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New building product legislation leaves builders exposed

In the wake of the Grenfell fire disaster in London, the Queensland Government has commenced a program of building audits throughout the state to find out whether aluminum composite panels on the outside of commercial and public buildings meet the national Building Code requirements. In addition to this audit, last week the Government passed new laws that will expand the Queensland Building and Construction Commission's (QBCC) role in inspecting & auditing non-conforming (faulty) building products and the non-compliant use of building products.

The QBCC will have expanded powers allowing them to inspect a building site, both during and after construction, when a safety incident occurs that may be the fault of the incorrect use of a building product, or the poor quality of the product. If a builder is found to be at fault, the QBCC will have the authority to cancel their license.

HIA has supported the auditing process, which is currently occurring in most states following the Grenfell fire. However the real issue for poor quality building products lies in improving the management of products at the point of sale.

Nationally HIA has called for all governments to focus on the point of sale to ensure that products are fit for purpose on the shelf. These new laws do not appear to address this part of the supply chain, meaning builders, tradies and anyone doing their own DIY project, remain exposed to the risk of a faulty product.

Following calls from HIA for a national inquiry into poor quality non-conforming building products, the Australian Senate resolved to investigate the problem and is currently undertaking a formal inquiry.

The lack of effective upstream surveillance and enforcement on a national level appears to be the most significant gap in the building product supply chain. Under Australian Consumer Law, a Commonwealth Minister has the power to make or declare a mandatory safety or information standard for a good or product related service. These would apply nationally. There are currently no mandatory standards or mandatory information standards for building and construction products.

A mandatory safety standard means a product must meet certain requirements before you are allowed to sell it. This would be a more effective deterrent and would put the onus on those making decisions to import and supply non-conforming products in lieu of penalising the last man standing in the supply chain, being the builder, after the product has been used.

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