

# YOUR GUIDE TO QBCC'S DISPUTE RESOLUTION PROCESS

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When things go wrong with your building project, and when you and your contractor can't agree on how to fix it, find out if QBCC can help.

## Is our dispute service right for you?

If your contract is still in progress:

### Disputes about the quality of the work (e.g. defective work)

#### Our expert team can:

- contact both parties to try to facilitate an agreement
- only if this is unsuccessful and if defective work is alleged, we may inspect to decide if the work is defective or not
- try to facilitate an outcome that will result in the work being fixed.

#### QBCC has no power to:

- direct how work should be fixed
- supervise repairs
- fix defective work ourselves.

### Disputes about your contract (e.g. payments, variations, delays)

#### Our expert team can:

- work with both parties to try to facilitate an agreement about contract issues (e.g. payments due, approval of variations, incomplete work).

#### QBCC has no power to:

- require someone to pay or refund monies
- make decisions or give orders about your contract
- force either party to comply with any agreement.

The Queensland Civil and Administrative Tribunal (QCAT) can make decisions about contract disputes. At the end of our process, we will issue you a letter so you can apply to QCAT if you'd like their help. You cannot apply to QCAT until you have completed our process.

## If your contract has been completed:

### Disputes about the quality of the work (e.g. defective work)

#### Our expert team can:

- contact both parties to try to facilitate an agreement
- only if this is unsuccessful and if defective work is alleged, we may inspect to decide if the work is defective or not
- if we find the work is defective, we can issue a formal notice (called a Direction to Rectify) to the contractor giving them 35 days to fix the work.

#### QBCC has no power to:

- direct how work should be fixed
- supervise repairs
- fix defective work ourselves.



We've developed a proven process to help you and your contractor resolve problems.

### 1. Before you apply

You will need to notify your contractor in writing of all the complaint items and allow them 14 days to respond (not required if they are bankrupt, liquidated or deceased). Without this, you will be unable to apply to use our dispute process.

#### Is your site safe?

Concerned about safety at your site? Health and safety is your responsibility. QBCC does not provide a 'make safe' service. If you have any immediate concerns, we recommend you take steps to mitigate any risk to occupants and visitors (e.g. restrict access to any unsafe areas).

### 2. How to apply

Our online complaint form is available on our website – it's the easiest and quickest way to apply. Organise all the information and documentation you need before you start. You can avoid delays by submitting the right paperwork first time.

### 3. Acknowledgement

You will receive an email confirming receipt, which provides your unique case number.

### 4. Assessment

A specialist QBCC Resolution Services officer will assess your submission and contact you and the contractor to discuss the complaint. An attempt will be made in this first phone call to facilitate an outcome. Our aim is to quickly facilitate an acceptable agreement between both parties.

### 5. Access

If there is alleged defective work, you will be asked to give reasonable access to the contractor to inspect and assess the items. The QBCC considers reasonable access to be a time agreed to by you and the owner, during normal working hours, for full consecutive days if required, provided you have given the owner a minimum of 48 hours' notice.

Choosing not to give access will have a big impact on how we can help you. If you deny access, we will not be able to direct the contractor to fix any defective items, if this is necessary. This can also impact your entitlement to a claim under the Queensland Home Warranty Scheme (applies only to work covered by the Scheme).

### 6. Owner and contractor meet to resolve items

If there is alleged defective work, you meet the contractor on site to review each item and decide on a plan for the repair of any agreed items. Only required if your complaint items relate to defective work.

### 7. Repairs

The contractor carries out all agreed repairs and any agreed contractual items are addressed. Reasonable access must be provided to the contractor to carry out this work.

### 8. QBCC Inspection

If there are any defective work items which cannot be resolved, a specialist Building Inspector is assigned to the case and will contact you and the contractor in an attempt to facilitate an outcome. If this is unsuccessful, the QBCC Building Inspector may undertake a site inspection.

### 9. Resolution

Following a site inspection, we may issue a Direction to Rectify to the contractor, and any relevant subcontractors, to rectify defective building work they are found to be responsible for. In most cases, the rectification period will be 35 days. Reasonable access must be provided to the contractor to carry out this work. We have no power to issue a direction for items that are not defective building work. In the case where a contractor fails to comply with a direction, they can receive a fine or be prosecuted.

If your complaint items are insurable work covered under the Queensland Home Warranty Scheme, the case may then be assessed for a possible claim under the scheme. If a claim is approved, we will recover the cost from the contractor.

If the Building Inspector determines the contractor is not liable for your complaint items, we will advise you in writing and take no further action.

#### Your behaviour matters

**We will not accept hurtful or abusive language, or threats to our staff, or anyone related to your dispute. Aggressive behaviour that puts others at risk will not be tolerated. If your behaviour is unacceptable, we may not progress your case.**