

Senator Slade Brockman
Chair, Senate Economics Legislation Committee
Parliament House
CANBERRA ACT 2600



Dear Senator Brockman

Clarification following Senate Estimates hearing

Following my testimony at the Senate Estimates hearing on 3 June 2021, and the exchange that occurred between Senator Patrick and myself, I wish to make a point of clarification for the Committee.

It was put to me that my previous response to a question on notice (AI-17) was factually inaccurate.

This was on the basis of the manufacturer's (Kingspan) 2013 product brochure for Kooltherm K15 Rainscreen Board, tabled at the hearing, makes reference to the BS 8414 test method. It was suggested that this contradicted previous evidence provided by me that such a method had not been relied upon for the same product's CodeMark Certificate of Conformity, also tabled at the hearing.

This suggestion is not correct—the product's 2015 CodeMark Certificate of Conformity did not rely upon a BS 8414 test report. Whilst the manufacturer's product brochure indicates that Kooltherm K15 Rainscreen Board had been tested to BS 8414, the manufacturer did not rely on a BS 8414 test report as the basis for the product's former CodeMark Certificate of Conformity, which expired in March 2017.

Further, there appears to be a misinterpretation of the UK Grenfell Tower Inquiry (the Inquiry) on this point. On 6 November 2020, the Inquiry called into question a specific BS 8414 test report that was *"not representative of the [Kooltherm K15] product subsequently sold on the [UK] market"* in 2015. The Inquiry did not implicate the BS 8414 test method itself. Therefore, BS 8414 remains an appropriate test method for assessing the fire performance of external wall systems.

As per the previous response to AI-17, in light of the evidence provided to the Inquiry, on 6 November 2020, the ABCB Office wrote to JAS-ANZ requesting confirmation from the relevant Certifying Body (SAI Global) that no Kingspan CodeMark Certificate of Conformity relied upon the BS 8414 test report referred to in the evidence given at the Inquiry.

On 16 November 2020, JAS-ANZ confirmed that there were five CodeMark Certificates for the Kooltherm product range (including K15) in Australia, none of which relied on a BS 8414 test report. A certificate for a different product (separate to the Kooltherm product range) was found to have used the BS 8414 test method, but not the specific test report that was under scrutiny in the Inquiry and that was supported by a fire engineers report in accordance with AS 5113.

On 16 November 2020, the ABCB Office and JAS-ANZ received explicit assurance from SAI Global that the BS 8414 test report relied on for this product in Australia was not the test report implicated by the Inquiry.

On 4 June 2021, following the hearing, the ABCB Office was again assured by JAS-ANZ and SAI Global that the certificate tabled by Senator Patrick did not rely on testing to BS 8414, and any suggestion otherwise was refuted. Accordingly, I wish to confirm to the Committee that my response to the previous question on notice regarding the disputed certificate (AI-17) was accurate.

I also take this opportunity to advise that the most recent CodeMark certificate issued by SAI Global for the K15 Kooltherm product (2020) contains a lot more information than the expired 2015 certificate tabled at the hearing. The ABCB revised the 'Certificates of Conformity' template following a review of CodeMark that led to a number of other improvements to the Scheme in 2017.

While previous certificates were one page long, certificates can now be more than 10 pages and provide greater detail and technical data on the product. Certificates now set out not only what parts of the NCC the product complies with, but also any limitation and conditions, and how the Certification Body arrived at these conclusions. In addition to the revised certificate template, the ABCB also introduced more stringent surveillance of certificate holders, increased monitoring of Certification Bodies, and an improved design of the public register of certificates.


CodeMark remains one of the more robust forms of evidence of suitability available, which like many other product certification schemes in the market, operates in accordance with the ISO/IEC 17065—the international standard for bodies certifying products, processes and services.

This international standard recognises commercial arrangements apply between the certifier and their client, as with any contract for service to protect commercial rights. If it were a specific requirement of CodeMark to publicly disclose all commercial-in-confidence information a Certificate Holder provides to the Certification Body, it would act as a disincentive for product manufacturers to use this form of evidence—as the loss of intellectual property and trade secrets to competitors would outweigh the benefit of obtaining a certificate.

Finally, in addressing this matter, I would like to point out that by and large governments do not fund the CodeMark Australia Certification Scheme. Industry participants voluntarily make the investment and subject their products to third-party tests to provide independent assurance of their products claims to market.

I ask that my letter be tabled for the Committee, and that you alert other Committee members to this point of clarification.

Yours sincerely



Neil Savery
Chief Executive Officer

11 June 2021