

# Proposed CodeMark scheme rules amendments

MARCH 2023





**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

## **Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful**

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

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Information, examples and answers to your questions about the topics covered here can be found on our website: [www.mbie.govt.nz](http://www.mbie.govt.nz) or by calling us free on: **0800 20 90 20**.

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# How to have your say

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the proposed CodeMark scheme rules amendments by **5pm on Thursday 20 April 2023**.

Where possible, please include in your submission evidence to support your views – for example, references to independent research, facts and figures, or relevant examples.

- You can provide your feedback by downloading the submission form at [www.mbie.govt.nz/have-your-say](http://www.mbie.govt.nz/have-your-say) and either:
  - email the completed form to [building@mbie.govt.nz](mailto:building@mbie.govt.nz) with the subject line ‘**Proposed CodeMark scheme rules 2023**’, or
  - post it to:

**CodeMark proposed scheme rules 2023**

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If you have any questions about the submissions process, please email us at [building@mbie.govt.nz](mailto:building@mbie.govt.nz).

## USE AND RELEASE OF INFORMATION

The information provided in submissions will contribute to MBIE’s ongoing development of the CodeMark scheme. We may contact submitters directly if we require clarification of any matters in submissions.

Your submission will also become official information, which means it may be requested under the *Official Information Act 1982* (OIA). The OIA specifies that information is to be made available upon request unless there are sufficient grounds for withholding it. If we receive a request, we cannot guarantee that feedback you provide us will not be made public. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Please set out clearly in the cover letter or email accompanying your submission if you have any objection to the release of any information in the submission and, in particular, which parts you consider should be withheld and reasons for withholding this information. MBIE will take such objections into account and consult with submitters when responding to requests under the OIA.

## PRIVATE INFORMATION

The *Privacy Act 1993* establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of the CodeMark scheme rules. Please clearly indicate in the cover letter or email accompanying your submission if you do not wish your name or any other personal information to be included in any summary of submissions that MBIE may publish.

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# 1. Seeking your feedback on the proposed CodeMark scheme rules amendments

The *Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021* (the Amendment Act) introduced a new certification scheme for modular component manufacturers (BuiltReady) and also made changes to strengthen the existing CodeMark product certification scheme.

The BuiltReady and CodeMark schemes offer deemed to comply building consent pathways along with MultiProof, which is a statement by MBIE that a set of plans and specifications for a building complies with the Building Code.

As part of the implementation work for the new CodeMark brand, MBIE has carefully considered whether other scheme rules were affected by the change or needed to be reviewed. As a result of sector feedback from the November 2022 consultation, MBIE has proposed two rule changes to foster public trust and create further consistency and clarity across the brand.

MBIE is seeking feedback on two proposals:

1. a requirement for product certification bodies (PCBs) to use MBIE's certificate template with the new mark of conformity.
2. a requirement for certificate holders to make technical information from CodeMark certificates easily accessible for the public.

The purpose of this consultation is to seek feedback from affected parties on whether the addition of these new rules will have any adverse or negative impacts.

We are seeking your feedback on the CodeMark scheme rules, which are made by MBIE's chief executive under the *Building Act 2004* (the Building Act). This document provides some context for the proposed changes and the consultation questions.

The CodeMark scheme rules (the scheme rules) apply to the scheme parties, which are:

- the product certification accreditation body (the accreditation body), an organisation appointed by MBIE to accredit product certification bodies to the CodeMark scheme
- product certification bodies (also referred to as PCBs), which are the third party organisations that evaluate building products and building methods for certification, and then issue product certificates if they decide to certify, and
- proprietors (manufacturers or suppliers) of building products or building methods that hold a current product certificate.

The current CodeMark scheme rules and brand transition timeline are available at: [www.building.govt.nz](http://www.building.govt.nz)

## 1.1. REASONS FOR CHANGE

The *Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021* (the Building Amendment Act) introduced a new certification scheme for modular component manufacturers (BuiltReady), and also made changes to strengthen the existing CodeMark product certification scheme. The proposed revisions to the CodeMark scheme rules opened for public consultation in April 2022, and the finalised scheme rules commenced on 7 September 2022.

Along with the CodeMark and BuiltReady certification schemes, MBIE also administers MultiProof, which is a statement by the MBIE that a set of plans and specifications for a building complies with the Building Code. CodeMark, BuiltReady and MultiProof all provide evidence of compliance with the Building Code for building consent authorities. The aim of the three schemes is to alleviate pressure in the consenting system by providing streamlined, robust and trustworthy compliance options for manufacturers, suppliers, builders, designers and consumers.

The introduction of BuiltReady along with the revision of the CodeMark scheme provided an opportunity to review and propose a new brand visual identity for CodeMark to bring it in line with BuiltReady and MultiProof. MBIE consulted on the introduction of the new CodeMark brand and transition timeline in November 2022.



As a result of feedback from that consultation, MBIE have proposed new scheme rules that aim to provide greater clarity and consistency for scheme participants around the use of a new CodeMark certificate template, fees, and information requirements. The aim of this consultation is to seek feedback from affected parties on the proposed scheme rules below.

## 1.2. PROPOSED REQUIREMENT FOR PCBs TO USE MBIE'S CERTIFICATE TEMPLATE WITH THE NEW MARK OF CONFORMITY

To align with the new brand, MBIE is providing a new template for PCBs to use while issuing CodeMark certificates. The new certificate template will be available to product certification bodies from 28 April 2023.

MBIE is proposing that PCBs must use the provided template to ensure consistency and clarity across certificates, which will aid building consent authorities, builders, designers and consumers to identify and understand CodeMark certificates.

## 1.3. PROPOSED REQUIREMENT FOR CERTIFICATE HOLDERS TO MAKE TECHNICAL INFORMATION FROM CODEMARK CERTIFICATES EASILY ACCESSIBLE FOR THE PUBLIC.

In response to sector feedback, MBIE is proposing a scheme rule to ensure all referenced technical information to support the use of a CodeMark product is accessible to those who need it. This proposal will not change what is currently on a CodeMark certificate, but it ensures that access to the information contained in the certificate either on the certificate holder's website or through request via the website is available. For example: under the conditions and limitations of use section of a CodeMark certificate, if use of an installation manual is referenced as a condition, then it must be accessible or able to be requested.

This proposed rule for minimum information requirements is to support better informed decision-making and understanding by building consent authorities, building owners, builders and designers. The proposed scheme rule also ensures the CodeMark scheme is consistent with the *Building (Building Product Information Requirements) Regulations 2022*, which commence on 11 December 2023.

## 1.4. TRANSITION ARRANGEMENTS

MBIE is proposing that the new scheme rules, once finalised, will commence on 28 April 2023, in line with the brand transition scheme rules and transition requirements, which commence on this date.

The new certificate templates will be made available to PCBs before 28 April 2023. All product certificates should either be switched over to the new template at any time after 28 April 2023 or at the time of the certificate's annual review. All certificates must be switched over to the new template by 1 September 2024, which is also the date that scheme participants must have all new product produced and packaged with the new mark of conformity.

MBIE is proposing that CodeMark certificate holders must meet the proposed requirement to make product technical information accessible by 1 September 2023.

**1.5. CODEMARK CERTIFICATE TEMPLATE QUESTIONS**

1. Do you agree with the proposed rule that PCBs must use the MBIE issued product certificate template?
2. Will you be able to implement this requirement by 1 September 2024?
3. Are there any barriers in the way of following the proposed rule change?

**1.6. ACCESS TO CERTIFICATE INFORMATION QUESTIONS**

1. Do you agree with the proposed rule change?
2. If the proposed rule change goes ahead, is 1 September 2023 enough time to implement this new rule?
3. Are there any barriers in the way of following the proposed new rule? If yes, please explain.

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