.

22 Will the tasks listed in Proposal 4.A help achieve improved oversight and coordination of the product assurance system? What additional tasks should be considered?

Please provide detail.

23 Is there value in having a central information portal and, if so, what information should it contain (Proposal 4.B)?

Please provide detail.

24 What additional guidance and training would assist with ensuring that products are appropriately supplied and specified (Proposal 4.C)?

Please list.

Element 5- Compliance and enforcement

25 Do you agree with the description of the current compliance and enforcement regime?

Please provide detail.

26 Do you support additional enforcement on the supply of building products (Proposals 5.A & 5.B)? Do you see any barriers to their implementation?

Please provide detail.

27 Are there any other measures that would improve enforcement and compliance of building products?

Please list.

28 Are there any final comments that you have on the scope and implementation of a National Building Product Assurance Framework?

Please comment.