

New products, new compliance challenges

Posted: 3 April 2019

The ever-growing range of building products on the market comes with concern that not all are what they claim to be or even meet New Zealand Building Code requirements. What is MBIE doing to address this issue?



**LICENSED
BUILDING
PRACTITIONERS**
Building confidence



Article is relevant to LBP licence classes: All

MBIE has a mandate to monitor the building product market and investigate complaints when products don't comply with the Building Code.

MBIE monitors and investigates

Monitoring the market can establish whether there is a widespread problem with a product that could affect a significant number of buildings should it continue to be supplied and used in building work.

An investigation by MBIE might result in:

- a formal warning or ban issued on the use of the product
- guidance issued to the industry
- more education provided to those involved in manufacturing, supplying, specifying or installing building products.

Tell us if you have concerns

If you have a complaint about a building product or are concerned that a building product doesn't comply with the Building Code, you can get in touch with MBIE.

If the complaint is about false or misleading information or unsubstantiated claims, MBIE may refer the complaint to the Commerce Commission if it falls within its jurisdiction.

The MBIE products team works alongside other teams within MBIE such as Trading Standards, which ensures safe products, accurate measurement and quality fuel, and other government organisations and licensing boards such as WorkSafe, the Ministry of Health and the Plumbers, Gasfitters and Drainlayers Board.

Supply information and evidence

Often product complaints lack enough specific detail or evidence, which makes it difficult for MBIE to get a clear picture of the problem or take further action.

For MBIE to investigate a complaint, the following information is required:

- The name of the building product.
- Where it was purchased or who it was supplied by, if this is known.
- Compliance information available for the product from the manufacturer or supplier, such as test reports, assessments or calculations, claims of compliance

and technical information.

- The reasons why you believe the product does not comply with the Building Code.
- Evidence of failure, such as photographs or locations where the product was used.
- Information you think supports an investigation.

Please send the information and the complaint to products@mbie.govt.nz (<https://www.building.govt.nzmailto:products@mbie.govt.nz>) or post to:

Building System Assurance – Products
Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6011

All information received by MBIE is public information and, if requested, the details of your complaint may have to be released to other individuals or organisations under the Official Information Act 1982.

To find out more about product assurance, visit www.building.govt.nz and search for 'product assurance'.

Quiz

1. MBIE's job in relation to new building products is to:

- a. Assess every new building product on the market to see if it complies with the Building Code.
- b. Investigate complaints from others that a building product does not comply with the Building Code.
- c. Investigate misleading advertising of building products.

2. If a complaint to MBIE does not have a lot of detail or evidence:

- a. It will be difficult for MBIE to take action on the complaint and it may not be investigated further.
- b. An investigator can fill in missing details and evidence.
- c. It doesn't matter, the burden of proof is on the supplier to provide evidence that the complaint is wrong.

3. As the result of a complaint regarding a building product, MBIE can:

- a. Order the supplier to refund everyone who has bought the product.
- b. Ban the product to protect other people from using it.
- c. Fine the supplier for false advertising.

4. Who can make a complaint to MBIE about a building product?

- a. Only someone who has purchased the product themselves.
- b. LBPs who are experts on that type of building product.
- c. Anyone.

5. If you lay a complaint with MBIE about a building product, who can see the details of the complaint?

- a. Only MBIE staff.
- b. Complaints sent to MBIE fall within the definition of official information and, if requested, MBIE may have to release details about the complaint to other individuals or organisations where appropriate under the Official Information Act 1982.
- c. All complaints automatically go on the MBIE website for anyone to see.

[Check answers \(https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-89/new-products-new-compliance-challenges/quiz-answers-new-products-new-compliance-challenges/\)](https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-89/new-products-new-compliance-challenges/quiz-answers-new-products-new-compliance-challenges/)