1. Non-conforming building products (NCBPs) pose a significant risk to the health and safety of all Queenslanders. The use of NCBPs threatens the integrity of a building, putting all users of the building, as well as people on building sites potentially at risk. Incorporating NCBPs in a building can also impose significant costs on owners to rectify damages or undertake remedial action.
2. The Queensland Building and Construction Commission (QBCC) has limited powers to address the manufacture, sale and use of NCBPs. The current QBCC powers can only be used on building practitioners and licensees, such as building certifiers, who are at the end of the supply chain.
3. The *Queensland Building Plan: A discussion paper for industry and consumers* (QBP discussion paper) was consulted on between 30 November 2016 and 31 March 2017 and sought feedback on 10 building policy areas of reform, including ways to address the use of NCBPs.
4. The amendments proposed in the Building and Construction Legislation (Non-Conforming Building Products - Chain of Responsibility and Other Matters) Amendment Bill 2017 (the Bill) will introduce obligations on all building supply chain participants, including manufacturers, importers, suppliers and installers to ensure building products are fit for the intended purpose and are safe. Obligations will include such things as providing information about the suitability of a product or material for its intended use and ensuring representations are not false and/or misleading.
5. To support the QBCC in addressing the supply and use of NCBPs additional investigative and enforcement powers will be provided through this Bill, including investigating buildings that are not building sites, obtaining samples for testing and directing rectifications. The Minister will also have the ability to recall or issue warnings about NCBPs.
6. The Bill includes amendments to provide a positive obligation for QBCC licensees to notify the QBCC of any safety risk on a building or construction site or if the licensee believes that a person has failed to comply with an order or notice issued by the Electrical Safety Office. Amendments will also enable information sharing between the QBCC and other regulators in relation to work health safety and allow the QBCC to consider work health issues when considering disciplinary matters.
7. Cabinet approved the introduction of the Building and Construction Legislation (Non-Conforming Building Products - Chain of Responsibility and Other Matters) Amendment Bill 2017 into the Legislative Assembly.
8. *Attachments*
* [Building and Construction Legislation (Non-Conforming Building Products - Chain of Responsibility and Other Matters) Amendment Bill 2017](Attachments/Bill.pdf)
* [Explanatory Notes](Attachments/ExNotes.pdf)