

# QUEENSLAND BUILDING SERVICES BOARD POLICY

## SECTION 72: POWER TO REQUIRE RECTIFICATION OF BUILDING WORK

### PREAMBLE

The BSA requires that all work performed by contractors be in accordance with the Building Act and completed in a good and workmanlike manner. When a contractor fails to satisfy this requirement the Authority may direct the contractor to rectify the work.

Under Section 72 of the QBSA Act, the Authority maintains discretion as to when it may direct a contractor to rectify defective work. In applying this discretion, the BSA will consider the severity of the defect and how long it took to appear after the work was practically completed.

### POLICY:

**Section 72 : Passage of time as related to degree or scale of defect.**

In deciding whether or not a direction will be issued, the Authority will consider the passage of time from completion of the building work to lodgement of notification, in conjunction with the degree or scale of the defect.

### DEFECTS ABOUT WHICH A DIRECTION WILL NORMALLY BE ISSUED:

#### CATEGORY 1 DEFECT:

##### Description:

A defect which may:

- allow water penetration into a building
- adversely affect the health and/or safety of the occupants
- adversely affect the structural adequacy of the building
- adversely affect the serviceability, performance or functional use of the building or works

##### *Examples:*

Examples of Category 1 defects are:

- leaks in roofs, showers, doors, windows or walls
- faulty or inadequate flashing
- footing movement – subsidence or settlement
- faulty or inadequate damp proof course
- fretting or spalling masonry
- inadequate strength mortar

- extensive cracking or distortion of wall or ceiling lining beyond normal frame settlement, shrinkage or thermal movement
- extensive cracking or dislodgement of floor or wall, tiles
- defective, incomplete or inadequate termite protection methods
- inadequate provision for discharge of roof water
- incorrect or inadequate site drainage
- paint – large areas delaminating – adhesion failure
- use of materials not fit for the purpose

**TIME FOR LODGEMENT:**

**CATEGORY 1 DEFECTS SHOULD BE NOTIFIED TO THE AUTHORITY:**

- within 6 years and 3 months after completion of the work
- within 3 months of the defect becoming apparent, but in any case not later than 6 years 3 months after completion of the work

**CATEGORY 2 DEFECT:**

**Description:**

A defect which is not a defect of another category and which:

- results from failure of the contractor to meet reasonable standards of construction and finish
- is of a kind which commonly occurs during the “settling in” period of a new building

***Examples:***

Examples of Category 2 defects are :

- sticking doors or windows
- cracked plasterboard joints, cornice joints
- poor finishing detail

**TIME FOR LODGEMENT:**

**CATEGORY 2 DEFECTS SHOULD BE NOTIFIED TO THE AUTHORITY:**

- within 6 months following completion of the work

- within 6 months of the work being left incomplete
- or, if it can be shown that the contractor has been notified in writing within 6 months of completion but has failed to rectify, then the period of notification may be extended to 7 months.

**Note:** The Authority will not normally issue a Direction where the work has been completed for more than 7 months.

## **DEFECTS ABOUT WHICH A DIRECTION WILL NOT NORMALLY BE ISSUED:**

### **Description:**

A defect which:

- is not readily noticeable to the eye
- requires minimal repair
- would require significant repair cost for minimal gain
- by repair would unreasonably create additional defects
- does not relate to building work as defined
- is not caused by the contractor

### **Examples:**

- an isolated wall or ceiling defect where repair would achieve little but involve significant repainting
- one or two cracked or chipped bricks in not so prominent positions where replacement would involve unreasonable cost and/or the repair would create further problems such as mortar mismatching, etc.
- incorrect earthworks by others in preparation of a building site
- defects caused by others, other than employees or sub-contractors of the principal contractor.

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***This Policy was made by the Queensland Building Services Board on 20 December 1995 and took effect from 9 February 1996.***

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