

14 December 2021

Mr David Shoebridge MLC
Chair, Public Accountability Committee
Email: David.Shoebridge@parliament.nsw.gov.au and Alison.Martin@parliament.nsw.gov.au

Dear Mr Shoebridge,

FURTHER INQUIRY INTO BUILDING REGULATION

Network Architectural (**Network**) thanks the Committee for the opportunity to appear on 22 November 2021.

Issue and Recommendations sought

We **attach** a one-page briefing note summarising the issue and recommendations sought by Network from the Committee so that a safer and properly tested product is not further denied to Project Remediate owners, while a less safe one that has not been properly tested remains recommended.

We understand that the Committee is not made up of technical experts on fire safety, but this does not prevent it adjudicating on Cladding Product Safety Panel (**Panel**) process issues e.g. failing to assess products on equal criteria and highest safety testing. There is no evidence before this Committee, or in the Panel report, which contradicts CSIRO and other independent evidence we have put forward. Even an expert panel must produce evidence and valid reasons to support its findings.

We also **attach** for the Committee's assistance a one-page ready reckoner showing how products recommended/not recommended by the Panel perform on a range of criteria.

Correction re statements made by Mr Chandler

We would also like to correct the record on certain statements made by Building Commissioner, Mr David Chandler, at the 22 November Inquiry. Mr Chandler suggested the evidence was clear on solid aluminium not requiring highest AS5113 firewall testing and also that one of our representatives had in some way agreed to no such testing on solid aluminium at a small industry briefing called only days before (at p72):

*"Now, last week I had the very person who was in here this morning in a face-to-face briefing, **and he left the room saying he was entirely happy with our approach.** We made it very clear that solid aluminium is not flammable; it does not need any further testing."*

*"There is no need to test solid aluminium. **We are quite happy to provide you with the paper that concluded as to why that is the case**"*

*"But I find it really quite offensive that you have got vendors of product coming in here and pushing their case when, in fact, they sit in a meeting with me, amongst others, and say, **"We are very happy with the fact you are not testing that, and we are happy to provide you product to test that."***

No evidence has been produced as to why solid aluminium does not require further highest AS5113 testing when existing testing from CSIRO and Ignis shows dangers under that standard on any system. We ask that the Committee seek the "paper" Mr Chandler has referred to above.

Further, **Network at no stage during the industry briefing agreed or suggested that we were happy with solid aluminium not being tested to the same highest AS5113 standards that Mitsubishi ALPOLIC NC had already met.**

Further context

Prior to the industry briefing, Network had been asking the Panel for 7 months what further testing was required for endorsement of ALPOLIC NC, but with no response. All that was expressed to Mr Chandler at the industry briefing was relief to finally get confirmation on further testing for ALPOLIC NC. Even if CSIRO AS1530.3 testing on ALPOLIC NC had already been provided to the Panel we were prepared to have further testing of our product under that standard. We were also relieved to get clarity that further AS5113 testing of ALPOLIC NC was not required given this testing had already (twice) been provided to the Panel and would have taken a further 3-6 months.

However, there was no discussion, or agreement by us, at the industry briefing on solid aluminium not being required to undergo AS5113 testing in the same way ALPOLIC NC already had. In the following context it was clear to us that this was not something the Building Commissioner or Panel were even prepared to discuss. We had raised that issue at:

- two past industry briefings (no willingness to engage at February 2021 briefing then no response at 1 September 2021 briefing)
- in social media (where it was even suggested that all product, including solid aluminium, would be AS5113 tested at some point), and
- in numerous unanswered correspondence to the Panel since September 2020.

Project Remediate managing contractor, Hansen Yuncken, had finally (a couple of weeks ahead of the industry briefing) conveyed a clear decision by the Panel not to do that testing for solid aluminium. Given a decision had already been made, raising the issue yet again did not seem constructive or appropriate, especially in a meeting with bonded laminate suppliers to discuss further testing of that category.

Network would finally like to clarify the suggestion made by Mr Chandler that what we have provided to the Panel and this Committee is “marketing” not “evidence”. We have produced a number of reports from CSIRO and other NATA accredited and independent laboratories which go to safety and suitability under highest Australian and international standards i.e. we have produced “evidence” not “marketing”. Solid aluminium suppliers have not done the same, nor has the Panel on their behalf.

It is untrue and unfair to suggest Network is just another bad building industry company out to “market”. We could have put profit before safety and sold solid aluminium, with considerably greater profit. It would be easier to do that right now, given the Panel’s approach. But we still refuse to, given the evidence on safety. We are proud of ALPOLIC NC. It has been developed to be world’s safest. It is superior to solid aluminium on various criteria and is equally, if not more, cost effective.

We would appreciate the opportunity to provide a further briefing to you on the above. We look forward to continuing to work with all stakeholders and have also invited Mr Chandler to meet.

Yours sincerely,



Tony Rouady
Co-founder and General Manager
Network Architectural

INQUIRY - CLADDING PRODUCT RECOMMENDATIONS -ISSUES & SOLUTION

BACKGROUND:

Types of cladding product currently sold in Australia for high rise use:

- **Aluminium composites or bonded laminates.** These can be safe (ALPOLIC NC) or unsafe (Grenfell style polyethylene core and waffle/corrugated core). It is mostly what is in the core that determines safety
- **solid aluminium**

ISSUES

- **The Cladding Product Safety Panel has recommended a less safe/inferior solid aluminium cladding product to Project Remediate owners and not recommended safer /superior Mitsubishi ALPOLIC NC**
 - Both products are National Construction Code compliant (a lower testing standard)
 - But ALPOLIC NC is head and shoulders safer on highest AS5113 fire wall testing (the only test measuring performance in a real fire) and highest international standards (A1 EN 13501-1)
 - Evidence from CSIRO & independent Ignis Labs before the Panel supports this. It shows ALPOLIC NC is safe while solid aluminium melts causing large shedding chunks and cladding sheet detachment -carrying grave risks to firefighters and owners. These dangers will occur even where Panel 's mitigating façade design requirements are in place
 - The Panel has produced no evidence to the contrary
 - Evidence is also before the Panel showing ALPOLIC NC is superior to solid aluminium on other criteria e.g. warranty, durability, thermal/environmental performance.
 - ALPOLIC NC is no more costly than solid aluminium.
 - Despite the evidence, ALPOLIC NC has not been recommended while solid aluminium has. The Panel inexplicably justifies this (and it's ignoring of evidence on solid aluminium dangers) by saying solid aluminium only has to meet low NCC standards

CONSEQUENCES:

- Project Remediate building owners do not have the safest, most suitable cladding product available
- Project Remediate building owners and firefighters are at risk of potential deaths and injury from solid aluminium. They will also incur enormous unjustified expense in further/more frequent cladding replacements when proven safety/durability issues of solid aluminium manifest
- Thousands of other non-Remediate building owners (who naturally follow Govt cladding recommendations) face the same risks (*NB Design & Building Practitioners Act audits do not change these risks because they are inherent risks with the solid aluminium product that can't be removed or sufficiently mitigated by system design*).

SOLUTION:

Network seeks recommendations from the PAC as follows to ensure safety and transparency for owners:

1. That the Panel assess ALL cladding products which seek to be used in Project Remediate and do so against the same criteria. This includes both products in categories recommended and not yet recommended.
2. Criteria should include all AS 5113 safety measures with assessment against this, and any other Australian Standard, to be based on testing on the same façade system.*
3. That the Panel quickly make further recommendations by January 2022 based on the above assessment
4. That the Panel publish the results of AS5113 testing in a further report by January 2022, with guidance on how ALL products performed against this and other criteria.
5. That the Government publish a table on the Panel's website showing comparative performance of all products against the same criteria (similar to **attached**)

**Note (to be included in Recs): The Panel should not do (or use its own existing) testing of products in current recommended categories while requiring suppliers of products not yet recommended to do further testing themselves. Such testing takes months, is impossible without the Panel specifying the system for that testing and, in the case of AS5113 testing for ALPOLIC NC, testing has already been provided on an industry standard façade*

FEATURES	Mitsubishi ALPOLIC NC A1	3mm Solid Aluminium	Corrugated Core ACP	Fibre Cement	Non- combustible Render	Metal Sheeting
Compliance to NCC 2019/2022 C1.9 DtS non-combustible	Y	Y	Y	Y	Y	Y
Tested to AS5113	Y	***	Y	Y	***	***
Safe under available AS5113 testing	Y	N*	***	***	***	***
Manufactured by globally respected company	Y	***	***	Y	Y	***
20-year 100% full cover replacement warranty	Y	N	N	N	N	N
Manufacturer's warranty	Y	N	N	Y	Y	***
Façade cleaning required to maintain warranty	N	Y	Y	N	N	Y
Corrosion Resistant	Y	Y	Y	Y	Y	N
Codemark certified	Y	***	Y	Y	***	N
Affected by oil-canning	N	Y	N	N	N	Y
Prevents spread of flame	Y	Y	N	Y	N	Y
World leading FEVE paint coating?	Y	N	N	***	***	N
Guaranteed colour consistency	Y	N	***	Y	N	N
High resistance to hail	Y	Y	N	Y	***	Y
World's best Euroclass A1	Y	***	N	N	N	N
Quality assured installer approved network	Y	N	N	N	N	N
Full 4mm min Gauge	Y	N	Y	N	***	N
Proven coating durability in Australian conditions for >30 years	Y	N	N	Y	N	N

DISCLAIMER: The information provided in the above Ready Reckoner has been provided by Network Architectural based on evidence cited and should be used as an indicative guide only. You should consult with your supplier/manufacturer for latest information and for clarification.

N* - AS5113 CSIRO & Ignis Tests

***** - Ask supplier/manufacturer for evidence**