

21/02/2019

## **Press Release - Certificate Withdrawals**

CMI, firstly would like to make extremely clear that the nine affected certificates are NOT non-compliant. Any claims that these products are non-complaint or banned are totally erroneous.

On Friday the 15<sup>th</sup> of February, CMI were directed by JAS-ANZ to withdraw four FR and one A2 classification Aluminum Composite Panels (ACP) CodeMark Certifications along with three other EPS CodeMark Certifications.

CMI was also advised that another FR ACP certificate could be immediately re-issued with the inclusion of two specific Conditions and Limitations as suggested by a Fire Engineering opinion obtained by JAS-ANZ. Upon consultation with the Certificate Holder, the company has opted not to seek re-certification.

A review conducted by CMI in 2018 of the certificates in question, determined that, of the ACP Certificates that were re-issued, a Condition and Limitation stating the requirement for a site-specific Performance Solution must be obtained for type A & B construction. In relation to the EPS certifications affected, we note that one certificate is limited to Type C Construction only; and others were under review with the intention to limit the certification to Type C Construction also.

Whilst CMI were satisfied, based on supplied supporting evidence, that the claims of compliance were validated, it was generally determined that the Certificate of Conformity could benefit from the inclusion of more specific directions for the use of the product in its application, including building elements outside the control of the Certificate Holder and which historically would be considered site specific.

It should be further noted, all of the ACP Certificates withdrawn meet the Hon Richard Wynne, Minister for Planning's, 'Ministers Guideline MG14' for ACPs to have less than 30% combustible content.

### **Proposed Re-Certification**

It is at the discretion of the Certificate Holders as to whether re-certification is sought. CMI, where requested, has begun proceedings to have the withdrawn Certificates re-certified. The re-certification will result in the allocation of a new license number.

CMI will be specifically addressing all areas of concern on the revised certificates, with the reissue process well underway. The reissued CodeMark certificates will be available in due course, following an in-depth peer review by a professional fire engineering firm and consultation with JAS-ANZ.

### **Current or Completed Projects:**

CMI wishes to advise that any projects completed prior to the withdrawal of the current certificates are still covered by the withdrawn certificate.

It should be noted that a CodeMark certification is only one way to demonstrate compliance with the BCA.

CodeMark is not a mandatory requirement and as such, any projects that are underway, which have relied on the withdrawn certificate, may provide other forms of evidence in accordance with A2.2 of BCA Volume One Amdt. 1 Evidence of Suitability, see below excerpt:

*(a) Subject to (b), A2.3, A2.4 and A2.5, evidence to support that the use of a material, product, form of construction or design meets a Performance Requirement or a Deemed-to-Satisfy Provision may be in the form of any one, or any combination of the following:*

*(i) A current CodeMark Australia or CodeMark Certificate of Conformity.*

- (ii) A current Certificate of Accreditation.*
  - (iii) A current certificate, other than a certificate described in (a)(i) and (ii), issued by a certification body stating that the properties and performance of a material, product, form of construction or design fulfil specific requirements of the NCC.*
  - (iv) A report issued by an Accredited Testing Laboratory that—*
    - (A) demonstrates that a material, product or form of construction fulfils specific requirements of the NCC; and*
    - (B) sets out the tests the material, product or form of construction has been subjected to and the results of those tests and any other relevant information that has been relied upon to demonstrate its suitability for use in the building.*
  - (v) A certificate or report from a professional engineer or other appropriately qualified person that—*
    - (A) certifies that a material, product, form of construction or design fulfils specific requirements of the NCC; and*
    - (B) sets out the basis on which it is given and the extent to which relevant standards, specifications, rules, codes of practice or other publications have been relied upon to demonstrate its suitability for use in the building.*
  - (vi) Another form of documentary evidence, such as but not limited to a Product Technical Statement, that—*
    - (A) demonstrates that a material, product, form of construction or design fulfils specific requirements of the NCC; and*
    - (B) sets out the basis on which it is given and the extent to which relevant standards, specifications, rules, codes of practice or other publications have been relied upon to demonstrate its suitability for use in the building.*
- (b) The form of evidence used must be appropriate to the use of the material, product, form of construction or design to which it relates.*
- (c) Evidence to support that a calculation method complies with an ABCB protocol may be in the form of any one, or any combination of the following:*
- (i) A certificate from a professional engineer or other appropriately qualified person that—*
    - (A) certifies that the calculation method complies with a relevant ABCB protocol; and*
    - (B) sets out the basis on which it is given and the extent to which relevant standards, specifications, rules, codes of practice and other publications have been relied upon.*
  - (ii) Another form of documentary evidence that correctly describes how the calculation method complies with a relevant ABCB protocol.*
- (d) Any copy of documentary evidence submitted, must be a complete copy of the original certificate, report or document.*

CMI understands that the withdrawal of these certificates has created undue confusion in the marketplace, especially in relation to ongoing projects and assures all interested parties that the review and re-issue of these certificates is being given priority.

With Kind Regards

**CertMark International**