**Checklist for owners entering into contracts for residential building work worth more than $20,000**

Approved form under: Home Building Regulation 2014 (NSW) (clause 8)

**Checklist**

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| --- | --- | --- |
|  | Have you checked that contractor holds a current contractor licence? | **Yes  No** |
|  | Does the licence cover the type of work included in the contract? | **Yes  No** |
|  | Is the name and number on the contractor’s licence the same as on the contract? | **Yes  No** |
|  | Is the work to be undertaken covered in the contract, drawings or specifications? | **Yes  No** |
|  | Does the contract clearly state a contract price or contain a warning that the contract price is not known? | **Yes  No** |
|  | If the contract price may be varied, is there a warning and an explanation about how it may be varied? | **Yes  No** |
|  | Are you aware of the cooling-off provisions relating to the contract? | **Yes  No** |
|  | Is the deposit within the legal limit of 10%? | **Yes  No** |
|  | Does the contract include details of the progress payments payable under the contract? | **Yes  No** |
|  | Do you understand the procedure to make a variation to the contract? | **Yes  No** |
|  | Are you aware of who is to obtain any council or other approval for the work? | **Yes  No** |
|  | Do you understand that any registered certifier required to certify work under the contract is to be selected by you and the contractor cannot object to your selection? | **Yes  No** |
|  | Do you understand that you are not required to pay the contractor a deposit or any progress payments until the contractor has given you a certificate of insurance under Part 6 or Part 6B of the *Home Building Act 1989* (except where the work is of a kind that does not require insurance)? | **Yes  No** |
|  | Does the contract include either of the following:  (a)  the cost of the insurance under Part 6 of the *Home Building Act 1989*,  (b)  the cost of the alternative indemnity product under Part 6B of the *Home Building Act 1989*? | **Yes  No** |
|  | Has the contractor given you a copy of the Consumer Building Guide, which provides key information about your rights and responsibilities under NSW’s home building laws and where to get more information? | **Yes  No** |
|  | Does the contract include a statement about the circumstances in which the contract may be terminated? | **Yes  No** |
|  | Does the contract include the Security of Payment Guide which provides key information about your rights and responsibilities under the Building and Construction Industry Security of Payment Act 1999 and the Building and Construction Industry Security of Payment Regulation 2020? | **Yes  No** |

**Signatures**

Do not sign the contract unless you have read and understand the clauses as well as the notes and explanations contained in the contract and this document.

If you have answered “no” to any question in the checklist, you may not be ready to sign the contract.

Both the contractor and the owner should retain an identical signed copy of the contract including the drawings, specifications and other attached documents. Make sure that you initial all attached documents and any amendments or deletions to the contract.

**Signed copy of contract**

Under the *Home Building Act 1989* a signed copy of the contract must be given to the owner within 5 working days after the contract is entered into.

**Insurance under Part 6 or Part 6B of the Home Building Act 1989**

The contractor must provide you with a certificate of insurance under Part 6 or Part 6B of the *Home Building Act 1989* before the contractor commences work and before the contractor can request or receive any payment.

**Acknowledgement of owners**

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| --- | --- |
|  | I/We have been given a copy of the Consumer Building Guide and I/we have read and understand it. |
|  | I/We have completed the checklist and answered “**Yes**” to all items on it. |

**Note.**

Where the owner is a company or partnership or the contract is to be signed by an authorised agent of the owner, the capacity of the person signing the contract, eg director, must be inserted.

**Signatures**

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| Name *(print):* | Click or tap here to enter text. |  | Name *(print):* | Click or tap here to enter text. |
| Capacity *(print):* | Click or tap here to enter text. |  | Capacity *(print):* | Click or tap here to enter text. |
| Date | Click or tap to enter a date. |  | Date | Click or tap to enter a date. |