



Fact Sheet – National Construction Code compliance in the Work Health and Safety Accreditation Scheme

The Federal Safety Commissioner (FSC) is implementing a two-phase approach to education and assessment of National Construction Code (NCC) compliance. Phase one focusses on educating companies accredited under the Work Health and Safety Accreditation Scheme (the Scheme) of their obligations in relation to the NCC. In phase two, companies will be audited on the suitability of their system-based approach to the management of high-risk building materials as required by the NCC.

The NCC specifies the minimum necessary requirements for health and safety; amenity and accessibility, and sustainability in the design, construction, performance and liveability of new buildings (and new building work in existing buildings) throughout Australia.

What Is Changing?

NCC compliance is not a new requirement for the building and construction industry. However, developing and demonstrating an NCC compliant system-based approach to managing high-risk building materials is a new requirement for Scheme accredited builders.

Assessment of NCC compliance will operate in the same way as the existing FSC audit requirements:

- Companies already audited by the FSC under the WHS Accreditation Scheme will be required to submit evidence that addresses the NCC audit criteria and demonstrates their current management systems and processes in relation to high-risk building materials.
- The FSC will conduct an analysis of the evidence and issue reports to companies, notifying it of deficiencies and/or areas for improvement.
- Companies will not incur immediate compliance actions or sanctions to their accreditation status during phase one

Two-Phase Implementation

The FSC's NCC audit framework will implement the requirements of the new function by supporting the operations of state and territory regulators, without duplicating the current regulatory framework.

Phase One

The purpose of phase one is to raise industry awareness, educate and build a culture of responsibility for NCC compliance in relation to high-risk building materials.

Audit criteria will be developed under this phase which will highlight the areas that companies should consider and address in their systems and processes to enhance their management of high-risk building materials on projects and provide assurance that their use is compliant with the NCC.

Phase Two

Phase two, commencing in the second half of 2021, is a mandatory, systems-based model which builds on the educative platform laid by phase one.

The phase two audit criteria require companies to have documented processes for the management of their building design, procurement and on-site material verification and installation. The FSC will assess companies' documented processes and verify they have been applied in practice.

NCC Requirements

Under the FSC NCC requirements, companies accredited under the Scheme are expected to have considered how they will comply with the NCC and incorporated appropriate mechanisms within their processes that, if followed, would ensure all building projects would achieve an NCC compliant outcome.

FSC accredited companies will be required to establish robust systems that:

- assess and analyse the NCC requirements for their projects, including evidentiary requirements;
- determine which qualified experts are required;
- determine when qualified experts are required;
- define what a qualified expert is;
- implement assurance/review for variations/changes to project scope;
- apply risk-based approaches to product selection, procurement and use;
- verify compliance with processes where necessary.

Primary Considerations:

- Ensure documentation of management systems in each project stage (design, procurement and construction) is robust, complete and unambiguous.
- Document the use of High-Risk Building Materials and avoidance of non-conforming building products. Code Mark® and Water Mark® schemes have been established to help companies identify appropriate materials. Accredited builders should note that these schemes relate to products for specific uses and are not an absolute indicator of compliance.
- Consideration of product substitution during design and construction stages (and especially where variations to contracts occur); the need to ensure that these decisions are approved and appropriately documented, including how a substitute product is verified to meet the same safety considerations as the original product selected for use at the design stage.

Compliance

The audit criteria will specifically target business processes already critical to existing NCC compliance, including building design, procurement, and on-site material verification and installation.

During phase two, companies found to be non-compliant with NCC audit criteria will be managed in accordance with the FSC's existing compliance model, which uses a collaborative approach to rectify non-compliance.

If the FSC is not satisfied with an accredited company's response to identified non-compliance with the audit criteria or evidence indicates a building compliance issue is imminent, the issue may be referred to the relevant state or territory regulator.

Similarly, state and territory regulators can refer regulatory building compliance matters, including concerns with building materials, to the FSC for consideration in future audits or activities undertaken by the FSC.

Compliance with NCC audit criteria will increase the likelihood of compliant use of high-risk building materials.

This is because the documentation, systems and processes that accredited companies will be required to provide as evidence (such as design and construction documentation) may also be used to satisfy the company's regulatory requirements under state and territory building regulations.

For further information:

- Read about the NCC at www.abcb.gov.au/Resources/Publications/Education-Training/What-is-the-NCC
- Visit the FSC website at www.fsc.gov.au
- Contact the FSC Assist Line on **1800 652 500**
- Contact the OFSC via email at ofsc@jobs.gov.au

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