



enews

INFORMATION SHEET

WORKPLACE SERVICES

Wet weather, rain days and your contract – claiming extra time

In the event that adverse weather conditions such as rain prevent you from doing any building work onsite (or limits the work you can do), it is important to know the procedures for claiming extensions of time to your project's completion date. You cannot presume that an automatic extension of time will be granted.

The HIA New Homes contract sets out the procedure to be followed whenever building works are delayed for events outside the builder's control.

To avoid disputes, always put your claims in writing.

If your building project is delayed by wet weather, a written notice needs to be provided to your client within 10 working days after you become aware of the cause and the extent of the delay. This notice should state the precise number of additional days you are claiming because of the delay.

How long can you claim?

There is no set number of days that can be claimed so it is up to you to determine what effect the wet weather has had on the project. Your client has the right to dispute the length of the claim (however they must do so in writing), so your calculations should be "reasonable and just".

Communication is the key. You should explain to the client that the works may be delayed by not only the days it rains but also by the days it takes for the site to dry out afterwards.

Failing to claim extensions of time can lead to your project going past the time for completion therefore placing you in breach of contract and making you liable to the client for penalties such as liquidated damages.

HIA stationery has a claim for extension of time form available to help you in these circumstances.

For more information call your Workplace Advisor on 1300 650 620.

DISCLAIMER - The above is intended to provide general information in summary form. The contents do not constitute specific advice and should not be relied upon as such. Formal specific advice should be sought by members with respect to particular matters before taking action.

phone 1300 650 620 | fax 1300 655 953 | enquiries@hia.com.au | hia.com.au