

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Housing and Public Works
Name of the proposal	Amendment of the <i>Queensland Building and Construction Commission Act 1991</i> to preserve consumer protections under the Queensland Home Warranty Scheme (QHWS)
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Queensland Building and Construction Commission Act 1991</i> (QBCC Act)
Date of issue	15 June 2025

Proposal type	Details
Minor and machinery in nature	<p>The amendments to the Bill amend the QBCC Act to facilitate appropriate application of the Queensland Home Warranty Scheme (QHWS). These amendments are critical due to implications of a Queensland Civil and Administrative Tribunal (QCAT) decision (<i>McGrath v Queensland Building and Construction Commission</i> (QBCC) and Ors, 11 September 2024) for some of the QBCC’s previous and current actions regarding the QHWS.</p> <p>The QCAT decision has highlighted potential implications for certain consumers’ entitlement to insurance cover under the QHWS. QCAT considered that QHWS policies are valid only if the contract is (at a minimum) in written form and signed and dated by the parties.</p> <p>QBCC has historically assessed claims on the understanding that an informal contract (including oral and other forms of informal agreement) could be considered a contract under common law principles for the purpose of the QHWS. If this approach is no longer valid, there may be implications for the entitlement of consumers to cover under the QHWS.</p> <p>These amendments will validate QBCC’s previous conduct and clarify the provisions to ensure QHWS coverage continues to be available when informal common law contracts exist. This will ensure the QHWS framework remains contemporary and provides adequate protection for Queenslanders.</p> <p>The impacts are minor and the amendments are curative in nature and aim to preserve consumer protections under the QHWS that align with existing policy intent. The amendments have no regulatory cost and do not result in any change to regulatory policy or new impacts on business, government or the community.</p>

Signed



Mark Cridland
Director-General
Department of Housing and Public Works

Date: 15 / 06 / 2025



Sam O'Connor MP
Minister for Housing and Public Works and
Minister for Youth

Date: 15 / 06 / 2025