

# Proposed risk-based Building Product Registration Scheme

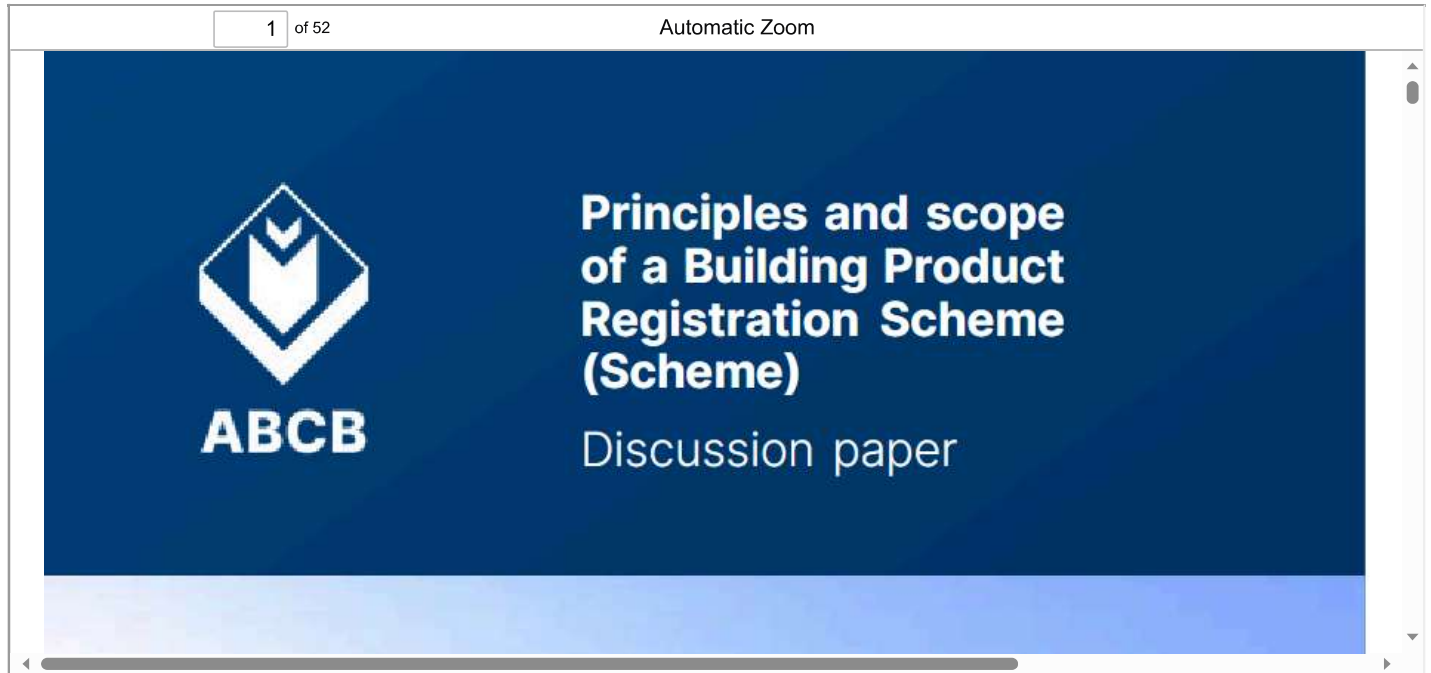
## Overview

Building Ministers have asked the Australian Building Codes Board (ABCB) to design a new risk-based Building Product Registration Scheme (Scheme) for all building products.

We are seeking your feedback on the proposed initial principles and scope of the Scheme by way of a discussion paper.

The principles and scope of the proposed Scheme will be considered by Building Ministers in late 2024.

The discussion paper can be found in the embedded PDF below, or is available from the **Related Documents** section at the bottom of this page along with other supporting documentation. A preview of the survey questions is also available at the bottom of this page to help you prepare your response.



## Why is a new Scheme needed?

Like many other countries, Australia has seen significant problems caused by building products that do not conform or comply with the National Construction Code (NCC). Building product information in Australia is also often inadequate. These deficiencies can result in:

- products being used in a way that is not compliant with the NCC (e.g. installation)
- slow and/or inaccurate building product choices for NCC conformance
- inferior products in construction and renovation, and/or
- dangerous products being used in construction and renovation (e.g. flammable cladding)

The purpose of a national Scheme is to address these problems - reducing unacceptable risks to Australians' life and wellbeing and improving confidence in building products.

## Key Scheme elements

### More, better and traceable product information

Under the Scheme, all building products would be required to have minimum information in a standardised format. Proposed minimum information would include evidence that the product conforms to the NCC. Building products would be traceable through labelling and a product register.

### Introducing a risk-based designated products category

The scheme would introduce a risk-based designated products category in the NCC to increase industry and consumers trust in building products. The designated products category would be determined by the Board in consultation with jurisdictions through a combined assessment of building products' uses, safety and risk of defects.

### Establishing a national register

A national register would be established as part of the Scheme, with mandatory registration of products in the designated category while other products could be registered on a self-assessed basis. State and territory governments would continue to have authority to grant construction approvals and undertake compliance activities using the relevant provisions of the NCC. The register would be operated on their behalf by the Board.

### Minimising duplication and ensuring sustainability

To avoid unnecessary duplication and demonstrate robust compliance with the NCC, the Scheme would leverage existing processes where appropriate. The proposed Scheme would not duplicate appropriate industry and other assessment schemes that are working well. To ensure its sustainability cost recovery processes would be implemented.

### Benefits of proposed Scheme

The proposed principles and scope of the Scheme have been designed to achieve more accurate and trusted building product information through:

- ensuring building product conformance with the NCC which increases construction integrity
- streamlining and reducing approval times by using evidence-based processes that provide a level playing field and facilitate market driven choices, and

- facilitating efficient regulation by providing an improved focus for investigations and enforcement.

## Providing comment

Submissions will be accepted via the ABCB consultation hub until 11:59pm AEST 3 October 2024.

## General information

### 1 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 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) <<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) <<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.

2 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

3 What is your name?

Name *(Required)*

4 What is your email address?

Email *(Required)*

5 If completing on behalf an organisation, what is the name of your organisation?

6 What sector do you represent?

*(Required)*

*Please select all that apply*

- Architecture and design
- Building certification/surveying
- Building
- Compliance, testing and accreditation
- Engineering
- Education
- General public
- Government
- Manufacturing
- Plumbing
- Other

If other, please specify

Survey questions

**7** What is the level of your support for the proposed Scheme?

*Please select only one item*

- High
- Medium
- Low

**8** What other options or changes do you propose on the intent of the Scheme and why?

Provide answer below

**9** Do you agree with all of the principles for the intent of the Scheme?

*Please select only one item*

- Yes
- No

What other options or changes do you propose for the intent of the Scheme and why?

**10** Do you agree with the minimum information principle for better building information?

*Please select only one item*

- Yes
- No

What other options or changes do you propose to the minimum information and why?

**11** Should full test results be accessible?

*Please select only one item*

- Yes
- No

If no, why?

**12** Do you agree with all the principles for a risk-based approach to demonstrating NCC conformance?

*Please select only one item*

- Yes
- No

What other options or changes do you propose to a risk-based approach to demonstrating NCC compliance and why?

**13** Do you view modern methods of construction and complex offsite/modular products as being designated products?

*Please select only one item*

- Yes
- No

Why/why not?

**14 Would you prefer:**

*Please select only one item*

- A stringent test for registration (e.g. lab tests) accompanied with mandatory acceptance at building certification stage
- A medium assessment standard accompanied by a 'preferred' status at building certification stage

Why/Why not?

**15 Would you prefer:**

*Please select only one item*

- A robust, and potentially more expensive, evidentiary stage at registration, followed by less frequent and lower cost audits
- A lower cost registration, followed by a more robust, and a potentially more costly, cost-recovered audit program (meaning the cost of the audit is paid for by the product sponsor)

Why/Why not?

**16 Do you agree with all the principles for transparency and information sharing?**

*Please select only one item*

- Yes
- No

What other options or changes do you propose to transparency and information sharing and why?

**17** Do you agree with all the principles for scheme operation and sustainability?

*Please select only one item*

- Yes
- No

What options or changes do you propose for scheme operation and sustainability and why?

**18** Any other comments?

Provide answer below