

# Australia: Senate committee calls for flammable cladding ban

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The ongoing Senate investigation into “non-conforming building products” has released an interim report on the widespread use of polyethylene core aluminum composite panels (ACP) in Australia in the past two decades.

Published on September 6, the report called for a total ban on the importation, sale and use of flammable aluminum composite panels, declaring that there should be no “legitimate” use of the product in Australia.

The report also called for a national licensing scheme for all building professionals, increased accountability, easier access to Australian Standards construction rules, a strict penalties regime for non-compliant work and national “duty of care rules”—i.e., the legal obligation of builders and developers to pay for repairs to faulty and unsafe or illegal construction work.

One inquiry member, cross-bench Senator Nick Xenophon, told the media that if the government did not ban the product, he would introduce an amendment to Australian custom laws stopping the import of flammable cladding. “We cannot under any circumstances bear the tragedy that occurred in London. We must prevent any risk of that happening here,” he declared.

Labor’s spokesman on industry innovation, science and research, Kim Carr, backed Xenophon’s comments, declaring that there had been a “fundamental failure of public safety.”

These comments are disingenuous and are designed to obscure the fact that the responsibility for compromising the health and safety of thousands of people rests with federal and state governments, Labor and Liberal-National alike, which have privatised safety inspections and undermined building regulations over the past 20 years.

The decision to issue an interim report was only made

after the Grenfell Tower fire in London and angry concerns by fire safety and building engineer peak bodies and apartment block owners over the glacial pace of the Senate investigation.

The committee has been investigating “non-conforming products” since June 2015, following the potentially fatal fire in late November 2014 at the multi-storey Lacrosse apartment block in Melbourne’s Docklands. It initially promised to complete its work within four months, at the end of 2015, but after seven deadline extensions it will not hand down its final report until April 2018—three and a half years after the Lacrosse blaze.

Over 160 submissions to the inquiry, along with testimony from senior firefighters, construction engineers, building safety inspectors and bodies representing unit owners, have thoroughly exposed the parlous state of the industry.

Building safety regulators told hearings that fraud and corruption were widespread but confessed that no builders or developers had been prosecuted for these violations (see: “Australian inquiry into dangerous building products: An exercise in political damage control”).

While the interim report voiced concern about extensive use of flammable cladding, its recommendations will be ignored. Anything that might significantly undermine the massive profits being made in Australia’s property market will not be implemented.

The two government senators on the Senate committee—Jane Hume and Ian Macdonald—issued a dissenting report. They rejected the call for a ban on the flammable cladding and claimed that the federal government only had limited power to impose penalties for using dangerous and non-conforming products and

violating building codes.

Likewise, the assistant federal minister for industry, innovation and science, Craig Laundy also rejected the call for a ban. He is chairman of the federal-state Building Ministers Forum, which is supposed to be conducting a national audit of ACP-clad buildings. Laundy falsely compared the material to timber, arguing, “We are not going to ban all timber production and importation.”

Ron Lawson, a spokesman for the Insulated Panel Council Australasia, the peak body for cladding importers and sellers, said that the Senate committee’s call for bans were a “knee jerk reaction”. He told Fairfax Media that there was “hysteria” about ACP cladding and it “had to stop.”

Whether or not ACP cladding is finally banned in Australia or stricter safety laws or heavier fines imposed for its use, the Senate inquiry will change nothing for those already living or working in buildings covered in this dangerous product.

Building engineers recently told ABC television’s “Four Corners” program that up to 10,000 buildings in Australia could be covered in flammable cladding. Federal and state government authorities, however, have only publicly identified a handful. State governments, moreover, have directed those living in private apartment blocks to organise their own inspections.

The cost of these safety inspections—up to \$30,000 per building—is to be borne by the building owners. They will also have to pay for any remedial work or the fitting of internal sprinkler systems, which can amount to millions of dollars. Anyone seeking financial recompense from builders or developers confronts complex multi-million dollar court action and no guarantee of a legal victory.

Those who cannot afford to repair their properties and make them safe are penalised with sharp falls in the value of their homes. Moreover, insurance companies will impose huge premiums and could refuse outright to insure the flammable clad buildings.

While Australian governments, state and federal, feign concern about flammable cladding and other unsafe practices, they have created the conditions for them to flourish. The Senate inquiry’s interim recommendations will be brushed under the carpet and the drive for profit for the few at the expense of the

safety of the majority will continue.



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