

QBCC'S DISPUTE RESOLUTION PROCESS – TIPS FOR CONTRACTORS

If a homeowner lodges a complaint against a contractor, QBCC must investigate their complaint. This fact sheet is intended to inform contractors of the dispute process and explains their responsibilities.

Dispute notification

QBCC is able to direct rectification of defective or incomplete building work by a person and/or company responsible for carrying out that building work.

We believe, as a courtesy, the homeowner should give you written notification of their complaint, listing each item of concern before lodging a complaint with QBCC.

On receipt of the Complaint Form, we will register the dispute and assign the case to an Assessment Officer.

Initial contact

QBCC will contact you and the homeowner to discuss and assess the issues surrounding the complaint.

If the matters cannot be resolved over the telephone, a site meeting with both parties is usually arranged.

We expect, that prior to this scheduled site meeting, you will attend the site to examine the disputed works. We encourage you to take this opportunity, to rectify works you consider your responsibility.

Should issues remain outstanding after this time, you are requested to attend the scheduled site meeting.

The meeting is coordinated at the discretion of a QBCC Building Inspector.

Site meeting

At the site meeting QBCC Building Inspector will:

- inspect the items of complaint and investigate the relevant information
- assess your responsibility for any defective work identified
- decide what subsequent action is required.

In some cases, a decision may not be finalised at the meeting. In this instance, we will contact you as soon as possible after the meeting date.

Direction to Rectify or Complete

QBCC will exercise discretion when issuing a Direction. All relevant circumstances will be considered before this action is taken.

If we believe you are responsible for some or all of the items of complaint, you and any relevant subcontractors will be issued a Direction to Rectify.

The Direction to Rectify will itemise in broad terms the defective work to be addressed. It is your responsibility to determine an appropriate resolution that complies with good building practice and satisfies the Direction issued.

Reasonable access is required for you and or your subcontractors to perform the rectification of works.

Extension of time

QBCC may extend the time period required for rectification in the Direction.

Any request for an extension of time must be in writing and reach the QBCC office from which the Direction originated, before the specified expiration date.

Approval for an extension of time should not be anticipated and is generally reserved for licensees who encounter delays beyond their control.

Any extension of time will be at QBCC's discretion.

Review of QBCC's Direction

If you are not satisfied with QBCC's decision to issue a Direction, you may, within 28 days' receipt of the Direction, apply to the Queensland Civil and Administrative Tribunal (QCAT) for a review.

Information on the review process can be obtained from QCAT on:

- Phone: 07 3247 3333
- Web: www.tribunals.qld.gov.au

Failure to comply with QBCC's Direction

Failure to comply with a QBCC Direction, within the time specified, may attract the following:

- ten demerit points on your licence
- a maximum penalty of \$32,637 if prosecuted in the Tribunal/Courts or, a \$2,611 fine if QBCC issues an infringement notice
- disciplinary action in QCAT or the Courts
- conditions imposed on your licence
- issue of show cause notice, that may result in the cancellation or suspension of your licence.

Insurance rectification

If residential construction work is involved, QBCC may rectify outstanding problems within the limits of the relevant insurance policy (under the insurance provisions of the *Queensland Building and Construction Commission Act 1991*). Any resulting rectification costs may then be sought from you as a debt due and owing.

Note: This fact sheet is provided to broadly outline the process QBCC will adopt when dealing with a dispute. It should be viewed as a guide only.

Need more information?

Visit www.qbcc.qld.gov.au or call QBCC on 139 333.