

# Rectification of Building Work Policy

Queensland Building and Construction Board

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## Queensland Building and Construction Board

On 20 June 2014, the Queensland Building and Construction Board made the *Rectification of Building Work Policy* under section 19 of the *Queensland Building and Construction Commission Act 1991*.

Pursuant to section 19 of the *Queensland Building and Construction Commission Act 1991*, the *Rectification of Building Work Policy* made by the Queensland Building and Construction Board is hereby published by way of this notice.

### (1) Rectification of defective building work

1. It is a policy of the Queensland Building and Construction Board that a building contractor who carries out defective building work should be required to rectify that work.
2. To remove any doubt, subsection (1) applies despite the building contractor failing to comply with the contracted plans and specifications for the work.

### (2) Rectification of defective residential construction work causing subsidence

1. It is a policy of the Queensland Building and Construction Board that a building contractor who carries out residential construction work causing subsidence should be required to rectify that work, unless in the circumstances rectification is unfair or unreasonable.
2. For section (1), it may be unfair or unreasonable, for example, to issue a direction if the building contractor in carrying out the work has complied with Schedule 1 (below).

### (3) Notification of defects

1. It is a policy of the Board that if a consumer is seeking the assistance of the Queensland Building and Construction Commission (QBCC) to issue a direction to a building contractor to rectify defective building work, the consumer must lodge a formal complaint with the QBCC of defective building work as soon as possible but no later than within 12 months of becoming aware of the defects.
2. The QBCC will then consider the issuing of direction to rectify to a building contractor:
  - a. for structural defective building work, within 6 years and 3 months of the building work being completed; or
  - b. for non-structural defective building work, within 12 months of the building work being completed.

Note: This policy is not intended to extend manufacturers' product warranties, including whitegoods.

### (4) Rescission of Board Policy

The Queensland Building Services Board policy named *Rectification of Building Work*, made by the Board on 12 May 2010, is rescinded as of the day that this policy takes effect.

## (5) Definitions

In this policy –

**Building** see schedule 2 of the *Queensland Building and Construction Commission Act 1991*.

**Building work** see schedule 2 of the *Queensland Building and Construction Commission Act 1991*.

**Defective building work** means building work that is faulty or unsatisfactory, and includes, for example, work that:

- a. does not comply with the *Building Act 1975*, *Building Code of Australia* or an applicable Australian Standard
- b. involves the use of a manufactured product, and that product has been used, constructed or installed in a way that does not comply with the product manufacturer's instructions.

**Engineer** see Schedule 2 of the *Queensland Building and Construction Commission Act 1991*.

**Non-structural defective building work** means defective building work (other than structural defective building work or residential construction work causing subsidence) that is faulty or unsatisfactory because:

- a. it does not meet a reasonable standard of construction or finish expected of a competent holder of a contractor's licence of the relevant class; or
- b. it has caused a settling in period defect in a new building.

**Related roofed building** see the *Queensland Building and Construction Commission Regulation 2003*, section 9.

**Residence** see the *Queensland Building and Construction Commission Regulation 2003*, section 9.

**Residential construction work** see the *Queensland Building and Construction Commission Regulation 2003*, section 10.

**Settling in period defect** means building work that does not perform at a standard reasonably expected of work carried out by a competent holder of a contractor's licence of the relevant class.

**Structural defective building work** means defective building work (other than residential construction work causing subsidence) that is faulty or unsatisfactory because it does one or more of the following:

- a. adversely affects the structural performance of a building;
- b. adversely affects the health or safety of persons residing in or occupying a building;
- c. adversely affects the functional use of a building;
- d. allows water penetration into a building.

**Subsidence** means foundation movement that causes footing or slab deflection or other damage to a residence or related roofed building beyond that allowed for in applicable Australian Standards, including AS2870 and AS3600.

### Schedule 1

#### Rectification for residential construction work causing subsidence

For section (2) of this policy, to comply with this schedule the building contractor must do all of the following:

- a. give the following information to the engineer for the work, or if the engineer has been given the information by someone other than the building contractor, obtain written confirmation from the engineer that the engineer has the following information:

- I. *Location* – a site address, plan of survey or photograph to correctly identify the site;
  - II. *Site identification* - information relevant to the contours of the site; the location of trees on the site and adjoining sites,<sup>1</sup> existing overland flow provisions, footprint location of the proposed building and indication of platform levels, location of proposed cut and fill, and identification and extent of subdivisional fill;
  - III. *Land searches* - searches where available necessary to establish impediments to the proper performance or function of the footing or slab system having regard to the site's location and condition;<sup>2</sup>
- b. obtain written confirmation from the engineer that :

#### *Site Classification*

- I. the engineer or their representative has visited the site;
- II. the site investigation for soil testing has been undertaken by an engineer or a soil tester licensed under the Act;
- III. exploration positions or bore holes conducted by the site investigator have been undertaken in the proposed footprint of the building and below final platform level in accordance with Australian Standard AS2870;<sup>3</sup>
- IV. soil samples have been taken for laboratory testing in accordance with Australian Standard AS1289 to determine the site classification;
- V. if the proposed footing is supported on filling and the engineer's design does not include piers through the filling, irrespective of whether or not the filling is part of the building contract or Level 1 compaction certificates are available, the engineer has documented requirements for further testing of or improvements to the filling such that piers are not required, or the engineer has provided written advice of the reason why the engineer has determined that piers are not required;
- VI. for reactive clay sites the laboratory test and soil test report include ISS and YS values (obtained by shrink and swell tests) in accordance with Australian Standard AS1289 and AS2870;

#### *Engineer Design*

- VII. the design takes into account site conditions (eg location of trees, easements, fill etc) including all information provided to the engineer about location, site identification and land searches referred to in paragraphs (a)(i), (a)(ii) and (a)(iii) above;
- VIII. the design includes photographs of the site to correctly identify onsite and adjoining site topography prior to site specific earthworks;
- IX. the design complies with all relevant Australian Standards including AS2870, AS3600 and AS3700;

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<sup>1</sup> This information indicates to the engineer, through the use of photographs or other means, any trees and vegetation in the vicinity of the footing or slab system, including those adjacent to the footing or slab system on adjoining sites. It is noted, however, that an additional site visit by the engineer may still be necessary to determine whether design precautions are needed.

<sup>2</sup> These searches may include flooding, underground infrastructure, easements, vegetation protection and subdivisional fill. The nature of the searches, however, will always be dependant on the site's location and condition.

<sup>3</sup> A minimum of two exploration positions or bore holes are required as part of any site investigation, as well as any other additional investigation necessary to determine the characteristics of the site. It is also required that the bore holes extend to a depth to refusal on rock or to the depth of zone of seasonal influence and below final platform level.

- X. the design is certified by an engineer; and
  - XI. the design drawings include the selected footing systems, any special site works, means of diverting surface water away from the slab, actual location of control joints in brick and masonry construction (including necessary control joints in internal linings), location of retaining walls, and requirements for articulation (flexible joints) in storm water and sanitary drainage;
- c. obtain the design drawings;
  - d. comply with all components of the design, including the selected footing systems, any special site works, means of diverting surface water away from the slab, location of control joints in brick and masonry construction (including necessary control joints in internal linings), location of retaining walls, and requirements for articulation (flexible joints) in storm water and sanitary drainage;
  - e. construct the footing or slab system in accordance with all relevant Australian Standards, including AS2870, AS3600, AS3700 and AS3500;
  - f. ensure that an engineer or building certifier has certified that the design has been complied with by the contractor.

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#### **ENDNOTES**

1. Made by the Queensland Building and Construction Board on 11 April 2014.
  2. Approved by regulation on 9 October 2014.
  3. Commences and takes effect on 10 October 2014.
  4. Not required to be laid before the Legislative Assembly.
  5. The administering agency is the Queensland Building and Construction Commission.
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