



A Guide to AUSTRALIAN BUILDING PRODUCT CONFORMITY

A guide for those businesses and building professionals that must ensure the products and materials they procure and use in building and construction are 'fit for purpose' and conform and comply with Australian building laws and standards and any other local requirements.

April 2018

This Guide is published by the NSW Government on behalf of the Senior Officers' Group which is comprised of representatives from the Commonwealth, states and territories.

Important notice

This Guide has been prepared by the Senior Officers' Group as general guidance only. It is not a substitute for professional, independent and technical advice.

Please note that all other all other documents prescribing statutory and contractual requirements, relevant to the state or territory legislation in which building work has been undertaken and the contract for the work, take precedence over this Guide.

The Senior Officers' Group has made every reasonable effort to provide current and accurate information, but it does not make any guarantees regarding the accuracy, currency or completeness of that information.

Parties who wish to re-publish or otherwise use the information in this publication must check this information for currency and accuracy prior to publication. This should be done prior to each publication edition, as the National Construction Code, technical standards and other laws frequently change. Any queries parties have should be emailed to NCBP@finance.nsw.gov.au.

Acknowledgement

This Guide was produced by the New South Wales Government on behalf of the Senior Officers' Group.

The Senior Officers' Group would like to thank the authors from the following organisations for their kind permission to use one or more of their written works as a basis for this publication.

'Using the Product Assurance Framework to Support Building Code Compliance- A Guide for manufacturers and Suppliers of Building Products' (April 2010), New Zealand's Ministry of Business, Innovation and Employment.

'Procurement of Construction Products - A guide to achieving compliance, Second Edition' (December 2015), Australasian Procurement and Construction Council.

National Construction Code as at April 2018, Australian Building Codes Board.

Copyright © State of New South Wales, April 2018

The State of New South Wales, acting through NSW Fair Trading, supports and encourages the reuse of its publicly funded information. This publication is licensed under the Creative Commons Attribution 4.0 licence. For more information visit www.fairtrading.nsw.gov.au/ftw/Copyright.page

Diagrams and materials included in this publication have been reproduced by NSW Fair Trading with the kind permission of the copyright owner.

Summary

Using this guide

This guide applies to everyone involved in the building product supply chain:

- Manufacturers
- Importers, wholesalers, distributors and retailers (online and store front)
- Architects, Designers, Engineers and other specialists
- Procurement officers
- Building approvers and building certifiers
- Developers, Builders and other specialist tradespersons
- Occupant

What is this guide about?

The information in this Guide will help you:

1. **Be Informed** about the regulatory requirements for non-conforming building products (NCBP) and non-complying products (NCP).
2. **Be Involved** in the building product decision-making process.
3. **Be Aware** of the various systems in place to assure your building product.
4. **Be Smart** by using suitably skilled and experienced building professionals.
5. **Get help** if you need more information or think you might have a problem.

Spreading the word

Find out more about the safe procurement of building products by downloading the guide.

Keeping up to date

As new building products come onto the market, new conformance and compliance issues can emerge. It's important to keep up to date with NCBP alerts, recalls and laws.

You can get regular updates by:

- visiting the national NCBP webpage at www.abcb.gov.au; and/or
- subscribing to your relevant state and territory building regulator (there's a list at the end of this guide).

Table of Contents

1. INTRODUCTION	5
2. BE INFORMED ABOUT NCBP AND NCP	6
• What are non-conforming (NCBP) and non-compliant (NCP) building products?	
• What is an example of NCBPs and NCPs?	
3. BE INVOLVED IN THE BUILDING PRODUCT DECISION MAKING PROCESS	8
• What is the building supply chain?	
• What are the responsibilities of those involved in the building supply chain?	
• Manufacturers	
• Importers, wholesalers, distributors and retailers	
• Architects, designers, engineers and other specialists	
• Procurement	
• Approvers and certifiers	
• Developers, builders and specialist tradespersons	
• Home owners and occupants	
• Consumers	
4. BE AWARE OF THE BUILDING INDUSTRY REGULATORY FRAMEWORK	11
• What are the requirements for compliance and conformance?	
• How the NCC works in practice	
• Planning and building regulation	
• The role of local councils	
• Specialist regulatory regimes	
• Consumer product safety	
5. BE SMART	17
• How can you ensure your building products conform and comply?	
• Assessing compliance and conformance	
• Product certification	
• Industry based schemes	
• What are the types of evidence of compliance and conformance?	
6. GET HELP (LIST OF RESPONSIBLE GOVERNMENT AGENCIES)	22
• Where can I get the right information and help?	

1. Introduction

Building and construction can be complex.

Even 'simple' buildings are comprised of many thousands of building products and materials. Choosing and using the right materials and products is important whether your building project is a small renovation, major alteration, maintenance of an existing building, or a completely new build.

Whether you are a novice planning your dream home or an expert about to start work on a multi-storey building you need to know how to make sure you build using genuine and suitable products and materials.

All building work in Australia must meet certain performance and legal requirements. This ensures our buildings are safe, healthy and durable which means we all can have confidence in their performance.

In recent years concerns have been raised about the risks of using substandard ('non-conforming') products or materials, or using them incorrectly ('non-complying').

This document is a guide to help everyone involved in building and construction to be aware of these issues, be informed about using the right products and materials, avoid problems, and know how to get information or help when needed.

If you are involved in a building project it is important you know who is responsible for each aspect of construction. From scoping and design to consents, construction and completion, you should understand your obligations no matter which role you play in the building supply chain.

You can reduce and manage the risks associated with using non-conforming or non-complying building products by learning about the different ways you can ensure your building materials meet the National Construction Code requirements, relevant technical standards, and local laws.

- **Be Informed** about non-conforming and non-complying building products.
- **Be Involved** in the building product decision-making process.
- **Be Aware** of the building industry regulatory system.
- **Be Smart** by using schemes that assure products.
- **Get help** when you need it.

2. Be informed about NCBP and NCP

Understanding the building process and the building supply chain will assist everyone involved in a project to select building products and materials that conform and comply with Australian building laws and standards.

In recent years concerns have been raised about the risks of using substandard ('non-conforming') products or materials, or using them incorrectly ('non-complying').

What are 'non-conforming' and 'non-complying' building products?

Throughout this guide these terms are defined and used as follows:

- **Non-conforming** building products (NCBPs) and materials are those that: purport to be something they are not; do not meet required standards for their intended use; or are marketed or supplied with the intent to deceive those who use them.
- **Non-compliant** products (NCP) and materials are those that are used in situations where they do not comply with the requirements of the National Construction Code (NCC) other relevant laws and Australian Standards.

To put it simply, NCBPs are 'bad' products, while NCPs are products 'used badly'. A building product can be both non-conforming and non-compliant.

When a concern or a problem is first detected with a product or material it can be difficult to work out whether it is a bad product or has been used badly. In many cases the same process of investigation or testing will need to be undertaken to find out which one it is.

What is an example of an NCBP and an NCP?

A building product that is labelled or described as being non-combustible but which is combustible is a non-conforming building product.

A building product that is combustible, and described as such, but is used in a situation where a non-combustible product is required under the NCC, is not fit for purpose and is a non-complying product.

The risks and problems associated with NCBP can affect everyone and anyone in the building and construction process – whether you are involved designing and engineering, assessment and approvals, manufacturing or importing, buying and selling, building or occupying.

Non-conforming building products that have been installed or used incorrectly are a major concern for the Australian building and construction industry due to the risks associated with their misuse or failure. Replacing or rectifying NCBPs or NCPs can cause significant costs – from repairing and replacing products, to risks to safety, or even building failure.

Prevention is better than cure. Avoiding the use of NCBP and NCP, or identifying issues as early as possible in the product supply chain or construction can reduce the risks and problems that may arise later.

NCBP and NCP can be difficult to identify. This guide provides information about the legal and other requirements and the checks and balances and assurance systems that can be used to ensure that the right product is being used in the right way.

3. Be involved in the building product decision making process

Everyone involved in a building project needs to know about compliance and conformance of products and materials.

The Australian construction industry operates in a global marketplace and utilises a vast, increasingly complex and innovative range of construction products.¹

With the thousands of building products manufactured both in Australia and overseas, it can be difficult to know whether or not a building product or material will perform as required and will comply and/or conform with the NCC, standards and Australian laws.

Everyone in the supply chain has a responsibility to ensure the right products are used correctly in a building project.

What is the building supply chain?



Your place in the supply chain can also mean you have specific obligations or duties to check and assure that the right products are used, and are used correctly. Depending on your place in the supply chain you can face specific risks and liabilities if products and materials are non-complying or non-conforming.

¹ The Australian Industry Group, 'The quest for a level playing field, the non-conforming building dilemma, 2013.'

What are the responsibilities of those involved in the building supply chain?

Manufacturers need to be aware of the requirements of compliance and conformance of their products and materials and the evidence required to demonstrate compliance with the NCC, standards and local laws. This can involve product and material testing, assurance and certification. Manufacturer statements should also clearly specify how a product should or should not be used. They should also be able to supply the necessary compliance and conformance information, including any limitations, for each product and material.

Importers, wholesalers, distributors and retailers need to ensure that the products and materials being supplied do not breach trade or consumer laws or industry-specific requirements for safety or performance. They should also be able to supply the conformance information including any limitations for each product and material. Some products or materials (such as consumer gas and electrical products) have specific requirements to demonstrate safety and suitability before they can be lawfully sold and may require independent testing and certification before being supplied.

Architects, Designers, Engineers and other specialists involved in the planning, design and construction of buildings must ensure that any products, materials or systems specified or approved for use in their designs are appropriately approved, 'fit for purpose', and meet the performance requirements relevant to their use.

Procurement plays a key role in ensuring and assuring the right products and materials are used on a job. If you are involved in sourcing and buying materials and products used in construction you need to understand the requirements of compliance and conformance and the evidence required to demonstrate suitability with the NCC, standards and laws. Procurers should also understand how customers should and should not use products and materials.

Approvers and certifiers of building and construction have responsibilities for ensuring that plans and specifications and critical aspects of construction comply with relevant Codes, standards and laws. They can also have a role in inspecting building and construction and need to be aware of the signs and symptoms of the bad products being used, or products and materials being used badly. Evidence of suitability of a product or material should be sought where necessary.

Builders and other specialist tradespersons do the work of installing and building with products and materials. They are not the only people responsible for ensuring that conforming and complying products and materials are used, but much of the risk and responsibility falls to them because they are the ones that ultimately do the building work.

They are also the ones most likely to have to do the work of rectifying or remedying problems that arise from using products badly, or using bad products. Before a product or material is used, they should be satisfied with its suitability.

NOTE: If you are a tradesperson, talk to your supplier about the suitability of a product for the intended use. Your certifying authority may also be of some assistance in helping to determine the suitability of a product

Developers and builders are responsible for ensuring that cost management does not compromise the performance of the selected building materials. They should also ensure that certificates demonstrating the compliance of purchased and installed materials comply with the certification documents/building approval. This documentation should be kept with the contract documentation and provided to the building owner on completion of the building work.

Home owners and occupants have important roles to play. As the people that ultimately pay for building and construction, and the people that will live, work and play in the finished building they need to ensure they understand the problems of non-complying and non-conforming products and engage professionals that have the expertise to perform their role skillfully. Consumers and customers also have a responsibility for ensuring that achieving a cost-effective result does not lead to using sub-standard products or unsuitable products.

Consumers should ensure that they engage qualified and experienced building professionals who are obligated to deliver building work using building products that comply with the NCC, other laws and standards. Check with the building regulator in your state or territory about the requirements for building professionals to be licensed, accredited or registered and make sure you only engage legitimate traders. The building regulator can also provide tips or advice about other requirements such as contracts, insurance and statutory warranties.

Consumers and customers should ask questions of the builders and tradespeople they engage and seek evidence to support the suitability of the products used. Where they are directly involved in the purchasing of products and materials, consumers need to have a clear understanding of the requirements that apply to those products and materials and the evidence required to demonstrate compliance and conformance of those components.

4. Be aware of the building industry regulatory framework

What are the requirements for compliance and conformance?

The National Construction Code (NCC) and building product requirements

The National Construction Code (NCC) provides the minimum necessary requirements for safety, health, amenity and sustainability in the design, construction and performance of new buildings, including new building work in existing buildings.

The NCC comprises three volumes:

- **Volume One:** pertains primarily to Class 2 to 9 buildings which are commercial, industrial and multi-residential buildings.
- **Volume Two:** pertains primarily to Class 1 and 10 buildings which are houses, sheds and carports.
- **Volume Three:** pertains primarily to plumbing and drainage associated with all classes of buildings.

Part A2 of Volumes One and Three and Part 1.2 of Volume Two of the NCC sets out the acceptance of design and construction general provisions. Part A2 includes at A2.2 *“evidence to support that the use of a material, form of construction or design meets a Performance Requirement or a Deemed to Satisfy Provision...”* using one or a combination of means.

The evidence of suitability provisions are included in the NCC as part of a supply chain process to ensure that materials, design and construction are fit for their intended purpose. These requirements link to planning and building control laws and administrative systems of the States and Territories.

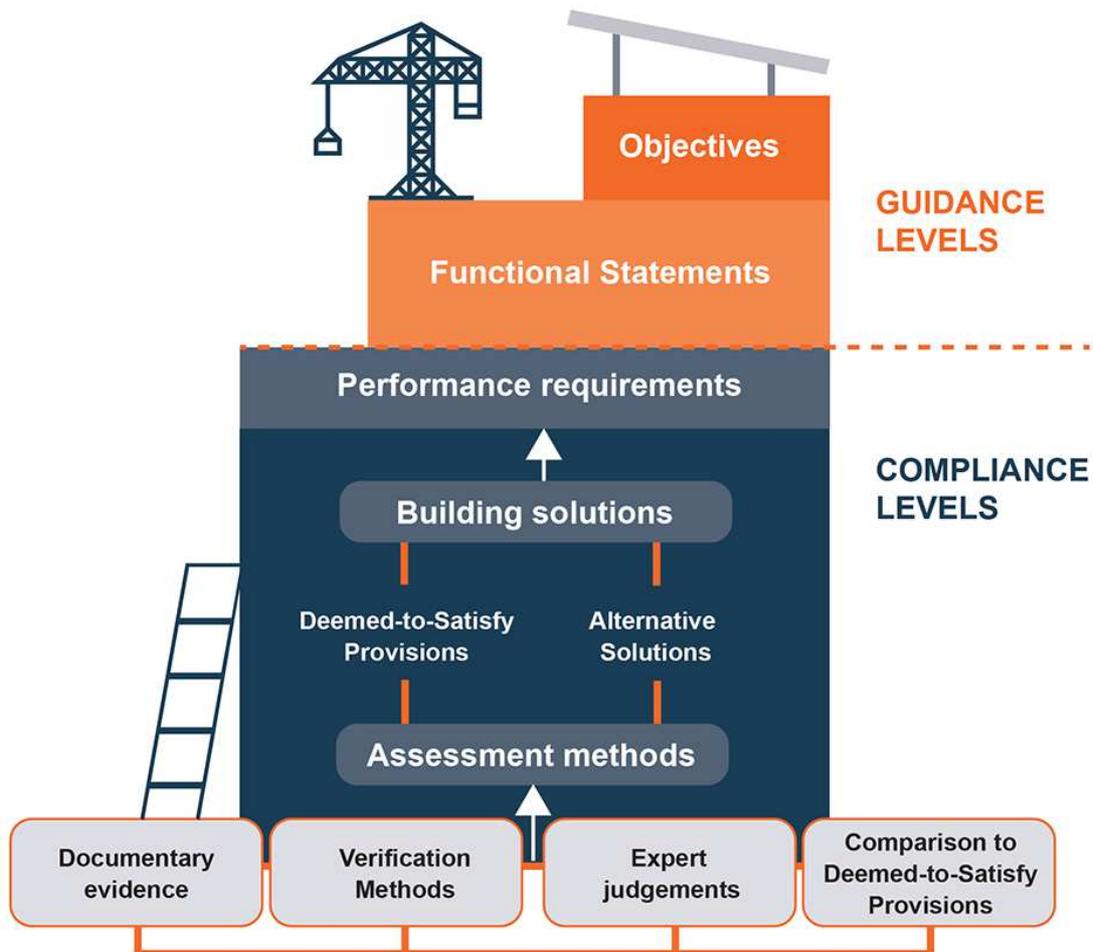
All building products and materials must be ‘fit for purpose’ under the NCC. The acceptance of design and construction provision under Part A2 provides that evidence of suitability be established to demonstrate that a material, design or construction meets all relevant Performance Requirements or Deemed-to-Satisfy Provisions.

Part A2 Acceptance of Design and Construction sets out the options available for all building products and materials. You should refer to this when selecting high risk products, high value products or products that are integral to the safety, health, amenity and sustainability in the design and construction of new buildings, including new building work in existing buildings.

The requirements for evidence of suitability reflect the building supply chain through design, approval and construction. So there are a number of points along the chain at which decision-makers can check that materials are ‘fit for purpose’.

Figure 3.1 demonstrates the compliance hierarchy of the NCC.

Figure 3.1: NCC compliance hierarchy



The **Australian Building Codes Board** is responsible for the National Construction Code. The Code includes both the Building Code of Australia and the Plumbing Code of Australia.

Standards Australia is the nation's peak non-government standards organisation. Australian Standards are published documents setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to. The National Construction Code references many Australian Standards.

How the NCC works in practice

Planning and Building Regulation

State and Territory planning and building laws provide the framework for the regulation of building activity and the conduct of key practitioners and trades in the construction sector.

Each State and Territory system is slightly different. This section provides a simple summary of the main features that are common across Australia.

All states and territories have legislation that establishes a '**planning system**' of assessment and approval of proposals for planning and development. These laws generally establish the systems and processes for local, regional and territory/state planning and controls.

The planning system is complemented by the '**building regulation**' system in each jurisdiction. Building regulation may occur as part of an integrated planning and building system (as in NSW for example) or in separate and coordinated systems. These building regulation systems are different to the planning system as they have a more direct focus on the approval and control of the process of building and construction.

The planning and building regulation laws in each jurisdiction give legal effect to the NCC and generally require compliance and conformance with the Code as a condition of planning and building approvals.

It is the planning and/or building regulator in each jurisdiction that has responsibility for regulation of compliance and conformance of building products and materials.

State and territory laws also **regulate certain occupations** in the building and construction sector, including builders, and specialist trades such as plumbers and electricians. Other professions and practitioners may also be licensed or registered, such as architects and designers, engineers and fire safety practitioners.

Licensed and regulated occupations generally have obligations to perform their work in accordance with relevant laws and have some responsibility for ensuring the Code-compliance of buildings including in products and materials specified and used in design and construction.

In every state/territory builders are required by law to 'warrant' the work they perform. This is commonly referred to as a '**statutory warranty**'. These warranties include, amongst other things, obligations on the builder to ensure that:

- work will be done with due care and skill and in accordance with plans and specifications and the contract;
- all materials supplied will be good and suitable for the purpose for which they are used and unless otherwise agreed the materials will be new; and
- the work will result in a building that is fit for occupation.

These statutory warranties place a significant obligation on the principal building contractor to ensure that building materials and products are compliant and conforming.

As part of the planning and building system each state/territory has a scheme of **building certification** (also called building surveying or auditing). These schemes authorise and regulate the activity of local council and/or private practitioners in certifying the design and construction of buildings.

This function is a 'check and balance' on compliance with the conditions of planning and building approvals (or permits). The function is not a 'top-to-bottom' inspection function of building compliance. Certifiers/surveyors also have some responsibility for ensuring the Code-compliance of building work including the products and materials specified and used in design and construction. They also have a statutory responsibility to ensure the quality, safety and compliance of the building.

The role of local councils

In each of the Australian States local or municipal councils have an important role in the planning and building regulatory systems. (The Territories do not have local councils). Councils' roles are carried out under State laws.

Councils are usually the consent authority that issues approvals, consents or permits for planning, development and building applications in their local area. Councils will also have an important role in enforcing compliance with approvals and permits and protecting local amenity and the environment during construction.

As noted above, councils have a key role, together with private practitioners, in State systems of planning and building certification.

Specialist regulatory regimes

In addition to planning, building and consumer product safety regulation some products and materials are regulated by specialist regulatory regimes.

Gas and electrical products, articles and appliances are covered by a specialist regulatory regime in each state/territory. The administration of the schemes is coordinated nationally through committees of the regulators in each jurisdiction.

These schemes each require certain gas and electrical products, articles and appliances to be safe and compliant with laws and relevant Australian/New Zealand Standards before they may be lawfully sold. Through the operation of mutual recognition laws goods that are approved for sale in one state/territory are approved for sale in the other jurisdictions.

Some products are required to be independently tested and certified and evidence provided to government and suppliers before they may be sold. Lower risk products are required to be able to demonstrate such compliance and conformance.

More information about these schemes is available at these addresses:

- Gas Technical Regulators Committee - www.qtrc.gov.au/
- Electrical Regulatory Authorities Council - www.erac.gov.au/

Consumer product safety

The safety of consumer products and product-related services is regulated through a harmonised, nationally consistent framework.

Consumer product safety in Australia is governed by the Australian Consumer Law (ACL). The ACL is contained in a schedule to the *Competition and Consumer Act 2010* (CCA). The laws are adopted nationally through relevant provisions of State and Territory fair trading legislation.

More information about the national consumer product safety system is available at this address:

<https://www.productsafety.gov.au/product-safety-laws/legislation/australian-consumer-law>

The ACL product safety provisions set out how all Australian governments regulate consumer goods and product-related services to address safety hazards. These can include:

- imposing mandatory safety standards or information standards for consumer goods or product-related services
- banning consumer goods or product-related services, either on an interim or permanent basis
- issuing a compulsory recall notice requiring suppliers to recall consumer goods.
- making public warnings.

The provisions also regulate supplier responsibilities, including:

- what to do when a voluntary recall is initiated for safety related reasons
- supplier responsibilities relating to exports of certain goods
- when to report an incident associated with a consumer good to the Minister
- when a manufacturer may be liable for loss or damage caused by a product with a safety defect.

The ACL also provides for penalties and redress for breaches of the laws.

The consumer product safety laws apply to **consumer goods and product-related services**. In simple terms:

- **Consumer goods** are things intended for personal, domestic or household use or consumption; or likely to be used for personal, domestic or household use or consumption.
- **Product-related services** are services for or relating to: installation of consumer goods; maintenance, repair or cleaning of consumer goods; assembly of consumer goods; or delivery of consumer goods.

For the purposes of the ACL, a person is a 'consumer' if they acquire goods or services that are priced at less than \$40,000. A person is also a 'consumer' if they acquire good or services that are priced at more than \$40,000 but they are 'of a kind ordinarily acquired for personal, domestic or household use or consumption'.

Some building products and materials will not be covered by the ACL, for example because of the cost or because they are not ordinarily acquired for consumer use, and will instead be regulated through the planning and building regulation systems described above.

Any person who, in trade or commerce, supplies consumer goods or product-related services is responsible for complying with ACL consumer product safety requirements. This means all suppliers in the supply chain (including manufacturers, wholesalers, hirers and retailers) must keep up-to-date with the law and comply with any standards or bans.

The consumer product safety laws are enforced by each State and Territory consumer protection or fair trading agency, and by the Australian Consumer and Competition Commission nationally.

5. Be smart

How can you ensure your building products conform and comply?

There are a range of methods and schemes that can be used to test and prove that a building product or material is genuine and will do what it is made to do.

Product conformance and compliance schemes and methods provide a system that establishes and proves compliance of building products and materials with the performance requirements of the National Construction Code.

There are six different types of substantiation or evidence to verify that a product conforms and or complies with the NCC:

- CodeMark or WaterMark Certificate of Conformity
- Certificated of Accreditation from a State and Territory Accreditation authority
- Certificate from a professional engineer or another appropriately qualified person
- Certificate from a product certification body accredited by JAS-ANZ
- Report issued by a registered testing authority or
- Other documentary evidence.

Assessing compliance and conformance

Building products and materials may undergo a '**conformity assessment**' to demonstrate that they are 'fit for purpose' against regulatory requirements.

Conformity assessments may be commissioned by a number of parties in the supply chain, including manufacturers, importers, suppliers or those sourcing or buying products. It is important to choose the appropriate assessment path in order to manage risk.

Conformity assessment can be undertaken by independent specialist providers, by special schemes of assessment or 'certification', or through assessment by specific professions or another appropriately qualified practitioner.

For detailed information about compliance and conformity assessment refer to the [Procurement Guide to Construction Products](#). This guide is produced by the Australasian Procurement and Construction Council (APCC) which is the peak council of Australian State and Territory Government agencies responsible for procurement, construction, asset management and property policy.

Independent ‘third party’ certification is recommended for products which have a high risk of failure, or where the consequences of failure are likely to be significant. Third party assessment bodies which are relied upon to provide evidence of conformity, should be accredited by:

- Joint Accreditation System of Australia and New Zealand (JAS-ANZ) – for product certification, management systems, certification and inspection bodies
- National Association of Testing Authorities, Australia (NATA) – for testing and calibration laboratories and inspection bodies or
- accreditation bodies that are signatories to relevant international multilateral/mutual recognition arrangements and have the relevant scope associated with the conformity assessment activity.

Product Certification

CodeMark and WaterMark

The ABCB manages two product certification schemes – CodeMark and WaterMark.

The **CodeMark** Certification Scheme (CodeMark) is a voluntary building product certification scheme. CodeMark certifies that when a building product is used in a stated way, that use complies with one or more requirements of the NCC. A CodeMark Certificate of Conformity is one form of evidence that can be used to demonstrate that a building product complies with the NCC.

The **WaterMark** Certification Scheme (WaterMark) is a mandatory certification scheme for specified plumbing and drainage materials and products to ensure they are fit for purpose and appropriately authorised for use in plumbing and drainage installations. The ABCB manages and administers WaterMark as a national scheme. The NCC, Volume Three requires certain plumbing and drainage materials and products to be certified and authorised for use in a plumbing or drainage installation. These materials and products are certified and authorised for use through WaterMark.

Only certified products can display the CodeMark/WaterMark brand. More information on both the schemes is available on the ABCB website (abcb.gov.au)

Industry Based Schemes

A number of Australian building and construction sector industry associations run voluntary compliance schemes for commonly used products and materials. Schemes cover sectors and products including steel, concrete, wood, glazing, fire safety, insulation and coatings.

Selecting and using products that are approved under these schemes can provide an additional level of confidence that compliance and conformance has been demonstrated for relevant products.

A detailed list and description of each of the schemes can be found in the [APCC Procurement Guide to Construction Products](#).

What are the types of evidence of compliance and conformance?

The processes of assessing conformance and compliance usually rely on one, or a combination, of methods of testing, inspection or certification.

Testing usually involves performing specific tests on a sample or batch of products or materials.

Inspection commonly involves undertaking some form of actual inspection of the design, production, installation or performance of products or materials in place.

Certification usually involves a designated scheme or assessment body providing formal statements or 'attestation' of compliance or conformity based on its evaluation of the product or material.

Declarations involve manufacturers or suppliers providing formal statements about the qualities or performance of products or materials based on, for example, features of engineering, production or testing undertaken by the manufacturer or supplier.

In most cases any of these methods result in the body that undertakes the process issuing certificates or other formal statements of the outcome. The certificates or statements should specify what method was applied, the performance requirement or standards that was applied, and the specific outcome or result for the product or material assessed.

Anyone can use the following checks to help make sure they are using complying and conforming products and materials.

- Decide which products or materials are important from a compliance perspective. For example, a door handle on a kitchen cupboard is not as critical as a load bearing wall or an electrical product.
- Check that the product or material supplied and installed is what is nominated in the approved plans and specifications and that appropriate evidence of conformity and compliance is provided to the owner on completion of a building contract.
- You should attempt to obtain suitable evidence from the supplier and consider either undertaking inspection or testing if such evidence is not available.
- Where the required compliance and conformance cannot be demonstrated it is recommended that the product or material not be used.

For more complex construction the Australasian Procurement and Construction Council has developed 12 principles to help guide the decision-making process, for ensuring products meet the appropriate standards and are fit for purpose.

1. All relevant legislation must be complied with including, but not limited to, building, workplace health and safety, and consumer laws.
2. Contract documentation should clearly specify product standards and the required evidence of conformity. Product standards should refer to relevant Australian Standards. Where there are no relevant Australian Standards, relevant international standards or authoritative industry sources should be utilised.
3. All construction products procured should conform to the requirements in the contract documentation.
4. The selection of the required evidence of conformity should be based on the intended use and risk exposure (likelihood and consequence of failure) of each construction product.
5. Construction product conformity requirements should refer to relevant Australian Standards. Where there are no relevant Australian Standards, appropriate international standards or authoritative industry sources should be utilised.
6. Evidence of construction products meeting specified standards should be demonstrated by conformity assessment including but not limited to, product certification, testing or inspection, as set out in the contract documents.
7. Evidence of the source of construction products and their authenticity should be obtained and retained.
8. Project managers should obtain and retain contemporary and credible documentary evidence to demonstrate conformity of all construction products.
9. Responsibility for managing conformity assessment outcomes at each stage of the project should be appropriately allocated in the contract documentation.
10. Where third party conformity assessment bodies are relied upon to provide evidence of conformity, they should be accredited by:
 - a) National Association of Testing Authorities, Australia (NATA) – for testing and calibration laboratories and inspection bodies
 - b) Accreditation bodies that are signatories to relevant international multilateral/mutual recognition arrangements and have the relevant scope associated with the conformity assessment activity.

11. Where construction products are supplied without required evidence of conformity, or where doubt exists about product conformity, product testing to an appropriate level may assist in ascertaining construction product quality.
12. Without adequate evidence of product conformity, the product should not be used in construction.

6. Get help (List of responsible government agencies)

Where can I get the right information and help?

There are a number of **key participants** in the building and product safety regulatory framework:

Australian Building Codes Board	www.abcb.gov.au/NCBP/Non-conforming-building-products
Australian Competition and Consumer Commission	www.productsafety.gov.au/products/industrial-business-building/trade-supplies-building-materials
Australian Capital Territory	www.planning.act.gov.au csbinvestigations@act.gov.au
New South Wales	www.fairtrading.nsw.gov.au NCBP@finance.nsw.gov.au 13 32 20
Northern Territory	www.nt.gov.au bas@nt.gov.au
Queensland	www.qbcc.qld.gov.au/ 139 333 ncbp@qbcc.qld.gov.au
South Australia	www.saplanningportal.sa.gov.au dpti.pdbuildingbranch@sa.gov.au 1800 752 664 (Option 1)
Tasmania	http://www.justice.tas.gov.au/ CBOSinfo@justice.tas.gov.au 1300 65 44 99
Victoria	http://www.vba.vic.gov.au/ technicalenquiry@vba.vic.gov.au
Western Australia	www.commerce.wa.gov.au/building-commission/non-conforming-building-productsNCBPs@dmirs.wa.gov.au 1300 489 099

