

INSULATED ROOF PANELS—BUSHFIRE ATTACK LEVEL AND NON-CONFORMING BUILDING PRODUCTS

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A person who designs, manufactures, imports, supplies or installs **building products** is a **person in the chain of responsibility** and must ensure the **building products** they design, manufacture, import, supply or install, are not **non-conforming building products** (NCBPs). This includes ensuring the **building product** meets **relevant regulatory provisions**, and complying with relevant duties, such as to provide **required information**.

Under Queensland's NCBP laws, a **building product** is any material or other thing associated with, or that could be associated with, a building.

A building product is a **non-conforming building product** for an **intended use** if:

- it is not, or will not be, safe; or
- it does not, or will not, comply with the **relevant regulatory provisions**, including the National Construction Code (NCC); or
- the product does not perform, or is not capable of performing, for the use to the standard it is represented to perform by or for a person in the chain of responsibility for the product.

The **relevant regulatory provisions** under the *Queensland Building and Construction Commission Act 1991* (QBCC Act) include the *Building Act 1975* (Building Act) and *Plumbing and Drainage Act 2018* (PD Act) which respectively incorporate Volume One and Volume Two of the NCC as the **Building Code of Australia (BCA)**, and Volume Three of the NCC as the **Plumbing Code of Australia (PCA)**. A building product must comply with the NCC as a **relevant regulatory provision**.

Required information, for a **building product**, means information about the product that, for each intended use of the product, states or otherwise communicates, among other things, 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. All building products imported into or manufactured in Queensland must have evidence of suitability as prescribed in the NCC.

Compliance with the NCC is achieved by complying with the Governing Requirements and the **Performance Requirements**.

NCC Governing Requirement, Part A5G1 Suitability, provides that a building and plumbing or drainage installation must be constructed using materials, products, plumbing products, forms of construction or designs fit for their intended purpose to achieve the relevant requirements of the NCC.

A material, product, plumbing product, form of construction or design is fit for purpose if it is supported by evidence of suitability in accordance with NCC Part A5G2 and A5G3 or A5G4 as appropriate, and constructed or installed in an appropriate manner.

For more information refer to the NCC parts:

- A5G2 Evidence of suitability—Volumes One, Two and Three
- A5G3 Evidence of suitability—Volumes One and Two (BCA)
- A5G4 Evidence of suitability—Volume Three (PCA)

Roof construction in designated bushfire prone areas

The **Building Regulation 2021** (Qld), section 7 provides that a local government may, in a local planning instrument, designate all or part of its area as a designated bushfire prone area for the BCA or the Queensland Development Code (QDC). The NCC requires building work in these designated bushfire prone areas to have certain features to help them better withstand attack from bushfire. These features are provided in Australian Standard (AS) 3959:2018 Construction of buildings in bushfire prone areas.

AS 3959:2018 requires roof tiles, roof sheets and roof covering accessories for all Bushfire Attack Level (BAL) ratings to be non-combustible.

AS 3959:2018 defines non-combustible as “not deemed combustible as determined by AS 1530.1 or not deemed combustible in accordance with the NCC.”

Insulated roof panels and AS 1530.1

Insulated roof panels typically comprise pre-finished metal sheeting laminated to insulating cores such as expanded polystyrene with fire-retardant (EPS-FR), polyisocyanurate (PIR) or mineral wool (MW). These panels are classified as bonded laminated materials.

AS 1530.1 does not apply to coated, faced or laminated products such as insulated roof panels. Therefore, insulated roof panels cannot be classified as non-combustible under this standard. However, separate AS 1530.1 testing may be undertaken on each of the elements in the insulated roof panel, including the paint and adhesives, to determine their individual combustibility.

Insulated roof panels not deemed combustible in accordance with the NCC

The next part of the definition of non-combustible in AS 3959:2018 is “not deemed combustible in accordance with the NCC.”

The NCC defines non-combustible when applied to:

- (a) A material – means not deemed combustible as determined by AS 1530.1 – Combustibility Test for Materials; or
- (b) Construction or part of a building – means constructed wholly of materials that are not deemed combustible.

Insulated roof panels are a roofing system and, as such, are a form of construction or part of a building. Therefore, insulated roof panels, to comply with the non-combustible roof sheet requirement in AS 3959:2018, are required to be constructed wholly of materials that are not deemed combustible, as per the NCC definition of non-combustible above.

Other compliance pathways

As an alternative to determining the combustibility of roofing systems using AS 1530.1, AS 3959:2018 permits testing of construction elements and systems in accordance with AS 1530.8.1 for the relevant BAL rating to demonstrate compliance.

Note: Testing in accordance with AS 1530.8.1 should be undertaken by an **Accredited Testing Laboratory (ATL)**.

The NCC provides a compliance pathway for combustible materials to be used where non-combustible materials are required. These are C2D10(6) in NCC Volume One or H3D2(1) in NCC Volume Two (the Concessions).

The Concessions include two (2) relevant sub-clauses:

- (e) Pre-finished metal sheeting having a combustible surface finish not exceeding 1 mm thickness and where the Spread-of-Flame Index of the product is not greater than 0; and
- (g) Bonded laminated materials where:
 - (i) each lamina, including the core, is non-combustible; and
 - (ii) each adhesive layer does not exceed 1 mm in thickness and the total thickness of the adhesive layers does not exceed 2 mm; and
 - (iii) the Spread-of-Flame Index and the Smoke-development Index of the bonded laminated materials as a whole do not exceed 0 and 3 respectively.

Insulated roof panels incorporate an external layer of 'pre-finished metal sheeting' as described in sub-clause (e). However, because the external layers are bonded to an insulating core, they are considered 'bonded laminated material'. To comply with the NCC Deemed-to-Satisfy (DtS) Provisions for non-combustible materials, the Products must meet the requirements of sub-clause (g) if the Concessions are being applied. This includes demonstrating that the core is non-combustible through appropriate testing.

Persons in the **chain of responsibility** must ensure the **building products** they import, manufacture, supply, install or design are not **non-conforming building products**, or otherwise risk contravening the QBCC Act and incurring significant penalties. This includes ensuring the **building product** meets **relevant regulatory provisions**, which includes the NCC.

Definitions

A **building product**¹ is any material or other thing associated with, or that could be associated with, a building.

Associated with², in relation to a building, means incorporated into, or connected to, a building by the carrying out of relevant work.

Relevant work³ means—

- (a) building work under the *Building Act 1975* other than work mentioned in section 5(2) of that Act; or
- (b) plumbing work under the *Plumbing and Drainage Act 2018* directly connected to a building; or
- (c) drainage work under the *Plumbing and Drainage Act 2018* directly connected to a building.

A building product is a **non-conforming building product**⁴ for an intended use if—

- (a) the association of the product with a building for the use—
 - (i) is not, or will not be, safe; or
 - (ii) does not, or will not, comply with the relevant regulatory provisions; or
- (b) the product does not perform, or is not capable of performing, for the use to the standard it is represented to perform by or for a person in the chain of responsibility for the product.

Intended use⁵, for a building product, means a use for which the building product is intended to be, or is reasonably likely to be, associated with a building.

Relevant regulatory provisions⁶ means—

- (a) in relation to relevant work mentioned in the definition relevant work, paragraph (a)—the building assessment provisions under the *Building Act 1975*; or
- (b) in relation to relevant work mentioned in the definition relevant work, paragraph (b) or (c)—the *Plumbing and Drainage Act 2018*.

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

1. QBCC Act, section 74AB(1).
 2. QBCC Act, section 74AA.
 3. QBCC Act section 74AA.
 4. QBCC Act section 74AB(2).
 5. QBCC Act section 74AA.
 6. QBCC Act section 74AA.
 7. QBCC Act, section 74AG(7).

- (iii) instructions about how the product must be used to ensure it is not a non-conforming building product for the intended use;
- (b) complies with the requirements for the information, if any, prescribed by regulation for this definition.

A person is **a person in the chain of responsibility**⁸ for a building product if—

- (a) the person—
 - (i) designs, manufactures, imports or supplies the building product; and
 - (ii) knows, or is reasonably expected to know, the product will or is likely to be associated with a building; or
- (b) the person installs the product in a building in connection with relevant work; or
- (c) the person is an architect or engineer who, in designing a building, specifies that the product be associated with the building.

Accredited Testing Laboratory⁹ means one of the following—

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

Performance Requirement¹⁰ means a requirement that states the level of performance that a Performance Solution or Deemed-to-Satisfy Solution must meet.

Performance Solution¹¹ means a method of complying with the Performance Requirements other than by a Deemed-to-Satisfy Solution.

Deemed-to-Satisfy Solution¹² means a method of satisfying the Deemed-to-Satisfy Provisions.

Deemed-to-Satisfy Provisions¹³ means provisions that are deemed to satisfy the Performance Requirements.

Product Technical Statement¹⁴ means a form of documentary evidence stating that the properties and performance of a building material, product or form of construction fulfil specific requirements of the NCC, and describes—

- (a) the application and intended use of the building material, product or form of construction; and
- (b) how the use of the building material, product or form of construction complies with the requirements of the NCC Volume One and Volume Two; and
- (c) any limitations and conditions of the use of the building material, product or form of construction relevant to (b).

Useful links

[ABCB Handbook – Evidence of suitability](#)

Disclaimer

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If you have any questions as to how the NCBP laws apply to you, you should obtain appropriate independent professional advice regarding how to discharge your duties under the *Queensland Building and Construction Commission Act 1991* (QBCC Act) and achieve compliance with relevant regulatory provisions for building products. This is especially important if you (or your company) intend to later rely upon that advice to demonstrate satisfaction of your duties under Part 6AA of the QBCC Act or other legislative obligations.

8. QBCC Act, section 74AE.

9. NCC 2022 Volume One, schedule 1 Definitions, Glossary.

10. NCC 2022 Volume One, schedule 1 Definitions, Glossary.

11. NCC 2022 Volume One, schedule 1 Definitions, Glossary.

12. NCC 2022 Volume One, schedule 1 Definitions, Glossary.

13. NCC 2022 Volume One, schedule 1 Definitions, Glossary.

14. NCC 2022 Volume One, schedule 1 Definitions, Glossary.