



THE CODEMARK  
SCHEME RULES -  
AUSTRALIA AND NEW  
ZEALAND

**VERSION 2009.1**

27 March 2009

# Preface

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The Australian Building Codes Board (ABCB), in consultation with the New Zealand Department of Building and Housing (DBH), State & Territory governments, industry groups and prospective certification bodies, has developed CodeMark - a third-party scheme for the certification of building products and systems. The Trans-Tasman scheme will enable the pooling of resources and expertise and increase the access to both markets for product manufacturers.

The CodeMark Scheme supports the use of new and innovative building products by providing a nationally and internationally accepted process for products to be assessed for compliance with the requirements of the building codes of Australia and New Zealand. The scheme provides confidence and certainty to regulatory authorities and the market through the issue of a Certificate of Conformity.

A CodeMark Certificate of Conformity is one of several options available for meeting the 'Evidence of suitability' requirements of the Building Code of Australia (BCA). Because the CodeMark Scheme is now embedded within State and Territory building control legislation, obtaining a CodeMark Certificate of Conformity for a product or system will be the only way to gain mandatory acceptance of product or system compliance with the BCA throughout Australia.

The CodeMark Scheme permits the use of the Certificate Number and CodeMark certification mark on a product or system listed in the respective Certificate of Conformity, providing reliable evidence confirming a manufacturer's compliance with the requirements of the BCA.

Accreditation of certification bodies and certification of building products and systems under the CodeMark Scheme are subject to the requirements detailed in this document.

These CodeMark Scheme Rules apply in both Australia and New Zealand. Appendix 4 contains specific additions and variations to the CodeMark Scheme Rules that apply to the Scheme in New Zealand.

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# Section 1 | General

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## 1.1. Introduction

The CodeMark Scheme is managed by the ABCB in Australia and by DBH in New Zealand. The competence of the third-party certification bodies is assessed and monitored by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ).

The ABCB is a joint initiative of all levels of Australian Government, in co-operation with the building industry. The ABCB was established by an inter-government agreement signed by the Australian Government and State and Territory Ministers responsible for building regulatory matters.

The ABCB is responsible for:

- developing and managing a nationally uniform approach to technical building requirements, embodied in the Building Code of Australia (BCA);
- developing a simpler and more efficient building regulatory system; and
- enabling the building industry to adopt new and innovative construction technology and practices.

DBH was established in November 2004 and is the New Zealand Government department responsible for regulatory issues and standards affecting building and housing. This includes:

- development and management of building legislation and the regulation of building practices embodied in the Building Act 2004, Regulations and the New Zealand Building Code (NZBC);
- advising Government on policy issues affecting the building industry and consumers;
- delivering effective information, advice and dispute resolution services;
- regulating building practices through the registration of Building Consent Authorities and occupational licensing associated with the building and housing sector; and
- management of a building product certification scheme.

JAS-ANZ<sup>1</sup> is a not for profit, self funding international organisation established under a Treaty between the Governments of Australia and New Zealand on 30 October 1991, amended on the 25 March 1998, to act as the joint accreditation body for Australia and New Zealand for certification of management systems, products, inspections and personnel. JAS-ANZ has local and international experience, credibility, and the appropriate expertise which is recognised through maintaining its International Accreditation Forum Multilateral Recognition Arrangement signatory status.

JAS-ANZ accreditation programmes are accessible to all certification bodies, irrespective of size, location or affiliations, whose operations include activities for which accreditation programmes are currently available.

The CodeMark Scheme is based on the relevant international guidance documents produced by the International Organisation for Standardisation (ISO) and the

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<sup>1</sup> JAS-ANZ operates in accordance with publicly available policies and procedures freely available from its website: [www.jas-anz.com.au](http://www.jas-anz.com.au).

International Accreditation Forum, and utilises the internationally recognised certification and accreditation infrastructure, thereby maximising reliability, integrity, credibility and confidence.

## 1.2. Abbreviations

The table below sets out the abbreviations used in this document. In New Zealand, these abbreviations should be substituted (where possible) for the abbreviations contained in Appendix 4 where used in the CodeMark Scheme Rules.

<b>ABCB</b>	Australian Building Codes Board
<b>BCA</b>	Building Code of Australia
<b>CAR</b>	Corrective Action Request
<b>CodeMark Scheme</b>	Scheme for Certification of Building Products and Systems
<b>DBH</b>	The Department of Building and Housing (NZ)
<b>IAF</b>	International Accreditation Forum
<b>IEC</b>	International Electrotechnical Commission
<b>ISO</b>	International Organisation for Standardisation
<b>JAS-ANZ</b>	Joint Accreditation System of Australia and New Zealand
<b>NZBC</b>	The New Zealand Building Code

## 1.3. Definitions

As a general rule, the definitions in ISO/IEC 17000 are applicable. The following definitions are either not included or are derivatives of definitions included in ISO/IEC 17000, and are considered necessary for the effective management of the CodeMark Scheme:

### **Accredited certification body (CodeMark certification body)**

An organisation accredited by JAS-ANZ under the CodeMark Scheme to issue Certificates of Conformity.

### **Alternative Solution**

Has the same meaning as that given in the BCA as amended from time to time.

### **Certificate of Conformity**

A document issued by a CodeMark certification body, in accordance with the requirements of this Scheme, which certifies that the properties and performance of a Product complies with the requirements of the BCA.

### **Certificate Holder**

The party to whom a Certificate of Conformity has been issued in relation to a Product. A Certificate holder may be a manufacturer, assembler, distributor, retailer of the Product or any part thereof. The Certificate holder is responsible for ensuring the Product meets, and continues to meet, the requirements on which

the certification is based. For the purpose of the CodeMark Scheme the Certificate holder must have, and be able to demonstrate, effective control over the manufacture, testing, packaging, branding, delivery, installation and commissioning, as appropriate, of the Product in question.

**CodeMark Committee**

A Committee comprising representation from all State/Territory building control administrations and DBH, chaired by the ABCB.

**Deemed-to-Satisfy**

Has the same meaning as that given in the BCA as amended from time to time.

**Mark of Conformity**

The (CodeMark) certification mark applied by or issued under the CodeMark Scheme Rules for a Product which has been issued with a Certificate of Conformity.

**Product**

Any building material, method of construction or design used in building work including systems, processes and services.

**Product Quality Plan**

A document specifying which procedures and associated resources shall be applied by whom and when to a specific Product and its manufacture and is consistent with ISO 10005:2005 (AS/NZS 10005:2006).

**Register of Certificates of Conformity**

A central register of all Certificates of Conformity that have been issued by CodeMark certification bodies.

**Register of CodeMark certification bodies**

A central register of all CodeMark certification bodies.

**Standard**

For the purposes of the Scheme, where the word “standard” appears in ISO/IEC Guide 65 or any other document associated with this scheme, it is taken to mean the BCA.

**1.4. Title**

The title of the Scheme is the CodeMark Scheme.

**1.5. Objective**

The objective of the CodeMark Scheme is to provide confidence to regulatory authorities and the market about the conformity of certified Products to the requirements of the BCA.

**1.6. Scope of the Scheme**

The CodeMark Scheme covers Products as defined in 1.3. In Australia, it addresses only compliance with the BCA. In New Zealand it addresses compliance with the NZBC.

**1.7. Governing Document**

The governing document for the CodeMark Scheme is this document as amended from time to time.

## **1.8. Notices**

Communications sent to Certificate holders or CodeMark certification bodies shall be deemed to have been received if sent by appropriate technology to one or more of the most recently received contact details for that recipient.

## 1.9. Referenced Documents

Documents referred to in this document are:

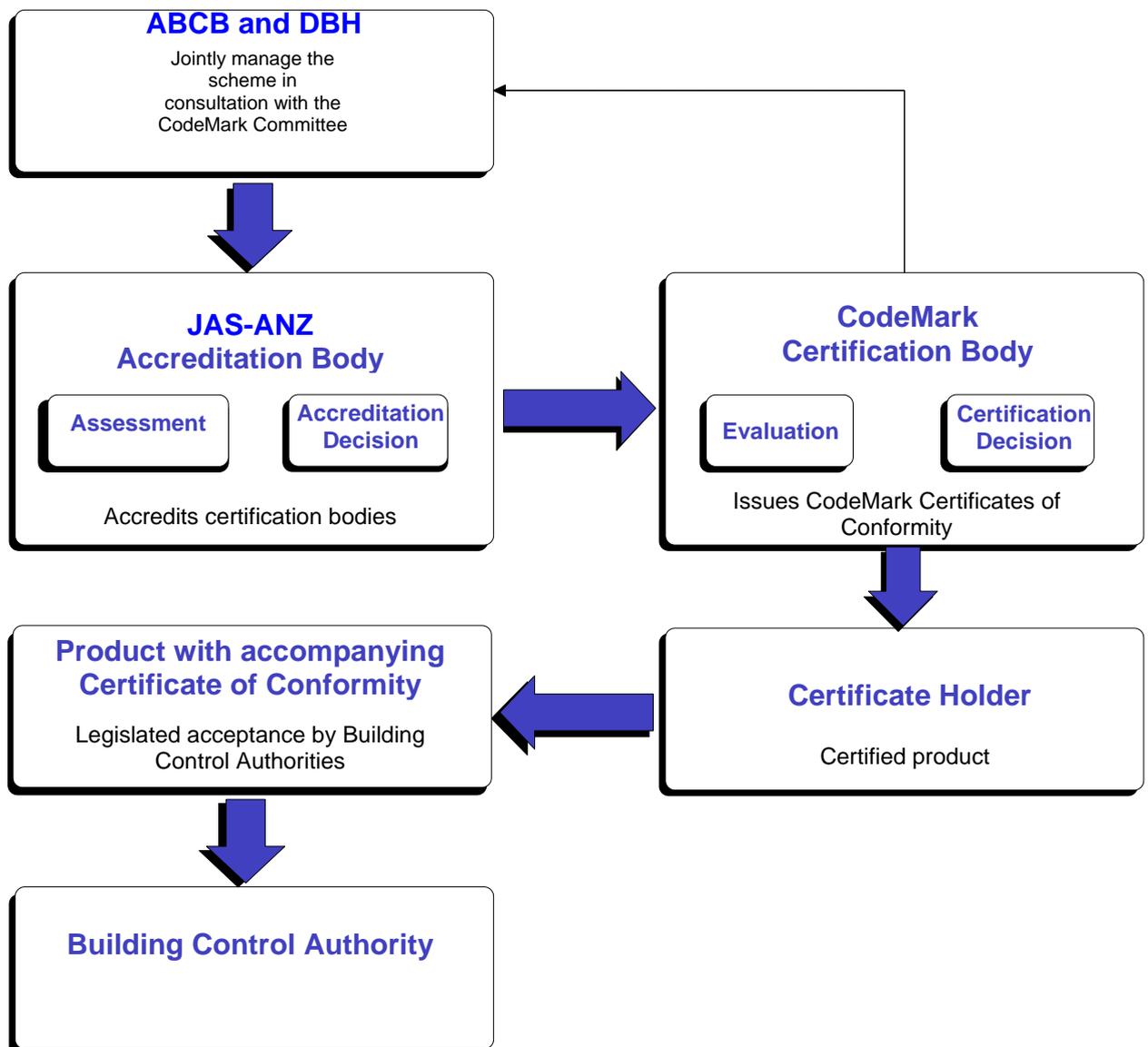
<b>BCA</b>	Building Code of Australia (produced and maintained by the ABCB as the technical provisions for the design and construction of buildings and other structures throughout Australia)
<b>ISO/IEC 17000:2004</b>	Conformity assessment - Vocabulary and general principles
<b>ISO/IEC 17011:2004</b>	Conformity assessment - General requirements for accreditation bodies accrediting conformity assessment bodies
<b>ISO/IEC Guide 65:1996</b>	General requirements for bodies operating product certification schemes (also available as AS/NZS 3843:1998)
<b>ISO 10005:2005</b>	Quality Management – Guidelines for quality plans (also available as AS/NZS 10005:2006)
<b>JAS-ANZ Procedure Number 3 (Issue Number 5 dated 16 August 2005)</b>	Rules of procedure governing the use of the accreditation symbol (available free of charge at <a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a> )
<b>JAS-ANZ Procedure Number 5 (Issue Number 9 dated 24 August 2005)</b>	Conduct of accreditation assessments (available free of charge at <a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a> )
<b>JAS-ANZ Procedure Number 7 (Issue Number 6 dated 15 August 2005)</b>	Confidentiality and conflict of interest (available free of charge at <a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a> )
<b>JAS-ANZ Procedure Number 9 (Issue Number 5 dated 15 August 2005)</b>	Appeals (available free of charge at <a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a> )
<b>JAS-ANZ Procedure Number 11 (Issue Number 9 dated 10 July 2006)</b>	Rules of procedure governing accreditation (available free of charge at <a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a> )
<b>JAS-ANZ Procedure Number 12 (Issue Number 6 dated 1 September 2005)</b>	Complaints (available free of charge at <a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a> )
<b>JAS-ANZ Procedure Number 15 (Issue Number 4 dated 12 March 2007)</b>	General requirements for bodies operating product certification schemes (available free of charge at <a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a> )

## Section 2 | Framework

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### 2.1 Framework of the CodeMark Scheme

- 2.1.1 The ABCB, through its General Manager, is responsible for the management of the CodeMark Scheme in Australia. The Chief Executive Officer of DBH is responsible for the management of the CodeMark Scheme in New Zealand.
- 2.1.2 JAS-ANZ is responsible for the accreditation of CodeMark certification bodies.
- 2.1.3 Each CodeMark certification body is responsible for all Certificates of Conformity issued by it.
- 2.1.4 Certificate holders are responsible for ensuring that the certified Product continues to comply with the requirements of the BCA as specified on the relevant Certificate of Conformity.



## Section 3 | Management

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### 3.1 ABCB Responsibilities

3.1.1 The ABCB, in consultation with the CodeMark Committee, is responsible for decisions and actions relating to the management of the CodeMark Scheme, which include:

- a. monitoring the performance of JAS-ANZ;
- b. undertaking a review of the CodeMark Scheme from time to time;
- c. amending the CodeMark Scheme Rules from time to time;
- d. marketing of the CodeMark Scheme;
- e. creating and maintaining a Register of all CodeMark certification bodies and Certificates of Conformity on its website;
- f. advising JAS-ANZ of any changes to the scheme rules; and
- g. advising JAS-ANZ of any proposed or agreed changes to the BCA.

3.1.2 The ABCB will:

- a. allocate Certificate of Conformity numbers to CodeMark certification bodies to be used on Certificates of Conformity issued to Certificate holders;
- b. provide the template to be used for the issue of Certificates of Conformity;  
and
- c. register and maintain the registration of the CodeMark trademark.

### 3.2 DBH Responsibilities

3.2.1 The DBH has other responsibilities for management of the scheme in New Zealand which are identified at Appendix 4.

## Section 4 | Accreditation of Certification Bodies

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### 4.1 JAS-ANZ Responsibilities

- 4.1.1 JAS-ANZ will verify the competence and impartiality of CodeMark certification bodies through accreditation and subject to clause 4.1.1A, periodic review, each of which is to be based on assessment against the CodeMark Scheme Rules and in accordance with its policies and procedures<sup>2</sup>, including:
- JAS-ANZ Procedure 5 - Conduct of accreditation assessments; and
  - JAS-ANZ Procedure 7 - Confidentiality and conflict of interest.
- 4.1.1A JAS-ANZ will conduct periodic review of each CodeMark certification body referred to in clause 4.1.1:
- a. each 6 months or at other times agreed by the JAS-ANZ Accreditation Review Panel; and
  - b. otherwise upon request by the ABCB.
- 4.1.1B JAS-ANZ will, prior to providing each Certificate of Conformity to the ABCB for inclusion on the ABCB website, verify and confirm in writing to the ABCB that the Certificate of Conformity has been issued by the CodeMark certification body in compliance with clause 5.3 and within the scope of its accreditation.
- 4.1.2 JAS-ANZ will follow JAS-ANZ Procedure 9 Appeals for appeals against JAS-ANZ decisions to grant, maintain, suspend, withdraw or refuse to accredit certification bodies under the scheme.
- 4.1.3 JAS-ANZ will follow JAS-ANZ Procedure 12 Complaints, in relation to complaints about CodeMark certification bodies, Certificate holders and in relation to complaints about JAS-ANZ.
- 4.1.4 JAS-ANZ is responsible for decisions and actions relating to the accreditation of CodeMark certification bodies, which include:
- a. the granting, maintaining, extending, suspending and withdrawing of accreditation of CodeMark certification bodies;
  - b. verifying that CodeMark certification bodies maintain compliance with the CodeMark Scheme Rules;
  - c. investigating the decisions and actions of a CodeMark certification body as necessary;
  - d. creating and maintaining a Register of all CodeMark certification bodies and Certificate holders on its website;
  - e. advising the ABCB in writing of the granting or withdrawal of accreditation, of CodeMark certification bodies; and
  - f. within 5 business days of their completion, providing the ABCB with copies of reports to be prepared by JAS-ANZ in relation to the verification and assessment of each CodeMark certification body in accordance with clauses 4.1.1 and 4.1.1A.

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<sup>2</sup> All of JAS-ANZ's policies and procedures are available, free of charge, from its website: [www.jas-anz.com.au](http://www.jas-anz.com.au).

- 4.1.5 Whenever the BCA, CodeMark Scheme Rules or documents referenced therein are amended, JAS-ANZ shall ensure that all accreditation decisions taken by them are reviewed and appropriate action taken to ensure compliance with the BCA and CodeMark Scheme Rules is maintained.
- 4.1.6 On request, JAS-ANZ will investigate and report on matters of concern of which the ABCB becomes aware.
- 4.1.7 JAS-ANZ will maintain its international recognition as an accreditation body by maintaining its IAF Multilateral Recognition Arrangement (MLA) signatory status (IAF recognition currently requires compliance with ISO/IEC 17011- *Conformity Assessment - General requirements for accreditation bodies accrediting conformity assessment bodies*).
- 4.1.8 JAS-ANZ will advise the ABCB of the details of any proposed amendments or variations to the ISO, IAF or JAS-ANZ standards and procedures referenced in the CodeMark Scheme Rules or relevant to its status under 4.1.7, and the likely significance and impact of those amendments or variations on the administration or implementation of any aspect of the CodeMark Scheme.
- 4.1.9 JAS-ANZ will advise the CodeMark certification bodies of any changes to the BCA or the Scheme Rules which may affect any existing Certificates of Conformity issued by the CodeMark certification bodies.

## **4.2 Requirements for Accreditation as a CodeMark certification body**

- 4.2.1. CodeMark certification bodies shall be accredited by JAS-ANZ with a scope of accreditation that includes the BCA or parts thereof.
  - 4.2.1A. As a condition of being and remaining accredited, each CodeMark certification body is to engage and keep engaged a suitably skilled, technically qualified, competent and impartial individual who is and remains an Unrestricted Building Certifier licensed in an Australian State or Territory to enable the certification body to carry out its functions and obligations under the CodeMark™ Scheme Rules.
  - 4.2.1B. A person required to be engaged under clause 4.2.1A may be engaged:
    - a. on a full-or part-time basis; and
    - b. as an employee, as an independent contractor or by their services being made available under a contract with a third party,but, in each case, shall be:
    - c. available to undertake the function described in Clause 4.2.1A for sufficient time to allow the certification body to efficiently and effectively carry out its functions and obligations under the CodeMark™ Scheme Rules; and
    - d. engaged on terms and conditions that do not in any way inhibit the exercise of their professional discretion as a licensed Unrestricted Building Certifier.
- 4.2.2. As a condition of accreditation JAS-ANZ shall require CodeMark certification bodies to comply with:
  - a. these CodeMark Scheme Rules, as amended from time to time;
  - b. ISO/IEC Guide 65 (for the purposes of this Scheme where the word “standard” appears in ISO/IEC Guide 65 substitute “BCA”); and
  - c. the following JAS-ANZ Procedures:

- JAS-ANZ Procedure No 3 - Rules of procedure governing the use of the accreditation mark;
  - JAS-ANZ Procedure No 11 - Rules of procedure governing accreditation; and
  - JAS-ANZ Procedure No 15 - General requirements for bodies operating product certification systems.
- 4.2.3. CodeMark certification bodies agree to copies of accreditation and audit reports being provided to the ABCB in accordance with the CodeMark™ Scheme Rules.
- 4.2.4. JAS-ANZ shall require CodeMark certification bodies to acknowledge in writing that they are precluded from representing their certification decisions as being decisions made as an agent of the ABCB or with the endorsement of the ABCB.
- 4.2.5. In the event that a CodeMark certification body ceases to be accredited for any reason, all accredited CodeMark certification bodies shall co-operate, within the scope of their accreditation, in providing continuity of certification services to the former CodeMark certification bodies' Certificate holders. The requirement for and extent of any re-evaluation that is necessary will depend on the amount and nature of the documented evidence (evaluation plan, reports, test results, etc) provided by the disaccredited CodeMark certification body.

## Section 5 | Certification of Products

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### 5.1. CodeMark Certification Body Responsibilities

- 5.1.1. The CodeMark certification body is responsible for evaluating applications for Certificates of Conformity, against the requirements of the BCA, including any relevant State and Territory variations and additions.
- 5.1.2. The CodeMark certification body is responsible for decisions and actions relating to applications for a Certificate of Conformity, which includes:
  - a. the granting, maintaining, renewal, suspending and withdrawing of Certificates of Conformity;
  - b. verifying that Certificate holders maintain compliance with the CodeMark Scheme Rules;
  - c. investigating the actions of Certificate holders as appropriate;
  - d. advising JAS-ANZ in writing of the granting or withdrawal of Certificates of Conformity; and
  - e. advising JAS-ANZ within 30 days of the end of each quarter of the number and type of active CodeMark applications in their system including the scope of application and the anticipated timeframe for onsite and witness audits.
- 5.1.3. Within 7 days of the issue or renewal of a Certificate of Conformity, the CodeMark certification body shall provide a copy to JAS-ANZ. Within 7 days of the withdrawal or suspension of a Certificate of Conformity, the CodeMark certification body shall notify JAS-ANZ. Within 5 business days of receiving such copy or notification, JAS-ANZ shall provide a copy or details to the ABCB..

### 5.2. Product Evaluation

- 5.2.1. Certification under the CodeMark Scheme shall rely on the combined evidence of Product conformity through testing and the existence and maintenance of a Product Quality Plan. The method of evaluation shall include testing of a sample or samples that are representative of the Product as used or installed, with factory and/or construction site audits, sufficient to ensure that compliance is being achieved and is capable of being maintained.
- 5.2.2. Product evaluation and review shall be conducted by the CodeMark certification body in accordance with Appendix 1.
- 5.2.3. In some cases, technical expertise in the testing and conformance of Products may be limited within Australasia. Consequently, the requirement in Clause G.4.24 of JAS-ANZ Procedure 15 relating to the prohibition on the employment of evaluators who have been involved in certain activities (supply or design of Products of the type it certifies; giving advice or providing consultancy services to the applicant as to methods of dealing with matters which are barriers to the certification requested; provision of other Products or services which could compromise the confidentiality, objectivity or impartiality of its certification processes and decisions) may be waived by a CodeMark certification body if it has:
  - a. actively sought an evaluator who fully meets G.4.24;
  - b. documented the search for such an evaluator and the reasons why it was unsuccessful;
  - c. documented the manner in which the chosen evaluator does not meet G.4.24;

- d. briefed the evaluator on the need for objectivity, confidentiality and impartiality, and strategies for their achievement;
  - e. advised the applicant of the identity and circumstances of the appointment of the evaluator, and obtain their concurrence to the use of that evaluator; or
  - f. endorsed the Certificate of Conformity with a statement that “This certificate is issued subject to the waiver in Clause 5.2.3 of the CodeMark Scheme Rules”.
- 5.2.4. The need for clause 5.2.3 shall be reviewed 3 years after the commencement of the CodeMark Scheme. Any change shall not be retrospective in its impact on Certificates of Conformity already issued, but it may affect renewals of Certificates of Conformity.
- 5.2.5. For the purposes of ISO/IEC Guide 65 Clause 4.3, the CodeMark certification body shall satisfy itself through written documentation that the requirements of that clause relating to the suitability and competence of bodies or person(s) carrying out testing, inspections and certification/registration are met.

### **5.3. Issue of Certificates of Conformity**

- 5.3.1 The CodeMark certification body shall ensure that each Certificate of Conformity contains sufficient information to enable a user to verify Product identity onsite. It shall include at least the following:
- a. product description including trade name(s), catalogue numbers, model identification and indication of the different brand names that may be used;
  - b. product purpose or use;
  - c. reference to the specific BCA clauses including any relevant State and Territory variations and additions to which the certification applies;
  - d. certificate holder’s full contact details;
  - e. conditions, or limitations of certification;
  - f. reference to a specific edition/publication of documentation required by Appendix 2;
  - g. reference to the existence of any Schedule that forms part of the Certificate of Conformity or the basis for certification;
  - h. Mark of Conformity;
  - i. Certificate of Conformity number;
  - j. JAS-ANZ symbol;
  - k. name of the CodeMark certification body and its mark;
  - l. date of issue;
  - m. date of expiry; and
  - n. this statement: “This Certificate of Conformity is issued by an accredited certification body under arrangement with JAS-ANZ. The ABCB does not in any way warrant, guarantee or represent that the Product the subject of this Certificate of Conformity conforms with the BCA, nor accepts any liability arising out of the use of the Product. The ABCB disclaims to the extent permitted by law, all liability (including negligence) for claims of losses, expenses, damages and costs arising as a result of the use of the product(s) referred to in this Certificate.”
- 5.3.2 The CodeMark certification body shall ensure that the supporting information required for a Certificate of Conformity as set out in Appendix 2 is available on request.

- 5.3.3 Certificates of Conformity shall be:
- a. issued using the template provided by the ABCB;
  - aa. signed by both a responsible manager of the certification body and a person engaged in accordance with clause 4.2.1A;
  - b. valid for 3 years unless withdrawn or suspended; and
  - c. reproduced only in their entirety.

#### **5.4. The Mark of Conformity and Certificate of Conformity Numbers**

- 5.4.1 The ABCB shall allocate to CodeMark certification bodies the Certificate of Conformity numbers that they will subsequently issue to Certificate holders.
- 5.4.2 The Mark of Conformity shall be used as a certification mark. Use shall be in accordance with Appendix 3.
- 5.4.3 When there is misuse by a Certificate holder, the CodeMark certification body may suspend the use of the Certificate of Conformity, the Mark of Conformity, and the Certificate number until corrective action is taken and may withdraw certification upon written notice to the Certificate holder (see clause 5.5.1).

#### **5.5. Suspension and Withdrawal of Certificates of Conformity**

- 5.5.1 A CodeMark certification body may withdraw Certificates of Conformity at any time, for -
- a. breach of these CodeMark Scheme Rules;
  - b. breach of the conditions of a Certificate of Conformity;
  - c. a critical nonconformity (see Appendix 1);
  - d. significantly changing a characteristic of the certified Product without prior notification to the CodeMark certification body;
  - e. failure to pay any fees, costs or charges associated with the certification;
  - f. failure to comply with the procedures of the CodeMark certification body; or
  - g. misuse of the Mark of Conformity.
- 5.5.2 A CodeMark certification body may suspend certification for any of the reasons in a.to g. of 5.5.1 where the transgression is of a temporary nature.
- 5.5.3 The CodeMark certification body shall advise the Certificate holder and JAS-ANZ in writing of the reasons for the suspension or withdrawal. Within 5 business days of receiving such advice, JAS-ANZ shall provide a copy or details to the ABCB.
- 5.5.4 A Certificate holder may relinquish certification at any time by written advice to the CodeMark certification body.
- 5.5.5 The CodeMark certification body, and/or JAS-ANZ and/or the ABCB may make details of withdrawn or suspended Certificates of Conformity, publicly available.

#### **5.6. Amendments to Certificates of Conformity**

- 5.6.1 Requests for amendments to Certificates of Conformity shall be assessed in accordance with the procedures of the CodeMark certification body and the CodeMark Scheme Rules.

5.6.2 Whenever the BCA, CodeMark Scheme Rules or documents referenced therein are amended, the CodeMark certification body shall, within 3 months of the amendments coming into effect, ensure that all certification decisions made by them are reviewed and the appropriate action taken to ensure that compliance is achieved with the amended BCA, CodeMark Scheme Rules or documents referenced therein.

## **5.7. Transfer of Certificates of Conformity**

5.7.1 A request to transfer a Certificate of Conformity from one Certificate holder to another shall be regarded as a new application and evaluated accordingly.

## **5.8. Complaints and Appeals**

5.8.1 Complaints or appeals relating to the actions or decisions of a CodeMark certification body shall be submitted in the first instance to the CodeMark certification body. If the complainant or appellant is not satisfied with the outcome they may then complain to JAS-ANZ.

## Section 6 | Certified Products

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### 6.1. Certificate Holder Responsibilities

6.1.1 The Certificate holder shall:

- a. comply with the CodeMark Scheme Rules;
- b. comply with the procedures of the CodeMark certification body;
- c. maintain a Product Quality Plan that details the procedures and associated resources that are applied by whom and when to a specific Product and its manufacture, and is consistent with ISO 10005:2005 (AS/NZS 10005:2006);
- d. ensure the certified Product is manufactured in accordance with the Product Quality Plan and any conditions associated with the Certificate of Conformity and that it is materially the same as any sample that was evaluated;
- e. notify the CodeMark certification body of any intended change, modification or alteration to the certified Product (or its method of manufacture, Product Quality Plan, installation instructions, etc);
- f. notify the CodeMark certification body of any reason to suspect the certified Product may not comply with the BCA;
- g. notify the CodeMark certification body in writing of any intended change to the name, address or contact details of the Certificate holder's place(s) of Product manufacture;
- h. issue public disclosure statements through means acceptable to the CodeMark certification body and the ABCB where certified Product that is found not to comply with the BCA has been released on to the market;
- i. if certification has been suspended or withdrawn – notify existing customers of this change in status and immediately cease the use of the Certificate of Conformity, Mark of Conformity and Certificate of Conformity number;
- j. reproduce the Certificate of Conformity only in its entirety;
- k. ensure that the supporting information required for a Certificate of Conformity as set out in Appendix 2 is available on request;
- l. ensure that the certified Product is identified as such by applying the Mark of Conformity to the certified Product or its packaging; and
- m. use the Mark of Conformity in accordance with Appendix 3.

### 6.2 Certificate Holder Acknowledgments

6.2.1. A Certificate Holder acknowledges that:

- a. each Certificate of Conformity is registered in accordance with a Trans-Tasman scheme managed in Australia by the ABCB;
- b. the ABCB does not make any representations, warranties or guarantees, and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of any material contained within the Certificate; and
- c. the ABCB disclaims to the extent permitted by law, all liability (including negligence) for claims of losses, expenses, damages and costs arising as a result of the use of the product(s) referred to in the Certificate.

# Appendix 1 | Requirements for Product Evaluation

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## 1. Certification Body Selection

- 1.1. It is the responsibility of the applicant to verify the accreditation status of the CodeMark certification body, either by requesting a copy of its accreditation certificate and schedule, or by contacting JAS-ANZ or the ABCB, who hold details of all accredited CodeMark certification bodies, or by searching the JAS-ANZ Register, which is available on-line at [www.jas-anz.com.au](http://www.jas-anz.com.au).

## 2. Evaluation Requirements

### 2.1. Pre-evaluation Requirements

- 2.1.1. The applicant shall submit an application in accordance with the requirements of the CodeMark certification body, including full details of the Product intended for evaluation, its manufacture and Product Quality Plan, intended use, etc, and the specific provisions of the BCA for which compliance is claimed.
- 2.1.2. The CodeMark certification body shall conduct a review of the application on a case by case basis by individual(s) deemed, by the CodeMark certification body, to be competent in the CodeMark Scheme Rules and the BCA. As part of the review, the CodeMark certification body shall ensure that any clause(s) of the BCA that relate to the Product are identified.
- 2.1.3. A pre-evaluation visit by the CodeMark certification body to the factory and/or construction site may be appropriate to determine the exact nature of the Product, to verify that the specification and claims are capable of being evaluated, and to assist in determining the appropriate method of evaluation.
- 2.1.4. Once agreement on the scope of the application has been made, the CodeMark certification body shall advise the applicant of the evaluation plan and an approximate timeframe and cost for its completion.

### 2.2. Evaluation Methodology

- 2.2.1. The CodeMark certification body shall develop an evaluation methodology and evaluation plan that is in accordance with 2.3. The evaluation methodology shall be prepared by a person or persons, deemed by the CodeMark certification body to be competent in the CodeMark Scheme Rules, BCA and applicable manufacturing and installation practices. If the evaluation methodology is developed by one person only, that person must meet the requirements of clause 4.2.1A (whether or not that person is engaged by the CodeMark certification body as required by clause 4.2.1A). If the evaluation methodology is developed by a group or persons, at least one of those persons must meet the requirements of clause 4.2.1A (whether or not engaged by the CodeMark certification body as required by clause 4.2.1A).
- 2.2.2. Where a Product does not comply with all relevant Deemed-to-Satisfy provisions the CodeMark certification body shall:
  - ensure that the evaluation methodology and evaluation plan includes an Alternative Solution that has been prepared in compliance with the requirements of the BCA and which clearly demonstrates how such requirements have been satisfied, including but not limited to Part A0 in BCA Volume One and Part 1.0 in BCA Volume Two; and
  - ensure that the Alternative Solution is developed by individual(s) deemed, by the CodeMark certification body, to be competent in all provisions and requirements identified under A0.10 in BCA Volume One and 1.0.10 in BCA Volume Two; and

- not be involved in the development of the Alternative Solution.
- 2.2.3. The evaluation methodology and evaluation plan shall be reviewed and approved by a person or persons who:
- a. are deemed, by the CodeMark certification body, to be competent in the CodeMark Scheme Rules, BCA and applicable manufacturing and installation practices; and
  - b. have not previously been involved in the development of the evaluation methodology or evaluation plan or in evaluation in accordance with that methodology or plan.

If the review is conducted by one person only, that person must meet the requirements of clause 4.2.1A (but cannot be or have been engaged by the CodeMark certification body as required by clause 4.2.1A). If review is conducted by a group or persons, at least one of those persons must meet the requirements of clause 4.2.1A (but none of whom can be or have been engaged by the CodeMark certification body as required by clause 4.2.1A).

### **2.3. Evaluation Plan**

- 2.3.1. The evaluation plan will include:
- a defined scope of use including any limitations;
  - all relevant requirements of the BCA including any relevant State and Territory variations and additions;
  - detailed specification;
  - means of compliance i.e. tests, assessments, and inspections;
  - manufacturing quality assessment plan;
  - construction site inspection plan (where applicable);
  - acceptance criteria for technical literature;
  - surveillance frequency and methodology; and
  - an assessment of the extent of factory and/or construction site audits in accordance with the Risk Analysis (referred to in 2.4) and the following considerations:
    - nature of the Product and production processes;
    - specific requirements of the BCA including any relevant State and Territory variations and additions;
    - Product Quality Plan;
    - method of installation or use;
    - interaction with other components and materials; and
    - need to evaluate installation instructions or construction manuals by observation onsite.

### **2.4. Risk Analysis**

2.4.1. The purpose of the risk analysis is to assess the chance of a problem occurring in manufacture and installation that will have an impact on the performance of the Product in terms of all relevant requirements of the BCA including any relevant State and Territory variations and additions.

2.4.2. Factors considered in the risk analysis shall include:

Manufacture

- nature of Product materials, variability of raw materials, history of quality, and the complexity of manufacture;
- extent and nature of sampling and testing;
- number of sites involved in manufacture, assembly, and related activities;
- issues of public safety;
- nature of Certificate holder, e.g. importer, manufacturer, etc;
- number of employees involved with production and quality control;
- packaging and distribution; and
- ease of rectification.

Installation

- the effect and consequence of poor installation;
- the complexity of installation and the skill levels required;
- onsite conditions likely to be detrimental to installation;
- the effects of exposure (elements or physical damage) to the product before, during or after installation; and
- the importance of 'order of construction'.

2.4.3. The level of risk is to be assessed and recorded in terms of the magnitude of the consequence and the likelihood of a problem occurring in both the manufacturing and installation process in accordance with Table 1. The Risk Assessment Matrix set out in Table 1 shall be used in determining the level of risk.

Table 1

RISK ASSESSMENT MATRIX		Magnitude of Consequence		
		Substantial	Moderate	Minor
Likelihood of Problem	Very likely	High	High	Medium
	Likely	High	Medium	Low
	Unlikely	Medium	Low	Low

- **Substantial** Extensive impact on structural sufficiency, safety, and/or health and amenity (consistent with the BCA objectives).
- **Moderate** Medium impact on structural sufficiency, safety, and/or health and amenity (consistent with the BCA objectives).
- **Minor** Little impact on structural sufficiency, safety, and/or health and amenity (consistent with the BCA objectives).

The results of the Risk Assessment Matrix shall be used with the following table to determine the factory/construction site visit requirements.

Table 2

FACTORY/CONSTRUCTION SITE VISIT REQUIREMENTS	Manufacturing	Installation
--	---------------	--------------

<b>High</b>	A + B + C	Refer to Appendix 1 clause 2.4.4.	+ G
<b>Medium</b>	A + B + C	+ E	+ F
<b>Low</b>	A + B + C	+ D	—
<b>RESULT</b>	<b>A + B + C</b>	<b>+</b>	<b>+</b>

- A** Product test.
- B** Product Quality Plan.
- C** Surveillance evaluation in accordance with section 3.
- D** Factory visit(s) initially and every 3 years.
- E** Factory visit(s) initially and annually.
- F** Construction site visit(s) initially and every 3 years.
- G** Construction site visit(s) initially and annually.

Manufacturing site audits are to be carried out to:

- verify the factors considered in the risk analysis and record any potentially significant risks that are not apparent in the risk analysis;
- confirm that the product is consistently manufactured to the 'as tested' technical specification; and
- confirm the adequacy of processes for managing changes to product materials and specifications.

If required, construction site audits are to be carried out to:

- verify the factors considered in the risk analysis and record any potentially significant risks that are not apparent in the risk analysis;
- confirm the practicability of installing the product;
- confirm the appropriateness and accuracy of installation instructions;
- review the recommended methods of handling and storage;
- identify any adverse conditions that might impact on the performance of the Product; and/or
- confirm that compliance can be reliably achieved by appropriately competent installers following the instructions.

2.4.4. A further reason for construction site audits is to evaluate the in-service performance of a Product. This acts as monitoring and confirmation of the opinions/assessment developed from laboratory testing and other means.

## 2.5. Dealing with nonconformity

2.5.1. In determining whether the relevant requirements of the BCA have been met, the evaluator will take into account the nature and significance of any nonconformity.

There are three levels of nonconformity:

- 1. Critical** a nonconformity, where the potential impact warrants immediate corrective action.
- 2. Major** a nonconformity where the potential impact is likely to compromise compliance if no remedial action is taken to correct the nonconformity within a specified period.
- 3. Minor** a nonconformity where the potential impact of the nonconformity is not likely to compromise compliance.

An example is where aspects of the Product Quality Plan are not being followed, but because of other factors compliance is not compromised.

Where more than one related minor nonconformity is raised which collectively are likely to present a high risk or potential risk, the nonconformities are to be classified as critical or major immediately.

- 2.5.2. The applicant shall not gain certification until critical or major nonconformities have been corrected and the corrective action verified by the CodeMark certification body. Critical nonconformity will require onsite verification or verification by testing, or by examination of revised product instructions, depending on the nature of the nonconformity.

## **2.6. Evaluation Reporting**

- 2.6.1. During the evaluation, detailed notes shall be made of the Product's compliance with the requirements of the BCA and shall be the basis for the evaluation report and the decision on certification.
- 2.6.2. The report shall summarise all aspects associated with the evaluation as identified in the evaluation plan and any nonconformities, recommendations and opportunities for improvement that the CodeMark certification body has identified as part of their evaluation.
- 2.6.3. The evaluation report shall be reviewed and approved by person(s) involved in or satisfying Clause 2.2.2 of this Appendix to ensure that the evaluation process and report adequately addresses the relevant requirements of the CodeMark Scheme Rules and BCA.

## **2.7. Decision**

- 2.7.1. Where a CodeMark certification body has determined that there are no outstanding critical and major nonconformities, the CodeMark certification body will issue a Certificate of Conformity.
- 2.7.2. The evaluator shall make it clear that the decision to award certification will be made independently by the CodeMark certification body, following a detailed technical review of the evaluation report.

## **3. Surveillance**

### **3.1. Purpose**

- 3.1.1. The primary objective of regular surveillance is to check that the basis on which certification was granted is valid and is being maintained.

### **3.2. Surveillance Frequency**

- 3.2.1. The CodeMark certification body shall conduct surveillance evaluations of all Certificate holders of Certificates of Conformity issued by that CodeMark certification body or for which that CodeMark certification body is responsible, at intervals of not more than 12 months. The surveillance date shall be calculated from the date of the previous evaluation, not the date of Certificate issue.

### **3.3. Surveillance Methodology**

- 3.3.1 The nature and extent of re-testing, re-assessment, factory and/or construction site audits, examination of technical literature, manuals and the like is a matter for the judgement of the CodeMark certification body. Factors that will impact on surveillance methodology include:
- previous performance;
  - changes made to the BCA, compliance documents, or other documents used for the basis of certification;
  - receipt of complaints or other feedback; and
  - outcome of the risk analysis as per evaluation requirements in item 2.4.

### **3.4. Corrective Action Requests**

- 3.4.1. Nonconformity with any aspects of certification shall be dealt with formally and shall be the subject of a Corrective Action Request (CAR)<sup>3</sup>. The CodeMark certification body shall notify the Certificate holder requiring the appropriate action to be taken.

#### **Critical nonconformity**

A CAR is to be raised requiring immediate corrective action to be taken. Further Products shall not be produced until the CAR is closed. Critical nonconformity will require verification of effective implementation of corrective action. If the CAR is not closed out by the agreed date, the CodeMark certification body shall immediately suspend or withdraw the Certificate of Conformity.

#### **Major nonconformity**

A CAR is to be raised and a close out date set. The close out date shall not exceed 7 days. Major nonconformity will require verification of effective implementation of corrective action.

If the CAR is not closed out by the agreed date, the CodeMark certification body will determine that the nonconformity is now a critical nonconformity and take appropriate action.

#### **Minor nonconformity**

A CAR is to be raised and a suitable closeout date agreed with the Certificate holder. The closeout date should reflect the potential impact of the nonconformity and its ease of rectification. Close out will normally be at the next surveillance evaluation.

- 3.4.2. If a minor CAR is not closed out by the agreed date, the CodeMark certification body will review the reasons for non-closure with the Certificate holder and depending on the nature of the nonconformity and its potential to affect compliance, will take one of the following actions:
1. Determine that a minor nonconformity still exists, cancel the existing CAR and raise a new CAR with a new close out date agreed with the Certificate holder, reporting the action in the evaluation report; or
  2. Determine that the nonconformity is now a major or critical nonconformity and raise a CAR with a close out date as required for major or critical nonconformity.

### **3.5. Surveillance Reporting**

- 3.5.1. Reporting shall be as for the initial evaluation.

## **4. Renewals**

### **Notification**

- 4.1.1. CodeMark certification bodies shall notify Certificate holders of the requirements for renewal allowing reasonable time for processing to take place prior to the date of expiry of the Certificate of Conformity.

### **Renewal Methodology**

- 4.1.2. For the purpose of renewal a full review of the evaluation methodology, plan and all current supporting documentation is to be undertaken by the CodeMark certification

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<sup>3</sup> Individual CodeMark certification bodies may use a different name, such as "Improvement Request", if they so choose, but the intent shall be the same and expressed unambiguously.

body to establish whether the methodology and plan are still applicable. Factors considered in the review shall include:

- receipt of complaints or other feedback;
- previous performance;
- Product alterations;
- amendments to the BCA;
- any nonconformities; and
- risk analysis.

## **5. Records**

- 5.1. The CodeMark certification body shall retain written records associated with the evaluation that demonstrate compliance with the CodeMark Scheme Rules, the BCA and certification body documented procedures. In particular, the records retained should be sufficient to clearly show that the evaluation, surveillance and renewal requirements of this Appendix have been met.

# Appendix 2 | Information Required for a Certificate of Conformity

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## 1. Scope of Use

- 1.1 The scope of use is to define all suitable applications and conditions under which the Product may be used. This includes BCA, Standard or Certificate holder requirements for any other product or system that directly interacts with the Product, or may in some way affect its performance when in use.
- 1.2 Any limitations to the application of the Product must also be stated.

## 2. Technical Specification

- 2.1 The technical specification must include detailed descriptions of all individual components and accessories that are required for the Product, which are supplied and/or specified by the Certificate holder. The technical specification must also advise who is responsible for the supply of each item. The description of all individual components and accessories must be detailed enough so that they can be adequately identified on site.

## 3. Technical Information – Design, Installation and Maintenance

- 3.1 The technical information must contain explicit, detailed information on the design, use, installation and maintenance requirements of the Product. It must identify all critical aspects relating to the BCA requirements, to be taken into account by the building professionals during the design stage in order for the Product to perform successfully.

## 4. Critical Aspects Checklist

- 4.1 The checklist shall include all critical aspects relating to the Product and any other products that directly interact with it and/or could in some way impact on the performance of the Product.

## Appendix 3 | Use of the Mark of Conformity

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### 1. Issue of the Mark of Conformity

- 1.1 The Mark of Conformity shall remain the property of the ABCB in Australia and of the DBH in New Zealand.
- 1.2 The Certificate of Conformity, Mark of Conformity or reference to CodeMark certification body shall only be used or made during the life of the Certificate of Conformity.
- 1.3 JAS-ANZ accredited CodeMark certification bodies shall be entitled to display the Mark of Conformity on their website or in promotional and advertising material regarding the CodeMark Scheme.

### 2. Use of the Mark of Conformity

- 2.1. Applicants having achieved a Certificate of Conformity shall use the CodeMark Mark of Conformity. The Codemark Mark of Conformity is a registered trademark under the Trademarks Act 1995 in Australia and the Trade Marks Act 2002 in New Zealand and may be used with the symbol ® wherever it appears on products, packaging, labels and advertising materials or on Certificates of Conformity.
- 2.2. The Mark of Conformity shall be used only in association with a Certificate number. An acceptable example is shown below:



- 2.3. The Mark of Conformity and Certificate number shall only be used with a valid Certificate of Conformity.
- 2.4. The Mark of Conformity shall be applied either -
  - directly to the Product by stamping, printing, moulding, etching, labelling, etc; or
  - to the Product packaging.
- 2.5. The Mark of Conformity shall be used on all Products certified under the CodeMark Scheme.
- 2.6. Any deviations from the approved format, detailed in this Appendix, are required to be approved by the ABCB in writing.

### 3. Acceptable Formats

- 3.1. Acceptable formats for the Mark of Conformity are: Full colour, two colour and monotone reproduction.



- 3.2. The two colour Mark of Conformity is made up of the CodeMark blue and black. When reversed it is all in white.



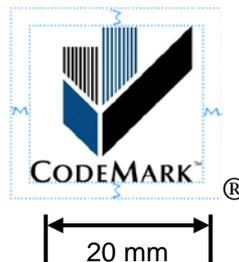
- 3.3. When the Mark of Conformity is to be used in single colour work it is to appear all in black on a light background or all in white when on a dark background.

#### 4. Correct Use of the Mark of Conformity

- 4.1. To retain the integrity of the mark the following guidelines apply:
- the minimum clear space as per diagram.



- do not adjust the proportions or any part of the mark including clear space.



- it should not be reproduced smaller than 20mm wide.

#### 5. Optional Statement

- 5.1. In some cases Certificate holders may wish to include an additional statement, typically used on product packaging and marketing literature. Accordingly use either of the following paragraphs:

“This product is marked with the CodeMark Scheme Mark of Conformity. This indicates that the conformity of our product is based upon technical documentation and review of our manufacturing and quality control process to monitor our ability to consistently produce the product in compliance with the requirements of Clauses xxxxx of the BCA.”

“Compliance of this product with the requirements of Clauses xxxxx of the BCA is monitored by the CodeMark certification body (insert name).”

## **6. Limitations for use of the Mark of Conformity**

- 6.1. The Mark of Conformity may only be used in advertising that is specific to the certified Product. When more than one product is advertised, the Mark of Conformity may only be used in association with the certified Product.
- 6.2. Certificate holders shall not use Product certification in such a manner as to bring the ABCB, DBH, JAS-ANZ or a CodeMark certification body into disrepute or make any statements regarding Product certification which may be considered misleading or unauthorised.
- 6.3. Upon suspension or withdrawal of a Certificate of Conformity, the use of advertising matter that contains any reference to the Mark of Conformity must discontinue immediately.
- 6.4. In making reference to a Certificate of Conformity in communication media such as:
  - documents;
  - brochures; and
  - advertising,

it is the Certificate holder's responsibility to ensure compliance with the requirements of the CodeMark certification body and CodeMark Scheme Rules.

# Appendix 4 | New Zealand Additions and Variations

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## 1. Introduction

1.1 This Appendix sets out a number of additional requirements and variations to how the CodeMark Scheme operates in New Zealand. These are necessitated by the particular legislative requirements governing the product certification scheme in New Zealand.

1.2 The operation of the CodeMark Scheme in New Zealand is always subject to the specific requirements of the Building Act 2004 (the Act), the Building (Product Certification Regulations 2008 and any other regulations and other statutory instruments (including any notice required to be published in the *New Zealand Gazette*) made under that Act, as amended from time to time. Further details are available on the DBH website.

1.3 The CodeMark Scheme Rules (and amendments) will not take legal effect in New Zealand until the mandatory procedures under the Act have been followed (for example by Notice in the *New Zealand Gazette* and by Regulations).

## 2. Background

2.1. The CodeMark Scheme is administered in New Zealand by the Department of Building and Housing (DBH).

2.2. The Chief Executive of DBH has the power to appoint JAS-ANZ as the Product Certification Accreditation Body under section 261 of the Act.

2.3. DBH is the New Zealand government department responsible for building and construction. DBH was established in November 2004 under the provisions of the State Sector (Department of Building and Housing) Order 2004.

## 3. Abbreviations

3.1. The table below sets out the abbreviations used in this Appendix. These abbreviations should be substituted (where possible) for the abbreviations contained in parenthesis where used in the CodeMark Scheme Rules.

<b>DBH (ABCB)</b>	Department of Building and Housing
<b>NZBC (BCA)</b>	New Zealand Building Code

## 4. Definitions

4.1. The definitions below reflect the definitions in the Act or are variations of similar definitions used in the CodeMark Scheme Rules. These definitions should be substituted (where possible) for the definitions contained in parenthesis (if any) where used in the CodeMark Scheme Rules.

**Act**

Building Act 2004.

**Building Consent Authority (Building Control Authority)**

An organisation that carries out regulatory building control work.

**Product (Product)**

Any building method, method of construction, building design or building material.

**Product Certificate (Certificate of Conformity)**

A document issued by a Product Certification Body which certifies that a Product complies with certain performance requirements of the NZBC.

**Product Certification Body (Accredited certification body/CodeMark certification body)**

A person or organisation accredited by the Product Certification Accreditation Body to issue Product Certificates.

**Product Certification Accreditation Body**

JAS-ANZ (appointed by DBH under section 261 of the Act).

**Register of Product Certificates (Register of Certificates of Conformity)**

A central register of all Product Certificates that have been issued or revoked by Product Certification Bodies.

**Register of Product Certification Bodies (Register of CodeMark certification bodies)**

A central register of all Product Certification Bodies.

**Regulations**

Building (Products Certification) Regulations 2008.

**Standard (Standard)**

For the purposes of the CodeMark Scheme, where the word “standard” appears in ISO/IEC Guide 65 or any other document associated with or related to or required to be read with the CodeMark Scheme, it is to be taken to mean the criteria and standards for product certification prescribed in the Regulations, including the NZBC.

**5. Scope of the Scheme**

In New Zealand the CodeMark Scheme covers the requirements for (a) accreditation of Product Certification Bodies and (b) certification of Products.

**6. Referenced Documents**

<p><b>NZBC</b></p>	<p>The New Zealand Building Code, a building code comprised of regulations made under section 400 of the Building Act 2004 that prescribe functional requirements for buildings and the performance criteria that buildings must comply with in their intended use.</p>
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**7. Requirements for Accreditation as a Product Certification Body (see also Clause 4.2 at page 9)**

7.1 The New Zealand Building Act 2004 (at section 264) sets out the following requirements for accreditation:

Before granting accreditation, the product certification accreditation body must be satisfied that the applicant -

- (a) has the necessary ability to perform all or any of the functions specified in this subpart competently, impartially, consistently, transparently, and in an accountable manner, having regard to: -

- (i) the technical competence of the applicant to perform the

- functions for which the applicant wishes to be accredited;
  - and;
  - (ii) the applicant's systems, and in particular whether those systems will allow the applicant to perform the functions for which the applicant wishes to be accredited; and
- (b) complies with the prescribed criteria and standards for accreditation that are prescribed in the Regulations (at regulation 4).

## **8. Issue of Product Certificates**

**(see also Clause 5.3 at page 11)**

- 8.1 In addition to the CodeMark Scheme Rules a Product Certificate must state whether there are any matters that should be taken into account in the use or application of a Product, and if so, what those matters are, particularly in relation to conditions or limitations of the certification (see Clause 5.3 at page 11).
- 8.2 Each product certificate is also subject to the conditions of notification listed in the Regulations (at regulation 15).
- 8.3 Each product certificate must also include the statement in Regulation 14(1) (1).

## **9. Suspension, Withdrawal and Renewal of Product Certification**

- 9.1 A Product Certificate provides evidence that a Product has been certified under section 269(1) of the Act.
- 9.2 Product Certificates have no expiry date but are valid until revoked by either the Product Certification Body or DBH.
- 9.3 A Product Certificate may only be revoked on the grounds listed under section 271 of the Act which are summarised as follows:
  - 9.3.1 the Product Certificate has been obtained by fraud, misrepresentation, or concealment of facts; or
  - 9.3.2 the Product no longer meets the prescribed criteria and standards for certification (as prescribed in the Regulations); or
  - 9.3.3 any certification, or similar authorisation issued or granted in respect of that building method or product, has been revoked or cancelled for any reason; or
  - 9.3.4 the NZBC no longer applies to the Product because of an amendment to the NZBC.
- 9.4 Before revoking a Product Certificate, the Product Certification Body or DBH must give the proprietor of the Product a reasonable opportunity to be heard.
- 9.5 This Clause 9 varies and augments Clauses 5.3 and 5.5 of the CodeMark Scheme Rules.

## Appendix 5 | Contact Us

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### AUSTRALIAN BUILDING CODES BOARD (ABCB)

<b>Street address</b>	Level 4, 20 Allara Street Canberra City ACT 2601
<b>Postal</b>	GPO Box 9839 Canberra ACT 2601
<b>Phone</b>	1300 134 631 (Australia)
<b>International</b>	61 2 6276 1521
<b>Fax</b>	61 2 6213 7287
<b>Email</b>	<a href="mailto:codemark@abcb.gov.au">codemark@abcb.gov.au</a>
<b>Website</b>	<a href="http://www.abcb.gov.au">www.abcb.gov.au</a>

### DEPARTMENT OF BUILDING AND HOUSING (DBH), NEW ZEALAND

<b>Street address</b>	Level 6 86 Customhouse Quay Wellington New Zealand
<b>Postal</b>	PO Box 10 729 Wellington New Zealand
<b>Phone</b>	0800 242 243 (New Zealand)
<b>International</b>	64 4 470 1027
<b>Fax</b>	64 4 494 0290
<b>Email</b>	<a href="mailto:info@dbh.govt.nz">info@dbh.govt.nz</a>
<b>Website</b>	<a href="http://www.dbh.govt.nz">http://www.dbh.govt.nz</a>

### JOINT ACCREDITATION SYSEM OF AUSTRALIA & NEW ZEALAND (JAS-ANZ)

#### AUSTRALIAN OFFICE

<b>Street address</b>	Level 1, Law Society Building 11 London Circuit Canberra ACT 2600
<b>Postal Address</b>	GPO Box 170 Canberra ACT 2601
<b>Phone</b>	02 6232 2000
<b>Fax</b>	02 6262 7980
<b>International</b>	61 2 6232 2000
<b>Email</b>	<a href="mailto:contact@jas-anz.com.au">contact@jas-anz.com.au</a>
<b>Website</b>	<a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a>