



# New Law Bulletin

## Building? Then You Should Know.....

The Queensland Government introduced a number of significant reforms to building and construction law in recent times. Some of these changes are still coming into force.

The QLD Building Services Authority (BSA) is now known as the QLD Building and Construction Commission (QBCC).

A summary of some of the more interesting and relevant changes is as follows:

### **REVIEW**

Previously if the QBCC made a decision that was unfavourable to a person, that person had to apply for a review in the Queensland Civil and Administrative Tribunal (QCAT).

Now, somewhat similar to QLD Transport internal review process, a reviewable decision can now be reviewed internally within the QBCC.

This is desirable because it is a free process and still leaves the person with the right to have the decision externally reviewed by QCAT, should the internal review be unfavourable.

### **INJUNCTIONS AND STOP ORDERS**

The QBCC can now apply to the Supreme Court to grant an injunction in order to stop conduct that contravenes the QBCC Act or the Building Act. This is an entirely new regime. For example, the QBCC can apply for an order stopping someone from doing defective building work.

### **DOMESTIC BUILDING CONTRACT CHANGES**

The Domestic Building Contracts Act has been repealed (is no longer in force). Such contracts are now governed by the QBCC Act. There are new regulations that relate to the monetary value of the contract – level 1 and level 2 types.

### **DISPUTE RESOLUTION PROCESS**

If a person has a problem with a builder, the QBCC may now require that person to “mediate” with the builder at the request of the QBCC. This will occur before the QBCC directs the builder to rectify defective work, or remedy other damage. Early dispute resolution is also necessary before a Building Dispute Application can be lodged in the QCAT.

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The old differentiation between category 1 and category 2 defects is replaced with “structural” and “non-structural” categories.

There is now a time limit of 6 years and 3 months for the QBCC to give a direction to rectify structural defects after their completion. For non-structural defects the limit is only 12 months.

### **CONSEQUENTIAL DAMAGE**

The QBCC can now also direct a person to provide remedies for consequential damage, for example damage caused to another site or other losses that flow.

Therefore, at the end of the day if you have difficulties with a building contractor or in relation to a construction of a building (whether that is yours or an adjoining property) it would pay to seek legal advice with these new changes that have been introduced.

You should contact **rb lawyers** in this regard.

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