



winchester young + maddern

S O L I C I T O R S

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“In Brief”

Newsletter
Issue 8
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The information in this newsletter is current as at February 2006

Avoiding Domestic Building Contract Disputes

The *Domestic Building Contracts Act 2000* (DBC Act) was introduced to provide improved protection and information for homeowners and requires licensed contractors to ensure that their building agreement complies with many key provisions.

It is important to understand what is required to comply with the Act, particularly if you seek to use contract documentation to enforce your rights or defend a claim made against you.

All domestic building work valued at over \$3300 must be covered by a written contract which complies with the Act. Organisations such as the Housing Industry Association (HIA), Building Services Authority (BSA) and Master Builders Association (MBA) publish contracts which comply with many key provisions. It is necessary that contractor review the contract document and ensure that all relevant information is accurately

input into before it is signed. Particular attention is needed with regards to reasonable estimates of prime cost and provision sum items contained in the schedule with the required details for the same.

Failure to fully and accurately document changes to the original contract is a frequent cause of building disputes. Whether initiated by the contractor or the homeowner additional work must be fully detailed in writing and supported by plans and specifications were required as variations form part of the contract documentation. Variations must be put in writing before the work is started, and copied to the home owner as soon as practicable, except where the work is urgent and it is not practicable to put it in writing first. The variation document must be legible; signed by the contractor; describe the variation; state the reason for the variation; provide an estimate of the delay which may result from the variation; state the change to the contract price or the method of calculation of the price change and state when the price for the variation is to be paid or credited.

If you require advice regarding the contents of your contract documents or a domestic building dispute please make an appointment to see Glendon Young of our office.

WINCHESTER YOUNG + MADDERN NEWS

Monique Dalais has recently joined the litigation team at Winchester Young and Maddern as a Senior Solicitor.

Monique has 10 years post admission experience and an extensive background in commercial litigation with city firms across Australia.

Monique's vast experience is welcomed by all members of the firm and will ensure that our clients are able to readily access the expertise of the team as it continues to grow.

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