

DEFECTIVE BUILDING WORK COMPLAINTS INSPECTIONS

EFFECTIVE NOVEMBER 2021

If a complaint has been lodged with the QBCC regarding defective building work and a successful resolution has not been reached with the contractor, then a QBCC Building Inspector may undertake a site inspection.

A QBCC Building Inspector is only able to inspect the items listed in your complaint form and certain types of defective building work. When conducting an inspection, the QBCC Building Inspector will carry out a visual inspection only. This will involve visually observing each complaint item. Invasive investigations are not undertaken by the QBCC to determine the cause of an alleged defect. Examples of invasive investigations include cutting a hole in a wall to look at damage behind the wall. The inspection is also not intended to be a complete inspection of the whole building or dwelling.

In helping you resolve your dispute with your contractor, the QBCC will conduct an objective assessment based upon the applicable building code, Australian Standard or manufacturers installation guide. The QBCC is independent of the parties.

To provide guidance to the community on the way the QBCC applies its legislative powers, the 'Rectification of Building Work Policy' was introduced. A copy of this policy is available at qbcc.qld.gov.au

The policy outlines the types of defective building work QBCC is able to investigate, together with the time limits that apply to notification and investigation of these defects.

This policy provides information on:

- Structural Defective Work
- Non-structural Defective Work

What the QBCC cannot assist with

A list of specific exemptions can be found in the Queensland Building and Construction Commission Regulation 2018 - s5, however generally speaking, the QBCC cannot investigate complaints concerning:

- work that is not building work as defined by s5 of the Queensland Building and Construction Commission Regulation 2018
- work carried out that is valued \$3,300 or under (including labour, materials and GST) – excluding plumbing, drainage, gas fitting, termite management – chemical system installation, building design and completed building inspections which can be investigated regardless of the value of work

- for Early Dispute Resolution, building work other than Domestic Building Work, in accordance with Schedule 1B of the *Queensland Building and Construction Commission Act 1991* – for example: commercial or industrial work
- damage caused due to owner maintenance or lack of maintenance
- damage caused by natural disasters (owner should consult their Home and Contents Insurance Policy)
- damage where an owner is unable to identify the person responsible for the work
- a product purchased that is defective even where it has been installed by a licensed contractor – for example: malfunctioning oven purchased by the contractor) - please refer to your product warranty
- electrical work – contact the Electrical Safety Office for help

Resolution of your complaint

If the Building Inspector determines your contractor is liable, a direction may be issued for the contractor to rectify defective building work. In most cases, the rectification period will be 35 days.

If a contractor fails to comply with a direction, the QBCC may commence disciplinary action in the QCAT or Magistrates Court or for residential construction work (covered under the Home Warranty Scheme), the work may be rectified as a claim under the insurance policy.

If the Building Inspector determines the contractor is not liable for your complaint items, we will advise you in writing and take no further action.