

EVIDENCE OF SUITABILITY REQUIRED FOR MINOR ALTERATIONS MADE TO CAST IN FIRE COLLARS

EFFECTIVE MAY 2023 — UPDATED TO ALIGN TO NCC 2022

Building practitioners:

Non-conforming building products (NCBPs) are building products that are not safe, non-compliant, or contain false or misleading claims and are not fit for their intended use. The Queensland Building and Construction Commission (QBCC) has identified a concern, that minor alterations are being made to cast in fire collars, where the “lip” has been altered or removed, as shown in the example below, making them no longer compliant without further actions.

The National Construction Code 2022 Volume One (NCC) provides the following two different pathways to compliance for this minor alteration:

- 1) The ‘Deemed-to-Satisfy solution’ (DtS solution) route is provided in the NCC specification 1 – ‘Fire resistance of building elements’. Under Schedule S1 C2, a building element meets the requirements of this specification, if:

“(c) it differs in only a minor degree from a prototype tested under (b) and the fire-resistance level (FRL) attributed to the building element is confirmed in a report from an Accredited Testing Laboratory which—

- (i) certifies that the building element is capable of achieving the FRL despite the minor departures from the tested prototype; and
- (ii) describes the materials, construction and conditions of restraint which are necessary to achieve the FRL.”

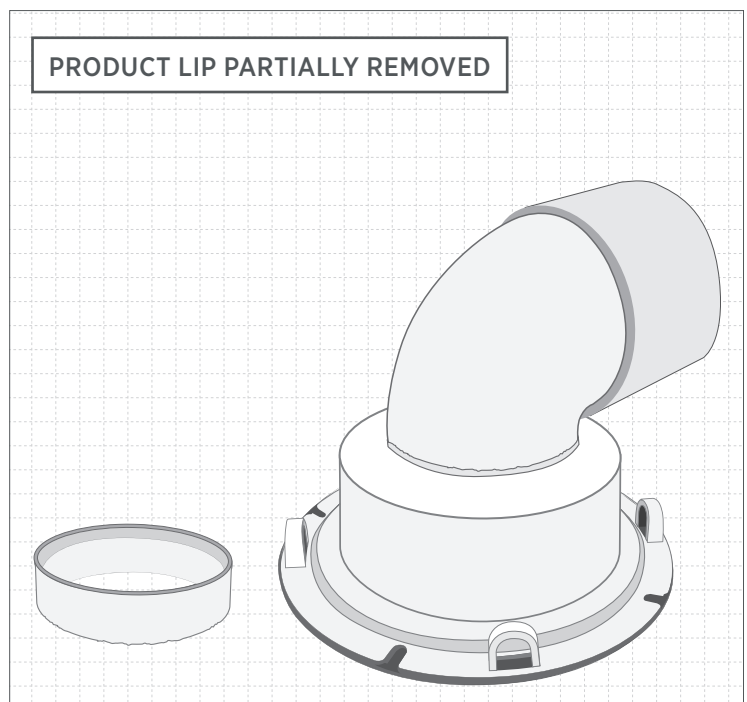
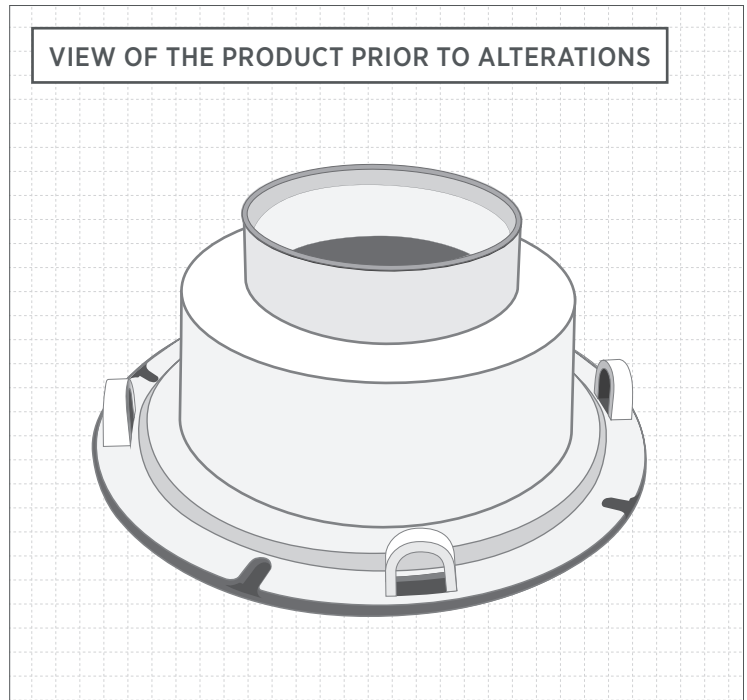
- 2) A ‘performance solution’ formulated to meet the requirements of the *Building Act 1975* and NCC 2022 Volume 1, Part A2G2. The ‘performance solution’ needs to follow the process outlined in the ‘governing requirements’ of the NCC, under Part A2G2(4), and be assessed and approved by the project’s building certifier.

If you are an installer, licensed builder, or contractor, who has altered or is aware the product has been altered in such a manner, you need to be mindful that the minor alteration is non-compliant until such time as a report from an ‘Accredited Testing Laboratory’, or a site specific ‘performance solution’ has been produced.

Under Queensland’s NCBP legislation, members of the construction industry supply chain, including but not limited to manufacturers, distributors, and installers, have a duty to ensure the building products they manufacture, supply, or install, are compliant and accompanied by the ‘required Information’ for the product, or otherwise risk incurring significant penalties.

Definitions

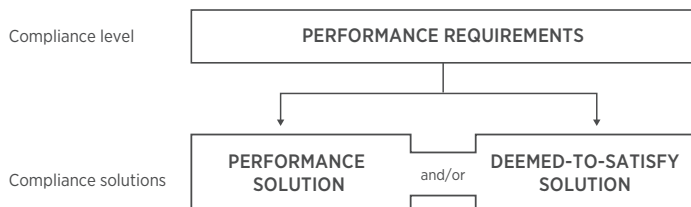
Standard fire test¹ means — the fire-resistance tests of elements of building construction as described in Australian Standard 1530.4.



Accredited Testing Laboratory² means –

- (a) an organisation accredited by the National Association of Testing Authorities (NATA) to undertake the relevant tests; or
- (b) an organisation outside Australia accredited to undertake the relevant tests by an authority recognised by NATA through a mutual recognition agreement; or
- (c) an organisation recognised as being an Accredited Testing Laboratory under legislation at the time the test was undertaken.

NCC COMPLIANCE OPTION STRUCTURE



Performance requirement³ means – a requirement which states the level of performance which a ‘performance solution’ or ‘Deemed-to-Satisfy solution’ must meet.

Performance solution⁴ means - a method of complying with the ‘performance requirements’ other than by a ‘Deemed-to-Satisfy solution’.

Deemed-to-Satisfy solution⁵ means - a method of satisfying the ‘Deemed-to-Satisfy provisions.’

Deemed-to-Satisfy provisions⁶ means - provisions which are deemed to satisfy the ‘performance requirements.’

Required information⁷ – for a building product, means information about the product that—

- (a) for each intended use of the product, states or otherwise communicates the following—
 - (i) the suitability of the product for the intended use and, if the product is suitable for the intended use only in particular circumstances or subject to particular conditions, the particular circumstances, or conditions;
 - (ii) instructions about how the product must be associated with a building to ensure it is not a non-conforming building product for the intended use;
 - (iii) instructions about how the product must be used to ensure it is not a non-conforming building product for the intended use; and
- (b) complies with the requirements for the information, if any, prescribed by regulation for this definition.

Disclaimer

The information provided in this fact sheet is for educational purposes only. Although the QBCC endeavours to provide accurate and current information, it does not guarantee that the information communicated in this fact sheet will continue to be accurate and current in the future.

The QBCC is not liable for any claims arising from incorrect or out-of-date information or any decisions or actions made based on the information contained in this fact sheet.

The information conveyed in this fact sheet does not constitute legal or other specialist advice and should not be relied upon as such.

¹⁻⁶ As defined in the NCC 2022.

⁷ As defined under the *Queensland Building and Construction Commission Act 1991*.