

NON-CONFORMING BUILDING PRODUCTS RESPONSIBILITIES - PLUMBERS

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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 amended the *Queensland Building and Construction Commission Act 1991* (QBCC Act) and created 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 and in some cases architects and engineers, 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.

A plumbing material or product is considered fit for purpose if it has WaterMark certification.

What do the NCBP laws mean for me?

The laws prevent the supply and sale of plumbing products in Queensland that do not have WaterMark certification. These products are classified as non-conforming building products. This will reduce the risk of plumbers inadvertently installing or being pressured to install non-WaterMark products as part of plumbing systems.

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

Now, however, everyone in the building supply chain including designers, manufacturers, importers and suppliers of a building product, and sometimes architects and engineers, have a responsibility to ensure these products are safe and compliant.

They are also required to do all that it is possible to do to ensure the safety and suitability of the building product in question, and pass the product information down the chain to you.

You need to 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 Plumbing Code of Australia.

Make sure the products you are installing have WaterMark certification and are on the WaterMark database at abcb.gov.au/Product-Certification/WaterMark-Certification-Scheme/WMPD-Search.

What will happen if I install a non-conforming building product?

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

But the use of non-conforming products puts lives at risk so the Queensland Government has taken steps to ensure that risk is minimised. The laws enhance the powers of the QBCC so that the Commission can take disciplinary action for offences relating to NCBPs.

What do I do if I become aware of a NCBP?

All suspected NCBPs must be reported to the QBCC as soon as practicable, but within 2 days after becoming aware or reasonably suspecting a NCBP, unless the person has a reasonable excuse. 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 to report, get help or for more information about NCBP's

More information on the building product laws can be obtained from the Queensland Building and Construction Commission (QBCC) at <https://www.qbcc.qld.gov.au/complaints-disputes/report-non-conforming-building-product-incident> or email: ncbp@qbcc.qld.gov.au.

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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 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.