

# **Queensland Building and Construction Commission (Non-Conforming Building Products Code of Practice) Notice 2017**

Explanatory notes for SL 2017 No. 226

made under the

*Queensland Building and Construction Commission Act 1991*

## **General Outline**

### ***Queensland Building and Construction Commission (Non-Conforming Building Products Code of Practice) Notice 2017***

#### **Authorising law**

Section 74ADA of the *Queensland Building and Construction Commission Act 1991*

#### **Policy objectives and the reasons for them**

The *Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and Other Matters) Amendment Act 2017*, that amends the *Queensland Building and Construction Commission Act 1991*, commenced on 1 November 2017.

The objective of the amendments is to promote the safety of Queensland's buildings by establishing obligations on supply chain participants for building products to ensure that a building product is not a non-conforming building product.

New section 74ADA of the *Queensland Building and Construction Commission Act 1991* provides for a Code of Practice to be made by the responsible Minister.

The Code of Practice is to state a way of discharging a duty a person has under Part 6AA, Division 2 of the *Queensland Building and Construction Commission Act 1991*.

New section 74ADB of the *Queensland Building and Construction Commission Act 1991* provides that a Code of Practice can be admissible as evidence in proceedings for an offence against Part 6AA of the *Queensland Building and Construction Commission Act 1991* regarding duties relating to building products.

## **Achievement of policy objectives**

This notice achieves the policy objectives by approving the *Non-Conforming Building Products Code of Practice – October 2017*.

## **Consistency with policy objectives of authorising law**

Making the *Non-Conforming Building Products Code of Practice – October 2017* is consistent with the object in the *Queensland Building and Construction Commission Act 1991* to regulate building products to ensure those involved in the production, supply or installation of building products are held responsible for the safety of the products and their use.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

The policy objectives can only be achieved by making the Code of Practice.

## **Benefits and costs of implementation**

The *Non-Conforming Building Products Code of Practice – October 2017* provides information to building product supply chain participants regarding how to discharge a duty regarding building products.

It is expected that there will be no significant additional costs for building product supply chain participants and businesses, as they should already ensure that building products are safe, fit for the intended use and comply with relevant regulatory provisions.

## **Consistency with fundamental legislative principles**

The notice does not conflict with fundamental legislative principles.

## **Consultation**

A draft Code of Practice was released for public consultation on 29 September 2017.

Consultation was also undertaken with the Ministerial Construction Council, which comprises of representatives from the following organisations:

- Air Conditioning and Mechanical Contractors' Association

- Association of Wall and Ceiling Industries Queensland
- Australian Institute of Architects
- Australian Institute of Building Surveyors
- Australian Manufacturers and Workers Union
- Construction, Forestry, Mining and Energy Union
- Electrical Trades Union
- Engineers Australia
- Housing Industry Association
- Landscape Queensland
- Master Builders Queensland
- Master Concreters Australia
- Master Electricians Australia
- Master Painters Queensland
- Master Plumbers' Association of Queensland
- National Association of Women in Construction
- National Fire Industry Association
- Plumbing and Pipe Trades Employees Union QLD
- Queensland Building and Construction Commission
- Queensland Council of Unions
- Subcontractors Alliance

Further targeted consultation was held with key industry organisations such as the Australian Industry Group, Building Products Innovation Council, Bureau of Steel Manufacturers of Australia, Bunnings and CSR Limited.

There was support for the making of the Code of Practice to give guidance on how compliance with the Act can be achieved by participants in the building product supply chain.

## Notes on Provisions

**Clause 1** provides the short title of the notice.

**Clause 2** states that the *Non-Conforming Building Products Code of Practice – October 2017* has been made as a code of practice under section 74ADA of the *Queensland Building and Construction Commission Act 1991*. A copy of the *Non-Conforming Building Products Code of Practice – October 2017* can be found on the Department of Housing and Public Works' website.