

PERMANENT LABELLING SYSTEM FOR ACP PRODUCTS DISCUSSION PAPER

BUILDING MINISTERS' FORUM – June 2018

This discussion paper has been developed by the Senior Officers' Group which is comprised of representatives from the Commonwealth, states and territories.



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Making a submission

The Senior Officers' Group (SOG) invites written submissions on the Discussion Paper.

Submissions are due by 5:00pm AEST, Sunday, 15 July 2018.

Any submissions received after this date will be considered at the SOG's discretion.

Where possible, submissions should be sent electronically, preferably in Microsoft Word or other textbased formats, to the email address listed below.

 Email: BCQ-NCPSOG@hpw.qld.gov.au

Submissions may also be sent to:

 Fax: (07) 3237 1248 or

 Mail: SOG Secretariat
c/o Building Industry and Policy
Department of Housing and
Public Works
GPO Box 2457
Brisbane Qld 4001

Confidentiality statement: All submissions will be treated as public documents, unless the author of the submission clearly indicates the contrary by marking all or part of the submission as 'confidential.' Public submissions, including any personal information of the author(s) and/or other third parties contained in the submission, may be published in full on the BMF's website. If a submission contains the personal information of any third party individuals, please indicate in the submission whether they have provided consent to the publication of their information. Any request made under freedom of information legislation for access to a submission marked confidential will be determined in accordance with that Act.

List of abbreviations

ABCB	Australian Building Codes Board
ACL	Australian Consumer Law
ACP	Aluminium composite panel
BMF	Building Ministers' Forum
NCBP	Non-conforming building products
NCC	National Construction Code
PE	Polyethylene
SOG	Senior Officers' Group

Executive Summary

The 2014 fire at the Lacrosse apartment building in Melbourne’s Docklands and the tragic Grenfell fire in London in June 2017 have highlighted the fire safety risks arising from the non-compliant use of external cladding, particularly aluminium composite panels (ACP) with a 100% polyethylene (PE) core.

The Building Ministers’ Forum (BMF), comprised of Commonwealth, state and territory Ministers responsible for building matters, has taken this issue seriously.

At the 6 October 2017 BMF meeting, Ministers recognised the current concerns regarding external cladding on buildings.

At this meeting, all Ministers agreed to use their available laws and powers to prevent the use of ACP products with a PE core for class 2, 3, or 9 buildings of two or more storeys, and class 5, 6, 7 or 8 of three or more storeys, until they are satisfied that manufacturers, importers, and installers, working in collaboration with building practitioners, will reliably comply with:

- the newly established standard setting test against which fire retardant cladding products are deemed to be reasonable for use in high rise settings; and
- an established and implemented system of permanent labelling on cladding products to prevent substitution.

The Senior Officers’ Group (SOG), comprised of senior officials from the Commonwealth, states and territories that support the BMF, has developed this discussion paper regarding a permanent labelling system for ACP products to prevent the use of non-compliant building product substitution.

Feedback is sought on four potential options:

Option 1 – An information plate permanently attached to a high rise building

Option 2 – A permanently etched or stamped motif or permanent label on an external facing façade panel

Option 3 – Use of covert data marking technology

Option 4 – Maturation of current reviews and reforms

These options could be implemented through:

- Legislative amendments within each state and territory.
- A new Australian product standard (via Standards Australia) or information standards for ACPs (via the Australian Consumer Law (ACL)), including uniform labelling requirements for the various product types.
- A voluntary Code of Practice and a set of guidelines.

Questions are provided throughout this discussion paper to provide guidance for possible submission responses.

Current environment

It is important to recognise the diversity of jurisdictional regulatory requirements, each building's construction and performance, and the unique ways that individual fires start and spread in different buildings. These matters are complementary to the performance-based nature of the National Construction Code (NCC), with performance requirements being the minimum level that buildings, building elements and plumbing and drainage systems must meet.

Information emerging from current jurisdictional cladding audits show there are problems with easily identifying the ACP that has been used on buildings.

There are a number of actions, reviews and reforms already underway to improve the building regulatory system, including:

1. Jurisdictional non-compliant cladding audits and reviews
2. National BMF Assessment review by Professor Peter Shergold and Ms Bronwyn Weir
3. Non-conforming building products (NCBPs) legislation
4. Recent NCC amendments relating to external cladding
5. Building certification and regulatory reviews
6. High risk building products review undertaken by Victoria, in conjunction with Standards Australia and the Australian Building Codes Board (ABCB)
7. Pilot program undertaken by New South Wales to track shipments from eight major aluminium panel suppliers and manufacturers to building and construction projects
8. Import data sharing arrangement established between the Commonwealth Department of Immigration and Border Protection and state and territory building regulators
9. Education materials produced by the ABCB to improve practitioner understanding of NCC requirements relating to documentary evidence, external cladding materials and external fire spread.

These actions and reforms can address ACP issues in different ways.

For example, one of the recommendations in the BMF Assessment review report is for a comprehensive 'building manual' for commercial buildings which would be lodged with the building owner and given to successive owners. This manual could contain information such as:

- as-built construction documentation
- fire safety system details and maintenance requirements
- assumptions made in any performance solution (e.g. occupant characteristics)
- building product information (e.g. certificate, maintenance or safety requirements)
- conditions of use (e.g. occupant numbers, loads, product replacement requirements).

Consideration also needs to be given to the relevance of other emerging digital solutions, such as Building Information Management (BIM) systems.

Further information regarding the work overseen by the BMF can be found by visiting www.industry.gov.au/BMF.

General Questions

- G.1** In your experience, are you able to provide some examples of how ACP are currently labelled?
- G.2** Do you think these ACP labels are useful to understand the composition of ACP as well as any compliance with the NCC?
- G.3** In your view, what improvements can be made to current labelling practices for ACPs?
- G.4** Do you have any examples of non-compliant ACP product substitution? If yes, please provide more information on these examples.

What are ACPs?

The Australian Government Response to the Senate Economics References Committee's interim report on aluminium composite cladding provides advice on the various types of ACPs currently manufactured. The advice below was prepared by the Commonwealth Scientific and Industrial Research Organisation (CSIRO), which has expertise in the testing of building façade materials as well as the assessment of the configuration of materials in construction in accordance with relevant building codes and standards.

ACPs are flat sheet materials, faced with a thin aluminium sheet (typically 0.5mm thick) on both sides. The thickness of the overall panels is often around 3–4mm, but examples up to 6mm are available.

Types of ACP are distinguished by their core materials, which significantly influence the fire properties of each panel. While some examples of 100 per cent mineral core ACPs have been identified, the majority of ACPs have a core material that is a mixture of a polymer (polyethylene) and mineral fillers or fire retardants. The proportion of the polymer can be as little 1-3 per cent or as high as nearly 100 per cent.

ACPs are described in manufacturer's marketing material as being one of three categories:

1. A2 – ACPs classified as 'A2' when tested to European fire certification usually have 3 per cent or less of polymer.
2. FR (an abbreviation for fire retardant) – FR-ACPs contain some fire retardant in the core and typically contain around 30 per cent polymer.
3. PE (an abbreviation of polyethylene) – PE-ACPs have a core close to 100 per cent polymer.

A number of ACPs using A2 and FR descriptors are certified for compliance under the CodeMark certification scheme for use externally on Type A and B^{1 2} construction, but with specific limitations on their application and use.

Another type of ACP does not include polymers, but instead uses an aluminium 'honeycomb' core bonded with adhesive.

It should be noted that none of the three descriptions (A2, FR, PE) relate to test methods or provisions in the NCC.

'Non-combustible' is a defined term in the NCC, determined by the test method in AS 1530.1. It is unlikely that any ACP would meet this criteria because in practice, the fire performance of an external wall is not only dependent on the material properties, but also on aspects of the whole system including (but not limited to) sheet fixing method, insulation type, cavity fire barriers, geometry and penetrations. Accordingly, when engineered appropriately, some ACPs may meet the performance requirements of the NCC for external walls.

Further, PE-ACPs may also have other applications permitted under the current requirements of the NCC, such as an attachment, signage, interior wall lining and design features.

ACP uses

ACP products are often used where a combination of high structural rigidity and low weight is required. They are often used in building and construction as external facades, decorations, interior walls, ceilings, space separation, doors, billboards and signage.

However, ACP products can be used in a number of industries and for different uses, for example:

- aircraft and aerospace industries
- shipbuilding
- agricultural machinery
- commercial vehicles, mobile homes, caravans, buses, trains
- machinery casing
- loudspeaker casings
- furniture design
- other applications such as bicycle mudguards and suitcases.

¹ Type A construction is the most fire-resistant, and applies to class 2, 3 and 9 buildings of three or more storeys; and class 5, 6, 7, and 8 of four or more storeys.

² Type B construction is the next most fire-resistant, and applies to class 2, 3 and 9 buildings of two or more storeys; and class 5, 6, 7, and 8 of three or more storeys.

Option 1 High rise building external façade information plate

Under this option, a new high rise building that incorporates external cladding would be required to have an information plate in a visible or accessible place in the building.

This information plate could be located near the front entrance, mains switchboard or emergency management equipment. The intent is to provide information to occupants, the public, regulators, maintenance and tradespeople and the fire service about the type of cladding used on the building.

This option may ensure builders, building surveyors/certifiers and relevant regulators have additional ‘checks and balances’ in the construction process and hold relevant information regarding the cladding installed on a high rise building.

An information plate is used in other industries. For example, to ensure recreational boating safety, recreational powered vessels are required to have an Australian Builders Plate (ABP). This plaque provides information on a boat’s capability and capacity, such as boating operations, maximum number of people and load allowed, engine rating and weight.

A similar mechanism via a compliance plate is used in other industries. For example, in Queensland, a gas system installer must give a Gas System Compliance Certificate to relevant people (e.g. owner and operator). If prescribed in regulation, the installer must also attach a compliance plate for the gas system that is engraved or stamped and states the installer’s licence number, certificate number, type of device connected to the gas system and installation date.

Questions

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- Q1.1** Would an information plate placed on a high rise building be an effective way to provide information about the cladding used in the building and address product substitution?
 - Q1.2** Where would be the best location for an information plate in a building, e.g. inside or outside the building’s main entrance?
 - Q1.3** What information should be on the information plate, e.g. ACP composition and manufacturer?
 - Q1.4** Should this information also be lodged with the building regulator and easily accessible to the public? Why or why not?
 - Q1.5** Should there be a particular material or size for this information plate? Please provide some suggestions.
 - Q1.6** What do you think are the potential costs or other impacts involved in having this compliance plate fixed to a building?
 - Q1.7** If a high rise building undergoes renovations to the external cladding, do you have any views about how the compliance plate should be updated?
 - Q1.8** Any other issues, considerations or expected consequences for this option?

Option 2 Permanently etched or stamped motif or permanent label

Under this option, each ACP would be required to be permanently etched or stamped with a motif or label.

The motif or label would need to be visible when the flat sheet is formed into the façade panel. This would allow builders, façade fabricators, regulators and consumers to identify the type and any other relevant information of ACP installed.

The permanent etching, stamping or labelling would need to occur at the ACP manufacturing stage. If the panel is cut for fitting and installation, then the fitter or installer would need to be required to mark each piece with the label.

This option may ensure relevant building industry participants and consumers are easily aware of the ACP material used in construction, though it would likely impact the ACP supply chain and increase manufacturing and installation costs.

A precedent exists in the glazing industry. The Australian Standard, AS 1288-2006 'Glass in Buildings – Selection and Installation', requires each pane of 'Grade A' safety glass to be permanently marked either by a label of a type that cannot be removed and reused or a permanent mark on the glass surface. This ensures that builders, glaziers, regulators and consumers have readily identifiable confirmation that the glass product purchased complies with the appropriate standard. AS1288 is specified as a minimum standard in the NCC for relevant areas in a building that requires safety glass.



Questions

- Q2.1** Would a permanently etched or stamped motif or label on each panel be an effective way to provide information about the cladding used in a building and address product substitution?
- Q2.2** To be permanently etched or stamped, where should this motif or label be on an ACP panel?
- Q2.3** Do you agree that this etching or stamping should occur at the manufacture stage? If yes, please provide further detail.
- Q2.4** What type of information should be included on the motif or label, e.g. details of the ACP composition and manufacturer?
- Q2.5** To standardise the motif or label, should there be a national classification scheme for ACP?
- Q2.6** Do you think any relevant testing results should accompany the ACP through the supply chain? Please provide further detail.
- Q2.7** What do you think are the potential costs or other impacts involved in permanently etching or stamping a motif or permanent label on an ACP panel?
- Q2.8** Any other issues, considerations or expected consequences for this option?

Option 3 Covert data marking technologies

Under this option, ACPs would be required to have a covert data mark.

Covert markers are chemical substances (e.g. a security varnish concentrate) which are added to products by the manufacturer. It is not immediately discernible and visible only with additional tools and training. Sophisticated handheld readers can then be used to inspect production in the office or out in the field to confirm authenticity.

Covert product labelling solutions (e.g. microdots, inks and labels) are used across a wide range of industries, such as pharmaceuticals, car manufacturing and identification documentation. Reasons for their use include quality assurance control, brand protection, theft protection and security purposes to protect against counterfeit production.

This option is unlikely to compromise aesthetic quality and may ensure relevant building industry participants are easily aware of the ACP material used in construction, if they have the scanning device that can identify the covert mark.

However possible increases in the cost of manufacturing and installation would need to be considered, and the impact of such increases on the ACP supply chain.

Building owners, the general public and relevant regulators would also need a scanning device to identify the ACP product.



Questions

- Q3.1** Would a mandatory covert data mark in a panel be an effective way to provide information about the cladding used in a building and address product substitution?
- Q3.2** What would be the most appropriate or relevant covert data mark technology for ACP and do you think it is readily available or practical?
- Q3.3** Would size and/or form of a covert data mark matter if it is incorporated into ACP? Please give reasons for your answer.
- Q3.4** What type of information should be included in the covert data mark, e.g. details of the ACP composition and manufacturer?
- Q3.5** What may be potential impacts on the manufacturing process for a covert data mark to be included in ACP, e.g. costs or other impacts?
- Q3.6** Would there be a potential impact on installers, builders or certifiers for a covert data mark to be included in ACP, e.g. access to the information on the data mark? Please give reasons for your answer.
- Q3.7** To standardise information in the covert data mark, should there be a national classification scheme for ACP? Please provide some suggestions.
- Q3.8** Should any relevant testing results accompany the ACP through the supply chain? Please give reasons for your answer.
- Q3.9** Any other issues, considerations or expected consequences for a covert data mark?

Option 4 Maturation of current reviews and reforms

Under this option, jurisdictions will continue focusing on other holistic building regulatory reviews and reforms already underway that may already address issues with ACP.

The national and jurisdictional reviews and reforms already underway to improve the building regulatory system (including addressing issues posed by ACPs) are outlined earlier in the Discussion Paper.

The legislative reforms aimed at building products (the Queensland *Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and Other Matters) Amendment Act 2017* (Qld NCBP Act) and the New South Wales *Building Products (Safety) Act 2017*) and other reforms arising out of the cladding audits and the BMF Assessment review may sufficiently address concerns relating to ACPs.

For example, the Qld NCBP Act places a duty on building product supply chain participants (designer, manufacturer, importer, supplier and installer) to ensure that building products are safe, compliant and fit for intended use.

There is also a duty to provide information on the building product to the next person in the supply chain, e.g. manufacturing information on an ACP product is required to eventually reach the installer.

The ABCB and each jurisdiction also develop education materials and campaigns, which can be used to improve

industry behaviour and NCC awareness regarding requirements for cladding products. For example, encouraging rejection of unlabelled or incorrectly labelled products could provide a market incentive for better labelling and increased NCC compliance.

Some industry participants are already improving their business practices to ensure that ACP products are safe and being used or installed correctly. For example one Australian cladding manufacturer has launched a new packaging initiative to help industry correctly identify and use ACP products.

This option would provide greater ability for governments to focus on implementing other holistic building regulatory reforms, such as the recommendations in the BMF Assessment report. Industry behaviour would continue to be monitored with further investigation if improvements are not demonstrated.

Questions

- Q4.1** Given concerns with ACP, is this an appropriate option for governments to consider?
- Q4.2** Should the ABCB and relevant regulators develop more education materials regarding the use of ACP? If yes, please provide some suggestions.

Overarching questions

- Q5.1** In your view, out of the four options, what would be the most effective option for the BMF to implement a permanent labelling system for ACP?
- Q5.2** The BMF is considering options for a mandatory permanent label on ACP itself, not the packaging. Should a label also be considered for the packaging and why?
- Q5.3** A permanent labelling system is being considered for ACP products. Should other cladding product types (such as expanded polystyrene cladding products) be considered for these labels as well? If so, for which product types?

Supporting information

Prevalence of product substitution

The aim of a permanent labelling system for ACP is to prevent product substitution. This occurs when an identical replacement building product is used on a construction site or elsewhere, which may or may not be compliant with NCC requirements.

Builders generally rely on suppliers and subcontractors to ensure that the material provided is identical or performs in an identical way to what is specified in the plans. Building certifiers/surveyors also assess the specifications in the plans in accordance with the NCC and documentation provided that show the material complies with the specifications. In certain circumstances (e.g. fire safety elements and structural reliability), building certifiers/surveyors also rely on other professionals to ensure the specifications and materials comply with the NCC.

Earlier industry submissions to the SOG and the current Senate inquiry into NCBPs highlighted the problem of product substitution.

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Anecdotally, if product substitution occurs on the building site and is identified by the builder or building certifier/surveyor, it is often rectified on the building site and not reported to building regulators.

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What is a permanent label

Broadly, a label can be a piece of paper, plastic, cloth, metal or other material that is attached to a container or product comprising written or printed information about the product. This information could include a product's origin, manufacturer, brand name, use, instructions for use, environmental advice, shelf-life or disposal. They may be stickers, permanent or temporary labels, or printed packaging.

Labels placed on packaging or plastic covers can be easily removed and discarded during the supply and installation process.

Permanent label stickers are generally tamperproof; they do not peel away if properly applied to a product. With persistent attempts to remove them, the sticker will tear away but the adhesive will tend to stay on the product.

Alternatively, a permanent mark or etching can be applied at point of manufacture directly onto the product.

Current ACP labelling practices

Australian jurisdictions do not currently require labelling of external cladding products.

ACPs are currently labelled when distributed, generally as a flat sheet, by the manufacturer and/or supplier. This can include identifying permanent markings on the type of ACP on the back of each sheet, and a plastic cover on the front that also contains identifying markings. However, when the ACP is made up into a façade panel, the back of the product is obscured from view and the plastic cover is removed, which means there is no mechanism that would allow for the visual identification of the type of panel installed.

As an example of the market responding to concerns, in mid-2017, one Australian cladding manufacturer launched a new packaging initiative to further assist with correctly identifying and using different ACP types. Until that point, the company had featured inkjet identification stencils on each panel; however, new red, amber and green labels are now being used that clearly reinforce panel types and recommended usage.

What to put on the labels?

The minimum requirements of mandatory label may include:

1. The name, registered trademark or code of the manufacturer or supplier.
2. The type of panel, which may be in the form of a code, such as PE for polyethylene core, FR for fire retardant core, or non-polymer core, etc.
3. The Standard to which the panel has been tested (i.e. AS 1530.1 or AS 1530.3, noting a current product testing standard does not exist).

As FR products contain varying proportions of mineral filaments (i.e. 70% filament, 30% polymer), consideration could be given to representing the proportion on the motif.

Careful consideration is required regarding what to put on the label, as arguably the label may become unrealistically large and the information easily outdated. Decisions regarding what the label does not need to include could be based on what other information is easily obtainable or provided with the product, e.g. properties and testing history.

When to require application of the label in the supply chain?

Ideally, a label should be applied at manufacture and remain during fabrication. If a sheet is cut, each piece should retain a label or there should be a protocol for attaching a new label. This ensures that manufacturers of assemblies know they are using the correct material.

An ACP sheet can be cut, folded, riveted and/or bolted etc to other materials to create an assembly, such as a wall panel that will be installed in a building. Therefore, the production process may require some labelling to identify the assembly so that it can be installed in the correct place, or at least a compliance certificate that states the key components of the assembly, the category of ACP used and who has certified that using it as intended in the building will meet the requirements of the NCC. However, at the least, the ACP label should remain and be somehow visible after fabrication and inclusion in an assembly or a building.

Mechanism to implement a permanent labelling system

Legislative

The current Australian building regulatory system is primarily governed by state and territory regulatory frameworks. Each state and territory has its own laws that regulate building practices and products, including adoption of the NCC.

Any changes regarding ACP requirements to the NCC will ensure a national, harmonised approach. However, there are limitations to the NCC as an implementation vehicle as it is a performance-based document and does not address building product manufacturing processes.

Another method to establish a permanent national labelling system is to amend individual state and territory legislation using consistent principles across all jurisdictions.

Australian Standards

The development of a new Australian product standard or national information standard for ACPs, including uniform labelling requirements for product types, could be another implementation mechanism for a permanent labelling product scheme for ACP products. However, compliance with a Standard is not required unless the Standard is referenced in the NCC and/or in state and territory legislation.

The stages in developing or revising a standard are: a proposal to Standards Australia which is then reviewed as part of a Project Prioritisation process; project approval; formation of a technical committee; drafting of the Standard; public comment process; consideration of comment; committee ballot process; final approval and publication of Standard.

Responsibility for compliance

Regarding the appropriate point of compliance in the chain of responsibility for a building product, a requirement to ensure the correct labelling compliance requirements could be placed:

- on the manufacturer and/or importer
- at the point of sale, and/or
- on the installer.

It is noted that state and territory adoption of similar chain of responsibility mechanisms to the Qld NCBP Act would ensure that appropriate responsibility is held throughout the supply chain from manufacturer to installer.

Cost implications

Imposing a permanent labelling system for ACP products is likely to have costs.

Considerations of the likely cost can include:

- changes to manufacturing machines and related processes
- label and packaging redesign
- business compliance costs through the supply chain, e.g. documentation and audits
- regulatory oversight.

As an example of potential costs following introduction of labelling requirements, the Australian Government estimated that the 'food of origin' packaging rules that commenced 1 July 2016 will cost companies \$37 million to introduce.³

Other Australian product labelling schemes

WaterMark Certification Scheme

The WaterMark Certification Scheme (WaterMark) is a mandatory certification scheme for plumbing and drainage products to ensure they are fit for purpose and appropriately authorised for use in plumbing and drainage installations.

Certified products are listed on the WaterMark Product Database and are identified by the WaterMark certification trademark, which must be marked on the product upon the granting of a WaterMark Licence.

The ABCB manages and administers WaterMark as a national scheme. NCC Volume Three requires certain plumbing and drainage products to be certified and authorised for use in a plumbing or drainage installation.

Water Efficiency Labelling and Standards

The *Water Efficiency Labelling and Standards (WELS)* is a mandatory scheme for regulating plumbing products and whitegoods to help consumers choose more water efficient products for purchase.

In order for regulated products to be offered for sale in Australia, they are tested, registered with the WELS Regulator and labelled with their water rating information either on the product or packaging. The label includes a star rating, water consumption details, registration and product information, such as the company that registered the product, licence number and standards that guide how products are tested.

WELS is established under the *Commonwealth Water Efficiency Labelling and Standards Act 2005* with complementary WELS legislation in each state and territory. WELS is administered by the Commonwealth Department of Agriculture and Water Resources.

Energy Rating Label

The *Energy Rating Label* scheme is mandatory for air conditioners (single phase, non-ducted), clothes washers, clothes dryers, dishwashers, televisions, refrigerators, freezers and computer monitors. The label provides a product's energy consumption figure and the star rating that shows its energy efficiency.

On 1 October 2012, the *Greenhouse and Energy Minimum Standards (GEMS) Act 2012* came into effect, creating a national framework for product energy efficiency in Australia and establishing the Energy Rating Label scheme. The GEMS regulator was based in the Commonwealth Department of Industry, Innovation and Science, which replaced the previous state and territory regulators and labelling schemes.

In September 2016, the Commonwealth Department of Energy and Environment became the custodian of administering the GEMS Act, maintaining the GEMS register, and monitoring and enforcing compliance with the GEMS Act.

³ <http://pmtranscripts.pmc.gov.au/release/transcript-24641>

International product labelling schemes

In the European market (European Union (EU)) and European Economic Area (EEA), a labelling system for products as required by specific harmonisation legislation (including construction products) is called the Conformite Europeene (CE mark). This is a symbol placed on a product at manufacture that indicates conformity with health, safety and environmental protection standards for products sold within the European market.

CE marking is the responsibility of the person who places the product on the European market, which in most cases is either the manufacturer or the manufacturer's authorised representative.

The assessment process to obtain a CE mark includes:

- assessing the risks presented by a product throughout its lifecycle
- meeting safety objectives by design and construction
- taking account of the current best practice to ensure the safety for that product
- in some cases, the Directive will require the use of third parties who have been notified by an EU member state to the EU Commission ('Notified Bodies', similar to the Australian 'Conformity Assessment Bodies') to verify compliance
- collecting and retaining information about the design, testing and construction process and compliance with relevant requirements in a technical file, generally for at least 10 years after the last product of the product line has been produced
- declaring the product's conformity with relevant legislation by means of a Declaration of Conformity, which in most cases must accompany the product down the supply chain to the end user, and
- providing a comprehensive product User Instructions.

Manufacturers	Importers/Distributors
<ul style="list-style-type: none"> • Carry out the conformity assessment • Set up the technical file • Issue the ED Declaration of Conformity (DoC) • Place CE marking on a product 	<ul style="list-style-type: none"> • Check presence of CE marking and the necessary supporting documentation when selling regulated merchandise • Check that the manufacturer outside the EU has taken necessary steps to comply with the applicable certification requirements • If marketing products under own name, they take over manufacturer's responsibilities (ensure sufficient information on the design and production of the product, as assuming the legal responsibility when affixing the CE marking)

By affixing the CE mark, the responsible person takes on responsibility for the conformity of the product. CE marking is a visible sign that the product complies with all relevant product supply law and can be sold throughout the European market.

The rules to affix a CE mark are to:

- use the initials "CE" in the prescribed form
- use a font of a minimum size - at least 5mm tall (unless this is not possible for very small products)
- maintain the proportions shown whatever the size
- attach to the product visibly, legibly and indelibly in the immediate vicinity of the name of the manufacturer or authorised representative
- affix to the back or underside of a product, or if this is not possible, on the packaging or accompanying documentation.

Prospective versus retrospective application

It is proposed that any labelling requirements be applied to new buildings or buildings undergoing substantial renovations or alterations only. Generally, buildings are required to comply with current NCC requirements and any jurisdictional specific requirements in force at the time the building approval was issued. If a building is substantially renovated or altered, the updated requirements in the NCC apply.

Retrospective application of labelling requirements may be time consuming, costly and disruptive. Further consideration of retrospective application may be subject to a regulatory impact assessment process.

Summary

The SOG seeks feedback on the proposed four options for a permanent labelling system for ACP products.

Several issues have been considered in developing the current options, including:

- prevalence of product substitution
- current ACP uses and labelling practices
- types of permanent labelling
- compliance responsibility points
- mechanisms to implement a permanent labelling system
- relevant regulatory enforcement powers and
- other product labelling schemes.

A permanent labelling system for ACP products when used on buildings may:

- ensure builders and building certifiers/surveyors are aware of ACP materials used
- enable building regulators to more easily identify and investigate ACP products
- give building owners and occupiers confidence and assurance regarding the installed ACP and that the building is NCC compliant
- enable fire authorities to quickly locate and understand the installed ACP so, in the event of a fire, be able to adjust their fire and evacuation response accordingly
- enhance transparency in the supply chain and building process and reduce product substitution for ACP products during construction.

Potential impacts for government, industry and building owners may include:

- supply issues and market disruption
- increased business compliance costs, particularly for manufacturers and installers
- cost to government to develop, implement, investigate issues and enforce compliance.

Submissions are due by 5:00pm AEST, Sunday, 15 July 2018.

Where possible, submissions should be sent electronically, preferably in Microsoft Word or other textbased formats, to:

 Email: BCQ-NCPSOG@hpw.qld.gov.au

Submissions may also be sent to:

 Fax: (07) 3237 1248 or

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This discussion paper has been developed by the Senior Officers' Group which is comprised of representatives from the Commonwealth, states and territories.