# Submission form: Building Amendment Bill proposals for regulations for Building Product Information Requirements, the modular component manufacturer certification scheme, and the product certification scheme

The Ministry of Business, Innovation and Employment (MBIE) would like your feedback on proposals for regulations for Building Product Information Requirements, the modular component manufacturer certification scheme, and the product certification scheme (CodeMark). Please provide your feedback by **5pm, on 11 June 2021.**

When completing this submission form, please provide comments and reasons explaining your choices. Your feedback provides valuable information and informs decisions about the proposals.

We appreciate your time and effort taken to respond to this consultation.

# Instructions

**To make a submission you will need to:**

1. Fill out your name, email address, phone number and organisation.
2. Fill out your responses to the discussion document questions. You can answer any or all of these questions in the [**discussion document**](http://www.mbie.govt.nz/building-system-reform). Where possible, please provide us with evidence to support your views. Examples can include references to independent research or facts and figures.
3. If your submission has any confidential information:
4. Please state this in the email accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (Official Information Act) that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act.
5. Indicate this on the front of your submission (e.g. the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
6. Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 1993 also applies.
7. Submit your feedback:
8. As a Microsoft Word document by email to**building@mbie.govt.nz** with subject line:*Consultation: Building Amendment Bill proposals for regulations*
9. By mailing your submission to:

Consultation: Building Amendment Bill proposals for regulations
Building System Performance
Building, Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473

Wellington 6140
New Zealand

# Submitter information

MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the section below it will be used to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

**Your name, email address, phone number and organisation**

|  |  |
| --- | --- |
| Name: |  |

|  |  |
| --- | --- |
| Email address: |  |

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| --- | --- |
| Phone number: |  |

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| --- | --- |
| Organisation: |  |

|  |  |
| --- | --- |
| [ ]   | The Privacy Act 1993 applies to submissions. Please tick the box if you do **not** wish your name or other personal information to be included in any information about submissions that MBIE may publish.  |
| [ ]  | MBIE may upload submissions or a summary of submissions received to MBIE’s website at [**www.mbie.govt.nz**](http://www.mbie.govt.nz). If you do **not** want your submission or a summary of your submission to be placed on our website, please tick the box and type an explanation below: |

|  |
| --- |
| I do not want my submission placed on MBIE’s website because… [insert reasoning here] |

**Please check if your submission contains confidential information**

|  |  |
| --- | --- |
| [ ]   | I would like my submission (or identifiable parts of my submission) to be kept confidential, and **have stated** my reasons and ground under section 9 of the Official Information Act that I believe apply, for consideration by MBIE.  |

# Building Product Information Requirements

**Supply chain responsibilities to meet Building Product Information Requirements**

1. Do you think the split of responsibilities across the supply chain for information requirements is clear?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you agree with the proposal that manufacturers and importers should be responsible for producing information for the building products they supply in order to comply with information requirements?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you agree with the proposal that distributors and retailers should be responsible for ensuring building products they supply comply with information requirements?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you agree with MBIE’s assessment of the likely impacts of the proposed information requirements on (1) manufacturers and importers, and (2) distributors and retailers? If not, what impacts do you think the proposals will have on these two groups?

Manufacturers and importers:

 [ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Distributors and retailers:

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

**Content of information to be provided about building products**

1. Does the minimum set of information required for all building products look reasonable? If not, what information requirements should be added or removed?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

|  |
| --- |
| [insert response here] |

1. Do you agree with the proposal that manufacturers and importers must make claims about how their building product meets relevant Building Code clauses?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

1. What challenges would manufacturers and importers face in making claims about how thie building product meets relevant Building Code clauses?

|  |
| --- |
| [insert response here] |

1. Do you agree with the proposal to require manufacturers and importers to use the compliance pathways listed in section 19 of the Building Act 2004 to illustrate compliance with the Building Code?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

|  |
| --- |
|  [insert response here] |

1. What other requirements or guidance would you recommend to ensure the information provided is relevant and accurate?

**Supply chain data and information standards**

1. Do you agree with MBIE’s assessment of the likely impacts on manufacturers and importers of the requirement to make evidenced claims about the Building Code compliance of their products? If not, what impacts do you think the proposals will have on manufacturers and importers?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

|  |
| --- |
| [insert response here] |

Is there anything you would like to tell us about the reason(s) for your choice?

1. Do you agree that all information requirements should be met prior to supply of a building product and that information be kept up to date with the latest version of that product? If not, what other requirements do you think would be reasonable?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

1. Do you agree that all information should be provided in structured data and accessible across the supply chain and by MBIE?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you think it is reasonable to require all information to be disclosed about building products to be made available online?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

1. Do you agree with the proposal for all building products to have a unique identifiable code that links it to the information provided online?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

**Transition period**

1. Do you agree with proposal for an 18 month transition period after building product information requirement regulations are made before they come into force? If not, what would be a reasonable timeframe?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

|  |
| --- |
| [insert response here] |

# Modular component manufacturer certification scheme

**Prescribing the kinds of building products that would be ‘modular components’ and scopes of certification**

1. Do you agree with the proposed approach to prescribe offsite manufactured building elements such as open frames and trusses, enclosed panels/units, volumetric structures, and whole buildings as ‘modular components’?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. To what extent do you think there is benefit in developing a system to guide how modular component manufacturer certifiction bodies describe the scope of a modular component manufacturer’s certification?

|  |
| --- |
| [insert response here] |

1. Which, if any, of the proposed options on which to base the proposed scope of certification system do you prefer?

[ ]  Option 1 [ ]  Option 2 [ ]  Option 3 [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

**Modular component manufacturer certification body accreditation and registration**

1. Do you think the proposed regulatory settings provide confidence in the certification bodies that would be accredited and registered within the modular component manufacturer certification scheme?

Proposed regulatory settings to be accredited:

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Proposed regulatory settings to be registered:

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

|  |
| --- |
| [insert response here] |

1. How do you think the proposed regulatory settings for certification bodies might affect their uptake of the modular component manufacturer certification scheme?

**Modular component manufacturer certification and registration**

1. Do you think the proposed regulatory settings provide confidence in the modular component manufacturers that would be certified and registered within the scheme?

Proposed regulatory settings to be certified:

 [ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Proposed regulatory settings to be registered:

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you think the proposed regulatory settings for modular component manufacturers provide for adequate consumer protection?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. How might the proposed regulatory settings for modular component manufacturers have different impacts for different kinds of manufacturers that may wish to participate in the scheme?

|  |
| --- |
| [insert response here] |

1. To what extent do you think modular component manufacturers will benefit from the proposed regulatory settings, and what costs do you think they might face when trying to meet the proposed settings?

|  |
| --- |
| [insert response here] |

**Audits within the modular component manufacturer scheme**

1. Do you agree with the proposal that auditing parties will use a prescribed risk assessment to decide the frequency and type of audits they will use for those being audited?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. What costs do you think the proposed audit requirements might have for modular component manufacturers, given that the fees for audits would be set through contract between the manufacturer and its modular component manufacturer certification body?

|  |
| --- |
| [insert response here] |

1. Do you agree with modular component manufacturer certification bodies and modular component manufacturers having three months to make changes outlined in an audit report following an audit? Please explain your views.

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

**Modular component manufacturer’s certificates**

1. Do you support manufacturers being responsible for transportation, storage and assembly of modular components that they manufacture within the modular component manufacturer certification scheme? What impacts might this have on manufacturers?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

|  |
| --- |
| [insert response here] |

1. To what extent do you think the information that is proposed to be required on manufacturer’s certificates will provide clarity for different parties within the modular component manufacturer certification scheme?

|  |
| --- |
| [insert response here] |

1. What costs do you anticipate that providing the proposed information on manufacturer’s certificates might have?

|  |
| --- |
| [insert response here] |

#

# Product certification scheme

**Implement registration requirements for product certification bodies**

1. Do you consider that the proposed fit and proper test and notification requirements would be effective criteria to establish if a product certification body should operate in the scheme?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you agree with the proposal to not prescribe an adequate means test or other product certification body registration criteria at this stage? Please explain your views.

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you consider that MBIE has proposed the right requirements for what must go on an application for product certification body registration?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

**Implement registration requirements for certificates**

1. Do you agree with the MBIE’s assessment that the proposals for certificate information will improve the usability of product certificates?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

1. Are there any gaps or issues with current certificates that MBIE have missed that should be addressed by changes to Regulation 14 or Schedule 2?

|  |
| --- |
| [insert response here] |

**Improve scheme requirements for product certification body accreditation**

1. Do you consider that the product certification body accreditation proposals will improve the alignment of scheme documents?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you consider there will be any compliance issues with the product certification body accreditation proposals? If so, what are they?

[ ]  Yes [ ]  No [ ] Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

1. What further clarification related to the proposal to require product certification bodies to only accept test reports from competent testing facilities may be required?

|  |
| --- |
| [insert response here] |

1. Do you agree with proposal 8 to revoke existing Regulation 7A?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

**Strengthen requirements for product certification body audits and reviews of certificates**

1. Does the proposal related to product certification body audits and reviews of certificates look reasonable? If not, what requirements should be amended, added or removed?

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. What cost impacts do you consider the product certification body audit proposals will have? Will costs change compared to the current requirements?

|  |
| --- |
| [insert response here] |

1. Is three years the correct minimum frequency for certification review?

[ ]  Yes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

# Regulated fees for the modular component manufacturer

# certification scheme and the product certification scheme

**Registration fees for modular component manufacturer certification scheme**

1. Do you agree with MBIE’s estimated cost drivers for modular component manufacturer certification body and modular component manufacturer registration?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. To what extent might the prescribed registration fees create a barrier to entry and ongoing participation in the scheme?

|  |
| --- |
| [insert response here] |

**Accreditation and audit fees for modular component manufacturer certification scheme**

1. Do you agree with MBIE’s assumption that the fee structure and level for assessing modular component manufacturer certification body accreditation is comparable to that for assessing building consent authority accreditation?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you agree with MBIE’s proposed fee structure for modular component manufacturer certification body accreditation and audits?

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

1. To what extent might the prescribed audit fees create a barrier to entry and ongoing participation in the scheme?

|  |
| --- |
| [insert response here] |

**Registration fees for product certification scheme**

1. Do you agree with MBIE’s assessment of the options for structuring registration fees for product certification bodies and certificates? Please explain your views.

[ ]  Yes, I agree [ ]  I agree in part [ ]  No, I don’t agree [ ]  Not sure/no preference

Please explain your views.

|  |
| --- |
| [insert response here] |

1. Do you consider that the proposed fees for registration of product certification bodies and certificates are set at the right level? Please explain your views.

[ ]  Yes [ ]  Yes, with changes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

**Accreditation and audit fees for product certification scheme**

1. Would the proposed fees for product certification body accreditation and audits of product certification bodies create any practical issues? If so, what would the issues be?

[ ]  Yes [ ]  No [ ] Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

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| --- |
| [insert response here] |

1. Do you consider that the proposed fees for product certification body accreditation and audits of product certification bodies are set at the right level?

[ ]  Yes [ ]  No [ ] Not sure/No preference

Please explain your views.

|  |
| --- |
| [insert response here] |

**Expected impacts**

1. Will the prescribed fees have a significant impact on the costs of participating in the schemes?

[ ]  Yes [ ]  No [ ] Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

|  |
| --- |
| [insert response here] |

1. Do you have any other comments on the proposals?

|  |
| --- |
| [insert response here] |