



Fact Sheet

The Building Code 2013 – Questions and Answers

Introduction

The Building Code 2013 (the Code) sets out the requirements for all building contractors or building industry participants involved in Commonwealth funded construction projects. It is issued under s.27 of the *Fair Work (Building Industry) Act 2012* [FW(BI) Act]. Failure to comply with this Commonwealth legislation may result in a contractor or participant being precluded from Commonwealth funded building work. The Code, which came into effect on 1 February 2013, replaces all previous versions of the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry (the Guidelines).

This Fact Sheet is designed to assist building contractors and building industry participants understand the requirements of the Code. It is not legal advice or a substitute for the Code itself. Building contractors and participants should refer to the terms of the Code and seek independent legal advice where appropriate.

Who does the Code apply to?

The Code applies to building contractors and building industry participants that have tendered for, or expressed interest in, "building work" that is funded in whole or in part by the Commonwealth, or have performed work on those projects that are within the scope of the Code. Once covered by the Code in this way, building contractors and participants must meet the requirements of the Code in relation to all their future "building work", regardless of whether it is Commonwealth funded (see also: "*Does the Code apply to my privately funded projects?*" below).

The "building work" covered by this Code is defined in the FW(BI) Act. It excludes, for example, work related to a single-dwelling house that is not part of a development of five or more single dwelling houses.

For "building work" that is covered by the Code, it applies to those contractors or participants who participate in on-site activities, and those where the conduct relates to onsite activities but does not occur on the site. The offsite activities that are covered include building work performed on an auxiliary or holding site separate from the primary construction site (see also: "*Offsite Activities*" below).

I am currently working on a project covered by an earlier version of the Guidelines. Do I need to change anything?

Building Code Questions Answers

BM King



Building Code Questions Answers

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