



Building Newsflash

Acceptance of Termite Management Measures

Purpose

The purpose of this Newsflash is to provide advice on the assessment of termite management measures, for Class 1 and 10 buildings.

Background

Volume 2 of the BCA requires building certifiers to be satisfied that the primary building elements of all susceptible Class 1 and Class 10 buildings are protected against damage by subterranean termites. Any barrier used must comply with the deemed-to-satisfy provisions or the performance requirements of the BCA.

From 1 May 2006, a Queensland variation to the BCA will require a barrier that is not able to be readily replenished or replaced, to have a design life of 50 years (may be less for class 10).

The Queensland variation raises a number of issues regarding the forms of documentary evidence, which verifies the design life of a termite management measure, certifiers are likely to receive from suppliers of systems.

Legislation

Evidence of suitability

Part 1.2.2 of the Housing Provisions of the BCA provides details on the forms of evidence that can be used to support the use of a termite management measure that is being assessed against the deemed-to-satisfy or performance requirements of the BCA.

Application of Part 3.1.3

Part 3.1.3 contains the termite management provisions of the BCA. Part 3.1.3 only applies to the primary building elements of class 1 and 10 buildings that are susceptible to termite attack. Clause 3.1.3 (b) (ii) lists the materials that are deemed termite resistant. The materials include elements complying with AS3660.1 - Appendix C - naturally durable timbers and Appendix D - treated timbers. A building or structure that uses termite resistant materials in all of its primary building elements is not susceptible to termite attack and therefore does not have to comply with the provisions of Part 3.1.3.

Application of design life requirements

The design life requirements of the Queensland variation to clauses 3.1.3.0 (b) and 3.1.3.2 (a) (i) of Volume 2 of the BCA only apply to termite management measures that cannot be easily and readily accessed to enable replenishment or replacement to occur.

Interpretation

The building certifier is responsible for deciding whether the evidence submitted in support of a measure is adequate. The certifier can request additional information or opinions from competent persons in support of a decision about the use of a measure.

The forms of evidence specified in 1.2.2 of Volume 2 can be used to support a certifier's decision on the suitability of a product. However if the evidence submitted does not address the design life of the termite management measure, the certifier should request additional advice on that matter to enable an informed decision before approving the use of the system.

Other forms of evidence that would be reasonable for a certifier to accept include:

- *Systems assessed against AS3660 Part 3* – Assessment criteria for termite management systems. Part 3 specifies the criteria for assessing the effectiveness of termite management systems intended for use in buildings. Certifiers should ensure that any report on a system assessed against this Standard contains details on the estimated service life of the system to enable a decision to be made as to whether the requirements of Part 3.1.3 can be satisfied.
- *Certificates of conformity* issued by the Australian Building Codes Board (ABCB). These certificates were issued for systems that, based on suitable documentary evidence, were shown to meet the performance requirements of the BCA. Each State and Territory was responsible for assessing the suitability of the system and had provisions in their respective building laws (section 13 of the *Standard Building Regulation 1993* [SBR] in Qld) that gave automatic recognition to systems issued with a certificate. This process provided a rigorous assessment of a system by the States and Territories, which involved detailed analysis of the supporting evidence provided by the manufacturer. In Queensland's case, any system that could not be shown to be effective for the reasonable life of a building would not be supported.

Certificates of conformity are no longer issued by the ABCB but some may still be current and still have the protection given by the SBR. Details of current certificates can be obtained from the ABCB at www.abcb.gov.au.

Systems that were previously issued with a certificate of conformity in Queensland and which have recently expired should still be suitable for use provided the system is consistent with the details contained in the certificate of conformity. Before the Department would allow a certificate of conformity to be issued for use in Queensland, as part of the assessment of a termite management system, the Department had to be satisfied that the manufacturer was able to provide documentation supporting a design life of the system of, generally, not less than 50 years. In some cases this was a statement by the manufacturer on the design life of the system based on available scientific data, results of field trials, accelerated testing, etc.

Certifiers choosing to adopt this process should assess each case on its merits.

- *Certificates issued under the CodeMark.* The CodeMark scheme replaces the previous certificate of conformity scheme. It is not mandatory to obtain a CodeMark certificate. Amendments to the SBR will commence on 1 May 2006 to give the same automatic recognition to CodeMark certificates that applied to certificates of conformity. Details on the CodeMark scheme can be obtained from the ABCB.
- *Declaration on design life by the manufacturer.* Manufacturers of any product are obliged to comply with the *Trade Practices Act 1974* and the *Fair Trading Act 1989*. These Acts make it unlawful for a person to falsely represent that goods are of a particular standard quality, value, grade or composition and consumers may have statutory remedies for defective goods that do not conform to design requirements. Reasonable reliance should therefore be able to be placed on a manufacturers claims on the anticipated design life of a system. Manufacturers are generally able to back up their claims with evidence such as an opinion by an expert in the particular field, scientific data resulting from field or laboratory trials, etc. This was the approach taken by the Department when assessing applications for certificates of conformity.

Warranties versus design life.

The purpose of the Queensland variation to the termite management provisions of the BCA is to ensure that a reasonable assurance, based on scientific data, is given by a system provider that there will be no loss of function of a termite management system over a design life of not less than 50 years. The legislation does not intend to require, and it is unreasonable to expect, a system supplier to warranty their system for 50 years.

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