

Master Builders Australia

Supplementary Submission to the Senate
Economics References Committee

Inquiry into non-conforming building products

Implications of the use of non-compliant external
cladding materials in Australia

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1 Introduction

- 1.1 This supplementary submission is made on behalf of Master Builders Australia Ltd (Master Builders).
- 1.2 Master Builders has made two previous submissions to this inquiry and continues to rely on those submissions:
 - 1.2.1 5 August 2015
 - 1.2.2 23 January 2017
- 1.3 This supplementary submission is in specific regard to a request by the Committee for information regarding the non-compliant use of external cladding on buildings and the subsequent appearance by representatives of Master Builders at a hearing of the Committee on 14 July 2017.
- 1.4 This submission seeks to clarify issues raised during the course of the hearing regarding non-compliant use of building products and respond to related questions taken on notice.

2 Overview

- 2.1 Master Builders Australia and our 33,000 members agree that the community is entitled to be confident that their built environment is safe and compliant with relevant standards and regulations.
- 2.2 The robust regulatory regime in Australia is centred on the National Construction Code, and has community safety as a core policy outcome.
- 2.3 The Lacrosse fire in Victoria and Grenfell Fire in England highlight the importance of having a system that is robust and has the confidence of both the community and industry.
- 2.4 Master Builders shares the concern of the Senate Economics References Committee regarding non-compliant use of external cladding products.
- 2.5 Improving our building system requires a concerted effort from all those involved in construction and the supply chain more broadly.

- 2.6 This should involve examining every part of the construction process - from design to final approval – to see if there are gaps and where improvements can be made. It will require the whole spectrum of industry – including product manufacturers, importers, designers, regulators, builders and government to work together to fulfil our shared responsibility to address community concerns.

3 Non-conforming vs Non-compliant use of building products

- 3.1 The use of some building products, and the way those products are used, has caused significant concern within the community. However, when considering building products, there are two issues that are important to distinguish.
- 3.2 Building products that do not meet the standards set by Australian law are non-conforming products. These sometimes enter the Australian market and if they have, they should not be used. The issue of non-conforming building products has been previously addressed by Master Builders in our earlier submissions.
- 3.3 The external cladding about which the Committee specifically inquires is a conforming building product. It meets the relevant Australian standards and is available to the market. It is safe so long as it is used for the purpose specified.
- 3.4 The issue about which we see the community being most concerned, is the non-compliant use of an otherwise conforming cladding product.
- 3.5 That is, the cladding has been used in a manner other than for what it was designed and/or the information about where and when the cladding is able to be used (particularly under a performance solution) has been unclear. It is often this non-compliant use of the cladding that can increase its risk profile.

4 Priority Responses to Non-Compliant Use of External Cladding

- 4.1 Master Builders believes there are three priority areas to consider with respect to non-compliant use of external cladding that will also assist in reducing non-compliance with other building materials:
- Clear, consistent, accessible information that is available to all via a centrally administered building product certification system, and

- Improved rigor and oversight of regulated design acceptance requirements within the States and Territories; and
- Provide free access to legislated Australian Standards.

4.2 In addition, Master Builders supports:

- The decision by the Building Ministers Forum on 30 June 2017 to conduct an analysis of compliance and enforcement problems within the building and construction systems affecting the implementation of the National Construction Code (NCC).
- The moves by ABCB to expedite progress in the implementation of measures through the NCC that will prevent the non-compliant use of cladding from occurring in the future.
- The objects of legislation recently introduced by the Queensland Government to address a current gap in enforcement in providing for a “building product regulator”.

5 Clear, Consistent, Accessible and Reliable Information

- 5.1 Clear and consistent information referencing NCC compliance requirements is required.
- 5.2 Better product information is an effective way to ensure conforming building products are not used in a non-compliant manner. The information entering the system must be robust and reliable. Industry (and in particular our members) cry out for more information that is clear with a consistent format.
- 5.3 Everyone throughout the chain should have access to information to show that a building product conforms to Australian standards and regulations. This would involve knowing how it has been designed and tested so we know it is safe. This will assist the capacity for all in the chain to identify whether or not a product *conforms* to Australian Standards and/or other relevant assessment criteria i.e. it is a *conforming* building product.
- 5.4 The second aspect associated with the need for better information is the availability of data or information that demonstrates the purpose for which a building product is intended, and outlines how it can be used safely and installed correctly. This will address the issue of building products being used

in a non-compliant manner (or, expressed differently, reduce the incidence of non-compliant use).

- 5.5 As it stands, there are no useful or consistently expressed information sources either on products, delivered with products, or available centrally with reference to building products. While this information may exist for *some* building products, it does not exist for all of them. Where it does exist, it is expressed differently from product to product, is frequently located or found in different places, and often unclear and inconsistent.
- 5.6 These systems do and can exist. The plumbing industry, for example, has developed and embraced *WaterMark*. *Watermark* is a product certification system which allows licensed plumbers to recognise products that have the appropriate certification and testing (through a recognised stamping system).
- 5.7 *WaterMark* provides clear information that is accessible, known to industry and widely publicised.
- 5.8 A better product certification system would ensure that suppliers and manufacturers will be given more accountability in the supply chain to provide the appropriate testing and information to the market. This involves identifying the appropriate certifiers and tests for products, as well as having that system centrally administered and approved.
- 5.9 The availability of better information to importers, distributors, wholesalers, designers, procurement specialists, builders, tradies, certifiers, and regulators – and indeed the entire community – will be an important step to ensuring that products are used appropriately and safely.
- 5.10 In this way, it doesn't matter if someone in the chain is involved in the design stage, the construction stage or the certification stage – every part will know how to specify, obtain and use a particular building product in the manner for which it is intended.
- 5.11 It is worth noting that:
- Not every building product that enters Australia is tested or undergoes certification;

- There is not necessarily an applicable Australian Standard for every product, nor is there always a Standard that exists with respect to the intended use or installation method of a product; and
- Some products are imported by a builder and go straight to site; some enter and end up being wholesaled or retailed; and some are purchased by private individuals.

5.12 This demonstrates the need for, and benefit of, having clear and consistent information available to all in the chain, including consumers. Master Builders has provided a model for a centrally administered certification and information system in its previous submissions attached.

6 Improved Rigor and Oversight Pre-Construction

6.1 It is Master Builders' view that immediate attention ought to be given to establishing greater rigor in the oversight of existing regulation around the approval and certification process.

6.2 Master Builders recommends that the oversight action be particularly focused on the design acceptance process to capture poor design and specification, prior to the construction phase. The existing focus has tended to be on the construction phase and the activity of builders.

6.3 There are many reasons why a product might be used in the wrong place, including:

- poor specification documentation,
- substandard enforcement of regulation regarding design and design acceptance,
- complex compliance and certification pathways,
- a lack of clear Australian Standards for certain products and performance solutions;
- product substitution; and
- limited accessibility to regulated Australian Standards.

- 6.4 Once the regulatory rigour around the design acceptance process is improved, enforcement action can ensure that specification, certification and installation follow through to the correct products being installed on-site and seek to address any problems wherever they may be identified.

7. Access to Legislated Requirements – Australian Standards

- 6.5 The industry is required to comply with the NCC. The NCC is either explicit in its requirements or requires compliance with Australian Standards. These Standards are known as “Reference Standards”.
- 6.6 These Reference Standards cover approximately a third of the regulated requirements contained in the NCC. There are over 100 primary “Referenced Australian Standards” specified within the NCC and hundreds more “Secondary Reference Standards”.
- 6.7 Despite these Standards being part of regulation, access to the Standards are not free. In fact the average cost of a Standard is \$120.00 per document. The significant cost for access to Reference Standards is a barrier to compliance.
- 6.8 Master Builders recommends that Governments provide financial support to the industry to cover the cost of regulated Standards until such time that a more cost-effective access regime is created by Standards Australia. Alternatively, Standards Australia should make available to industry each and every standard that is legislated or referenced in regulation at no cost to the user.
- 6.9 An example of the impact that cost has on industry compliance levels can be found with reference to the NCC. Until 2015, the cost to access to the complete NCC and its Guide was over \$300 a year. There were approximately 12,000 registered users at that time.
- 6.10 Since the NCC and its Guide has been made freely available, the number of registered users has jumped to over 140,000 – a ten-fold increase.

8. Questions Taken on Notice

- 6.11 Senator KIM CARR asked (Proof Hansard page 47):

Senator KIM CARR: Then there needs to be someone to make sure that no-one is telling any lies, because that is clearly the evidence being

put before the committee: there is fraud going on. Are you aware of the suggestion that there is fraud going on in the certification process?

6.12 In response Master Builders advises that is not aware of any systemic instances of fraud insofar as it relates to the certification process.

6.13 Senator XENOPHON asked (Proof Hansard page 48):

Senator XENOPHON: Can you please take on notice what work Master Builders has done around issues of legal liability and whether it can be clarified or whether you have a uniform scheme or a streamline scheme, because it is an absolute nightmare right now in relation to that. And, in terms of direct responsibilities, what do you say about the Queensland government legislation that could well be model legislation for changes in responsibility? Could you please take on notice whether you think that or another model might be clearer because right now, as you said, no-one seems to be directly responsible, which is very disturbing.

6.14 Master Builders notes that this subject matter is within the jurisdiction of relevant States and Territories. This, combined with the 'national' policy focus held by Master Builders Australia, has limited our previous considerations to options involving the Australian Consumer Law and Federal regulators and/or agencies. Those options are set out in our submission to the Committee of 5 August 2015. Specific attention is drawn to **Section 7** and **Appendices A-D** therein.

6.15 In terms of the Queensland government legislation we note that Master Builders Queensland made a submission to a Queensland Parliamentary inquiry into the *Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and other matters) Amendment Bill 2017* ('the QLD Bill') that we **attach** for reference.

6.16 The position adopted by Master Builders Queensland was to "*strongly support the objects*" of the QLD Bill while concurrently outlining a number of specific items of concern. Master Builders Australia concurs with the position taken by Master Builders Queensland.

6.17 Master Builders would caution, however, against adopting those provisions in the QLD Bill that replicates existing controls set out in Model Workplace Health and Safety legislation. As noted by Master Builders Queensland, there is a

concern that two regulators who share jurisdiction for the same incident may form different conclusions and increase compliance/reporting obligations by involving two agencies for the one matter. There are also concerns and uncertainty about proposed definitions where they relate to safety that are either absent or inconsistent with other regulatory regimes.

6.18 Master Builders Australia would further note that the proposed S 28A of the QLD Bill allows for regulations to be made prescribing entities to whom QBCC would be obliged to provide information about safety matters. This section appears unnecessarily broad. The associated explanatory memorandum notes the intention of the section as being that it "*provides flexibility to ensure that relevant parties are provided with information about deaths and serious injuries on building workplaces, which can then be used to improve safety outcomes, encourage better practices and potentially save lives.*" In this explanation, the terminology becomes even broader through a reference to "*relevant parties*" as opposed to "*a health and safety regulator*". Any consideration given by the Commonwealth (or other jurisdictions) to adopting an approach akin to the QLD Bill should ensure any similar provision is appropriately narrowed.

6.19 Master Builders Australia provides *additional* information regarding questions from Senator KIM CARR as to obligations on workers (Proof Hansard page 51):

6.20 Master Builders Australia would note that the Model WHS Act creates obligations and duties for individuals in workplaces. While attention is frequently limited to duties of *persons conducting business or undertakings* ('PCBU') they also extend to workers (s.28), officers (s.27) and other persons (s.29) along with other described entities including:

- persons conducting businesses or undertakings involving management or control of fixtures, fittings or plant at workplaces (s.21);
- persons conducting businesses or undertakings that design plant, substances or structures (s.22);
- persons conducting businesses or undertakings that manufacture plant, substances or structures (s.23);
- persons conducting businesses or undertakings that import plant, substances or structures (s.24);

- persons conducting businesses or undertakings that supply plant, substances or structures (s.25); and
- persons conducting businesses or undertakings that install, construct or commission plant or structures (s.26).

6.21 It follows that the provisions of s.28 (Duties of workers) would apply to those employed in the entities noted above.



9. Attachment: Master Builders Queensland Submission

MASTER BUILDERS SUBMISSION

Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and other matters) Amendment Bill 2017

A. SUMMARY

1 Master Builders strongly supports the objects of the Bill. The prevalence of non-conforming products
2 is a major concern for the Queensland building and construction industry.

3 The proposed legislation addresses a current gap in enforcement in providing for a “building product
4 regulator”. Consumer products are well provided for under Australian Consumer Law, as is the
5 construction of buildings under the *Queensland Building and Construction Commission Act 1991* and
6 the *Building Act 1975*, which calls up the National Construction Code (NCC).

7 The community and the industry expect that all building products sold are fit for purpose, however,
8 this expectation is not always met. This legislation is an important first step towards meeting that
9 expectation.

10 Master Builders supports the overarching framework provided in the Bill, as it:

- 11 • creates a chain of responsibility across the building and construction supply chain, introducing
12 accountability for building product designers, manufacturers and suppliers
- 13 • imposes specific duties on all parties in the supply chain that will help ensure only conforming
14 building products are supplied and that they are installed in the right way
- 15 • imposes appropriate penalties when the parties fail to meet their duties
- 16 • provides the Queensland Building and Construction Commission (QBCC) and the Minister with
17 the necessary range of powers to enable them to target all of the parties in the supply chain, and
18 not just licensed contractors who sit at the end of the chain.

19 However, we believe there are a range of concerns in the Bill that need to be addressed:

- 20 • The legislation includes provisions concerning safety that duplicate existing controls defined in
21 workplace health and safety legislation. We are concerned that two regulators sharing
22 jurisdiction for the same incident may form different conclusions. The double reporting will also
23 result in unnecessary red tape.
- 24 • There are definitions concerning safety that need to be provided and made consistent with other
25 regulations. For example, there is no definition of “serious risk” even though it can lead to a loss
26 of a licence. A non-conforming building product is vaguely defined as one that “is not safe” and
27 then specifically defined as one that meets the relevant regulatory provisions. Safety underpins

28 the relevant regulatory provision. This duplication is therefore unnecessary and will result in
29 confusion.

- 30 • The architects, building designers and engineers who specify building products must be explicitly
31 included in the chain of responsibility.
- 32 • Information requirements need to be practical and workable (recognising that there are 4,000
33 building products installed in an average home). For installers (contractors), the duty to provide
34 product information to owners should link to the existing building certification process.
- 35 • In determining who is held accountable in the event of a breach, it needs to be clear that the
36 parties can rely on the undertakings of those further up the chain.
- 37 • It will be important that the QBCC is appropriately resourced to properly undertake this role. It is
38 unreasonable to expect licence holders to cross-subsidise a product compliance regime. Further
39 to that, given the likely significant cost, it is necessary that a Regulatory Impact Statement be
40 undertaken.

41 Beyond the Bill, the regulation needs to provide the detail on the “required information” to be
42 shared across the chain and how it can be made robust and reliable. It needs to be provided by an
43 independent third party.

44 A number of third party product certification schemes already exist, including Watermark, CodeMark
45 and schemes run by manufacturer industry associations. These need to be relied on and could be
46 made more effective by bringing them together into a single third party certification system. That is
47 a system which is comprehensive, easy to navigate and regulates the minimum assessment and
48 auditing standards. The details of how this would work are provided in **Appendix A**.

B. COMMENTS ON THE PROVISIONS OF THE BILL

49 Our detailed response to specific provisions in the Bill is as follows. For clarity we have provided a
50 separate section outlining our concerns with the provisions dealing with safety.

Objects of the Act (Part 2, Clause 4)

51 Master Builders supports the expanded objects to “regulate building products”.

Committees (Part 2, Clause 5)

52 Master Builders supports the introduction of the Building Products Advisory Committee. In tackling
53 the problem of non-conforming building products the sharing of information is vital and must be
54 brought together in a central point.

55 Industry holds much of that information and has an essential role to play in the implementation of
56 any actions. They should therefore be represented on the Committee.

Exchange of information (Part 2, Clause 8)

57 Master Builders supports the exchange of information amongst regulators and relevant agencies
58 provided current proceedings are not affected and privacy considerations are addressed.

Role of the Commissioner (Part 2, Clause 6)

59 We support the Commissioner having power to “publish information about building products”. This
60 information must be timely widely communicated. Too often the regulator is aware of a product
61 that that is not fit for purpose and because that information is not shared it continues to be installed.

What is a building product and non-conforming building product (Part 2, Clause 11)

62 We welcome a definition of non-conforming building product that links the product with its intended
63 use. Separating a product from how it is intended to be used has been a loop-hole that has allowed
64 products that are not fit for purpose to be sold and installed.

65 However, within the definition part 74AB (2)(a)(i) “is not, or will not be, safe” should be removed.

66 Safety is addressed in the next part (ii) by saying “does not, or will not, comply with the relevant
67 regulatory provisions.” Amongst these regulations are the NCC and the *Electrical Safety Act 2002*
68 which have safety at their core. Compliance, that is safety, will be better achieved by reinforcing the
69 existing regulations, rather than introducing a new, difficult to measure and difficult to interrupt
70 requirement.

Duties (Subdivision 2)

Chain of Responsibility (74AE)

71 The “chain of responsibility” is the right approach as it clearly provides obligations to building
72 product manufacturers, suppliers, importers etc. The providers of building projects need to be held
73 to the same standard licence holders.

74 The role of specifiers (architects, building designers, engineers) needs to be explicitly defined in the
75 chain. As the legislation is currently drafted these important roles are not included.

76 Master Builders would also like to better understand how the chain of responsibility will work in
77 cases where building products are brought in from outside Queensland. The industry operates in a
78 global market and there are few building products that have their entire supply chain in Queensland.

Primary duty of person in the chain of responsibility (74AF)

79 Under this section each person in the chain has an equal and shared responsibility for ensuring “a
80 product is not a non-conforming building product for an intended use”.

81 Within the chain, accountability must be clearly allocated. Those in the chain must be able to rely on
82 the undertakings of those further of up the chain. Accountability needs to be allocated to the first
83 person in the chain who breaches their duty.

84 Installers (contractors) at the end of the chain should not continue to carry the brunt of the
85 responsibility even when they have undertaken due diligence and relied on information in good faith.

Additional duty relating to accompanying information (74AG)

86 This is an important requirement and something that has been missing in many cases where there
87 has been a product failure.

88 The Bill recognises the different information requirements of those in the chain of responsibility and
89 the owner of the building. The distinction is important. Information requirements for licensed
90 contractors (installers), are already comprehensively addressed by way of the building certification
91 process. This already provides the necessary information to building owners and should continue.

92 On the other hand, new measures to ensure manufacturers and suppliers are also providing
93 appropriate information are necessary.

94 The exact nature of the “required information” must be practical and reliable. For the contractor
95 (installer) this needs to link into the certification process. For the manufacturer it needs to be
96 generated by an independent third party. This has not been detailed in the Bill and needs further
97 consideration.

Duty of executive officer of company (74AI)

98 Individual licence holders are already held to account. The same should apply across the chain. The
99 expectation on executive officers to follow a process of ‘due diligence’ is reasonable.

Offences relating to duties (Subdivision 3)

Failing to comply with duty (74AJ)

100 Provides for a significant penalty of a 1000 penalty units. This is consistent with other related
101 penalties and is reasonable.

Duty about representations about building products (74AK)

102 The legislation is silent on the extent that a person in the chain can rely on representations provided
103 to them from those also in the chain. This is a critical omission that needs to be addressed. Those in
104 the chain must be able to rely on the undertakings of those further of up the chain.

Duty to notify non-conforming building product (74AL)

105 Master Builders supports the duty to notify the commission if they become aware or have reason to
106 suspect that a building product is a non-conforming building product for an intended use. As the
107 responsible person has a duty to provide this information within two days, we would expect that the
108 commission has a similar obligation to act on the information in a timely manner. It is important that
109 non-conforming building products are not only found early but also removed from the supply chain
110 early.

111 We also support the requirement that a regulator be notified in the case of a “notifiable incident”.
112 In the interests of joined up government this should be to either the commission or Work Safe
113 Queensland. Requiring two notifications to two Queensland regulators will at best create
114 unnecessary duplication and worst conflict and confusion in the required action.

115 This duty needs to be time bounded. A person in the chain cannot be expected to maintain records
116 of their projects for an indefinite period.

117 We welcome the expanded powers for the commission to direct anyone in the chain of responsibility
118 to remove or minimise safety risks and not just licensed contractors.

Duty to notify notifiable incident (74AM)

119 This section appears to be a repeat of the earlier section, *74AL Duty to notify non-conforming*
120 *building product*, with the only exception being the penalty units which are 50 and 100 respectively.

121 For clarity and ease of interpretation this duty would be better expressed once in *Subdivision 2*
122 *Duties*.

Commission may require remedial action (74AN)

123 We welcome the expanded powers for the commission direct anyone in the chain of responsibility
124 and not just licensed contractors to remove or minimise safety risks.

Ministerial recall orders (Division 4)

125 While this section details that a recall order may be made against “2 or more responsible persons”, it
126 does not set out how the commission will determine who will be accountable for a recall. Only those
127 who have breached their responsibilities under the duties should be held responsible for a recall.

128 Master Builders appreciates the need to provide “reasonable help” to the responsible person in the
129 event of a recall. It is important that privacy considerations are addressed so that there is no conflict
130 in responsibilities. Reasonable time limits must also be in place so that record keeping does not
131 become an onerous burden.

SAFETY

Exchange of information (Part 2, Clause 8)

132 Master Builders supports the exchange of information amongst regulators and relevant agencies
133 provided current proceedings are not affected and privacy obligations are addressed.

Cancellation or suspension of licence (Part 2, Clause 9)

134 We support the expansion of this provision to include any “relevant Act in relation to building work
135 carried out under the licence”.

136 We seek clarification as to what is regarded as an “offence” under each of these acts. For example is
137 a Provisional Improvement Notice or a Prohibition Notice under the *Work Health and Safety Act 2011*
138 regarded as an “offence” and therefore become grounds for losing a licence?

139 The second proposed change to Section 48 is a concern. Contractors should not be at risk of having
140 their licence suspended or cancelled unless there has been a case proven against them. The
141 principals natural justice must be upheld.

142 The current draft of the Bill does not provide this protection but rather allows the regulator to cancel
143 or suspend the licence of whoever is in control of that site if any work occurs on the site that results
144 in death, grievous bodily harm or serious risk.

145 The term “serious risk” must be defined, or preferably amended to be consistent with related terms
146 across the relevant legislation.

Notification of particular safety matters (Part 2, Clause 10)

147 Notification should be occurring once to one regulator. Requiring two notifications is an unnecessary
148 duplication that is likely to lead to unnecessary confusion and red tape. If the regulation is to be
149 successfully enforced there must be clear lines of responsibility and accountability.

Duty to notify notifiable incident (74AM)

150 This section appears to be a repeat of the earlier section, *74AL Duty to notify non-conforming*
151 *building product*, with the only exception being the penalty units which are 50 and 100 respectively.

152 For clarity and ease of interpretation this duty would be better expressed once in *Subdivision 2*
153 *Duties*.

Proper grounds for taking disciplinary action against a licensee and former licensees (Clause 13, amend s74B)

154 We support the expansion of this provision to include a “relevant Act in relation to building work
155 carried out under the licence”.

156 The second proposed change to Section 74B is a concern. Before disciplinary action is taken a level
157 culpability must be established. The principals natural justice must be upheld.

158 The current draft of the Bill does not provide this protection but rather allows the regulator to take
159 disciplinary action against whoever is in control of that site if any work occurs on the site that results
160 in death, grievous bodily harm or serious risk.

161 The term “serious risk” must be defined and be consistent with related terms across the relevant
162 legislation.

21 June 2017

APPENDIX A

Third party product certification

Numerous third party product certification schemes already exist of varying quality and scope. For the construction industry however, this patchwork system of assessment schemes is unwieldy.

There is great disparity amongst the schemes as to the quality of assessment, level of auditing and checking for fraudulent documentation and there are gaps. While there are very good schemes, users of the system cannot say with confidence which of the existing schemes undertakes testing to the appropriate standard and which have strong enough checks to counter misrepresentation and fraud. The complexity of the existing arrangements also renders it impossible to navigate with confidence.

There is a role for government to ensure that the individual schemes work within an overall product certification system that has a regulated framework, is better coordinated, is easier to assess the validity of compliance and access the technical information on the products that have been certified.

That is a third party product certification system that is robust, transparent, easy to navigate, covers all product types and extends to auditing, surveillance and enforcement.

Master Builders sees such a system as having a suite of third party certification schemes brought in under one umbrella. There would be an accreditation body (for example JAS/ANZ or NATA) which ensures that minimum standards were upheld and consistent. There would be a government agency with oversight of the system, responsibility for providing a single, central information portal and the authority to take enforcement action. Ideally this would be a federal agency but the Queensland government's Building Products Advisory Committee could take on the role.

This approach would allow for both consistency and flexibility across the product types, while bringing greater transparency and certainty to the process of establishing evidence of suitability.

