



STRATA COMMUNITY ASSOCIATION

Dangerous Cladding in
Australia:

State of Play

About SCA

Strata Community Association (SCA) is the peak industry body for Body Corporate and Community Title Management (also referred to as Strata Management, Strata Title, or Owners Corporations Management) in Australia and New Zealand.

Our 5,000 individual and corporate members include strata/body corporate managers, support staff, owners' representatives and suppliers of products and services to the industry. SCA proudly fulfils the dual roles of a professional institute and consumer advocate.

Direct employment in specialist strata management companies is approaching 10,000 people. More significantly, they are pivotal in an estimated \$6.7 billion in annual economic activity.

Based on the 2020 Australasian Strata Insights Report, more than 2.2 million people live in flats and apartments, the vast majority being strata titled.¹ This figure does not include other forms of strata title such as townhouses and community titled developments. Nor does it include businesses operating in strata titled commercial buildings. The estimated value of property under strata title in 2020 exceeds \$1.3 trillion.²

As the growth of apartment and strata living has intensified over the last decade, the strata management strata services industry has grown in lockstep to serve it. Strata managers navigate through a maze of Commonwealth, State and Territory legislation and regulation ranging from actual strata specific legislation, regulation, workplace, health, and safety issues and building codes as well as measures applicable to the management of body corporate funds.

A strata manager is expected to be knowledgeable on a range of issues relating to the management of a strata scheme.

¹ Hazel Easthope, Sian Thompson and Alistair Sisson, *Australasian Strata Insights 2020*, City Futures Research Centre, UNSW, Accessed at <https://cityfutures.be.unsw.edu.au/research/projects/2020-australasian-strata-insights/>

² Ibid, p6

Contents

About SCA	2
Introduction	4
Australian Capital Territory	4
Background.....	5
Progression.....	5
Next Steps.....	5
New South Wales	7
Background.....	7
Progression.....	7
Next Steps.....	7
Northern Territory	8
Background.....	9
Progression.....	9
Next Steps.....	9
Queensland	9
Background.....	10
Progression.....	10
Next Steps.....	10
South Australia	11
Background.....	11
Progression.....	11
Next Steps.....	11
Tasmania	12
Background.....	12
Progression.....	12
Next Steps.....	12
Victoria	14
Background.....	14
Progression.....	14
Next Steps.....	15
Western Australia	16
Background.....	16
Progression.....	16
Next Steps.....	17

Introduction

On June 14, 2017, the Grenfell Tower in West London became engulfed in flames, causing 72 residents to lose their lives in what is now remembered as one of the most shocking tragedies in modern history.

The Grenfell Tower had been externally clad in Aluminium Composite Panelling (ACP) comprised of highly combustible polyethylene, which we now know is the primary contributing reason for the aggressive spread of the fire throughout the building.

Since that day, flammable and unsafe cladding, and the potential for fatal outcomes has been a well-publicised and high-profile issue both nationally in Australia and globally. The tragedy served as a wakeup call, with countries all over the world seeking to rectify residential and commercial buildings that had been built domestically with the same or similar cladding materials.

On the 5-year anniversary of the Grenfell Tower tragedy, Strata Community Association is releasing this report, to investigate the current state of play in relation to dangerously clad residential buildings in each jurisdiction throughout Australia.

SCA has consolidated all information relating to the progression of each jurisdiction on this issue, ever since the Australia-wide push to investigate cladding on high-risk buildings was instigated in 2017.

For each state, we call attention to the extent of the problem, highlight the action undertaken by each respective Government to this point, and assess the next steps forward.

It is encouraging that the issue of combustible cladding is at the very least on the radar of each respective state Government. However, while some states have undertaken swift and decisive action to rectify this issue and have implemented comprehensive rectification schemes that are well underway, other states have stagnated in their response.

The Lacrosse building fire in 2014 serves as a stark domestic reminder of the potential for fatalities and serious injury that combustible cladding bears. Although nobody was harmed in that instance, the longer that the total rectification of combustible cladding on Australian buildings takes, the higher the risk that we may see history repeat itself.

Australian Capital Territory

Background

The ACT Government announced their commitment to reducing the risk of combustible cladding on residential apartment buildings in the ACT. The scheme, dubbed the “Private Buildings Cladding Scheme” has been designed in consideration of existing schemes in other Australian state jurisdictions and created to suit the specific circumstances of the ACT.

The Minister for Sustainable Building and Construction Rebecca Vassarotti, believes that approximately 90 private buildings in Canberra are affected by combustible cladding, which will add to the 23 government buildings already included in the public building cladding scheme.

Announced in late 2020, the Private Buildings Cladding Scheme provides three avenues of assistance for eligible private building owners in the ACT:

1. **Education and information** on combustible cladding.
2. **Practical assistance** in sourcing suitable professional service providers in the ACT; and
3. **Financial assistance** by offering financial support for testing and assessment of the building cladding fire risk through a rebate scheme and, if necessary, undertaking the rectification works through concessional loans.³

Progression

Phase 1 of the Scheme commenced on 21 July 2021 (running until 21 July 2022) and covers voluntary application for testing and assessment of the building’s cladding to determine whether it is combustible, through a fire risk assessment of the building prepared for an Owners Corporation. The Government is assisting 50% rebate for professional testing and assessment services.

In order to assist with navigating the cladding assessment stage, the Government is maintaining a ‘Register of Potential Suppliers’ on its website to utilise. Owners Corporations are able to select their own providers, as long as they are “qualified, experienced and insured for cladding ratification work in the ACT,” and satisfy the ACT Government that they meet the requirements of inclusion on the Register before being able to provide services under this Scheme.⁴

Notably, the ACT Government has neglected to have any involvement with a private supplier on behalf of a private building owner, and will not offer individual guidance as to costs, contractual advice, disputes etc. in any capacity whatsoever.⁵

Next Steps

Phase 2 of the Scheme covers the actual rectification works being undertaken on buildings. The ACT Government has announced that it will introduce concessional loans in this phase, however the full details of this phase have not yet been fully announced.

³ Hansard, ‘Legislative Assembly for the ACT – Tenth Assembly.’ 5 August 2021, p12. Accessed at: <https://www.hansard.act.gov.au/hansard/2021/pdfs/210805.pdf>

⁴ ACT Government. *Private Buildings Cladding Scheme: Scheme Guidelines*. July 2021. p 11. https://www.act.gov.au/_data/assets/pdf_file/0006/1971510/ACT-Cladding-Program-Testing-and-Assessment-Grants-Scheme-Guide.pdf

⁵ ACT Government, ‘Frequently Asked Questions for Property Owners.’ Accessed at: <https://www.act.gov.au/majorprojectscanberra/act-cladding-program/property-owner-information/frequently-asked-questions-owners>

Recently, ACT Liberals leader Elizabeth Lee MLA criticised the current ACT Government on their lack of urgency in regard to this issue and called for the government to make it a priority to both set a date for phase 2 and release “concrete details of the remediation loan scheme.”⁶

This sentiment has been echoed on the ground by all stakeholders, including residents, strata managers, owners corporations and professional organisations like Strata Community Association ACT (SCA ACT) and Owners Corporation Network ACT (OCN ACT).

The ACT Government have dismissed this notion, and Attorney-General Shane Rattenbury has confirmed the full details of the concessional loan scheme will be announced in the coming weeks.

⁶ City News. *Libs call for target date to remove combustible cladding*. 2 June 2022. <https://citynews.com.au/2022/lib-s-call-for-target-date-to-remove-combustible-cladding/>

New South Wales

Background

The NSW Government (like many other jurisdictions both nationally and at a globally), established the NSW Cladding Taskforce in response to the 2017 London Grenfell Tower fire tragedy. The Taskforce was formed to investigate and establish the extent of dangerous combustible cladding in the state and determine the level of risk for each individual building.

In conjunction with this investigation, the NSW Government implemented 'Project Remediate,' a scheme designed to assist owners in high-risk buildings with rectification. Project Remediate is a voluntary three-year program, which is sponsored by the NSW Building Commissioner, but is overseen by the Office of Project Remediate along with NSW Fair Trading and NSW Fire and Rescue.

There are 2 core supportive aspects of Project remediate

- **Financial Support:** The program offers 10-year interest-free loans for Owners Corporations to fund the cost of remediation to high-risk flammable cladding on buildings.
- **Quality Assurance and Program Management:** The NSW Government is directly funding a package of up to \$139 million of quality assurance measures to support and deliver the remediation work, including a Managing Contractor, a Cladding Product Safety Panel, a Global Façade Consultant, and a panel of authorised service providers to engage in rectification.⁷

Progression

In August of 2018, the NSW Fair Trading Commissioner issued a ban that prohibited the use of Aluminium Composite Panels (ACPs) that comprise of greater than 30 per cent polyethylene for any external cladding, walls, insulation, façade's or finishes on a variety of classes of multi-story buildings.⁸ Corporations that engage in the use of these materials face up to \$1.1M in fines.

Prior to the initiation of Project Remediate, the NSW Cladding Taskforce in cooperation with Fire and Rescue NSW (FRNSW) engaged in an auditing process, assessing over 185,000 building records and inspecting 4182 buildings to date.⁹ Of those buildings inspected, 225 have been determined to be 'high-risk.'

As of 18 February 2022, a total of 391 buildings in NSW were engaged in various stages of the rectification process, under either review, assessment, or remediation.¹⁰

Next Steps

'High-risk' buildings have been the main priority and focus of Project Remediate throughout the duration of the program, since its inception. Minister for Better Regulation Kevin Anderson has

⁷ NSW Government. *Replace flammable cladding through Project Remediate*. <https://www.nsw.gov.au/building-commissioner/remediate-cladding>

⁸ NSW Fair Trading. *Aluminium composite panel ban*. <https://www.fairtrading.nsw.gov.au/trades-and-businesses/construction-and-trade-essentials/building-products/aluminium-composite-panel-ban>

⁹ NSW Government. *NSW Cladding Taskforce*. <https://www.nsw.gov.au/projects/nsw-cladding-taskforce>

¹⁰ Ibid.

stated that NSW is on track to remove all flammable cladding from NSW's eligible high-risk residential apartments buildings by the end of 2023.¹¹

However, in a review of the reforms undertaken by NSW Auditor-General Margaret Crawford, it was determined that many of the buildings determined to be 'low-risk' by the NSW Cladding Taskforce still maintain what could be considered a 'compromising' levels of flammable cladding.¹² The cladding taskforce currently does not have a plan in place for buildings considered 'low-risk.'

It is encouraging that NSW is leading the way with their action in regard to the removal of dangerous cladding across the state. However, as Project Remediate moves past stage one and into stage two, greater emphasis must be placed on the 'low-risk' buildings, including the potential for financial support in a similar capacity to the assistance offered to those in high-risk circumstances, to mitigate against disaster and ensure that at risk NSW residents don't get left behind.

¹¹ Minister for Small Business. (2021). *Work to remove flammable cladding begins*. NSW Government <https://www.nsw.gov.au/media-releases/work-to-remove-flammable-cladding-begins>

¹² Reddie, J. (2022). *Low-risk buildings left behind in NSW's re-cladding initiative*. Architecture and Design. <https://www.architectureanddesign.com.au/news/low-risk-buildings-left-behind-in-nsw-s-re-claddin>

Northern Territory

Background

The Northern Territory Government recognised and acknowledged Former Prime Minister Malcom Turnbull's appeal to conduct audits on buildings in all the states and territories to determine the extent of combustable cladding. However, although the NT Fire Service has made inquiries as to the safety of some buildings in the territory, according to the Fire Protection Association of Australia (FPAA)'s Scott Williams, Darwin is a small city and both under-funded and under-resourced, which left the Northern Territory unable to allocate the time and money required to conduct an extensive audit.¹³

Progression

The Northern Territory Government is yet to undertake any tangible action in regard to identifying and rectifying the use of combustable cladding.

Chief Fire Officer Mark Spain believes the risk of fires as a result of dangerous cladding is low, stating "Darwin is a young modern city in respect to high rises with strict building code compliance during the initial build phase involving the Community Fire Safety Command." However, the Northern Territory is yet to ban the usage of ACP for facades, so it is impossible to determine the current extent or risk of ACP on public and private buildings, and thus evaluate the risk.

The Northern Territory Government has stated its support for the National Construction Code (NCC) and has reinforced that developers "conform and comply with the National Construction Code, and the relevant technical standards and laws to make (our) buildings safe."¹⁴

The Government has also recommended that individuals report products that are non-conforming or non-compliant with the NCC. However, an average resident of a building is unlikely to be able to determine the conformity of their building's cladding without the assistance and expertise of a professional.

Next Steps

Nearly half of the residents of the Northern Territory rent, and between 16% – 26% of the total population live in strata.¹⁵ Considering the proportion of the population that are therefore potentially living in unsafe environments, it is imperative that the Government undertake appropriate actions to mitigate against the potential for a building tragedy. The Government may follow the lead of other smaller state governments, follow the standard model of diverting resources to undertake both a comprehensive audit to determine buildings at risk, and mandate that rectification be undertaken.

¹³ Elias Clure. *Some Darwin apartments could be made of non-compliant materials, fire protection agency says*, 12 Feb 2018. ABC News Online. <https://www.abc.net.au/news/2018-02-12/darwin-apartments-could-be-non-compliant-fire-agency-says/9420458>

¹⁴ Northern Territory Government. *Non-conforming building products*. <https://nt.gov.au/property/building/health-and-safety/non-conforming-building-products>

¹⁵ Easthope, H. et.al. (2020). P. 69

Queensland

Background

Queensland introduced the “Combustible Cladding Checklist” (the Checklist) via changes to the Building Regulation 2006 (the Regulation) introduced by the Building and Other Legislation (Cladding) Amendment Regulation 2018, the Building (Cladding) Amendment Regulation 2018, the Building (Cladding) Amendment Regulation 2019 and the Building and Other Legislation Amendment Regulation 2019.

In May of 2022 there were also changes to enforcement via the passage of the Building and Other Legislation Bill 2022. This empowered the QBCC to engage in enforcement activity more easily.

The Checklist has 3 phases, with phase 3 split into “A” and “B”, highlighted by the attached flow chart provided by the Department of Energy and Public Works. At present, the penalty creating provisions have been activated, and there are currently approximately 6 prosecutions are before Queensland Courts.

Peter Koutsoukis is the Chair of the Safer Building Taskforce, and SCA (Qld) has engaged with him and Mike Essery from the Department very actively. They continue to examine methods for rectification. SCA is hopeful that rectification will be commenced later this year.

Progression



On 30 June 2017, the Queensland Government established the “Non-Conforming Building Products Audit Taskforce” in order to develop an approach to deal with buildings that may be at risk.¹⁶

Since then, enforcement has taken place but in extremely limited circumstances, as mentioned previously. The Queensland Parliament has moved to close the administrative loophole which made it difficult for prosecutions surrounding this issue to occur. Other than this, the compliance and administrative burden has been put in place with no rectification framework.

Rectification is entirely voluntary and contingent on a body corporate having the ability to pay. All that is required at this point is the “giving” of the fire engineer report to all owners, the display of an affected private building notice and payment of fines for noncompliance with the Regulations.

Next Steps

Ultimately, it is important that rectification for at risk residential buildings in Queensland begins soon. The method of rectification should be determined through public consultation, and SCA is hopeful that this will occur sooner rather than later. There is little evidence to suggest that a program will be instigated without a consultation process.

¹⁶ Queensland Government. *Queensland Non-Conforming Building Products Audit Taskforce*. https://www.hpw.qld.gov.au/data/assets/pdf_file/0022/5719/claddingtaskforcereport.pdf

South Australia

Background

As a part of the 2017 nationwide push to investigate the extent of ACP cladding in buildings across the country, the South Australian Government called for a comprehensive audit to be undertaken in their state. The South Australian Building Audit was carried out by the South Australian Department of Planning, Transport, and Infrastructure (DPTI).¹⁷

The audit was designed to be implemented in a 3-phase process. Phase 1 consisted of identification of private buildings that may contain ACP using a variety of collated documentation. Phase 2 consisted of the onsite inspection of buildings suspected to contain ACP to confirm its presence. From there, the buildings underwent a risk assessment in order to determine the level of exposure. Finally, stage 3 is to establish the process by which rectification will be undertaken.

Progression

Currently, both Phases 1 and 2 have been successfully undertaken and completed.

According to the results of the South Australian Building Cladding Audit, 172 private buildings were identified as potentially containing combustable cladding:

- Of those buildings, 124 were confirmed in Phase 2 to contain ACP external cladding and underwent risk analysis processes
- 96 of those building were categorised as low or moderate risk
- 21 buildings were categorised as 'high-risk'
- 7 buildings were assessed to be at 'extreme risk.'¹⁸

Next Steps

While Phase 1 and 2 have been completed, Phase 3 is still in progress. Privately owned buildings with unsafe combustable cladding have been notified by the DPTI, who will continue to work collaboratively with owners to facilitate rectification.

At this stage, the state government has communicated that it expects local councils to be responsible for ensuring that owners fix any privately owned buildings that have been categorised into an unsafe level of risk, by monitoring their compliance, and enforcing appropriate action under the *Development Act 1993* if required.¹⁹

Similarly, the state government is maintaining the position that the cost of any work being undertaken is the responsibility of the owner of the building.²⁰

Both industry and owners of privately owned buildings are hopeful that the state government will consider offering more financial and administrative assistance in regard to this issue, in the hope for better outcomes for consumers who own and reside in strata communities and buildings affected by combustable cladding.

¹⁷ Department of Planning, Transport, and Infrastructure. *Summary of the South Australian Building Cladding Audit Interim Report*. Government of South Australia. p 1. https://plan.sa.gov.au/_data/assets/pdf_file/0011/593291/Summary_SA_Cladding_Audit_Interim_Report_Final.pdf

¹⁸ Ibid. p 3.

¹⁹ Plan SA. *Aluminium composite panel audit*. South Australian Government https://plan.sa.gov.au/our_planning_system/programs_and_initiatives/aluminium_composite_panel_audit

²⁰ Ibid.

Tasmania

Background

Following the Grenfell Tower fire in 2017, Former Prime Minister Malcom Turnbull made a request to the Hon Will Hodgman MP, the Tasmanian Premier at the time, to investigate and advise the Federal Government on the extent dangerous cladding in the state.

Following this request, the Hon Guy Barnett MP, the Minister for Building and Construction in Tasmania, requested the Director of Building Control to initiate a state-wide audit of Aluminium Composite Cladding in Tasmania.²¹

Charged with designing and implementing the auditing process, the Director of Building Control engaged in the assistance of both government departments like CBOS (Consumer, Building and Occupational Services), and industry professionals.²²

Progression

The Director of Building Control engaged all licenced building surveyors in Tasmania to nominate buildings that were wither built with ACP cladding, or that they were aware were built with ACP cladding. Similarly, the Director requested a number of property and construction industry bodies and professional associations to also provide their knowledge of the scope of the issue.

According to CBOS, the result of the audit process was the identification of 43 buildings where ACP was used. Of the 43 buildings found to have ACP cladding:

- 19 were identified to have little to no risk of combustion and determined to be in the 'low-risk' category
- 15 buildings were also shifted into the low-risk category following examination of documents and/or an on-site inspection
- A final 3 were determined to be low risk after "consideration of the use of ACP against the holistic fire safety aspects of the building."²³

Ultimately, the audit found that 42 of the 43 buildings that were found to have used ACP were classified as 'low risk.' The Launceston General Hospital was the only building in the state (that was identified in the audit), that had been determined to have combustable cladding that placed it in the 'high-risk' category. Work was immediately started to ensure the rectification of the issue and completed in 2018.

Next Steps

Tasmania's response to the push to investigate dangerous cladding on private buildings was both a success and a commendable effort. However, although Tasmania has low rates of dangerous cladding in comparison to other jurisdictions in Australia, buildings determined to be 'low-risk' may still be at risk of an incident occurring, as all buildings may be considered 'flammable.'

²¹ Consumer, Building and Occupational Services (CBOS). (2018). *Tasmanian Aluminum Composite Panel Audit Summary*. Tasmanian Government. p 5. Accessed at: https://www.cbos.tas.gov.au/_data/assets/pdf_file/0009/408276/Tasmanian-Aluminium-Composite-Panel-Audit-Summary-2018.pdf

²² Ibid. p 6.

²³ Ibid. p 7.

The Labor Opposition in Tasmania has previously criticised the Tasmanian Government on their lack of action to address the risk associated with these buildings. Shadow Minister for Building and Construction Jen Butler believes risk of any kind cannot be downplayed, quoted in reference to 'low-risk' cladding stating “there is no such thing as low risk or high risk – it is simply risk.”²⁴

Like NSW, Tasmania must ensure that residents of low-risk buildings are adequately assisted to ensure that they are not left behind, and to mitigate against another potential disaster. Similarly, the Tasmanian Government will continue to monitor residential building design and construction practices and enforce restrictions on the use of ACP in line with the *Tasmanian Building Act 2016*.

²⁴ The National Tribune. *Liberals failing to deal with Tasmania's building industry crisis*. 1 August 2019.
<https://www.nationaltribune.com.au/liberals-failing-to-deal-with-tasmania-s-building-industry-crisis/>

Victoria

Background

In November 2014, the LaCrosse apartment tower in Docklands was the first incident of its kind in Australia, occurring as a result of an abandoned cigarette left unextinguished on a balcony, with flames quickly and easily able to scale multiple storeys of aluminium composite panelling (ACP) on the exterior of the building.

Reports published by the then-Metropolitan Fire Brigade (MFB) following the fire indicated that the ACP cladding found at LaCrosse did not comply with relevant Australian standards (AS 1530.1-1994); subsequently, the Victorian Building Appeals Board ordered rectification of cladding to begin on the building in early 2017, subject to negotiation.

Owners of apartments within the LaCrosse complex were later awarded \$5.7 million in damages by the builder, LU Simon, in a decision handed down in Victorian Civil and Administrative Tribunal (VCAT).

Architects were found not to have adequately remedied defects within the design of the complex, specifically wherein the use of ACP cladding was considerably greater along east and west-facing facades, in breach of contractual obligations, in addition to failures by building surveyors and fire engineers in the approvals process.

More recently, a fire at the Neo200 residential tower in Spencer St, Melbourne in early 2019, caused once again by a cigarette on a balcony where flammable cladding was later discovered, affected six storeys, and rendered approximately 31 apartments within the complex uninhabitable.

Documentation published by Melbourne City Council later revealed that MFB assessments of the Neo200 building related to cladding risks cited a lack of sprinkler apparatus on balconies, and an increased likelihood of burning debris falling onto the surrounding streets in the event of a fire, with the building deemed a 'medium' risk as of 2016.

Subsequently, and controversially, Melbourne City Council's own assessment of the Neo200 building concluded later in the same year that the "risk of fire spread is low", effectively overruling the MFB's position.

Progression

In July 2019, the Andrews Government announced the creation of Cladding Safety Victoria (CSV) as a dedicated agency tasked with reducing the risk associated with combustible cladding on both residential and publicly owned buildings.

In September 2020, the government passed the Cladding Safety Victoria Act 2020, functionally separating CSV from the Victorian Building Authority (VBA) and establishing its sole responsibility over the delivery of rectification support for flammable cladding.

CSV's funding dedicated towards the delivery of rectification works for privately-owned residential buildings over the five-year period from 2019 is approximately \$550 million.

According to CSV's 2020-21 annual report, 40 private apartment buildings across Victoria have had rectification completed, compared to 67 publicly owned buildings.

Over 25,000 square metres of cladding from 11,082 private apartment buildings and 14,442 government buildings, respectively, are cited as having been removed throughout 2020-21 as a result of CSV support.

Next Steps

By CSV estimates, approximately 14,000 private apartment building residents will be protected through the planned removal of over 118,000 square metres of combustible cladding through 2021-22.

The reality is that flammable cladding and the hazard it poses to a great many people living in strata at present, is a by-product of faulty practices and enforcement of standards pertaining to the use of cheaper, lower-quality materials during construction.

Accordingly, it will be critical for the Victorian Government, now and into the future, to work towards effectively keeping a proverbial lens focused on building sector reform and standards.

Furthermore, expanding financial and non-financial support and resources however possible through agencies such as CSV to owners corporations and the strata, will surely serve as a booster of confidence in strata living, which by 2050, will only continue to grow in popularity, due to the underlying benefits of cost, sustainability, proximity to transport and amenities, and convenience for consumers associated with this lifestyle.

At present, approximately 1 in 4 Victorians would argue that the aforementioned benefits of strata living are priceless – the safety, wellbeing and livelihoods of these same Victorians must be thought of in such terms as well.

Western Australia

Background

As part of the national initiative to investigate the extent of flammable ACP cladding on buildings in Australia, the Western Australian Government took a similar path to other jurisdictions throughout the country. As their first step, between 2017 and 2019 the Western Australian Department of Mines, Industry Regulation and Safety (DMIRS)'s Building and Energy Division coordinated a state-wide dangerous cladding audit into private buildings.²⁵

The scope of the audit examined apartment buildings, hotels/motels, hospitals, and schools taller than 2 storeys, and built or refurbished between 2000 and 2017. An Audit Stakeholder Group was formed in 2018 to facilitate the information gathering process, which comprised of key industry groups, local governments, the Department of Fire and Emergency Services (DFES), and private building owners.²⁶ In particular, the heavily audit relied on the electronic database of buildings maintained by the DFES.

Progression

On October 6, 2018, the Western Australian Government introduced legislative amendments to the *Western Australian Building Regulations 2012* that highly restricted the use of combustable cladding. If a developer intends to use cladding with combustable elements on a new building, it must pass strict and comprehensive safety verification methods.²⁷

The Department of Mines, Industry Regulation and Safety's Building and Energy Division assessed a total of 1,795 private buildings that fell into the scope of the audit (based off of building class, height, and age).²⁸

According to DMIRS reports, of those 1,795 buildings, 475 were identified as suspected to have combustable cladding upon physical inspection. That number was shifted down to 258 following risk assessments.

Comprehensive risk assessments undertaken from that sample of buildings ultimately led to the categorisation of 38 buildings into 'moderate-risk', and 14 buildings into the category of 'high risk.'

These buildings were issued a building order by the Government, which required owners to both to engage in the services of a fire engineer to determine the extent of the required rectification of their building, and to engage in the remediation itself.

As of 31 March 2022, of the 52 moderate to high-risk buildings, 38 have had remediation works completed and compliance demonstrated, 5 buildings have remediation works in progress and the remaining 9 buildings wait for rectification to commence.²⁹

²⁵ Department of Mines, Industry Regulation and Safety. *State-wide Cladding Audit*. Government of Western Australia. <https://www.commerce.wa.gov.au/building-and-energy/state-wide-cladding-audit>

²⁶ Department of Mines, Industry Regulation and Safety. (2020) *State-wide Cladding Audit: An audit of combustable cladding on high-rise, high-risk private and public buildings*. Government of Western Australia. p 11. https://www.commerce.wa.gov.au/sites/default/files/atoms/files/final_state-wide_cladding_audit_0.pdf

²⁷ Ibid. p 25.

²⁸ Department of Mines, Industry Regulation and Safety. *State-wide Cladding Audit*. Government of Western Australia. <https://www.commerce.wa.gov.au/building-and-energy/state-wide-cladding-audit>

²⁹ Government of Western Australia. (2022). *State-wide Cladding Audit – Status Update for Private Buildings as at 31/03/2022*. https://www.commerce.wa.gov.au/sites/default/files/atoms/files/current_status_-_private_buildings.pdf

Next Steps

Western Australia is well on the way towards comprehensive rectification of dangerous cladding on private buildings in the state. The Building and Energy Division of the Western Australian Department of Mines, Industry Regulation and Safety continues to monitor the progress of cladding rectification in the state. This involves contact with authorities regarding the outcome of the enforcement of action on required rectification works. Similarly, it continues to monitor and closely control the usage of ACP's on new buildings.

Whilst the action undertaken by the Western Australia is encouraging, it is important to note that the scope of the audit did not take into consideration commercial buildings like offices, retail etc. Commercial buildings were determined at a lower risk of combustion and fatality by the Western Australian Government, as people do not live in commercial buildings and there are less opportunities for incidents that start fires (cigarettes, candles, barbeques etc.).³⁰ Therefore, it is not currently possible to determine the full extent of ACP cladding on buildings throughout Western Australia.

³⁰ Department of Mines, Industry Regulation and Safety. (2020) *State-wide Cladding Audit: An audit of combustible cladding on high-rise, high-risk private and public buildings*. Government of Western Australia https://www.commerce.wa.gov.au/sites/default/files/atoms/files/final_state-wide_cladding_audit_0.pdf