



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2020-043

| Information to be published | Status |
|---|-----------|
| 1. Access application | Published |
| 2. Decision notice | Published |
| 3. Documents and schedule | Published |
| 4. Additional information identified | No |
| 5. Fees | N/A |
| 6. Processing time (in working days) | 45 |
| 7. Decision made by Ombudsman | N/A |
| 8. Additional information identified by Ombudsman | N/A |
| 9. Decision made by ACAT | N/A |
| 10. Additional information identified by ACAT | N/A |

From: [EPSDFOI](#)
To: [CMTEDD FOI](#); [MPC FOI](#)
Cc: [Aloisi, Angelina](#)
Subject: FOI - Combustible Cladding on Apartment Buildings
Date: Monday, 2 March 2020 10:49:08 AM
Attachments: [20200301 - FOI Request FOI-20_10162.pdf](#)

UNCLASSIFIED

Good morning

Our reference: FOI 20/10162

Please see the attached request (sent electronically to our Director-General yesterday).

The applicant has advised that they have also submitted the request to the Head of Service, CMTEDD and requests circulation to any other relevant agencies. Given the subject matter (and previous applications), I anticipate it will be most efficient if we streamline our processing out of EPSDD. We may need to schedule time to discuss once initial assessment has been undertaken.

Kind regards

Genevra Donne | Director, Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 620 54753 | Fax: 02 620 79313 | Email: genevra.donne@act.gov.au

Level 2, Dame Pattie Menzies House South Building | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au | www.planning.act.gov.au

Please consider the environment before printing this email

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Mr Ben Ponton
Director – General and Chief Planning Executive
Environment, Planning and Sustainable Development Directorate
GPO Box 158
Canberra ACT 2601

28 February 2020

Dear Mr Ponton

Freedom of Information Request –

Combustible Cladding on Apartment Buildings

This is an application under the *Freedom of Information Act 2016* on behalf of the [REDACTED] [REDACTED] for access to any documents held by you or your directorate that relate to combustible cladding on apartment buildings. I have been authorised by the [REDACTED] to make the application on its behalf.

The [REDACTED] is seeking access to all documents both internally prepared and externally commissioned including reports, correspondence, briefings and meeting notes/minutes that relate to:

- the approval process for the use of Aluminium Composite Cladding (ACP) as a building product in the ACT;
- concerns raised about the use of ACP with the ACT Government;
- risk analysis regarding the use of ACP as a building product in the ACT;
- potential impacts and costs for owners and renters affected by ACP;
- potential impacts on the building industry and the ACT economy from the existing ACP; and
- options developed and considered to ameliorate impacts on individual households and the industry.

If the documents do not exist within your department, the [REDACTED] requests that you transfer this request to the appropriate agency. In addition, if the documents exist in your department and other agencies, the [REDACTED] requests that you ask the other agencies to release the documents.

The [REDACTED] also seeks exemption from any fees and charges that may be applied under the FOI Act on the grounds of public interest.

The contact person for the [REDACTED] in relation to this request is [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-043



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 28 February 2020, in which you sought access to:

All documents both internally prepared and externally commissioned including reports, correspondence, briefings and meeting notes/minutes that relate to:

- the approval process for the use of Aluminium Composite Cladding (ACP) as a building product in the ACT;
- concerns raised about the use of ACP with the ACT Government;
- risk analysis regarding the use of ACP as a building product in the ACT;
- potential impacts and costs for owners and renters affected by ACP;
- potential impacts on the building industry and the ACT economy from the existing ACP; and
- options developed and considered to ameliorate impacts on individual households and the industry.

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 30 March 2020 however, following on from an extension and third party consultations, the due date is now 7 May 2020.

Decision on access

Searches were completed for relevant documents and 18 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 10 documents and partial access to 6 documents relevant to your request. I have decided to refuse access to 2 documents as I consider them to be contrary to the public interest under section 1.2 and 1.6 of Schedule 1 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

One document that have been identified as being within the scope of your request is fully composed of information that is considered to be contrary to the public interest information under section 1.2 of Schedule 1 of the Act as it is information that is deemed privileged under Legal Professional Privilege. This information can only be released if the parties involved agree to waive that privilege. The parties have not waived privilege.

One document that has been identified as being within the scope of your request is entirely composed of information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act as it is Cabinet information. Under section 1.6 of Schedule 1 of the Act, Cabinet information is exempt from release. The purpose of this exemption is to maintain the confidentiality of the cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may

exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

The document that you have requested falls within section 1.6 of the Act as it is information which has been commissioned by the Cabinet to guide it in its decision making and to assist it in its deliberations. It is therefore exempt from release under the Act.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factor above, I consider that the release of these documents may promote open discussion of public affairs and enhance the government’s accountability by allowing you to have a record of the process within Government to address the cladding issue. I am satisfied that this factor favouring disclosure carries some weight. However, this factor is to be balanced against the factors favouring non-disclosure.

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004.*

When considering the documents and factors in favour of non-disclosure, I have considered the personal information contained in the documents, including the names of people outside of the ACT Government. I consider it unreasonable to release information that could reasonably be expected to prejudice the privacy of a person or persons that

have been in contact with the ACT Government contained in the documents. I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring non-disclosure should be afforded significant weight as it relates to the individuals' privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages being released to you is less than the charging threshold which is 50.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 12 May 2020. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
7 May 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

| WHAT ARE THE PARAMETERS OF THE REQUEST | Reference NO. |
|---|---------------------------|
| <p>All documents both internally prepared and externally commissioned including reports, correspondence, briefings and meeting notes/minutes that relate to:</p> <ul style="list-style-type: none"> • the approval process for the use of Aluminium Composite Cladding (ACP) as a building product in the ACT; • concerns raised about the use of ACP with the ACT Government; • risk analysis regarding the use of ACP as a building product in the ACT; • potential impacts and costs for owners and renters affected by ACP; • potential impacts on the building industry and the ACT economy from the existing ACP; and • options developed and considered to ameliorate impacts on individual households and the industry. | <p>CMTEDDFOI 2020-043</p> |

| Ref No | Page number | Description | Date | Status | Reason for Exemption | Online Release Status |
|--------|-------------|---|----------|-----------------|----------------------|-----------------------|
| 1 | 1 | Email chain | Feb-2020 | Partial release | Out of scope | Yes |
| 2 | 2-6 | Email chain | Jan-2020 | Full release | N/A | Yes |
| 3 | 7-8 | Email chain | Dec-2019 | Partial release | Sch 1 s1.6 | Yes |
| 4 | 9-10 | Email chain | Nov-2019 | Partial release | Sch 1 s1.6 | Yes |
| 5 | 11-12 | Email chain | Oct-2019 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 6 | 13-14 | Email chain | Jul-2019 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 7 | 15 | Letter | Jul-2019 | Full release | N/A | Yes |
| 8 | 16-17 | Letter | May-2019 | Full release | N/A | Yes |
| 9 | 18-23 | Email chain | Feb-2019 | Full release | N/A | Yes |
| 10 | 24 | Email chain | Aug-2017 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 11 | 25-26 | Letter as attachment to above email chain | Aug-2017 | Full release | N/A | Yes |

| | | | | | | |
|-------------------------|-------|---|----------|--------------|------------|-----|
| 12 | 27-28 | Letter | Jun-2015 | Full release | N/A | Yes |
| 13 | 29-30 | Minute | Jun-2015 | Full release | N/A | Yes |
| 14 | 31-34 | Email chain | May-2015 | Full release | N/A | Yes |
| 15 | 35-36 | Letter as attachment to above email chain | May-2015 | Full release | N/A | Yes |
| 16 | 37-39 | Email chain | May-2015 | Full release | N/A | Yes |
| 17 | | Letter | | Exempt | Sch 1 s1.2 | No |
| 18 | | Cabinet Documents | | Exempt | Sch 1 s1.6 | No |
| Total No of Docs | | | | | | |
| 18 | | | | | | |

From: "Carmody, Sophie"
Sent: 04/02/2020 4:05 AM
To: "Clapham, David" <David.Clapham@act.gov.au>
Cc: "Hankinson, Joel" <Joel.Hankinson@act.gov.au>
Subject: FW: FOR ACTION: HPE Content Manager CMTEDD - CM - Content : CM20/9962 : Strategic Board - DUE 4 FEB
Attachments: Strategic Board - 5 Feb 20 - PCD Notes.tr5

UNCLASSIFIED

Hi DC,

Strategic Board notes for Leesa have been completed as requested (thanks Joel!).

Paushali is chasing these (they were due this morning) so if you can have a look this afternoon that would be good.

Thanks
Sophie

-----Original Message-----

From: Clapham, David <David.Clapham@act.gov.au>
Sent: Friday, 31 January 2020 4:39 PM
To: Carmody, Sophie <Sophie.Carmody@act.gov.au>; Hankinson, Joel <Joel.Hankinson@act.gov.au>
Cc: Matthews, StaceyN <Stacey.N.Matthews@act.gov.au>; Slobodian, Alexandra <Alexandra.Slobodian@act.gov.au>; Adhikary, Paushali <Paushali.Adhikary@act.gov.au>
Subject: FW: FOR ACTION: HPE Content Manager CMTEDD - CM - Content : CM20/9962 : Strategic Board - DUE 4 FEB

UNCLASSIFIED

Sophie, Joel, for action on Monday, please.

-----Original Message-----

From: Slobodian, Alexandra <Alexandra.Slobodian@act.gov.au>
Sent: Friday, 31 January 2020 4:05 PM
To: Clapham, David <David.Clapham@act.gov.au>
Cc: CM Policy and Cabinet-Comms Executive Support <PCD-CommsExecutiveSupport@act.gov.au>; Adhikary, Paushali <Paushali.Adhikary@act.gov.au>
Subject: FOR ACTION: HPE Content Manager CMTEDD - CM - Content : CM20/9962 : Strategic Board - DUE 4 FEB

UNCLASSIFIED

Hi David

Leesa has requested notes be drafted for 2 papers going to Strategic Board on Wednesday.

There is **Out of Scope** one on Cladding.

Out of Scope

Alex

-----< HPE Content Manager record Information >-----

Record Number : CM20/9962
Title : Strategic Board - 5 Feb 20 - PCD Notes

From:"Green, Ben" <Ben.Green@act.gov.au>

Sent:10/01/2020 12:51 AM

To:"Pryce, David" <David.Pryce@act.gov.au>;"Snowden, David" <David.Snowden@act.gov.au>

Cc:"Bailey, Kim.P" <Kim.P.Bailey@act.gov.au>;"Sheather, Sarah" <Sarah.Sheather@act.gov.au>;"Lhuede, Nick" <Nick.Lhuede@act.gov.au>

Subject:FOR INFO: RE: ADVICE SOUGHT: New focussed team to respond to building cladding issue

UNCLASSIFIED

Hi David and David,

Yesterday Nick and I met with Neil Bulless in relation to the new working group being established in relation to the Government response to cladding.

Neil advised that there was no additional funding our resources being provided. He noted that Ben Ponton had written to all DG's and Mark Brown seeking support by way of secondment of resources. Neil has identified resources from SLA and has been in discussions with the Chief Engineer in relation to resources being made available from MPC. Neil did not request any specific resources from AC at this time. He requested my representation on the Governance/Working Group, which I agreed. Nick will also attend relevant meetings etc. Over the next two weeks Neil will meet with others that have been involved in the previous response teams. He has not met with EPSDD at officer level at this stage. I anticipate that after this process it will become clearer what support Neil requires and what support we can provide. Neil noted that EPSDD resources that were previously engaged in the cladding work would not be available.

Neil outlined three priority/project areas that he has been tasked with:

1. Next phase detailed assessment of Government owned buildings – then position to government on mitigation/rectification.
2. Desktop scan of private sector buildings; and
3. Assessment of Government occupied buildings.

Nick and I outlined the areas of risk and made some suggestions around next steps. This included in relation to private buildings, where we noted that the experience from the audit of government buildings highlighted the lack of design documentation that identifies the type of cladding used and it may be a better use of time to move to physical audit/inspection rather than documentation audits. In any case, I offered assistance with respect to running reports from our systems to assist in identifying each private building, (excluding single residential buildings), through building approval data from the last 20 years. I suggested that Unit Title data would also be a good starting point with respect to private multi-residential buildings.

Neil advised that an update is to be provided to Cabinet in March 2020.

Nick and I will continue to engage with EPSDD in relation to the funding transfer and with Neil in relation to assistance he may require with the cladding response.

In terms of a response to Ben P, I suggest that we need to sort the funding transfer out and I would then be comfortable in providing resources to Ben P, as they are not resources we are currently relying on. It would appear however that Neil is seeking his own resources and his advice to me was that the skill set required would vary during the project. He also noted that he would be having further discussions with Ben P and Erin in relation to utilising existing EPSDD resources that undertook the original program of works. I suggest we maintain an open dialogue with Neil so we can provide assistance when required. I note that the Minister was clear that the regulatory work of Access Canberra cannot be impacted.

Let me know if you require any further information.

Cheers

Ben

From: Green, Ben
Sent: Wednesday, 8 January 2020 3:38 PM
To: Pryce, David <David.Pryce@act.gov.au>; Snowden, David <David.Snowden@act.gov.au>
Cc: Bailey, Kim.P <Kim.P.Bailey@act.gov.au>; Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: RE: ADVICE SOUGHT: New focussed team to respond to building cladding issue

UNCLASSIFIED

Hi David,

There is ongoing funding for 2 SOG B's and 1 vehicle that is scheduled to come to AC from EPSDD. I met with Bethal Sendaba (EBM EPSDD) on 26 November 2019 in relation to the transfer of funding and again followed up with Vanessa Morris in EPSDD on 6 January 2020. Funding is yet to transfer but it is my intention that the funding be transferred to AC with the positions then being temporarily transferred to the Cladding Audit Response Team. The preliminary work that was undertaken by EPSDD with assistance from AC was able to be undertaken by delaying the funding transfer. With my desire to have the funding transferred, AC will at this stage be contributing the equivalent of 2 SOG B's and a vehicle.

I have this afternoon received contact from Neil Bulless who has been appointed as Coordinator General – Cladding Audit Response Team. I will meet with Neil later this week to understand further details. I note that the Cladding Audit Response Team appears to sit within EPSDD and not CMTEDD.

I'll advise of any relevant information after my meeting with Neil.

Cheers
Ben

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Wednesday, 8 January 2020 9:25 AM
To: Green, Ben <Ben.Green@act.gov.au>; Snowden, David <David.Snowden@act.gov.au>
Cc: Bailey, Kim.P <Kim.P.Bailey@act.gov.au>; Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: ADVICE SOUGHT: New focussed team to respond to building cladding issue

UNCLASSIFIED

Hi Ben and David,

For advice on Access Canberra nominations please to support this working group.

It would be good to respond by no later than 14 January 2020.

Thanks,

David Pryce | Deputy Director-General
Head of Access Canberra
Phone: (02) 6205 9898 | Email: david.pryce@act.gov.au
Chief Minister, Treasury and Economic Development Directorate | ACT Government
GPO Box 158 Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Ponton, Ben <Ben.Ponton@act.gov.au>
Sent: Wednesday, 8 January 2020 9:22 AM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: Bulless, Neil <Neil.Bulless@act.gov.au>; Marcantonio, Laura <Laura.Marcantonio@act.gov.au>; Snowden, David <David.Snowden@act.gov.au>
Subject: FW: New focussed team to respond to building cladding issue

UNCLASSIFIED

Hi David – I should have included you in on this one. For consideration and advice please. Thanks.

Cheers,

B

Ben Ponton | Director-General

Phone +61 2 6207 8359

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2602 | www.environment.act.gov.au

From: Ponton, Ben
Sent: Wednesday, 8 January 2020 9:20 AM
To: Leigh, Kathy <Kathy.Leigh@act.gov.au>; #WhoG, Directors General <#WhoGDirectorsGeneral@act.gov.au>; Dietz, John <John.Dietz@act.gov.au>; Snow, Malcolm <Malcolm.Snow@act.gov.au>
Cc: Ross, Carolina <Carolina.Ross@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>; Miners, Stephen <Stephen.Miners@act.gov.au>; Callen, Michelle <Michelle.Callen@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>; Marcantonio, Laura <Laura.Marcantonio@act.gov.au>; Brady, Erin <erin.brady@act.gov.au>; Simmons, Craig <Craig.Simmons@act.gov.au>; Piani, Adrian <Adrian.Piani@act.gov.au>
Subject: RE: New focussed team to respond to building cladding issue

UNCLASSIFIED

Dear Colleagues,

I refer to the message from the Head of Service (see below) announcing the formation of a focussed team, drawn from existing resources across the ACT Public Service, to progress a range of issues associated with building cladding. This work will have an initial focus on addressing existing government assets, but will also work with the private sector in terms of privately owned buildings. This is an important priority that requires our collective support through the secondment of suitably qualified and experienced officers into a new team for a period of time. As advised by the Head of Service, the new *Cladding Audit Response Team* is being led by Neil Bulless and managed through EPSDD.

While EPSDD will be looking at opportunities to self-fund the required technical consultancy expertise, any support provided by you will need to be funded by your Directorate / Agency. I expect that the initial secondment would be for a period of three months, however, this may need to be extended.

I urgently ask for nominations for the following roles:

Technical Skills (Levels equivalent to Infrastructure Officer 4-5/IMS 1/2 or SOGA/B/C)

The below as related to Building Code of Australia class 2-9 buildings.

- Skills/experience related to Fire engineering
- Skills/experience related to Building surveying and/or construction

Project and program management (Levels equivalent to Infrastructure Officer 4-5/IMS 1 or SOGB/C)

- Skills/experience in program management related to capital works/minor new works programs, and procurement and oversight of expert consultants (which will include the provision of fire engineering and building surveying/construction works, certification, etc)

Administration and assurance (Levels equivalent to SOGC and ASO6)

- Skills/experience related to policy development in building related industries, recordkeeping, correspondence/briefings and communications
- Skills/experience related to the creation and management of data bases capturing a diverse range of information

I would be grateful to receive a number of suggestions per skill base so we can mix and match the composition of team to optimise its effectiveness and noting that some of our people may have leave and other priorities that mean that their time with the new team is limited.

Given the importance of the work program I would appreciate your response as soon as possible to progress the transition of identified staff to the new team. Thank you.

Cheers,

B

Ben Ponton | Director-General

Phone +61 2 6207 8359

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2602 | www.environment.act.gov.au

From: Leigh, Kathy <Kathy.Leigh@act.gov.au>

Sent: Tuesday, 7 January 2020 5:52 PM

To: #WhoG, Directors General <#WhoGDirectorsGeneral@act.gov.au>

Cc: Ross, Carolina <Carolina.Ross@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>; Miners, Stephen <Stephen.Miners@act.gov.au>; Callen, Michelle <Michelle.Callen@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>

Subject: New focussed team to respond to building cladding issue

UNCLASSIFIED

Colleagues

You'll recall that the Government has undertaken an extensive audit of government buildings that were identified as having potentially combustible cladding. It found that all buildings are safe for people to continue to occupy. Around 70 buildings have cladding that will require more detailed assessment and, potentially, some remediation or other actions.

We are now creating a new focussed team that will progress this important work over the coming months. The team will be led by Neil Bulless and sit within the Environment, Planning and Sustainable Development Directorate.

The team will also consider the extent of the use of potentially combustible cladding in specified private buildings, and engage with insurers, building owners and key stakeholders to make sure that the community is informed about managing any risks associated with cladding and the safety of all buildings in the ACT.

To create this team we will need to draw on appropriately qualified and experienced officials in the ACT Public Service. We will also engage expert industry consultants. Ben Ponton will be in touch with you asking you to nominate suitable staff to be seconded to the new team.

The creation of this team is another example of how the ACT Public Service operates as one service.

Thanks for your support for this work. If there are any queries we can discuss at the end of SEMSOG tomorrow or Thursday.

Kathy

Kathy Leigh | Head of Service and Director-General

Phone: 02 6205 0246 | Email: kathy.leigh@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, Canberra Nara Centre, 1 Constitution Avenue Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From:"Lhuede, Nick"
Sent:12/12/2019 11:08 AM
To:"Green, Ben" <Ben.Green@act.gov.au>
Subject:RE: Cladding - Immediate mitigation actions (A24288835)

Hi Ben,

A couple of points:

1. Most of the measures appear reasonable.
2. I would suggest that EPSDD or AC discuss measures past F&R (if not already done) – while the context for their advice would need to be clearly established (i.e. immediate actions / remediation), we are dealing largely with fire safety matters and emergency evacuation, which is their area of expertise
3. I am concerned regarding the point:

Limit use of standalone buildings with more than 50% coverage of cladding until further detailed risk analysis of the product and building. Establish if other areas/buildings can be used for the purpose the building is needed-

-
% coverage is one of the 18 criteria in the risk assessment tool, and it has 3 assessed categories (>50% being the highest risk score) I'm not sure why this is singled out from the 18 and in doing so it could be argued we are undermining the risk assessment process. For example a building with 35-49 % might be higher risk where there were other high scored criteria in the 18 assessed. I recommend we stick to the score provided by the tool as these are repeatable and agreed.

Also concerned around the term "limit use" - when, who by, whole or part etc. Again, it could create ambiguity.

As such, I suggest Moderate rated buildings are to be reviewed in relation to use, and that Fire and Rescue also engaged to provide immediate advice on these buildings. The actions are fundamentally short term fire safety solutions and I'd argue they are best placed to advise. This would need to be discussed with the Commissioner / Chief Officer however.

4. It is unclear to me where this paper fits into the process, noting that I haven't had a chance yet to discuss where the assessment team are up to at this stage.

I am assuming information will be provided to Directorates in a structured way which includes the risk rating for identified buildings and building specific advice, that can be supported by the above document as appropriate. I suggest building specific advice is necessary on the basis of the assessment teams input when I prepared the draft of the cab sub – see below. (I'm fairly sure the paragraphs below largely came from the team, and this info would be useful in guiding directorates in undertaking immediate action):

-
Those buildings of low risk where the level of the combustible cladding was considered minor in nature by the EPSDD inspection team, to the extent that its presence was considered to pose no risk to the start or spread of fire to a building;

Those buildings where the only required treatment to mitigate risk to an acceptable level is the removal of combustible cladding over exits, or other targeted actions as appropriate which do not require the input of a qualified fire engineer

I hope this is constructive, and happy to discuss

-
Nick Lhuede | Senior Director | Construction Compliance
Phone: 0428104392 | Email: nick.lhuede@act.gov.au
Access Canberra | ACT Government
www.act.gov.au/accessCBR

Schedule 1 1.6

Schedule 1 1.6

From: Thomas, Lachlan <Lachlan.Thomas@act.gov.au>

Sent: Friday, 29 November 2019 9:53 AM

To: Clapham, David <David.Clapham@act.gov.au>; Horton, Richard <Richard.Horton@act.gov.au>

Subject: RE: Cladding sub

UNCLASSIFIED

Technically comments aren't due until cob from TSY cause epsdd lodged so late and it's a Tuesday meeting.

Having said that you could always prod TSY to come up with the goods or give a verbal and progress on that basis? I think its Hugh/Wil reviewing this one.

Thanks

From: Clapham, David <David.Clapham@act.gov.au>

Sent: Friday, 29 November 2019 9:50 AM

To: Horton, Richard <Richard.Horton@act.gov.au>; Thomas, Lachlan <Lachlan.Thomas@act.gov.au>

Subject: Cladding sub

UNCLASSIFIED

Any comment from treasury? I would like to clear these asap..

Also Richard, your out-of-office is still on :)

Dr David Clapham | Senior Director – Planning, Infrastructure and Environment, Economic and Regional Policy Branch | **Policy & Cabinet Division**

☎ 02 6205 7261 | **Chief Minister, Treasury & Economic Development Directorate** | ACT Government
Level 4, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From:"Lhuede, Nick"
Sent:22/10/2019 11:14 AM
To:"Green, Ben" <Ben.Green@act.gov.au>
Subject:Cladding assessment.

UNCLASSIFIED For-Official-Use-Only

Hi Ben,

For information.

Please see the update below for David, and following comments from Erin.

As stated by David, we are down to the remaining few buildings. I do not expect the issue of access to ACT health facilities identified below to be an issue

Tim Furner has commenced drafting the report, which I have asked by completed by the start of November.

Nick Lhuede | Senior Director | Construction Compliance
Phone: 0428104392 | Email: nick.lhuede@act.gov.au
Access Canberra | ACT Government
www.act.gov.au/accessCBR

From: Brady, Erin <Erin.Brady@act.gov.au>
Sent: Tuesday, 22 October 2019 6:40 PM
To: Middlemiss, David <David.Middlemiss@act.gov.au>
Cc: Lhuede, Nick <Nick.Lhuede@act.gov.au>; Morris, VanessaX <VanessaX.Morris@act.gov.au>; Furner, Tim <Tim.Furner@act.gov.au>; Ives, Kieran <Kieran.Ives@act.gov.au>
Subject: RE: Confirming required Actions [DLM=For-Official-Use-Only]

UNCLASSIFIED For-Official-Use-Only

Dave

Thank you for the update.

I agree – it would be much better to get the inspections in the next week not 3 weeks away (or do they have a very good reason for delay?).

I think it is appropriate that we all discuss the findings first (as the review group) and then how information is shared – so information is shared appropriately and understood.

That's good that you have met with Airport people. Did they also share how they did their assessments?

Can you send through a proposed timeline for the next month up to where we get the final report to Minister – and include briefing for him and Min Gentleman as well please?

Thank you
Erin

Dr Erin Brady | Deputy Director-General
Land Strategy & Environment
Ph: +61 2 6205 4522 | Email: Erin.Brady@act.gov.au
Environment, Planning and Sustainable Development Directorate | ACT Government
16 Challis St, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Middlemiss, David <David.Middlemiss@act.gov.au>
Sent: Tuesday, 22 October 2019 4:47 PM
To: Brady, Erin <Erin.Brady@act.gov.au>
Cc: Lhuede, Nick <Nick.Lhuede@act.gov.au>; Morris, VanessaX <VanessaX.Morris@act.gov.au>; Furner, Tim <Tim.Furner@act.gov.au>
Subject: RE: Confirming required Actions [DLM=For-Official-Use-Only]

UNCLASSIFIED For-Official-Use-Only

Hi Erin

Just keeping you in the loop on two cladding issues:

1. Tim and I met with Colm Mooney and Shannon Keevers on Friday of last week to arrange inspections of the remaining Health Buildings listed as having potential ACP. At the meeting we discussed the inspections, timeframes and reporting.

FYI. Colm did express a wish to see the draft report prior to referral to our Minister.

The below email from Shannon is identifying an unacceptable delay in carrying out these inspections. I am responding to Shannon that we want to gain access and inspect over the next few days, as we discussed with him at last week's meeting, as Fire and Rescue have already walked through the identified buildings. Nick Lhuede is also up to date with this.

2. Nick and I met with Schedule 2 2(a)(ii) this afternoon and we gave him and his team a rundown on the cladding assessment tool, our experience and some advice. is approaching the Commonwealth in relation to gaining access to the tool from the Victorian Cladding Taskforce or to attain their permission for EPSDD to provide it to them. was grateful for the meeting and walkthrough of the tool and will keep us informed of their progress.

I will also provide updates of progress on the above Health matter, particularly on any further delays.

We are now down to a small handful of cladding inspections and pulling together our reporting work.

Regards Dave.

From: "Green, Ben" <Ben.Green@act.gov.au>

Sent: 17/07/2019 9:30 AM

To: "Eppelstun, Krystal" <Krystal.Eppelstun@act.gov.au>; "Morris, VanessaX" <VanessaX.Morris@act.gov.au>

Cc: "Josey, Belinda" <Belinda.Josey@act.gov.au>

Subject: RE: Cladding rectification research project - Letters of in-principle commitment and support
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Vanessa,

Are you ok to split 50/50? If so, I will sign the letter of in-principle commitment and support.

Cheers

Ben

From: Eppelstun, Krystal <Krystal.Eppelstun@act.gov.au>

Sent: Wednesday, 17 July 2019 4:09 PM

To: Morris, VanessaX <VanessaX.Morris@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>

Cc: Josey, Belinda <Belinda.Josey@act.gov.au>

Subject: FW: Cladding rectification research project - Letters of in-principle commitment and support
[SEC=UNCLASSIFIED]

Hi Vanessa and Ben,

As previously discussed the ACT committed to contributing to the BRF research project into combustible cladding.

Just to remind you I previously advised that if the ACT was going to contribute the cost would be up to and not above \$30k. The cost has come in at \$26,826.

Are you still willing to commit to this? If yes who is best placed to sign the attached letters of commitment?

Happy to discuss

Krystal

From: Building Regulators Forum Secretariat (DoJ) [<mailto:BRF.Secretariat@justice.tas.gov.au>]

Sent: Tuesday, 9 July 2019 3:24 PM

To: Brady, Erin <Erin.Brady@act.gov.au>; Eppelstun, Krystal <Krystal.Eppelstun@act.gov.au>; Morris, VanessaX <VanessaX.Morris@act.gov.au>; Simmons, Craig <Craig.Simmons@act.gov.au>; Middlemiss, David

<David.Middlemiss@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>;

Schedule 2.2(a)(ii)

Subject: Cladding rectification research project - Letters of in-principle commitment and support

To All BRF Members,

Attached please find the following:

- i. Letter to Sue Eddy (VIC) from Insurance Council of Australia supporting research proposal;
- ii. Letter from Sue Eddy (VIC) giving in-principle commitment from VBA for funding research.

To date the BRF Secretariat has received two letters from jurisdictions giving in-principle commitment for funding, the other being from ^{Schedule 2.2(a)(i)} (QLD) which was sent to all BRF members on Monday 8 July 2019.

This is a reminder that funding-agencies should write to the BRF Chair providing a written statement of their in-principle commitment on or before close of business on Thursday 11 July 2019.

Kind Regards,

Schedule 2.2(a)(ii)

 cbos.info@justice.tas.gov.au



Visit our website at www.cbos.tas.gov.au



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8 July 2019

Mr Andrew Goldsworthy
Chairperson
Building Regulators' Forum
By email: BRF.Secretariat@justice.tas.gov.au

Dear Mr Goldsworthy

In-principle commitment from the Victorian Building Authority for funding research into the rectification of combustible cladding


I refer to the recent discussions at the Building Regulators' Forum (BRF), in which member agencies are considering collaborating to fund and deliver a robust fire-engineering methodology, suitable for use in guiding the rectification of buildings with combustible cladding.

To assist participating BRF members in advancing further discussions with speed and confidence, I am pleased to offer you an in-principle commitment to provide funding of \$500,000, payable in 2019-20.

As discussed at BRF, provision of this funding is subject to finalisation of an agreed approach to various relevant issues, particularly those outlined in the Queensland Building and Construction Commission's letter dated 17 May 2019 around matters such as governance/steering committee composition, procurement, 'buying out' of private sector contributions, intellectual property ownership, media communications and independent peer review.

I look forward to BRF reaching agreement on the remaining details and formally commencing this important project in the near future.

Yours sincerely



Sue Eddy
Chief Executive Officer
Victorian Building Authority



22nd May 2019

Sue Eddy
CEO
Victorian Building Authority
733 Bourke Street, Docklands
Victoria, Australia 3008

INSURANCE INDUSTRY RESEARCH INTO ACP REMEDIATION

Summary

The Insurance Council of Australia (**ICA**), together with representatives of its member companies, have been working with the Society of Fire Safety and Dr Kate Nguyen from RMIT University, on research work for practical and cost effective remediation measures for our clients (building owners) that have buildings with non-compliant combustible ACP's.

As the Identification process continues, we are finding a large number of buildings with combustible ACP's. As you are no doubt aware, where the only remediation option being considered is 100% replacement of ACP, the cost of remediation is multiple millions of dollars per building. However, as demonstrated by the large scale fire testing conducted in Dandenong last year, total replacement of ACP may not be required in all cases. For many buildings, the risk posed by ACP can be largely mitigated through remediation options other than 100% replacement.

To further investigate alternative remediation options, additional large scale testing is required. The Insurance Industry, many building owners, various governments and cladding task forces, are eager to support this proposed testing and we see the VBA as an important stakeholder in this process. There are a number of buildings in Melbourne that are delaying developing final rectification plans pending the results from this proposed testing. In the meantime, these buildings remain clad with dangerous cladding with the associated risk to the building occupants.

We understand that the VBA is reluctant to sign off on this proposed testing due to only one panel manufacturer currently participating in the test program. We would like to note that a manufacturer willing to participate in this research should be commended for this action. It is also our understanding that other manufacturers are welcome to participate in the testing program. Notwithstanding, the critical outcome of the testing program is to develop a system for fire breaks that largely mitigates the risk of ACP, demonstrated through large scale testing. This will allow building owners to move forward with remediation plans and, where appropriate, adopt more effective and efficient alternatives to 100% replacement.

The ICA fully supports this research proposal on behalf of its members and their clients (building owners), and would like to ask the VBA to also recognise the fundamental importance of this world first research and to support it.

If you would like to discuss this proposal in further detail, please contact Karl Sullivan, the ICA's General Manager Policy, Risk & Disaster Planning Directorate, on (02) 9253 5121 or via email at ksullivan@insurancecouncil.com.au.

Yours sincerely



Karl Sullivan
General Manager Policy, Risk & Disaster Planning

From: "Fenotti, Louise" <Louise.Fenotti@act.gov.au>

Sent: 07/02/2019 4:42 PM

To: [REDACTED]@canberratimes.com.au [REDACTED]@canberratimes.com.au

Cc: "Piper, Mayumi" <Mayumi.Piper@act.gov.au>

Subject: FW: Media Request-Canberra Times [SEC=UNCLASSIFIED]

Hi [REDACTED]

Below is a response to your combustible cladding enquiry from yesterday.

Kind regards

Louise

Please attribute to an ACT Government spokesperson:

The Review Group worked with individual directorates to identify ACT Government owned or occupied buildings that may have potentially combustible cladding present on the building. For some buildings, this included a visual verification on site. Other buildings did not require an inspection due to the nature of building and construction materials used. All ACT Government owned or occupied buildings were included in the initial review.

As noted earlier, the initial process did not indicate that any ACT Government buildings were deemed unsafe to occupy. Some government buildings that were identified to have potentially combustible cladding will be subject to a more detailed inspection. These inspections will depend on the building and the issues that need verification, but may include an assessment of the type, location and coverage of cladding and the fire safety protections and procedures in the building.

The review has initially focused on publicly-owned residential buildings, given the risks for vulnerable occupants. The scope of the review also includes privately owned residential buildings in the Territory.

From: [REDACTED]@canberratimes.com.au

Sent: Thursday, 7 February 2019 9:10 AM

To: Piper, Mayumi <Mayumi.Piper@act.gov.au>

Subject: Re: FW: Media Request-Canberra Times [SEC=UNCLASSIFIED]

Hi Mayumi,

I had a chat with [REDACTED] yesterday and there's a little bit of overlap but not entirely with our questions, so there's some differences with the angles that we're going with.

Was it possible to get the responses to the questions I sent through yesterday and the list of buildings that have already been inspected?

Cheers,

On Wed, 6 Feb 2019 at 13:22, Piper, Mayumi <Mayumi.Piper@act.gov.au> wrote:

Hi [REDACTED]

Thanks for your media enquiry. Did you know that [REDACTED] has also asked for an update? Didn't want you both to double up. Our response back to [REDACTED] is imminent.

m

Mayumi Piper | Communications Manager - Planning

Phone 02 6205 3146 | 0402 780 981

Communications | Engagement and Executive Support

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



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facebook.com/EnvironPlan



From: [REDACTED] [\[REDACTED\]@canberratimes.com.au](mailto:[REDACTED]@canberratimes.com.au) >

Sent: Wednesday, 6 February 2019 12:28 PM

To: Silver, Sharni <Sharni.Silver@act.gov.au>

Subject: Re: FW: Media Request-Canberra Times

Hi Sharni,

thanks for your response to the questions I had regarding cladding. I had a few follow up questions in relation to the response, and I was hoping to get an answer to them from the directorate.

If I could get a response by close of business on Thursday, that would be much appreciated.

- 1: What government buildings have been inspected by the review?
- 2: What buildings are yet to be inspected?
- 3: What work is being done to identify buildings that may be at risk? What happens during the inspections?
- 4: Is there a reason as to why the review isn't looking at residential buildings with cladding?

Once again, thanks so much for your help.

Regards,
[REDACTED]

On Wed, 23 Jan 2019 at 14:40, Silver, Sharni <Sharni.Silver@act.gov.au> wrote:

Hi [REDACTED] - please see our media response below.

Speak soon,
Sharni

Please attribute to an ACT Government spokesperson:

ACT Government agencies have been working to identify any government owned or occupied buildings that may have combustible cladding, including undertaking physical inspections of some buildings to identify immediate risks to occupants.

Physical inspections of ACT Government buildings with potentially combustible cladding are continuing to take place to ensure that aluminium composite panels have been installed correctly and do

not pose an undue risk to building occupants.

During this process, no inspected building have been deemed unsafe to occupy. Inspections will be used to identify whether buildings require any building work or other fire safety or risk mitigation. The review work does not have a fixed end date at this stage – it is an ongoing consideration of cladding and related matters.

Officials from across jurisdictions share information on their reviews, including methods for assessing risks and potential rectification options. The ACT also participates in the Building Ministers' Forum and its advisory committees. National work to date includes amending the National Construction Code to further clarify the standards that apply to external cladding and fire safety. In August 2018, the Forum also agreed to ask Standards Australia to develop an Australian Standard for permanent labelling of aluminium composite panels to be mandated through the National Construction Code.

From: [REDACTED]@canberratimes.com.au]
Sent: Tuesday, 22 January 2019 4:44 PM
To: EPSDD_Communications <EPSDDComms@act.gov.au >
Subject: Media Request-Canberra Times

To whom it may concern,

my name's [REDACTED] and I'm a journalist at the Canberra Times, hope you're going well.

I was writing to see if I could get a response from the EPSDD for a story I'm writing on the current status of the building cladding review in the ACT.

If I could get a response to the following questions by close of business tomorrow, that would be greatly appreciated.

- 1: Since the review was set up, how many buildings have been inspected? How many buildings are yet to be inspected?
- 2: Out of the buildings that have been inspected, how many were deemed to have been safe and how many were unsafe?
- 3: What's been the timeline in terms of replacing the cladding on affected buildings?
- 4: Where is the review up to, and how much longer will the review be carried out for?
- 5: What materials have been found on cladding in the ACT on buildings?
- 6: Has there been any consultation with similar reviews happening in other jurisdictions in Australia, and if so, what has been the basis of the consultation?

Once again, thanks so much for your help.

Regards,

[REDACTED]
Journalist
The Canberra Times
t 02 6280 2147 n [REDACTED]
9 Pirie Street, Fyshwick, ACT 2609

[<https://38951efc-a-4976d694-s->

sites.google.com/a/fairfaxmedia.com.au/emailsignatureimages/home/ACM_THE%20CANBERRA%20TIMES_60.jpg

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From: "Piper, Mayumi"
 Sent: 06/02/2019 2:07 AM
 To: "Cursley, Megan" <Megan.Cursley@act.gov.au>
 Cc: "Webber, James" <James.Webber@act.gov.au>
 Subject: MEDIA RESPONSE: Cladding review [SEC=UNCLASSIFIED]

Hi Megan

Please find below media response cleared by Erin Brady, DDG.

m

| | | |
|----------------------------|-------------------------------------|---|
| Deadline | ASAP (Wednesday 6 February 2019) | |
| Issue | Cladding | |
| Requesting media | Canberra Times [REDACTED] | |
| Notes | Sent to Vanessa Morris | |
| Approvals | | |
| Organisation area | Building policy | |
| Project team | Vanessa Morris | x |
| Media/Comms | Karen Wilden | x |
| DDG | Dr Erin Brady | x |
| Minister's Office/s | Minister Ramsay (Megan Cursley a/g) | |



RESPONSE TO MEDIA ENQUIRY

| |
|--|
| Enquiry |
| Update on building cladding. |
| Response – quotes to be attributed to Minister Gentleman |
| <p>ACT Government's building cladding review</p> <p>The ACT Government established a Review Group within Government to undertake a review (the Review) to identify whether Government buildings require any building work or other fire safety or risk mitigation due to cladding. The group is collating information from previous ACT Government desktop audits and physical inspections of ACT Government buildings (both those owned and tenanted) and has started detailed assessments for higher risk ACT buildings that have been identified as having potentially combustible cladding materials and or affixed in a manner that increases risk.</p> <p>The most important consideration in the Review is the risk to occupants and the public. The intent is to identify any buildings that have cladding installed in a way that poses an undue risk to occupants and take appropriate action to resolve those risks. It is important to note that risks and compliance are not based solely on the cladding material itself, but also on the manner and location</p> |

in which it is used. All of these factors may not be clear without a more detailed assessment. The review is a significant exercise that will take some time. The Review is ongoing.

The Review Group is currently doing preliminary work to identify privately owned properties that may potentially have cladding that is a high risk for occupants. The Review Group welcomes any information that members of the public or industry may have about the types of cladding on privately owned buildings in the Territory.

We understand that the NSW laws restrict the use of certain types of cladding on some buildings in a way similar to the existing prescriptive compliance pathways in the National Construction Code. Some jurisdictions have introduced new processes to require a review of any use of aluminium composite panel (ACP) or other types of combustible cladding. In the ACT, we already have strong processes in relation to building approvals and fire safety that other jurisdictions did not or do not have. We will continue to use the processes we implemented in 2009-10 to assess the use of ACP on medium-high rise buildings in the Territory, and continue to work with our colleagues nationally on permanent labelling of ACPs so that the type of cladding can be readily identified and used appropriately.

From: Cursley, Megan

Sent: Wednesday, 6 February 2019 9:51 AM

To: Piper, Mayumi <Mayumi.Piper@act.gov.au>; CMTEDDMedia <CMTEDDMedia@act.gov.au>

Cc: Webber, James <James.Webber@act.gov.au>

Subject: FW: Cladding review

Hey guys

Sending this to you both because I'm not sure who this sits with.

Thanks!

Megan

From: [REDACTED] <[\[REDACTED\]@fairfaxmedia.com.au](mailto:[REDACTED]@fairfaxmedia.com.au)>

Sent: Wednesday, 6 February 2019 9:00 AM

To: Webber, James <James.Webber@act.gov.au>; Cursley, Megan <Megan.Cursley@act.gov.au>

Cc: [REDACTED] <[\[REDACTED\]@fairfaxmedia.com.au](mailto:[REDACTED]@fairfaxmedia.com.au)>

Subject: Cladding review

Morning guys,

Can we please get an update on where the cladding review is at? That Melbourne fire jogged our memories and got us wondering what's the latest.

Thanks!

[REDACTED]

www.canberratimes.com.au

From: "Overton-Clarke, Bronwen" <Bronwen.OvertonClarke@act.gov.au>
Sent: 16/08/2017 5:06 PM
To: "#WhoG Directors General plus office" <#WhoGDirectorsGeneralplusoffice@act.gov.au>
Cc: "Noud, Russell" <Russell.Noud@act.gov.au>
Subject: FW: ACP Cladding [SEC=UNCLASSIFIED]
Attachments: ACP Cladding - Letter to ACTPS Unions.pdf

Bronwen Overton-Clarke
Deputy Director General, Workforce Capability and Governance
Chief Minister, Treasury and Economic Development Directorate, ACT Government
ACT Public Sector Standards Commissioner
(w) 62055147
(m) 0408160993

From: Noud, Russell
Sent: Wednesday, 16 August 2017 4:55 PM



Cc: Overton-Clarke, Bronwen; Rutledge, Geoffrey; Prowse, Fay
Subject: ACP Cladding [SEC=UNCLASSIFIED]

Good Afternoon

Please find attached a letter concerning the announcement today regarding aluminium composite panels.

Regards

Russell

Russell Noud

Director Public Sector Industrial Relations | Convenor of Appeals
Workforce Capability and Governance Division
Chief Minister and Treasury Directorate | ACT Government
Level 5, Canberra Nara Centre | GPO Box 158 Canberra City ACT 2601 | Web: www.act.gov.au
Phone: (02) 6207 6019 | Fax: (02) 6205 0334 | Mobile: 0413 153433 | Email: russell.noud@act.gov.au

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ACT
Government

Chief Minister, Treasury and
Economic Development

To all ACTPS Unions

Polyethylene Aluminium Composite Panels (ACP) – work underway

As you may be aware the ACT Government has established a cross-government working group to determine how many buildings may be impacted by the installation of ACP.

This is in-line with work of other jurisdictions who are also undertaking such activity.

ACP are predominantly used on the exterior facade of commercial buildings or as decorative cladding, particularly in newer buildings or those recently refurbished.

There is a risk that some panels may have combustible cores which could result in an increased fire spread. However it is important to note that in the ACT commercial buildings have a high level of fire safety measures in place to support building occupants in the unlikely circumstance of fire.

Areas of government are currently undertaking a series of investigations or audits into the buildings they may own or have tenants occupied in. This is being undertaken in a number of ways including through independent assessment, through desk top audits and physical inspection where needed.

One of the first areas of government to have completed the initial investigation is ACT Health. An independent assessment has confirmed that the Centenary Hospital for Women and Children — a three storey building at Canberra Hospital — has some ACP panels as part of its facade.

Due to the fire management systems in place at the building, the risk is low, but health has made a proactive decision to remove and replace affected panels. Staff at the hospital have been informed of the upcoming replacement works, as will the community today.

As mentioned above, the hospital has robust fire management arrangements in place. Just this month these were reviewed by the ACT Emergency Services Agency and were found to be compliant.

As the working group continues its investigations we may identify further buildings where panels will need to be replaced. The safety of our community and staff is our paramount consideration at all times.

If you have any further questions please do not hesitate to contact Mr Geoffrey Rutledge, A/g Deputy Director-General, Environment, Planning and Sustainable Development Directorate at geoffrey.rutledge@act.gov.au or on 6207 5001.

We will also continue to keep our staff, unions and broader community informed of this important work.

Yours sincerely

A handwritten signature in black ink that reads "Bronwen Overton-Clarke". The signature is written in a cursive style with a horizontal line under the name.

Bronwen Overton-Clarke
Deputy Director-General
Workforce Capability and Governance

17 August 2017



E-MAILED

30-6-15



Andrew Barr MLA

CHIEF MINISTER

TREASURER

MINISTER FOR ECONOMIC DEVELOPMENT

MINISTER FOR URBAN RENEWAL

MINISTER FOR TOURISM AND EVENTS

COP

MEMBER FOR MOLONGLO

Mr Michael O'Connor
National Secretary
CFMEU
145-152 Miller Street
WEST MELBOURNE VIC 3003

Dear Mr O'Connor ^{Michael}

Thank you for your letters about the audit of the use of overseas products as cladding material in Australia.

The ACT Construction Occupations Registrar (the Registrar) has sought advice from building certifiers in the ACT about the use of these products. I am advised that at this stage both the Registrar and ACT Fire Brigade are not aware of the specific product being used on buildings in the ACT.

I note your concerns about the import of products into Australia and the potential risk that poses to occupants of buildings. The Building Code of Australia is clear about the use of products. All building products must comply with the relevant Australian Standards. These standards are enforced in the first instance through the building certifier issuing a building approval, and are monitored through the various inspections required of the building certifier during the construction process.

Any departure from the performance requirements under the building code requires an alternative solution. Alternative solutions are assessed and reviewed by industry professionals, the building certifier and the ACT Fire Brigade.

To date, the states and territories have been working with the Commonwealth Government through the Australian Building Codes Board, and await the outcomes of the inquiry into the Lacrosse fire incident in Victoria.

I note your concerns about the free trade agreement with China. I also recognise the measures in place in the ACT to protect the public through the statutory building approval process, in particular the engagement of relevant professionals throughout that process.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

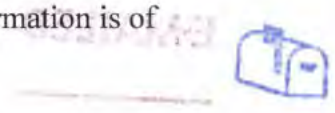
Phone: (02) 6205 0011 Fax: (02) 6205 0157 Email: barr@act.gov.au

Facebook: Andrew.Barr.MLA Twitter: @ABarrMLA



CANBERRA

Thank you for raising this matter with me. I trust that this information is of assistance.



Yours sincerely

Andrew Barr
Andrew Barr MLA
Chief Minister

30 JUN 2015



ACT
Government

Chief Minister, Treasury and
Economic Development

| | | |
|---------|---|-----------------------------|
| Date | 29 June 2015 | TRIM No: 2015/003612 |
| | | File No: Objective 15/12898 |
| To | Chief Minister <ul style="list-style-type: none"> • Executive Director, Construction and Workplace Protection • Chief Operating Officer - Access Canberra | |
| From | Construction Occupations Registrar, Construction Occupations and Licensing | |
| Subject | Imported building products use on buildings in the ACT | |

Critical date and reason

1. In the normal course of business.

Background

2. On 26 May 2015 and 2 June 2015 the Construction Forestry Mining and Energy Union wrote to you in relation to imported building products being used in the ACT and the associated risk to community.
3. The two products that were brought to your attention were aluminium cladding that was used on a building that was subject to recent fire in Docklands, Victoria; and engineered wood products including structural plywood used in bracing, flooring and concrete formwork.

Issues

4. The ACT Construction Occupations Registrar (Registrar) is seeking advice from building certifiers in the ACT in relation to the use of the products. At this stage both the Registrar and ACT Fire and Rescue are not aware of the specific product being used on buildings in the ACT.
5. From a regulatory perspective, the National Construction Code – Building Code of Australia (building code) is clear in relation to the use of products. All building products must comply with the relevant Australian Standards. These standards are, in the first instance, enforced through the building certifier issuing a building approval and are monitored through the various inspections that are required to be undertaken by the building certifier during the construction process. Any departure from the performance requirements under the building code requires an alternative solution. Alternative solutions which form part of the building code are assessed, reviewed and approved by industry professionals, including the building certifier and ACT Fire and Rescue.

6. It is the view of the regulator that there are measures in place in the ACT to protect the public through the statutory building approval process and in particular the engagement of relevant professionals throughout that process. These matters form part of the discussion paper on the review of the Building laws of the ACT.
7. The Construction Occupations Registrar has been made aware of an investigation and audit program being undertaken by the Victorian regulator. Upon completion of the audit by the Victorian regulator further action may be undertaken.

Consultation

8. The Construction Occupations Registrar is working with the ACT Fire and Rescue in relation to this matter and that work is ongoing. The Construction Occupations Registrar will be working with licensed building certifiers in order to establish the extent, if any, of the use of the products in the ACT and the associated risk to community.

Financial

9. There are no financial implications to Government in relation to the content of this brief.

Risks/ Sensitivities

10. There are no risks/sensitivities in relation to the matters discussed in this brief at this stage.

Media

11. The building fire in Victoria received media attention. There has been no media contact in relation to the use of the products in the ACT. At this stage it is not likely that there will be any media implications.

Recommendations

That you:

- note the information contained in this brief; and
- sign the attached letter to Mr Michael O'Connor of the CFMEU.

David Middlemiss

Action Officer: David Middlemiss

Phone: 6207 7397

Andrew Barr MLA *Andrew Barr* 30/6/15

AGREED/~~NOT AGREED~~/NOTED/PLEASE DISCUSS

From: "Cairney, StephanieX" <StephanieX.Cairney@act.gov.au>
Sent: 28/05/2015 11:22 AM
To: "McEvoy, Justin" <Justin.McEvoy@act.gov.au>
Subject: FW: CM Correspondence Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor
CFMEU National Secretary
Attachments: 20150526N_1.7 - Letter to Chief Minister Barr re Urgent public safety fi....pdf

Hi Justin,

Please see below for actioning.

Many thanks,

Stephanie Cairney | Ministerial Liaison Officer | Phone: 6205 4928
Environment and Planning Directorate | ACT Government
Level 3 South Dame Pattie Menzies House | GPO Box 1908 CANBERRA ACT 2601

From: Corrigan, Margarete
Sent: Thursday, 28 May 2015 11:14 AM
To: Cairney, StephanieX
Cc: Crowe, Lindsay
Subject: FW: CM Correspondence Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor
CFMEU National Secretary

Hi Stephanie

Could you please redirect to Access Canberra – Construction Services, through the proper channels.

Cheers,

Margarete Corrigan | Executive Business Co-ordinator to Mr Mark McCabe, Executive Director
Phone 02 6205 9873 | Fax 02 6207 5513 |
Construction Services Branch | Access Canberra | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |



From: Parsons, Dave
Sent: Wednesday, 27 May 2015 5:09 PM
To: Corrigan, Margarete
Cc: Morris, VanessaX; Crowe, Lindsay; Cairney, StephanieX
Subject: RE: CM Correspondence Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor
CFMEU National Secretary

Dear Margarete

While the letter provides a lot of background information and opinion, the only thing it actually seeks is:

“we are formally requesting that you direct the relevant government department to conduct an audit of the use of this product with a view to compelling building surveyors, builders, architects and designers to outline wherever the use of this product has occurred in your Territory.”

If the Chief was to comply, it is likely that he would direct Access Canberra, rather than EPD, as Access Canberra has the auditing skills etc, and probably has some capacity to compel building surveyors and builders.

Therefore, it would be in Access Canberra's interest to draft the reply.

It would be good if Vanessa and I could see the draft before it goes too, if possible please.

Dave Parsons

Phone 02 6207 9370

Construction Services | Environment and Planning Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

[@ESDD Comms](#) facebook.com/actgovesdd

From: Corrigan, Margarete

Sent: Wednesday, 27 May 2015 4:48 PM

To: Cairney, StephanieX

Cc: Morris, VanessaX; Crowe, Lindsay; Parsons, Dave

Subject: RE: CM Correspondence Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Hi Stephanie

My guess is that Dave Parsons may be best placed.

Dave – do you agree?

Cheers,

Margarete Corrigan | Executive Business Co-ordinator to Mr Mark McCabe, Executive Director

Phone 02 6205 9873 | Fax 02 6207 5513 |

Construction Services Branch | Access Canberra | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |



From: Cairney, StephanieX

Sent: Wednesday, 27 May 2015 4:25 PM

To: Morris, VanessaX; Corrigan, Margarete

Subject: CM Correspondence Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Good afternoon,

Not sure who this belongs to, would you be able to provide advice by Friday morning at the latest? Please see below for further information.

Many thanks,

From: McEvoy, Justin

Sent: Wednesday, 27 May 2015 2:46 PM

To: Cairney, StephanieX

Cc: Butchart, Rebecca; EPD Ministerials - Government Services

Subject: FW: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Hi Steph

Would you request advice from Building Policy on whether the fire risk of aluminium cladding (refer to attachment) falls is the responsibility of EPD or another agency. Could I get EPD's advice by Noon Friday 29 May 2015.

Thanks

Justin McEvoy | Planning Directorate Liaison Officer

Phone 02 6205 4521

Environment and Planning | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601 | www.planning.act.gov.au

From: King, Ashley

Sent: Wednesday, 27 May 2015 2:30 PM

To: McEvoy, Justin

Subject: FW: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary



As discussed

Let me know outcome.

Ashley

Mr Ashley King | Treasury Liaison Officer

Directorate Liaison Officer (Treasury, Workplace Safety and Industrial Relations) | Chief Minister, Treasury and Economic Development Directorate

 (02) 6205 3033 |  ashley.king@act.gov.au | GPO Box 158, Canberra City.

From: Schembri, Karen **On Behalf Of** BARR

Sent: Wednesday, 27 May 2015 10:02 AM

To: King, Ashley

Cc: Greenwood, Martin

Subject: FW: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Ashley

Response from CM please

Regards

Karen Schembri | Office of the Chief Minister

t: 620 50011 | fx: 620 50157 | karen.schembri@act.gov.au | www.chiefminister.act.gov.au

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From: Michael O'Connor [<mailto:moconnor@cfmeunat.org>]

Sent: Tuesday, 26 May 2015 5:17 PM

To: BARR

Subject: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Dear Chief Minister,

Re: Urgent public safety fire risk – Aluminium cladding

Please find a letter attached regarding the above.

Sincerely,

MICHAEL O'CONNOR

CFMEU National Secretary

Construction Forestry Mining & Energy Union

Address:

148-152 Miller Street, West Melbourne VIC 3003

Tel: (03) 9274 9203

Fax: (03) 9274 9284

Email: moconnor@cfmeunat.org

CLICK logo below to go to campaign website

Stand up. Speak out. Come home.

Michael O'Connor on Twitter



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Stand up. **Speak out.** Come home.



Tuesday, 26 May 2015

Mr Andrew Barr MLA
ACT Chief Minister
GPO Box 1020
CANBERRA ACT 2601

Via email: Barr@act.gov.au

Dear Chief Minister,

I write to you in relation to an urgent matter of public safety.

As you are most likely aware there is significant community alarm following the November 2014 fire at the *Lacrosse Docklands* apartment building (673-675 La Trobe Street Melbourne).

This frightening incident highlights that Australia has no mechanism by which it can verify if products made and certified overseas as meeting Australian standards, do actually conform to those standards. In short, we have no way of knowing if these products are safe.

A report arising out of this incident and produced by the *Metropolitan Fire Brigade* (MFB) confirmed suspicions that the aluminium/polyethylene external cladding used in this instance does not meet the requirements of the Australian Building Code due to the fact that it was combustible and as such contributed to the fire spreading at the extraordinary rate that it did.

Although the *Lacrosse Docklands* fire was the first incident of this kind in Australia, the MFB outlined how similar products have exacerbated the spread of fire in high rise buildings in fire incidents in the United Arab Emirates, the United States, South Korea and France. These fires resulted in nine deaths.

The *Fire Protection Association* Chief Executive described the issue as a "time bomb" with tens of thousands of apartment buildings nationwide at risk because of the widespread use of the *Alcuobest* and numerous other aluminium cladding products with a plastic core. Our information would suggest that the product and similar products which have a plastic core (specifically those with less than 70% mineral fibre in the core) is not of a fire resistant grade suitable for use in projects such as high rise buildings. The use of these products is of considerable concern.

We are alarmed that when the CSIRO tested the product for combustibility they found sustained flaming on the specimen at 55 seconds into the test. This resulted in the test being terminated at 93 seconds due to excessive flaming and smoking. These results should raise serious questions as to the suitability of allowing this product in other applications which are non-high rise buildings, particularly in cases where the public is at risk, such as in shopping centres, kindergartens, nursing homes, schools etc.

Construction Forestry
Mining and Energy Union
National Office

Michael O'Connor
National Secretary
ABN 17402743835

148-152 Miller St
West Melbourne VIC 3003

P: (613) 9274 9203
F: (613) 9274 9284
moconnor@cfmeunat.org
www.cfmeu.net.au

In Victoria the Victorian Building Authority has written to all building surveyors, including municipal building surveyors, and commercial builders, domestic builders, architects and designers asking them to clarify the extent of the use of this and other non-compliant cladding. The problem with this single-based approach is that the recipients of the letter do not have an obligation to respond. They also might consider their product technically compliant even when its application might still be dangerous and the product may not as a matter of fact actually be compliant.

As a matter of urgent public safety we are formally requesting that you direct the relevant government department to conduct an audit of the use of this product with a view to compelling building surveyors, builders, architects and designers to outline wherever the use of this product has occurred in your Territory. The purpose of the audit would be to ascertain the extent of the problem, then place the information on the public record along with a site-specific explanation to be shared with the at-risk public. This information would include the methods used to determine the products respective applications are safe and/or what remedial action will be taken to ensure that is the case.

The Australian Industry Group stated to the Australian Government last year that many respondents to their survey outlined that manufactured goods imported from China do not meet Australian safety and quality regulations and standards; and in addition to that the removal of tariffs under an Australia-China FTA may exacerbate this situation. They recommended that conformity with Australian safety and quality standards needs to be strengthened and a process developed for legal enforcement of insurance claims and contract breaches.

Dealing with this challenge in the way we propose would be a good first step in showing that Governments are protecting Australians from unsafe imported products and also defend Australian manufacturers who must ensure that their products reach Australian Standards.

We look forward to your response to our proposal within two weeks of the receipt of this letter.

Sincerely,



MICHAEL O'CONNOR
National Secretary
CFMEU

From:"Howell, Elizabeth" <Elizabeth.Howell@act.gov.au> on behalf of "CMCD DLO" <CMCDDLO@act.gov.au>
Sent:28/05/2015 5:01 PM
To:"CMTD MLO" <CMTD.MLO@act.gov.au>
Subject:FW: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary
Attachments:20150526N_1.7 - Letter to Chief Minister Barr re Urgent public safety fire risk - Aluminium Cladding - Tue 26 May 2015.pdf, FW: CM Correspondence Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Hi MLO team

For Access Canberra – Construction Services, for reply by CM please.

Thanks
Elizabeth

From: McEvoy, Justin
Sent: Thursday, 28 May 2015 11:26 AM
To: King, Ashley
Cc: CMCD DLO
Subject: FW: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Hi Ashley

EPD and Access Canberra has reached agreement the response is to be prepared by Access Canberra Construction Services (see attachment).

Regards

Justin McEvoy | Planning Directorate Liaison Officer
Phone 02 6205 4521
Environment and Planning | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601 | www.planning.act.gov.au

From: King, Ashley
Sent: Wednesday, 27 May 2015 2:30 PM
To: McEvoy, Justin
Subject: FW: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

As discussed

Let me know outcome.

Ashley

Mr Ashley King | Treasury Liaison Officer
Directorate Liaison Officer (Treasury, Workplace Safety and Industrial Relations) | Chief Minister, Treasury and Economic Development Directorate

☎ (02) 6205 3033 | ✉ ashley.king@act.gov.au | GPO Box 158, Canberra City.

From: Schembri, Karen **On Behalf Of** BARR

Sent: Wednesday, 27 May 2015 10:02 AM

To: King, Ashley

Cc: Greenwood, Martin

Subject: FW: Dear Chief Minister, Re: Urgent public safety fire risk - Aluminium cladding - From Michael O'Connor CFMEU National Secretary

Ashley

Response from CM please

Regards

Karen Schembri | Office of the Chief Minister

t: 620 50011 | fx: 620 50157 | karen.schembri@act.gov.au | www.chiefminister.act.gov.au

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Sent: Tuesday, 26 May 2015 5:17 PM

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Dear Chief Minister,

Re: Urgent public safety fire risk – Aluminium cladding

Please find a letter attached regarding the above.

Sincerely,

MICHAEL O'CONNOR

CFMEU National Secretary

Construction Forestry Mining & Energy Union

Address:

148-152 Miller Street, West Melbourne VIC 3003

Tel: (03) 9274 9203

Fax: (03) 9274 9284

Email: moconnor@cfmeunat.org

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Michael O'Connor on Twitter



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