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Building Act 1993

REVOCATION OF MINISTER'S GUIDELINE MG-14: ISSUE OF BUILDING PERMITS WHERE BUILDING WORK INVOLVES THE USE OF CERTAIN CLADDING PRODUCTS

I, Richard Wynne, Minister for Planning and Minister responsible for the **Building Act 1993** (the Building Act), revoke Minister's Guideline 14: *Issue of Building Permits Where Building Work Involves the Use of Certain Cladding Products*, which was published in the special edition of the Victorian Government Gazette, No. S 110 Tuesday 13 March 2018 and took effect from 22 March 2018.

This Revocation takes effect from 1 February 2021.

Dated 28 December 2020

THE HON. RICHARD WYNNE MP
Minister for Planning

SPECIAL

Building Act 1993**PROHIBITION OF HIGH-RISK EXTERNAL WALL CLADDING PRODUCTS
DECLARATION**

I, Richard Wynne, the Minister for Planning, and Minister responsible for administering the **Building Act 1993**, by this instrument declare certain external wall cladding products to be prohibited from being used by any person in the course of carrying out any building work in connection with buildings of Type A or Type B construction under section 192B(1) of the **Building Act 1993** (Building Act) as follows:

1. Citation

This Declaration may be referred to as the **Prohibition of High-Risk Cladding Products Declaration**.

2. Definitions

Terms used in this Declaration have the same meaning as the term has in the Building Act, unless the context otherwise requires.

- Type A Construction has the meaning given to it in Part C1 of the BCA Volume One.
- Type B Construction has the meaning given to it in Part C1 of the BCA Volume One.

3. Description of the external wall cladding products to be declared to be prohibited

Under section 192B of the Building Act, the following external wall cladding products are prohibited from being used by any person in the course of carrying out any building work in connection with buildings of Type A or Type B construction in Victoria:

- aluminium composite panels (ACPs) with a core of less than 93 per cent inert mineral filler (inert content) by mass in external cladding as part of a wall system; and
- expanded polystyrene products used in an external insulation and finish (rendered) wall system.

4. Statement of reasons

I am satisfied that use of these categories of external wall cladding products is or will likely cause occupants, members of the public and occupants of neighbouring buildings to be at risk of death or serious injury; and property to be at risk of a severe damage in event of a fire. Therefore, a prohibition on the future use of these products in the construction of Type A and Type B construction is considered appropriate.

In accordance with section 192B(7) of the Building Act, the reasons for making this declaration are as follows:

- These categories of product specified in the prohibition do not fulfil the requirements of the National Construction Code deemed-to-satisfy provisions for Type A and Type B construction.
- Currently, the categories of product may be used as part of a performance-based solution. However, building audits conducted over recent years have demonstrated that:
 - validation of performance solutions can be difficult due to a lack of documentation;
 - performance solutions have been misused; and
 - on-site construction standards and controls do not always ensure that the building is built to the standard intended through the design process.
- Furthermore, these products present a higher risk to occupant safety when used in Type A and Type B construction, particularly where adequate consideration is not given to:
 - how individual building products will impact on the overall safety of the building at the time of construction; and
 - the performance of these products and other building safety systems over the building's lifecycle.

- Commentary from eminent professionals both within Australia and internationally have called into question the effectiveness of current building regulatory control system's ability to ensure that, where a performance solution is used, it:
 - has full regard to all relevant risks;
 - is in the best interests of the public and occupants; and
 - delivers a building which achieves the level of performance expected of current and future owners.

In view of the fire events in Melbourne and evidence from technical experts I am of the opinion that prohibiting the use of these categories of products in Type A and Type B construction will reduce the risk of fire spread in multi-storey buildings, reducing the risk to the safety of occupants, neighbouring buildings, property and the public.

5. Commencement

This Declaration has effect from 1 February 2021.

Dated 28 December 2020

THE HON. RICHARD WYNNE MP
Minister for Planning

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