

# PRODUCT SUBSTITUTION AND ORIENTED STRAND BOARD BRACING SHEETS (OSB BRACING SHEETS)

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**Non-conforming building product** (NCBP) laws apply to you as an installer (refer to '[NCBP responsibility of installers](#)'), or supplier (refer to '[NCBP responsibility of designer, manufacturers, importers and suppliers](#)'), to ensure the products you are installing or supplying are not NCBPs.

In order to ensure that a **building product** is not a NCBP, it must have appropriate Evidence of Suitability (refer to the [Australian Building Codes Board \(ABCB\) website](#) – Evidence of Suitability Handbook) and sufficient **required information** to meet the **relevant regulatory provisions** relevant to its intended use. There are various ways in which Evidence of Suitability can be provided by **persons in the chain of responsibility** for a building product, as set out in the Evidence of Suitability Handbook.

## Product substitution

If the **building product** you propose to install is not specified in the building approval documents, or is being substituted from those stated therein (for example, due to supply chain issues, or swapping bracing sheet materials, etc.), you must obtain approval for the **building product's** use or substitution from the party who prepared the relevant part of building approval documents (for example, the engineer that prepared the drawings or architect that prepared the plans). If such approval is given, an amendment to the building approval will need to be obtained from the building certifier. This ensures the building approval documents reflect the **building products** that are being used for the work.

As an **installer**, you must ensure that all **building products** you install are not NCBPs, even if your client is supplying building products for you to install (for example, in respect of OSB bracing sheets, you must request and obtain appropriate Evidence of Suitability, sufficient **required information** and any installation or use instructions for the **building products**).

By using appropriately certified **building products** (i.e. those with appropriate Evidence of Suitability), which are accompanied by sufficient **required information** and endorsed in the building approval documents, the **building products** you install should be suitable for their **intended use**, making them authorised for installation and safe for you and your clients.

## OSB bracing sheets

OSB bracing sheets have been identified as a concern, in that there may have been instances where OSB bracing sheets have been installed as bracing boards without sufficient evidence being obtained that the **building product** is suitable for use in this manner. While OSB bracing sheets are not manufactured in Australia, they can be suitable for use as a structural brace sheet, provided appropriate Evidence of Suitability and sufficient **required information** are obtained and its use as a structural brace sheet is assessed as acceptable by the building certifier for the work.

## Further information

The use of NCBPs is a nation-wide issue that affects everyone. While Queensland has a rigorous building certification process, safety is always of the utmost importance, and Queensland buildings need to meet high standards to ensure they are safe.

The laws regarding NCBPs are contained within Part 6AA of the *Queensland Building and Construction Commission Act 1991* (the QBCC Act) and commenced operation on 1 November 2017.

The laws place greater obligations on **persons in the chain of responsibility** to ensure that each person is accountable, and their building products are fit for their **intended use**. For more information about NCBPs and your responsibilities as a **person in the chain of responsibility**, visit the [NCBP page](#) on the QBCC's website.

## Definitions

The terms which appear above in **bold** are defined in the QBCC Act as follows:

A **building product** is any material or other thing associated with, or that could be associated with, a building.

**install** and **installer** means-

A person **installs** a building product in a building, and is an **installer** of the building product, if the person-

- (a) personally installs the product in the building; or
- (b) supervises the installation of the product in the building; or
- (c) carries out the relevant work in relation to which the product is installed in the building; or
- (d) engages a person to do an activity mentioned in paragraph (a), (b) or (c).

**Intended use** means – for a building product, means a use for which the building product is intended to be, or is reasonably likely to be, associated with a building.

A building product is a **non-conforming building product** for an intended use if—

- (a) the association of the product with a building for the use—
  - (i) is not, or will not be, safe; or
  - (ii) does not, or will not, comply with the relevant regulatory provisions; or
- (b) the product does not perform, or is not capable of performing, for the use to the standard it is represented to perform by or for a person in the chain of responsibility for the product.

A person is a **person in the chain of responsibility** for a building product if-

- (a) the person -
  - (i) designs, manufactures, imports, or supplies the building product; and
  - (ii) knows, or is reasonably expected to know, the product will or is likely to be associated with a building; or
- (b) the person installs the product in a building in connection with relevant work; or
- (c) the person is an architect or engineer who, in designing a building, specifies that the product be associated with the building.

**relevant regulatory provisions** means –

- (a) in relation to relevant work mentioned in the definition **relevant work**, paragraph (a)—the building assessment provisions under the *Building Act 1975*; or
- (b) in relation to relevant work mentioned in the definition relevant work, paragraph (b) or (c) - the *Plumbing and Drainage Act 2018*.

**relevant work** means –

- (a) building work under the *Building Act 1975* other than work mentioned in section 5(2) of that Act; or
- (b) plumbing work under the *Plumbing and Drainage Act 2018* directly connected to a building; or
- (c) drainage work under the *Plumbing and Drainage Act 2018* directly connected to a building.

**required information**, for a building product, means – information about the product that –

- (a) for each intended use of the product, states or otherwise communicates the following—
  - (i) the suitability of the product for the intended use and, if the product is suitable for the intended use only in particular circumstances or subject to particular conditions, the particular circumstances or conditions;
  - (ii) instructions about how the product must be associated with a building to ensure it is not a non-conforming building product for the intended use;
  - (iii) instructions about how the product must be used to ensure it is not a non-conforming building product for the intended use; and
- (b) complies with the requirements for the information, if any, prescribed by regulation for this definition.

## Disclaimer

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If you have any questions as to how the NCBP laws apply to you, it is recommended you obtain independent advice regarding how to discharge your duties under the QBCC Act and achieve compliance with the **relevant regulatory provisions for building products**. This is especially important if you (or your company) intend to later rely upon that advice to demonstrate satisfaction of your duties under Part 6AA of the QBCC Act or other legislative obligations.