

22 September 2026

The Honourable Samuel O'Connor MP
Minister for Housing and Public Works
Minister for Youth
EMAIL: [REDACTED]

Dear Minister,

Introducing a 10-Year Long-Stop Limitation Period for Building Actions in Queensland

I am writing to urge the government to consider introducing a 10-year statutory long-stop limitation for building actions in Queensland. In effect capping the time period in which anyone can commence legal proceedings against a building practitioner to 10 years or to what is already in legislation; whichever is earlier.

This reform would better balance the commercial risks borne by building practitioners, provide greater certainty in managing their business and insurance obligations, and bring Queensland into line with the majority of Australian jurisdictions. It would also support the government's objective of positioning Queensland as the "construction capital of Australia" by creating a more balanced, consistent and predictable regulatory and risk environment.

Currently, under the *Limitation of Actions Act 1974*, a proceeding in negligence must be commenced within six years of becoming aware. In the case of latent defects this can be anytime over the life of the building. As a result, a negligence claim can be brought many years, and potentially decades, after the building work was completed. It can come at any time, with business closure or retirement often providing no end point, especially for small businesses which work as sole traders. Builders in Queensland remain exposed to liability for latent defects indefinitely.

Such liability can arise long after other statutory warranty and contractual rights against subcontractors, suppliers, and other responsible parties have expired. A builder may be left carrying responsibility for defective work or defective products with no direct recourse to those who actually performed the work or supplied the materials, only more legal action.

Currently in Queensland building contractors have a responsibility for repairing or replacing defective building work in the following circumstances:

1. Six years under the statutory guarantees contained in the Australian Consumer Law.
2. Six years and six months under the statutory warranty provisions applying to residential construction under the *Queensland Building and Construction Commission Act 1991*.

3. Six years and three months during which the QBCC may direct a contractor to rectify defective building work.
4. Six years and six months during which contractors may be liable under Queensland's statutory Home Warranty Scheme for the cost of repairing or replacing eligible defective building work.

For contract or tort claim there is a limit of six years from when the cause of action arose under the *Limitations of Actions Act 1974*. For a breach of contract claim, the cause of action arises when the breach occurs. However, for a negligence claim, a cause of action does not arise when the negligence occurred, but it may arise many years later when the plaintiff has knowledge of all the facts giving rise to the claim. For building claims it might not be until many years after the works were completed that the damage is suffered (e.g. cracks appear).

Queensland also has a robust regulatory regime, including contractor licensing, compliance monitoring and enforcement activity. As a result, workmanship issues are often addressed before they evolve into long-term problems. Queensland is also well equipped to manage product-related risks through its comprehensive framework regulating non-conforming building products under the *Queensland Building and Construction Commission Act 1991*.

Despite comprehensive consumer protections, builders remain exposed to latent defect claims for an indefinite period. Amongst Australian jurisdictions Queensland is alone with Western Australia in not providing an end date for initiating building actions.ⁱ

To address this imbalance, we seek the government's support to introduce a statutory long-stop period of 10 years for all building actions, including actions in negligence.

The reform should operate as an ultimate limitation period, applying regardless of when a defect is discovered, while preserving existing limitation periods where they expire earlier. In practical terms, if a latent defect only becomes apparent after the expiration of the long-stop period, no court proceedings could be commenced in relation to that defect. Existing contractual rights, Australian Consumer Law protections, QBCC statutory warranties, and Home Warranty Scheme provisions would remain unchanged.

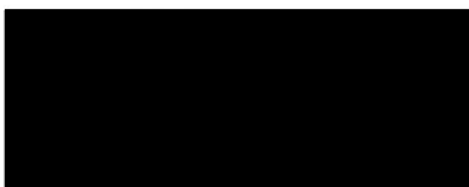
Such a reform would provide a balanced approach between consumer protection and reasonable limits on liability exposure. It would also align Queensland with most other Australian jurisdictions that have recognised the need for a clear and definitive end point for building liability claims.

In summary, introducing a 10-year long-stop limitation period would:

- Provide greater certainty for builders, certifiers, insurers, financiers, and consumers.
- Improve risk allocation across the construction sector.
- Reduce the long-tail liability faced by contractors.
- Support investment and business confidence.
- Encourage participation and growth within Queensland's construction industry.
- Complement the government's broader agenda of increasing housing supply and strengthening the building and construction sector.

We urge the government to consider implementing this important reform. I would welcome the opportunity to discuss this proposal further and can be contacted on [REDACTED].

Regards,



Michael Hopkins
Deputy CEO

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JURISDICTION	BUILDING ACTION LIMITS	LEGISLATION
Queensland	6 year cap for breaches of contract 6 year cap for negligence from becoming aware	<i>Limitation of Actions Act 1974</i>
Victoria	10 year cap for any building action, except for cladding related actions which is 15 years.	<i>Limitation of Actions Act 1958</i>
NSW	10 year cap for any building action (contract, negligence, statutory duty) arising from defective building work	<i>Environmental Planning and Assessment Act 1979</i>
SA	10 year cap for any building action	<i>Planning, Development and Infrastructure Act 2016</i>
WA	Nil	
Tasmania	10 year warranty period for any discovered non-compliance	<i>Building Act 2016</i>
ACT	10 year cap for any building action	<i>Building Act 2004</i>
NT	10 year cap for any building action	<i>Building Act 1993</i>