

Builders be Aware – Don't Simply Follow the Product Installation Guidelines

Non-conforming building products and the issues they raise for both builders and consumers have been at the forefront of media articles at various times over the years with serious claims and safety concerns arising over 'dodgy' building materials.

This article poses the question and raises concerns for builders that even 'conforming' building products, if not installed correctly, may be in breach of the National Construction Code (NCC), Australian Standards or Building Code of Australia (BCA).

With every product comes instructions on how to use it. The same goes for building products and with technology and advancements in manufacturing new building products are coming on to the market regularly.

Manufacturers may be capable of producing 'conforming' building products, but are they capable of providing 'compliant' installation guidelines? Is the same level of care being applied to these guidelines and specifications?

The manufacturer is a long way down the chain in a claim brought by a residential dwelling owner under the Home Building Act 1989 for a breach of statutory warranties. What is the downfall for a manufacturer in providing instructions on installing a product that may work in isolation for that product but lead to serious defect issues arising for the consumer?

At the end of the day, it is the builder who is going to be primarily liable for damages arising from a breach of statutory warranties if defects arise from the non-compliant installation of building materials.

Can a builder simply take it for granted that specifications provided for installation are compliant with the BCA? The short answer is 'No'.

Looking at waterproofing detail for example, with water ingress problems forming the majority of issues in building defect claims, complex detail of window flashings or transition flashings exist under the building codes. If a builder simply follows the installation guidelines for the product and takes it for granted that they are compliant they may find themselves in breach and up for considerable remedial works or the payment of damages.

A timely reminder for builder's not to simply rely on product installation guidelines as they may find themselves in breach.

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