



The Construction Products Alliance is a collective of public and private organisations that is working to promote awareness of non-conforming building products and identify opportunities for improved supply chain solutions.

## **BUILDING PRODUCTS – CHOOSE WISELY**

Products used in building and construction need to comply with the relevant quality and safety standards covered under the National Construction Code (NCC) and related standards.

Construction works not covered by the NCC, such as infrastructure and unique structures, are subject to the standards nominated by the relevant designer/engineers and contract documentation.

In all cases, the building designers & other professionals such as engineers should nominate, through plans and specifications, the standards that must be met by the building & construction products used for a project. The relevant designer/engineer should also specify what level of evidence should be accepted as proof that a building product meets the specified standard.

In addition to the NCC and contractual responsibilities, the Australian workplace health and safety laws set out additional responsibilities for various types of procurers (e.g. designers, builders and all associated contractors and workers) with respect to product conformance and safety.

### **What's the problem?**

Australia is part of the global supply chain for building & construction products. Evidence is increasing that suppliers of products, regardless of where they are made, may not be providing evidence that they meet Australian standards and building requirements, and hence they may not be 'fit for purpose'.

In 2013, the Ai Group reported<sup>1</sup> on the increasing evidence of non-conforming products in the Australian market place. The report highlighted many factors that have created an unlevelled playing field for building product manufacturers in Australia and the complexity this creates for builders, trade contractors and building certifiers.

### **What does this mean for your business?**

Ultimately, the builder for any project has an obligation to build using products that are 'fit for purpose'. When this does not occur, regardless of who may be at fault in the supply chain, the builder will be the first point of recall for the building owner. Depending on the type of building or structure, and hence the scope of building law and contracts, builders may be limited in their ability to seek recourse from a supplier or contractor and may seek to join the claim with the engineer or building certifier.

If the building is not 'fit for purpose' due to non-conforming products being used, the building may not receive the necessary approvals and in the worst case, may not be allowed to be occupied.

The builder is also responsible during construction to provide a safe workplace under workplace health and safety laws. If an incident occurs, it may result in rectification costs and claims on the builder.

---

<sup>1</sup> The Australian Industry Group, 'The quest for a level playing field - The non-conforming building products dilemma', November 2013. [www.aigroup.com.au/link/qK](http://www.aigroup.com.au/link/qK)



The Construction Products Alliance is a collective of public and private organisations that is working to promote awareness of non-conforming building products and identify opportunities for improved supply chain solutions.

### How can you protect your business?

Your business should have a compliance process in place that is appropriate for the level of risk of the structures you build. This should include checking that your suppliers have an appropriate compliance process in place and they can provide you with written evidence that a product is 'fit for purpose', i.e. products that comply to the NCC or the engineers specification.

The Australasian Procurement Construction Council (APCC) *'Procurement of construction products – A guide to achieving compliance'*<sup>2</sup> provides useful information on how you can address these concerns by being an informed buyer and following a set of guiding principles to help you protect your business.

In ensuring conformance with building laws you should consider this question: **"How can you warrant the safety of a building if you cannot confirm that the safety critical components utilised in that building are compliant?"**

---

<sup>2</sup> Australasian Procurement and Construction Council, 'Procurement of construction products - A guide to achieving compliance', 2014.  
[www.apcc.gov.au](http://www.apcc.gov.au)