

Email from: Lucy Weber  
Email to: Public.Accountability@parliament.nsw.gov.au  
Received: 12 December 2019 2:37 pm

Dear Ms Dunn,

I am writing on behalf of Nigel Davies, National Assistant Secretary of the CFMEU. Mr Davies appeared at the *Inquiry into regulation of Building Standards, Building Quality and Building Disputes* yesterday afternoon.

At the hearing, Mr Davies tabled a copy of correspondence which the union sent to State, Territory and Federal governments dated 26 May 2015. Mr Davies agreed to provide, on notice, responses to that correspondence.

Please see **attached**:

- Attachment 1 – CFMEU correspondence (same content to each recipient)
- Attachment 2 – NSW response
- Attachment 3 - South Australian response
- Attachment 4 - Commonwealth response
- Attachment 5 – Northern Territory response
- Attachment 6 – Western Australian response
- Attachment 7 – ACT response
- Attachment 8 – Tasmanian response
- Attachment 9 – Queensland response

Please note that some of the responses also refer to a further correspondence that the union sent to State, Territory and Federal governments dated 2 June 2015. That correspondence addressed a related issue, being the widespread and dangerous use of another sub-standard imported product in the Australian building industry (engineered wood products / structural plywood used in bracing, flooring and concrete formwork and composite laminated veneer lumber). Accordingly, please also see:

- Attachment 10 – Second CFMEU correspondence
- Attachment 11 – Commonwealth response

Finally, please also find attached further correspondence which the CFMEU sent to the Federal Assistant Minister, Karen Andrews, dated 23 December 2015. That correspondence expressed disappointment with the responses received to the CFMEU's first correspondence dated 15 June 2015:

- Attachment 12 – Third CFMEU correspondence

Kind regards,

**Lucy Weber**  
Senior National Legal Officer

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**CFMEU**

Construction & General Division, National Office

Stand up. **Speak out.** Come home.

**CFMEU**

NATIONAL OFFICE  
Construction Forestry Mining & Energy Union

Tuesday, 26 May 2015

The Hon Mike Baird MP  
Premier of NSW  
GPO Box 5341  
SYDNEY NSW 2001

Via email: [manly@parliament.nsw.gov.au](mailto:manly@parliament.nsw.gov.au)

Dear Premier,

I write to you in relation to an urgent matter of public safety.

As you are most likely aware there is significant community alarm following the November 2014 fire at the *Lacrosse Docklands* apartment building (673-675 La Trobe Street Melbourne).

This frightening incident highlights that Australia has no mechanism by which it can verify if products made and certified overseas as meeting Australian standards, do actually conform to those standards. In short, we have no way of knowing if these products are safe.

A report arising out of this incident and produced by the *Metropolitan Fire Brigade* (MFB) confirmed suspicions that the aluminium/polyethylene external cladding used in this instance does not meet the requirements of the Australian Building Code due to the fact that it was combustible and as such contributed to the fire spreading at the extraordinary rate that it did.

Although the *Lacrosse Docklands* fire was the first incident of this kind in Australia, the MFB outlined how similar products have exacerbated the spread of fire in high rise buildings in fire incidents in the United Arab Emirates, the United States, South Korea and France. These fires resulted in nine deaths.

The *Fire Protection Association* Chief Executive described the issue as a "time bomb" with tens of thousands of apartment buildings nationwide at risk because of the widespread use of the *Alcuobest* and numerous other aluminium cladding products with a plastic core. Our information would suggest that the product and similar products which have a plastic core (specifically those with less than 70% mineral fibre in the core) is not of a fire resistant grade suitable for use in projects such as high rise buildings. The use of these products is of considerable concern.

We are alarmed that when the CSIRO tested the product for combustibility they found sustained flaming on the specimen at 55 seconds into the test. This resulted in the test being terminated at 93 seconds due to excessive flaming and smoking. These results should raise serious questions as to the suitability of allowing this product in other applications which are non-high rise buildings, particularly in cases where the public is at risk, such as in shopping centres, kindergartens, nursing homes, schools etc.

Construction Forestry  
Mining and Energy Union  
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Michael O'Connor  
National Secretary  
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In Victoria the Victorian Building Authority has written to all building surveyors, including municipal building surveyors, and commercial builders, domestic builders, architects and designers asking them to clarify the extent of the use of this and other non-compliant cladding. The problem with this single-based approach is that the recipients of the letter do not have an obligation to respond. They also might consider their product technically compliant even when its application might still be dangerous and the product may not as a matter of fact actually be compliant.

As a matter of urgent public safety we are formally requesting that you direct the relevant government department to conduct an audit of the use of this product with a view to compelling building surveyors, builders, architects and designers to outline wherever the use of this product has occurred in your State. The purpose of the audit would be to ascertain the extent of the problem, then place the information on the public record along with a site-specific explanation to be shared with the at-risk public. This information would include the methods used to determine the products respective applications are safe and/or what remedial action will be taken to ensure that is the case.

The Australian Industry Group stated to the Australian Government last year that many respondents to their survey outlined that manufactured goods imported from China do not meet Australian safety and quality regulations and standards; and in addition to that the removal of tariffs under an Australia-China FTA may exacerbate this situation. They recommended that conformity with Australian safety and quality standards needs to be strengthened and a process developed for legal enforcement of insurance claims and contract breaches.

Dealing with this challenge in the way we propose would be a good first step in showing that Governments are protecting Australians from unsafe imported products and also defend Australian manufacturers who must ensure that their products reach Australian Standards.

We look forward to your response to our proposal within two weeks of the receipt of this letter.

Sincerely,

MICHAEL O'CONNOR  
*National Secretary*  
CFMEU

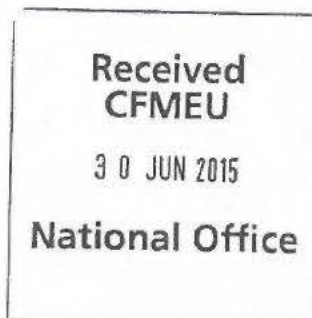




**Minister for Innovation and Better Regulation**  
The Hon Victor Dominello MP

Ref: FTMIN15/1377

Mr Michael O'Connor  
National Secretary  
CFMEU  
148-152 Miller Street  
WEST MELBOURNE VIC 3003



Dear Mr O'Connor

I refer to your correspondence to the Hon Mike Baird MP, Premier, regarding your request for a NSW audit of the use of the Alcuobest brand external cladding product and other aluminium cladding with a plastic core. I have been asked to respond.

The NSW Government shares the CFMEU's commitment to ensuring the building and construction products used in Australia meet safety and quality standards. As you are aware, the National Construction Code requires building practices and materials to comply with the code itself and with relevant Australian Standards.

NSW Fair Trading has been closely monitoring the Victorian Building Authority (VBA) investigation into the conduct of the building practitioners involved in the construction of the Lacrosse Apartments in Melbourne's Docklands precinct after a review of the Metropolitan Fire Brigade's (MFB) report on the fire incident.

I am advised that no complaints have been received by Fair Trading prior to this incident, or in the time since, regarding the use of the cladding material implicated in the Melbourne fire.

The *Home Building Act 1989* (NSW) was amended last year. The changes included measures to ensure builders can be held responsible for significant defects in buildings. The reforms updated the scope of the statutory warranty period for building defects and expressly included, for the first time, fire safety systems as a 'major element' of a residential building.

Fair Trading, consumers and builders would be entitled to use these provisions to mandate rectification of any work in a building within the statutory warranty period if unsafe fire safety systems or materials were found.

In addition, the NSW Government has developed a package of proposed reforms for strata buildings. The reforms include a proposal to require an independent defects inspection 12 to 18 months after completion of the building work. This proposal would be supported by the retention of a defect bond from the developer.

While NSW continues with its legislative agenda, the broader national issue of building product safety requires a commitment from all the Australian jurisdictions to ensure the building products and practices used throughout Australia comply with the appropriate safety standards.

Should you wish to discuss this matter further, Mr John Tansey, Assistant Commissioner of Fair Trading's Home Building Service, can be contacted on (02) 9895 9900.

Yours sincerely

**The Hon Victor Dominello MP**  
Minister for Innovation and Better Regulation

22-6-15



PREM15D03096

Received  
CFMEU  
18 JUN 2015  
National Office



Hon Jay Weatherill MP  
Premier of South Australia

Mr Michael O'Connor  
National Secretary  
Construction Forestry Mining and Energy Union  
148-152 Miller Street  
WEST MELBOURNE VIC 3003

Dear Mr O'Connor *Michael*

Thank you for your recent correspondence regarding concerns for public safety as a result of the fire at the Lacrosse Docklands apartment building.

In your correspondence you refer to compliance issues with imported products, specifically aluminium cladding products with a plastic core and engineered wood products.

The South Australian Minister for Planning, the Hon John Rau MP, has advised me that for new buildings constructed in South Australia, the *Development Act 1993* requires that:

- the approving authority (certifier or Council) is responsible for ensuring the right materials are approved for use in a new building;
- the builder is responsible for building in accordance with the approved documents; and
- the inspecting authority (Council) is responsible for ensuring that the builder constructs in accordance with the approved documents (including identifying and addressing any instances of product substitution).

For existing buildings, the *Development Act 1993* requires Councils to establish Building Fire Safety Committees (BFSC's) to ensure that existing building stock remains safe. BFSCs have the power to enter and inspect properties, issue notices requiring rectification work and seek reports and/or other evidence that a building complies with appropriate standards. While there is no reason to suspect widespread product substitution in South Australian buildings, this would be an effective mechanism through which to identify the extent of the problem and require rectification work if necessary.

An *Advisory Notice Building* about non-conforming products, issued in October 2014, will be re-issued shortly by the Department of Planning, Transport and Infrastructure to alert the construction sector to the possible implications of the Lacrosse incident and to emphasise the responsibilities of relevant parties to ensure that appropriate materials are approved for, and used in, new buildings. With regard to your comment about the apparent absence of any regulation around imported products, I advise that the importation of faulty products is a

matter for the Commonwealth. However, Minister Rau will be working to ensure that the Australian Building Codes Board and the Building Ministers Forum consider and respond effectively to the findings of the current investigations, and that any required changes to national regulatory frameworks are made promptly.

At this point, prior to the investigation by the Victorian Building Authority, it is not considered appropriate to commit to placing site-specific information in the public realm until all the facts are clearly understood.

Thank you for bringing this matter to my attention.

Yours sincerely

Jay Weatherill  
**PREMIER**

16 / 2015



**THE HON KAREN ANDREWS MP**

**PARLIAMENTARY SECRETARY TO THE MINISTER FOR INDUSTRY AND SCIENCE**

15 JUN 2015

PO BOX 6022  
PARLIAMENT HOUSE  
CANBERRA ACT 2600

Mr Michael O'Connor  
National Secretary  
CFMEU  
148-152 Miller St  
WEST MELBOURNE VIC 3003

MC15-002362

Dear Mr O'Connor

Thank you for your letter of 26 May 2015 concerning the Lacrosse Docklands apartment fire and building product compliance issues.

I share your concern about the potential use of building products in Australia that are not fit for purpose. Since commencing as Parliamentary Secretary to the Hon Ian MacFarlane MP, Minister for Industry and Science, I have met with a number of building and construction stakeholders in order to better understand this issue and to identify potential improvements to the regulatory compliance system.

As you note in your letter, it is important to acknowledge that the regulatory responsibility for building product compliance and enforcement sits primarily with the states and territories. For this reason, at the July 2015 Building Ministers' Forum (BMF), which I Chair, I will raise this matter with state and territory Building Ministers. The BMF provides a good opportunity to promote a robust discussion regarding building product compliance, and on ways to strengthen jurisdictional measures that promote awareness, enforcement and compliance. Specifically in relation to the Lacrosse tower fire, the BMF will consider a number of the building issues mentioned in your correspondence and, in particular, examine product certification and how product substitution can be prevented.

I am also consulting with the Hon Bruce Billson MP, the Minister for Small Business, in order to clarify the role of the Australian Competition and Consumer Commission in addressing this issue, including its level of cooperation and communication with state and territory fair trading agencies.

Thank you for sharing your views.

Yours sincerely

Karen Andrews



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Mr Michael O'Connor  
National Secretary CFMEU  
Email: [moconnor@cfmeuat.org](mailto:moconnor@cfmeuat.org)

Dear Mr O'Connor

Thank you for your letters to the Chief Minister of the Northern Territory dated 26 May 2015 and 2 June 2015 in relation to aluminium cladding and engineered wood products, respectively. The Chief Minister has referred these matters to me for a response in my statutory role as Director of Building Control.

In relation to the aluminium cladding used in the Lacrosse Docklands building I understand from the Melbourne Metropolitan Fire Brigade report that the product installed was not suitable for its intended use. To establish how this product was selected and installed I understand that the Victorian Building Authority has commenced an investigation into the conduct of the builder and building surveyor.

The non-compliance of any structure component including the inappropriate use of materials is of concern. In the case of the Northern Territory the preferred method of construction, design and size of buildings means that this product is not used to the same extent as in other jurisdictions. Notwithstanding this my office is currently assessing the extent of use and compliance of structures using aluminium composite products.

With regards to engineered wood products the issue is more to do with misleading information on product performance rather than where the product was manufactured. The products tested in the report provided by you are clearly labelled with the stress grade and standard. The test reports expresses varying degrees of concern on the use of these products, and makes reference to misleading claims on product performance which consumers may rely upon.

The Australian Competition and Consumer Commission (ACCC) is the national product safety regulator which has responsibility for addressing misleading or false labelling of products. I note that the ACCC has recently asked for submissions regarding the criteria and processes it will use to determine whether international standards and risk assessments are suitable for use in

Australia. This review is both timely and appropriate in addressing the issues you have raised regarding these wood products.

Given the findings of your test reports I recommend that you bring this to the attention of the ACCC and the retailers from where these products were sourced.

I thank you for raising these important matters with the Chief Minister.

Yours sincerely

Armando Padovan  
Director of Building Control

12 June 2015

**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

Our Ref: 44-16689

Mr Michael O'Connor  
National Secretary  
CFMEU  
148 – 152 Miller St  
WEST MELBOURNE VIC 3003

Received  
CFMEU

22 JUL 2015

National Office

Dear Mr O'Connor

**ALUMINIUM COMPOSITE PANEL CLADDING FIRE RISK**

Thank you for your letter to the Hon Colin Barnett MLC MLA, Premier of Western Australia, dated 26 May 2015 regarding the fire risk associated with the use of aluminium composite panel cladding in buildings. Your letter has been forwarded to me for a response as the matters raised fall under my portfolio.

The Western Australian government is taking similar action to the Victorian Building Authority, which appears to be largely consistent with your request.

The Department of Commerce, Building Commission Division, is supporting the City of Perth (the Permit Authority) to audit up to 70 high risk buildings in the Perth CBD to identify if this product has been used and, if so, to determine whether compliance is an issue. If the product is found to have been installed in a non-compliant manner the Permit Authority has powers to order the builder or the owner to rectify the work and to prosecute the builder if it has failed to ensure that the building meets the applicable building standards.

In addition, the Building Commission has released an Industry Bulletin (IB054/2015) 'External Wall Cladding – Fire Safety' emphasising the industry's need to be vigilant when using aluminium composite panels and the need to ensure that when such panels are used they comply with applicable building standards.

Yours sincerely

Hon. Michael Mischin MLC  
**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

Att 20 JUL 2015





## External wall cladding – fire safety

Fire safety concerns have been raised on the use of certain aluminium composite panels for external wall cladding where that product had not been tested or demonstrated to meet the requirements of the Building Code of Australia (BCA) for that use. Such products can lead to a rapid vertical spread of a fire via the façade of the building which raises serious safety concerns.

Building legislation in Western Australia requires buildings to comply with the BCA which includes requirements on fire safety. In general the BCA Volume 1 contains provisions for external walls of buildings falling under type A and type B construction (typically medium rise and high rise commercial buildings including residential apartment buildings) to be non-combustible.

Building surveyors, builders, designers and owners must ensure that the fire resistance levels of external walls comply with the requirements of the BCA and any attachments to those walls must also meet the BCA Deemed-to-Satisfy provisions under clause 2.4 of the Specification C1.1, or alternatively are the subject of a performance based building solution that has been approved as meeting the Performance Requirements of the BCA.

It is important to note that while a product may have relevant certification for compliance with certain provisions of the BCA and be suitable to use in certain circumstances, that product may not have been tested or assessed for all relevant building standards. For example, an external wall cladding product may have compliance certification for building standards relating to weatherproofing and/or structural fixing requirements, but may not have been tested for relevant fire resistance requirements. Therefore it may not be suitable to use that product where an external wall is required to meet fire resistant safety requirements.

Building surveyors must be satisfied that products being specified as part of a building proposal comply with applicable building standards before signing a certificate of design compliance. Furthermore building surveyors should be satisfied products used in buildings comply before signing a certificate of construction or building compliance.

Builders are reminded of their obligations to ensure the building is completed in accordance with the plans and specifications specified in the applicable certificate of design compliance in relation to the building permit and the overarching requirement to comply with applicable building standards.

When using a building product you should ensure it is suitable for the specific circumstance and that it complies with all relevant building standards. If you have been involved in the design, certification or installation of aluminium composite external wall panels for a multi-storey building you are advised to check the compliance of the product.

Any non-compliant use of aluminium composite type panels should be reported to the Building Commission and the relevant permit authority in the first instance.

**Disclaimer:** The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

May 2015

Building Commission | Department of Commerce  
Level 1, 303 Sevenoaks Street, Cannington WA 6107  
P: Locked Bag 14, Cloisters Square WA 6850  
T: 1300 489 099 | F: 08 6251 1501  
E: [BCInfo@commerce.wa.gov.au](mailto:BCInfo@commerce.wa.gov.au)  
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Building  
Commission



## Andrew Barr MLA

CHIEF MINISTER

TREASURER

MINISTER FOR ECONOMIC DEVELOPMENT

MINISTER FOR URBAN RENEWAL

MINISTER FOR TOURISM AND EVENTS

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MEMBER FOR MOLONGLO

Mr Michael O'Connor  
National Secretary  
CFMEU  
145-152 Miller Street  
WEST MELBOURNE VIC 3003

Dear Mr O'Connor <sup>Michael</sup>

Thank you for your letters about the audit of the use of overseas products as cladding material in Australia.

The ACT Construction Occupations Registrar (the Registrar) has sought advice from building certifiers in the ACT about the use of these products. I am advised that at this stage both the Registrar and ACT Fire Brigade are not aware of the specific product being used on buildings in the ACT.

I note your concerns about the import of products into Australia and the potential risk that poses to occupants of buildings. The Building Code of Australia is clear about the use of products. All building products must comply with the relevant Australian Standards. These standards are enforced in the first instance through the building certifier issuing a building approval, and are monitored through the various inspections required of the building certifier during the construction process.

Any departure from the performance requirements under the building code requires an alternative solution. Alternative solutions are assessed and reviewed by industry professionals, the building certifier and the ACT Fire Brigade.

To date, the states and territories have been working with the Commonwealth Government through the Australian Building Codes Board, and await the outcomes of the inquiry into the Lacrosse fire incident in Victoria.

I note your concerns about the free trade agreement with China. I also recognise the measures in place in the ACT to protect the public through the statutory building approval process, in particular the engagement of relevant professionals throughout that process.

### ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601  
Phone: (02) 6205 0011 Fax: (02) 6205 0157 Email: barr@act.gov.au  
Facebook: Andrew Barr MLA Twitter: @ABarrMLA





Thank you for raising this matter with me. I trust that this information is of assistance.

Yours sincerely

Andrew Barr MLA  
Chief Minister

30 JUN 2015



Premier  
Minister for Tourism, Hospitality and Events  
Minister for Sport and Recreation  
Minister for Aboriginal Affairs

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Tasmanian  
Government

Received  
CFMEU

16 JUL 2015

National Office

E-MAILED  
13 JUL 2015

Mr Michael O' Connor  
CFMEU National Secretary  
148-152 Miller Street  
WEST MELBOURNE VIC 3003  
Email: [moconnor@cmfeunat.org](mailto:moconnor@cmfeunat.org)

Dear Mr O' Connor *Michael*

Thank you for your letter regarding the CFMEU's concerns about imported engineered wood products.

I am advised that the issues you have raised will be part of discussions on non-compliant building products to be held at the next Building Ministers' Forum on 31 July 2015.

Please be assured that the matters you canvas will be thoroughly considered at that meeting and the Government will take these considerations into account.

Thank you once again for writing to the Premier about this matter.

Yours sincerely

*Jeremy*  
Jeremy Rockliff MP  
Acting Premier



Office of the  
Premier of Queensland  
Minister for the Arts

Received  
CFMEU

19 AUG 2015

For reply please quote: SocPol/MB – TF/15/10941 – DOC/15/108074

National Office

17 AUG 2015

Mr Michael O'Connor  
National Secretary  
Construction Forestry Mining and Energy Union  
148–152 Miller Street  
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Dear Mr O'Connor

Thank you for your facsimile to the Premier of 26 May 2015 regarding your concerns about the use of aluminum/polyethylene external cladding products in the Australian building industry. I have been requested to reply to you on behalf of the Premier and I apologise for the delay in responding.

The Premier appreciates you raising this matter and thanks you for your interest in ensuring the community is protected from unsafe building products. The rapid spread of fire at the Lacrosse Docklands building in Melbourne on 25 November 2014 was of great concern. While it was extremely fortunate there were no fatalities, the incident warrants a thorough investigation of the cause as well as any preventative action that may be necessary.

To better understand the event and subsequent work to address it, I asked the Department of Housing and Public Works (DHPW) and the Queensland Fire and Emergency Services (QFES) for information on the matter. Advice has been received that the Victorian Metropolitan Fire Brigade's report into the Lacrosse Docklands fire found there were a number of factors contributing to the rapid spread of the fire. One of those factors was reported to be the external wall cladding, known as Alucobest, which did not comply with the non-combustibility requirements of the National Construction Code (NCC), which is the responsibility of the Australian Building Codes Board (ABCB).

I also am told that a number of actions are now taking place to investigate potential non-conforming building products. For example, I understand that the ABCB and Standards Australia are investigating appropriate test methods that reflect the performance of external wall cladding under all fire conditions.

Further, the ABCB has asked Conformity Assessment Bodies, who evaluate and certify building products under the ABCB's CodeMark scheme, to consider reviewing any current certificates for products that may be similar to Alucobest. While there are only a limited number of products currently certified under the scheme, the ABCB will also review CodeMark certificates to ensure that they contain all relevant information relating to the specific parts of the NCC that a product complies with (including, for example, in what types of buildings it may be used).

Also, the Building Ministers' Forum (BMF), attended by the Honourable Leeanne Enoch MP, Minister for Housing and Public Works and Minister for Science and Innovation, met on 31 July 2015 and discussed the issue of product non-conformity.



The BMF expressed concerns about the health and safety risks posed by non-conforming building products and materials making their way into the Australian building and construction supply chain and the non-compliant use of building products.

To address these issues, the BMF established a Working Group of senior officers to report to the BMF within six months on strategies to minimise the risks to consumers, businesses and the community associated with failure of building products to conform to relevant laws and regulations and at the point of import.

The BMF also agreed that, to ensure that community health and safety is effectively maintained, the ABCB will investigate options for a scheme for high risk building products and report to ministers within six months. In addition, the ABCB will consider and report on possible amendments to the NCC to require fire sprinkler protection to covered balconies of multi-storey buildings.

Also, DHPW proposes to make a submission on behalf of the Queensland Government to the Senate Economics References Committee's (the Committee) recently announced inquiry into non-conforming building products. The submission will include reference to the concerns you have raised. Further details about the inquiry can be found on the Committee's website at [www.aph.gov.au](http://www.aph.gov.au) by clicking on (1) 'Parliamentary Business', (2) 'Committees', (3) 'Senate Committees' and (4) 'Economics'. Alternatively, you can contact the Committee's Secretariat by email at [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au) or on telephone (02) 6277 3540.

I also understand that the Queensland Building and Construction Commission (QBCC), Queensland's regulator of builders, building certifiers and other contractors, has consulted Queensland building industry associations and commercial building companies about the use of Alucobest cladding. The QBCC has advised DHPW that it is currently unaware of Alucobest being used on any Queensland work sites. The QBCC and DHPW will continue to monitor and further review this issue as more information becomes available.

In addition, the QBCC met with the QFES on 6 May 2015 to discuss action being taken to investigate and address this significant fire safety matter. For example, the QFES, as Queensland's referral agency for building fire safety designs, is urgently preparing internal directives and guidance to ensure its staff and building industry stakeholders are given the necessary information to ensure compliance with NCC non-combustibility requirements.

If your organisation is aware of this product being used in Queensland, or requires further information or assistance with this issue, please contact Mr Logan Timms, Executive Director, Building Industry and Policy, DHPW, by email at [logan.timms@hpw.qld.gov.au](mailto:logan.timms@hpw.qld.gov.au) or on telephone (07) 3008 2559.

Thank you for raising your concerns and I hope this information is of assistance to you.

Yours sincerely

**MARK BIDDULPH**  
**ACTING DEPUTY CHIEF OF STAFF**  
**PARLIAMENT AND POLICY**



**Stand up. Speak out. Come home.**

**CFMEU**

**NATIONAL OFFICE**

Construction Forestry Mining & Energy Union

Tuesday, 2 June 2015

The Hon Bruce Billson MP  
Minister for Small Business  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

**Via Fax:** (02) 6273 0434 and (03) 9783 7912

Dear Mr Billson,

**Re: Imported sub-standard Engineered Wood Products putting Australian lives at risk**

Our letter of May 26 brought to your attention that Chinese manufactured cladding is combustible and does not meet Australian Standards. The cladding was used on the external walls of the Lacrosse Docklands apartment building in Victoria and its flammability contributed significantly to the intensity of the fire at the building last November. We further advised you of the product's apparent widespread use around the country.

On a related issue we now write to you to highlight the widespread and dangerous use of another sub-standard imported product in the Australian building industry. Engineered Wood Products have important functions in the construction and building industry. Structural plywood is used in bracing, flooring and concrete formwork (formply); and composite Laminated Veneer Lumber (LVL) beams are also used in formwork.

Formwork failure may result in the severe injury or death of construction workers and/or the general public.

Australian manufacturers are vigilant in the manufacture and testing of their products to guarantee they conform to Australian Standards and ensure that they are safe and that they comply with necessary standards for strength, stiffness, elasticity, and bond quality. There is no such rigour around imported products and the result is that many do not conform to Australian Standards.

The Engineered Wood Products Association of Australasia has stated that their market surveillance and targeted check testing has resulted in approximately 70% of samples of imported products taken at point of sale failing to meet safety standards. \$40,000 worth of imported product is purchased and tested per annum for this purpose.

We attach a number of reports from the tests conducted on different imported Engineered Wood Products to show some of the failure points in these products. The Australian Competition and Consumer Commission (ACCC) have been alerted to this issue but has failed to take any meaningful action in response to fraudulent labelling of products despite its clear remit to do so. This has created an emergency in the industry.

Construction Forestry  
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National Secretary  
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Sub-standard imported Engineered Wood Products like these are dangerous to construction workers and the community. Their prevalence risks jobs in the Australian manufacturing industry, and jobs reliant on it, by unfairly undercutting Australian manufacturers who do the right thing by ensuring their products are up to scratch.

We would appreciate a response to the course of action that you plan to take on this matter.

Please respond to this letter within one week.

Sincerely,

MICHAEL O'CONNOR  
*National Secretary*  
CFMEU



**THE HON KAREN ANDREWS MP**

**PARLIAMENTARY SECRETARY TO THE MINISTER FOR INDUSTRY AND SCIENCE**

30 JUL 2015

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PARLIAMENT HOUSE  
CANBERRA ACT 2600

Mr Michael O'Connor  
National Secretary  
CFMEU  
148-152 Miller St  
WEST MELBOURNE VIC 3003

MS15-001433

Dear Mr O'Connor

Further to our recent exchange of correspondence regarding non-conforming building products and engineered wood standards and compliance issues, I am writing to confirm that my office has been in discussions with the Australian Competition and Consumer Commission (ACCC) on these two matters.

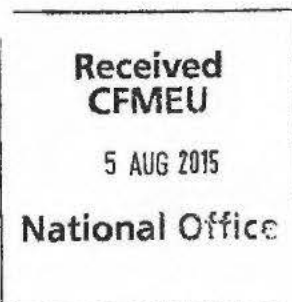
The ACCC has confirmed that it is currently examining the issues set out in your correspondence. I understand that ACCC will make contact with you directly to advance discussions on these matters.

As you know, issues relating to building product compliance including strengthened measures to promote greater awareness of these issues will be discussed at this Friday's Building Ministers' Forum. The Forum may also identify potential improvements to the current building product compliance and enforcement arrangements.

Thank you again for bringing your concerns to my attention.

Yours sincerely

Karen Andrews





Stand up. **Speak out.** Come home.

**CFMEU**  
NATIONAL OFFICE  
Construction Forestry Mining & Energy Union

23/12/15

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House of Representatives  
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Thank you for your response to our letter dated 15<sup>th</sup> of June, 2015 to you regarding the non-compliant cladding used on the Lacrosse Docklands apartments, which contributed to the intensity of the fire at the site in November 2014.

By way of background, as stated in our letter to you dated 26 May 2015:

"For your information, as a matter of urgent public safety, we have written to all State Premiers and Territory Chief Ministers calling on them to instruct their relevant government department to conduct an audit of the use of this product... The purpose of the audit would be to ascertain the extent of the problem, then place the information on the public record along with a site-specific explanation to be shared with the at-risk public. This information would include the methods used to determine the products respective applications are safe and/or what remedial action will be taken to ensure that is the case."

We are disappointed with the response by the States and Territories to the issues raised.

The only jurisdiction to have taken the audit path appears to be the Victorian Government but even that has been inadequate given the seriousness of the problem at hand:

As stated by the Metropolitan Fire Brigade:

"(the audit) is very limited in its scope at this particular point in time. It has looked at buildings that are 10 years old, in classes 2 and 9—so basically, where people sleep in buildings, so it is healthcare buildings and residential buildings. It looks at buildings that are of any size. In metropolitan Melbourne there are 170 buildings that have been identified"

In addition they have also recently described the audit process as "painfully slow".

The fact that Victoria is probably, as the Victorian Building Authority claimed, "leading the way", is an indictment on the approaches of the other State and Territories given the shortcomings in Victoria mentioned above. We are disappointed that the Building Minister's Forum on July 31

did not result in a more robust commitment from the State and Territory Governments to conduct audits.

As you are I am sure aware, community concerns about the above process resulted in Senator Madigan in the last Senate Question Time of the year seeking a commitment from the Commonwealth Government. He asked that if, when the Building Ministers' Forum convenes in February, there is no commitment by State and Territory Governments to carry out comprehensive audits in their respective States and Territories, whether the Commonwealth Government will request that this occur, or alternatively begin work on the establishment of a national audit in the interests of ensuring that the ongoing risk to the lives of occupants and firefighters is abated.

We were heartened by the response of Senator Sinodinos which was that:

"In concert with our state colleagues we will move expeditiously to do what we can to deal with this issue, and I will follow up on his behalf."

In your correspondence to us you acknowledged our understanding that the regulatory responsibilities for building products compliance and enforcement sits primarily with the States and Territories however given the situation we would appreciate the Commonwealth providing leadership and intervening with a national audit if commitments received in February remain inadequate. If you could let us know when you communicate this intention to the Building Minister's Forum's Working Group of Senior Officers looking at this issue we would be very grateful.

Sincerely,

Michael O'Connor,  
National Secretary  
CFMEU