

Importance of Having Written Domestic Building Contracts

As experts in construction law, our construction lawyer in Melbourne understands the importance of written building contracts. We can help you draft and review these contracts so you can understand your obligations and how you can enforce your rights under your contract.

Why is it important to have a written contract?

A Domestic Building Contract is a written document that contains the agreement between the homeowner and the builder for the construction works at the homeowner's property. It carefully explains each of the obligations and rights of the parties, the payment terms, the date when the work will start, and the expected date of completion. Our contract specialists understand the advantages of having written residential contracts and the risks involved with each of the terms and conditions. Having a written contract ensures that the risks are clearly addressed, documented, and agreed upon by the parties.

We can help you go through and understand the important elements of the contract and make sure that the contract:



complies with all the relevant domestic building construction laws;



protects the rights of both the homeowners and builders;



ensures that the plans and specifications of the works are laid out clearly; and



ensures that both the homeowner and builder are on the same page and has the same goal for the project.

**You Can Be Confident That You Are Getting
The Right Legal Advice.**

Contracts Specialist Is A Sydney-Based Construction Law Firm That Deals With Building Disputes, Construction Contracts, Debt Recovery, And Security Of Payment. With Contracts Specialist, You Are Ensured That You Are In Good Hands.

What is the Building Act 1993?

The Building Act 1993 is the law that provides for the standards in the building industry and specialist building works in Victoria. Its main concern is that works such as construction, renovation, and alteration of buildings, are done by registered and licensed building practitioners. It also regulates matters in relation to warranties, insurance, contractor licenses, contract prices, health and safety standards, etc.

Who benefits from the Building Act 1993?

Both homeowners and builders primarily benefit from the Act. Thus, it is important to have a domestic building contract that includes terms and conditions that are clear and compliant with the law. Amendments to the Act have also been made to the legislation to add more protection to traders, builders and homeowners.

What other laws and regulations are related to the Building Act 1993?

- Domestic Building Contracts Act 1995
- Building Amendment Act 2012
- Building Regulations 2018
- Plumbing Regulations 2018
- National Construction Code
- Building Code of Australia

Common Domestic Building Disputes to avoid

- Building or construction work delays
- Poor communication among parties
- Negligent building or construction work
- Poor work quality
- Poorly drafted plans, specifications, and contracts
- Trespassing on site

**You Can Be Confident That You Are Getting
The Right Legal Advice.**

Contracts Specialist Is A Sydney-Based Construction Law Firm That Deals With Building Disputes, Construction Contracts, Debt Recovery, And Security Of Payment. With Contracts Specialist, You Are Ensured That You Are In Good Hands.

Are these common domestic building issues subject to the Building Act 1993?

Yes, but the domestic building contract can also address these issues making it an important document for any type of project.

Understanding your Building Contract

What makes a poorly written contract?

A poorly-written contract is a red flag for possible contract breach. If you are about to sign a contract, you must look out for any vague clauses that could cause you problems in the long run. Here are some examples of issues or risks that you must look out for when entering into a domestic building contract.



If there are terms in the contract that do not comply with the **Building Act 1993** or other relevant laws governing domestic building.



If the rights and obligations of the parties under the contract are vague or unclear.



If important details such as the scope of works, time frames for carrying out and completion of works, and payment terms are not stated clearly.

**You Can Be Confident That You Are Getting
The Right Legal Advice.**

Contracts Specialist Is A Sydney-Based Construction Law Firm That Deals With Building Disputes, Construction Contracts, Debt Recovery, And Security Of Payment. With Contracts Specialist, You Are Ensured That You Are In Good Hands.

Writing a Building Contract: A Checklist

- Before engaging any builder or contractor, always check for their builder licence and other certifications. For example, the builder's name must be consistent with their name in the builder's licence.
- Agree on the dates of commencement and completion of works, and write it down in the contract. Do not forget to account for any delays that may occur during the building process.
- Define, agree, and clearly state the scope of work in the contract to ensure accountability.
- Clearly and prominently state the contract price.
- Make sure to specifically identify in the contract the party responsible for any building defects when it happens.
- Make sure to address in the contract any risks that may be encountered during the building process.
- Clearly explain the payment terms under the contract.
- Agree on which party will be responsible for council approvals and building permits, and write this down in the contract.
- Always document events during construction, especially when there is a potential building dispute on the rise.

Communicating with your builder

Alongside a well-written contract, constant communication between parties helps avoid issues that may lead to building disputes.

What our construction lawyer in Melbourne can do for you?

Our specialist building and construction lawyers in Melbourne have extensive experience in drafting and reviewing different types of contracts for our clients – both contractors and homeowners – such as Domestic Building, Commercial Building, Fixed-Price, and Cost Plus contracts, as well as Subcontract Agreements. We understand that well-written contracts can positively affect the success of any building project on both sides.

**You Can Be Confident That You Are Getting
The Right Legal Advice.**

Contracts Specialist Is A Sydney-Based Construction Law Firm That Deals With Building Disputes, Construction Contracts, Debt Recovery, And Security Of Payment. With Contracts Specialist, You Are Ensured That You Are In Good Hands.

Consult with our contract specialists so you can have peace of mind with your projects. Before signing anything, we can make sure that everything stated in the written contract agreement will be in your best interest. Our construction lawyers can give you the confidence that you will only engage in projects with well-crafted contracts, protecting you from any legal issues and building disputes that may come up in the future.

Call us for a free first consult today.

**You Can Be Confident That You Are Getting
The Right Legal Advice.**

Contracts Specialist Is A Sydney-Based Construction Law Firm That Deals With Building Disputes, Construction Contracts, Debt Recovery, And Security Of Payment. With Contracts Specialist, You Are Ensured That You Are In Good Hands.