

Legal Advice for Homeowners Building or Renovating

Construct Law Group Pty Ltd is a boutique building and construction law firm. Our lawyers have significant experience in acting for homeowners in domestic building matters in Queensland.

Whether it be your first home or renovation, or one of many, building a home can be a stressful and trying time for you and your family. We understand the process and we are able to assist you in understanding your legal rights and obligations.

Before you sign your building contract, it is important that you are aware of your rights under the building contract and that you minimise any risks. For example, you should be aware of any clauses that may result in an increase in costs to you. In Queensland, domestic building contracts are required to comply with Schedule 1B of the Queensland Building & Construction Commission Act 1991 (Qld) and you, as the owner, may have the benefit of the Queensland Building and Construction Commission's (QBCC) Home Warranty Scheme.

CONTRACT ADVICE, REVIEW AND RISK MANAGEMENT

We can assist homeowners with their building contracts by:

- helping them to understand the building process; and
- reviewing their building contract and advising on rights, liabilities and obligations prior to signing the contract.

It is important that you seek legal advice prior to signing a building contract or any other agreement with your builder (such as a preliminary agreement or variations).

Builders may have their own form of contract, which is favourable to them, or they may be using a standard form industry contract, such as a Master Builders, QBCC or Housing Industry Australia contract. Either way, you should know and understand your rights and obligations under that building contract.

We can provide advice at short notice to assist with making important and timely decisions affecting your home. Often a decision made well and early reduces the likelihood, scope and cost of any dispute later on.

COMPLAINTS TO QBCC REGARDING DEFECTS OR A CLAIM ON HOME WARRANTY SCHEME

We can assist homeowners with a complaint to the QBCC by:

- preparing the complaint to the QBCC regarding defective work carried out by the builder;
- reviewing a decision of the QBCC if they are unhappy with it; and
- assisting them with a claim in relation to the QBCC Home Warranty Scheme.

The QBCC regulates the building industry in Queensland. It is responsible for the licensing of builders, resolving disputes regarding defective building work and it administering the Home Warranty Scheme.

We have extensive experience both acting for and against the QBCC. We are able to assist with administrative review of decisions of the QBCC in relation directions to rectify and the Home Warranty Scheme.

DISPUTE RESOLUTION AND TRIBUNAL (QCAT) PROCEEDINGS

We can assist homeowners with a dispute with their builder, for example, by:

- helping to resolve the dispute while the project is underway or after it is complete;
- giving proper notices under the contract, such as default and termination notices;
- representing them in the Tribunal (QCAT) or other Courts; and
- engaging appropriate building experts on their behalf.

In the unfortunate event that you get into a dispute with your builder, we are able to assist you to negotiate a resolution. Our aim is to help resolve disputes commercially without having to proceed to litigation.

In the event that the matter cannot be resolved, for example where a builder has an unreasonable expectation, we can act on your behalf in commencing or defending proceedings in QCAT.

We can assist in choosing the right forum for your dispute and strategically guiding it to its final resolution. Our experience and expertise enables us to refer you to recognised experts and consultants to assist in domestic building disputes.

Domestic building contract review

Fixed Contract Review

We offer the following different fixed price options to review your standard form residential building contract:

Service	Details	Price (exl GST)
Scope 1 Verbal Advice	1. Review of your building contract including the schedules, special conditions and annexures. 2. Carry out a QBCC License search of the builder and consider any impact it may have on your contract. 3. Attend a 1-hour meeting or telephone conversation with you to discuss your project, obtain further instructions where necessary and provide verbal recommendations and advice.	\$950[#]
Scope 2 Written Advice	1. Items 1 and 2 from Scope 1. 2. Attend a 1-hour meeting or telephone conversation with you to discuss your project and obtain further instructions where necessary. 3. Provide a written advice on the building contract and a schedule of recommended amendments.	\$1,650[#]

[#] The above fixed price fee is in addition to our file opening fee of \$52.60 and any company searches required to be carried out and is subject to the following conditions:

Conditions

- That the residential building contract being reviewed is based on a current version standard form building contract issued by the Queensland Master Builders' Association (QMBA), Housing Industry Australia (HIA), Queensland Building and Construction Commission (QBCC) or Swimming Pool and Spas Association Inc (SPASA).
- That the Special Conditions (if any) do not purport to substantially alter the General Conditions to the building contract.
- That any related contract documents (such as the specifications, foundations data or tender/quotation) do not contain terms which have the effect of operating as Special Conditions.
- That you are a resident homeowner. In the event that you are a non-resident homeowner an additional fee will be applicable for advice.
- We do not provide technical advice on the plans, specifications or the build-ability of the residence. We can refer you to a professional building expert for such advice.
- The above price is subject to the terms of our costs agreement and disclosure notice.
- The fixed fee amount is required to be placed into our Legal Practice Trust Account prior to commencing work on your matter.

How to proceed

1. Email aleisha@constructlaw.com.au the following details:
 - a. your full name and contact details;
 - b. the name of the builder (including ACN and QBCC licence number);
 - c. the property address;
 - d. the type of contract (ie. QBCC, HIA, QMBA, SPASA or other) and the type of work; and
 - e. the proposed contract price.
2. We will email you back and confirm whether we have a conflict of interest and if not, we will request a copy of the building contract (including attachments) via email or delivery to our office.
3. We will prepare and email to you our costs agreement and disclosure notice and request that you deposit the fixed fee amount into our Trust Account to be held on your behalf for our future costs and outlays.
4. You sign and return our costs agreement and disclosure notice and deposit money into our Trust Account.
5. We will then review your building contract and arrange a meeting or teleconference to discuss the recommended amendments and shortly after provide you with the written advice (if applicable).