

## QUEENSLAND NEW HOME CONSTRUCTION - FAQ'S!

### What regulatory Act protects you when you are building?

Residential building is under the Queensland Building and Construction Commission Act 1991 (QBCC) which establishes the contractual relationship between builder and client.

The legislation sets out the requirements around licensing and the scope of works that can be undertaken by the builder.

The builder must give the owner a Consumer Building Guide in the prescribed form before entering into the contract and then on signing a copy of the contract, including plans, engineering and specification for the work.

There are various provisions under the QBCC Act that affect the performance and payment of work under the contract such as cooling off periods; commencement notice, extensions of time and variation requirements, caps on deposits, QBCC insurance, and rules around handover and completion.

### How does an owner deal with a dispute that cannot be resolved directly with builder?

In the first instance any disputes should be discussed between the builder and owner to avoid costly and protected escalation of the dispute that benefits neither party.

However, the QBCC is equipped to resolve these matters. The QBCC have the right to intervene in most building disputes, particularly where the quality of work is in question to determine if it

meets standards and tolerances.

The QBCC also administers an Early Dispute Resolution (EDR) service which is available to both the builder and the owner and is a prerequisite to action in the Queensland Civil and Administrative Tribunal (QCAT). Ultimately building disputes will be determined in QCAT where the early dispute resolution fails.

### What if the owner wish to change plans or add material during construction


While it will depend on the nature and extent of the change and how this affects the overall integrity of the work, generally the builder will issue a Variation document which must be agreed to in writing. This agreement can take the form of an email advising acceptance. The Variation must contain the full details of the materials and costs and any extensions of time required by the builder to complete the work.

### What protection is in the QBCC Act/contract for defective work after Practical Completion

**A. Structural Defects** - Builders have to give 6 years 3 months structural warranty from when the work was completed eg leaking roof

**B. Non-structural Defects** - 12 months from when the home is completed eg sticking doors

The owner has additional 6 months to lodge a notice for breach of warranty if they have advised the contractor in writing.

**Note:** This is a general information only and any specific issues require you to consult with your own legal representative. 



**PAT & PETRINA RYAN**  
Ryan Designer Homes

### ABOUT THE AUTHOR

Husband and wife team, Pat and Petrina Ryan have over 30 years in the building industry. Pat currently presides as Chairperson of H.I.A Sunshine Coast and Wide Bay region and sits on the Queensland executive committee. Petrina won the 2012 Master Builders Sunshine Coast Woman in Building award and currently serves on the QMBA committee on the Sunshine Coast. Ryan Designer Homes have also successfully qualified and won three national awards.



*"It's hard to believe that this beautiful home started out with mould on the walls and ceilings, warped doors, no windows and toads were living inside! From that to this!"*

**Ryan Designer Homes team are here to listen, cost manage and plan for the success of designing, building and renovating your home.**

'Living Design' is our philosophy!

**Expect the unexpected when you sit down to discuss the latest developments in homebuilding and renovating with the RDH team.**

## Renovation Expertise



Contact Petrina Ryan Monday – Friday 5444 7799  
or arrange a weekend appointment on 0413 621 879.

petrina@ryandesignerhomes.com.au  
www.ryandesignerhomes.com.au