

# NON-CONFORMING BUILDING PRODUCTS HOME OWNERS

EFFECTIVE DECEMBER 2022

## Introduction

The use of non-conforming building products in the buildings in which we work, live and play, puts lives and property at risk. On 1 November 2017, the Queensland Parliament commenced laws to cover the sale and use of building products. These laws create a chain of responsibility for building products.

This means that all parties involved in the building product supply chain, known as the chain of responsibility including designers, manufacturers, importers and suppliers of a building product, and sometimes architects and engineers, have a responsibility and are held accountable for building products, that are not compliant or safe for their intended use. Information about the building product and its intended use must be provided by each person in the supply chain to the next person in the chain.

## What is a Non-Conforming Building Product?

The laws state that a building product is regarded as non-conforming if it is unsafe, does not comply with the relevant regulatory provisions (e.g. the National Construction Code), or its performance does not meet, or is incapable of meeting, the claimed standard or performance.

## What do the NCBP laws mean for me?

The laws aim to eliminate the use of NCBPs by imposing responsibilities on those involved at the earliest stages of a typical building supply chain.

They will help provide greater safety and certainty for home owners and save money by preventing costly rectification works.

The Queensland building regulator, the Queensland Building and Construction Commission (QBCC) now has enhanced powers to deal with non-conforming building products.

## How can I minimise the risk of non-conforming building products in my home?

There are many steps that you can take to reduce the likelihood of non-conforming building products being installed in your home.

**Choosing a tradesperson** – Choosing a licensed tradesperson will ensure they are properly qualified and insured. They also have a legal requirement to use only building products that comply with the standards under the National Construction Code.

See <http://www.onlineservices.qbcc.qld.gov.au/FindLocalContractor/Default.aspx> to identify licensed tradespeople in your area.



**Choosing the right building products for the job** – The laws require that building products are accompanied by information that allows you to determine whether the product is fit for its intended use. If you are purchasing building products make sure you check the information with a licensed tradesperson. If your builder is supplying the product, check with them that the product meets the required standards. Check that plumbing products have the relevant WaterMark certification.

## What should I do if I suspect a non-conforming building product?

If you are concerned that a non-conforming building product has been used in your home, you should raise this with the tradesperson who installed it. Ask them for the information showing that the building product meets the required standards. If they don't provide this information, contact the QBCC.

You can report a suspected NCBP using this link, under **'How to report'** and **'Property owner or general public'**: <https://www.qbcc.qld.gov.au/complaints-disputes/report-non-conforming-building-product-incident>

## How will these laws be enforced?

It takes many thousands of products to complete a building and most people involved in the design, manufacture, importation, supply and installation of these products do the right thing.

But the use of non-conforming products puts lives and property at risk so the Queensland Government has taken steps to ensure that risk is minimised.

You can report a suspected NCBP using this link, under **'How to report'** and **'Property owner or general public'**: <https://www.qbcc.qld.gov.au/complaints-disputes/report-non-conforming-building-product-incident>

## Where can I go to report, get help or for more information about NCBPs?

More information on the new building product laws can be obtained from the Queensland Building and Construction Commission (QBCC) at <https://www.qbcc.qld.gov.au/worksite-building-practice/non-conforming-building-products> or email: [ncbp@qbcc.qld.gov.au](mailto:ncbp@qbcc.qld.gov.au).

## Disclaimer

The information provided in this fact sheet is provided for general information purposes only. Although the Queensland Building and Construction Commission (QBCC) endeavours to provide accurate and current information, it does not warrant, represent or guarantee that the information communicated in this fact sheet is in all respects accurate, complete or current. The QBCC is not liable for any loss, damage or claims arising from incorrect or out-of-date information or any decisions made, or actions taken, in reliance 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.

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 QBCC Act and achieve compliance with the 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.