



NON-CONFORMING BUILDING PRODUCTS

Responsibilities - Installers

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 new laws to cover the sale and use of building products.

These laws amend the *Queensland Building and Construction Commission Act 1991* (QBCC Act) and create a chain of responsibility for building products.

This means that all parties involved in the building product supply chain, from the manufacturers and importers to the suppliers and installers, will now be held accountable for building products that are not compliant or fit for their intended purpose.

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 new 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 the claimed standard or performance.

A building product is also regarded as non-conforming if it claims to be something it is not and is marketed and supplied with the intent to deceive consumers.

WHAT IS AN INSTALLER?

For these purposes, the installer is the person or company that installs (e.g. assembles or incorporates) building products into a building in Queensland as part of building or plumbing and drainage work.

WHAT DO THE CHANGES MEAN FOR ME?

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

Previously, the responsibility for recognising a building product may not be safe or fit for its intended purpose usually rested with the installer or building certifier.

Now, however, everyone in the building supply chain including designers, manufacturers, importers and suppliers of building products have a responsibility to do all they can to ensure these products are compliant and fit for purpose. They are also required to do what is reasonably possible to ensure the safety and suitability of the building product in question, and pass the product information down the chain to you.

You must take all reasonable steps to ensure that any product that you install in a building is not a non-conforming building product. That is, it needs to meet the relevant standards for its intended use under the National Construction Code or other relevant legislation.

It is your responsibility to check that the certificates demonstrating the compliance of purchased and installed materials align with the certification documents and building approvals.

WHAT INFORMATION SHOULD BE SUPPLIED WITH THE PRODUCT?

All building products need to have information accompanying them or made easily available to help the next person in the supply chain decide whether the product is suitable for its intended use. This could be documentation that demonstrates or outlines:

- How the product legitimately meets the relevant Australian standards for that use
- The conditions and circumstances in which the product can be used, e.g. in internal areas or not above certain heights
- How the product should be installed, e.g. the type of fastener, adhesive or mounting system to ensure NCC compliance
- How the product must be used to remain compliant with the NCC, e.g. rods in cyclone areas

WHAT QUESTIONS SHOULD I ASK THE SUPPLIER?

- Is the product compliant with the National Construction Code or other relevant legislated provisions for its intended use?
- Does the product meet the relevant Australian Standards?
- Has the product been tested by a NATA accredited laboratory?
- Is there any documentation available to demonstrate that the building product conforms with the relevant regulations?
- Are there any conditions or restrictions that apply to the use of the product?
- Is the product part of a performance solution, and if so, is there any relevant information that should be communicated?

WHAT WILL HAPPEN IF I DON'T COMPLY WITH THE NEW LAWS?

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.

The new laws enhance the powers of the QBCC so that it can take disciplinary action for offences relating to NCBPs.

WHAT DO I DO IF I BECOME AWARE OF A NCBP?

All suspected NCBPs should be reported to the QBCC immediately.

If you become aware of, or suspect that, the use of a non-conforming product has caused death, injury or illness, you must notify the QBCC within two days unless there is a reasonable excuse.

WHERE CAN I GO FOR HELP OR MORE INFORMATION?

More information on the new building product laws can be obtained from the Queensland Building and Construction Commission (QBCC) at

- www.qbcc.qld.gov.au/about-us/non-conforming-building-products
- Email: ncbp@qbcc.qld.gov.au.