

LABOR'S PLAN TO IMPROVE THE FIRE SAFETY OF AUSTRALIAN BUILDINGS

Plan to improve the fire safety of Australian buildings

A Shorten Labor Government will implement a suite of measures to address risks to building fire safety in Australia exposed by the Senate's inquiry into non-conforming building products.

These policies aim to protect Australians in their homes and workplaces.

The measures include:

- A total ban on the importation, sale and use of polyethylene core aluminium composite panels.
- The establishment of a national licensing scheme for all building practitioners, with requirements for continued professional development.
- A penalties regime for all building practitioners and companies who knowingly use non-compliant materials.
- Re-establish the Minister for Industry – not the Assisting Minister – as the Chair of the Building Ministers' Forum.

These measures implement a number of recommendations of the [Interim Report](#) of the Senate Economics Committee's inquiry into non-conforming building products.

Why are we doing this?

Fires in high-rise buildings in Melbourne's Docklands in 2014 and more recently in London's Grenfell Tower are stark reminders of the dangers when non-compliant building products are used in construction.

The Senate inquiry into non-conforming building products was established in 2015, with support from Labor, and heard evidence from dozens of expert witnesses about the widespread use of non-conforming and non-compliant building products in the Australian construction industry. Most recently, the focus has been on the non-compliant use of aluminium composite panels (ACP) with a polyethylene (PE) core in high-rise buildings.

The problem is not just limited to non-compliant cladding however. The committee has heard about the use of sub-standard electrical cables with dodgy plastic coating, which was installed in an estimated 40,000 houses nationwide. Other non-compliant products identified during expert testimonies include glass, steel, sprinkler systems, aluminium, plastic pipes and other electrical products.

A 2013 Ai Group survey found that up to 92 per cent of participating suppliers reported non-conforming products in their sector.

The Fire Protection Association of Australia recalled an audit of 71 hotels where visiting foreign dignitaries were expected to stay in Brisbane during the G20. Of those 71 hotels, 68 buildings failed.

Australia has comprehensive building standards and codes, but the inquiry heard evidence of widespread failure to enforce these codes. As a result, it is likely that tens of thousands of buildings are clad in non-compliant PE ACP materials, putting thousands of lives at risk. The complexity of the National Construction Code and builders' ability to undertake alternative performance-based solutions in order to circumvent or satisfy building standards further exacerbate the problem.

Many witnesses to the Senate inquiry urged the banning of PE ACP materials, pointing out that fire-resistant alternatives are only slightly more expensive.

This is a key point – there are safe, fire-resistant alternatives to the most dangerous cladding product available on the market. There is no need for this highly flammable product to be imported into Australia.

The inquiry also heard that building safety work was frequently being undertaken by people who have neither the experience nor the knowledge to do so. An ad hoc and disjointed approach to licensing, regulation and enforcement across many jurisdictions further exacerbates this problem.

It is evident that the system is broken.

Ensuring public safety is the most fundamental responsibility of any government. Malcolm Turnbull has repeatedly refused to intervene and ensure that building safety is maintained.

Labor will not sit back and do nothing while tens of thousands of Australia's buildings remain clad in dangerous material that puts Australian lives at risk.

It is clear that the enforcement of Australia's building standards has failed. The measures we have announced are intended to address concerns raised by experts during the Senate inquiry.

The cost of doing nothing

Failing to act is not an option.

The Lacrosse fire in Melbourne should have been a wakeup call.

The Grenfell tragedy in London, in which at least 80 people died, shows what could happen here because of our inaction in response to Lacrosse.

Without urgent and effective action the risk to Australian lives will only increase.

We can combat this by targeting where the problem begins – at the Australian border.

What will Labor do?

A Labor Government will implement a suite of measures to address concerns about fire safety in the building and construction industry.

These include:

1. *A total ban on the importation, sale and use of polyethylene core aluminium composite panels.*

The Department of Immigration and Border Protection maintains a list of 52 prohibited or restricted items. A Labor Industry Minister would add polyethylene (PE) core aluminium composite cladding panels to that list by regulation under the *Customs Act*.

More information on this policy, announced on Thursday 5 October, can be found [here](#).

2. *Establish a national licencing regime, with requirements for continued professional development for all building practitioners.*

The current system is broken and fragmented. Responsibility for licencing and regulation is spread over eight jurisdictions and 19 regulators all of which have different requirements and standards for building practitioners.

The Senate inquiry heard that there are also a number of occupations in the building and construction industry – such as installers, fire protection practitioners, certifiers and surveyors – that aren't currently required to hold a licence to operate. The work undertaken by these professions greatly affects the fire safety of Australian buildings. Labor will make sure that decisions are made by those who have the knowledge and the experience to make them. This must begin with setting consistent standards and licencing arrangements across all jurisdictions.

A Shorten Labor Government will work with the state and territory governments to develop a national licensing scheme that will be established by national legislation modelled on best practice arrangements across states and territories.

The regime will administer the registration and licensing arrangements for all building practitioners, including those in the fire protection industry.

Within 100 days of taking office, a Shorten Labor Government will establish a working party, comprised of key individuals from industry, the state and territory governments, their relevant regulatory bodies and unions, to develop the design and implementation of this measure.

Consolidating the current ad hoc arrangements in force across Australia will reduce red tape and inefficiencies created by overlapping jurisdictions and improve labour force mobility. It will lift standards across the country.

When this work is completed, and in addition to the existing Federal Safety Commissioner, a Shorten Labor Government will also establish a Building Industry Licencing Authority (the Authority) to oversee the development of the national licencing

policy and administration of the licencing system. The Authority will be established in legislation as an independent statutory authority, sitting within the Department of Industry.

The Authority will also retain the power to prosecute for breaches of the National Construction Code and impose disciplinary measures, such as licence suspension or revocation, and the issuing of fines.

3. A penalties regime overseen by the Building Industry Licencing Authority

Submissions and witnesses providing evidence to the Senate inquiry lamented the inability of state and territory building regulators to effectively enforce the National Construction Code. Without effective sanctions in place, there is little incentive for players in the industry to act in a compliant manner.

A Shorten Labor Government will work with the state and territory governments to strengthen the current penalties enforcement process, and transfer responsibility for disciplinary action for breaches of the National Construction Code to the national Building Industry Licencing Authority.

The Authority will have the power to cancel, suspend and alter the conditions of a licence, and to issue an order for the payment of a fine. Labor will work with the states to develop an improved penalties administration process and will seek to increase the maximum fines that can be imposed.

A Shorten Labor Government will also order the implementation of Customs infringement notices and subsequent court imposed fines for companies and individuals found to be illegally importing PE-ACP material. This will be modelled on the regime currently in place for the importation ban on asbestos.

4. Re-establish the Minister for Industry – the senior Minister – as the Chair of the Building Ministers’ Forum.

When Labor was in Government, the Building Ministers’ Forum was chaired by the Minister for Industry. Under the Liberals, this role has been consigned to a junior minister, expressing the disdain that the present government has for the safety of Australians.

The present Assistant Minister’s ignorance of his portfolio has been repeatedly demonstrated, yet the Turnbull Government is clearly not troubled by this.

A Shorten Labor Government will restore responsibility for chairing the Forum to the senior minister to ensure that public safety is taken seriously.

The Liberals’ alternative

The Liberals have sat on their hands on this issue for three years.

Assistant Industry Minister Craig Laundy has repeatedly downplayed the seriousness of building fire safety since the Grenfell tragedy.

Craig Laundy assured the Australian public that a Grenfell fire could never occur in our country. This clearly suggests that the Malcolm Turnbull and his Government are willing to leave the safety of our buildings and the welfare of Australians to chance.

The Turnbull Government only has one strategy to deal with building fire safety – hope.

All the Turnbull Government has done is blame the states, issue media releases saying “trust us”, and dismiss a cladding ban as “impractical and impossible”.

The Liberals have completely abdicated responsibility for public safety.

Financial Implications

Banning the import of PE cladding is unlikely to have a significant impact on the Commonwealth budget.

Labor will continue to consult relevant government bodies, industry and stakeholders to ensure the effectiveness of the ban.

The national licencing scheme will be dependent on extensive negotiations with state and territory governments and is not expected to have a significant impact on the Commonwealth budget over the forward estimates.

Transferring responsibility of Chair of the Building Ministers’ Forum from Assistant Minister to Minister has no impact on the Commonwealth budget.