

QBCC'S DISPUTE RESOLUTION PROCESS TIPS FOR CONTRACTORS

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If a home owner 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 your 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 require the home owner to 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 home owner to discuss and assess the issues surrounding the complaint. Our aim is to quickly facilitate an acceptable agreement between both parties.

Access

If the items cannot be resolved over the telephone and there is alleged defective work, the home owner will be asked to give you reasonable access 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.

Meet the home owner to resolve items

If there is alleged defective work, meet the home owner on site to review each item and decide a plan for the repair of any agreed items.

Repairs

All agreed repairs are carried out and any agreed contractual items are addressed.

QBCC Site Inspection

If there are any defective work items which cannot be resolved, a specialist QBCC Building Inspector is assigned to the case and will contact you and the home owner to attempt to facilitate an outcome. If this is unsuccessful, the QBCC Building Inspector may undertake a site inspection. When conducting an inspection, the QBCC Building Inspector will carry out a visual inspection only. This will involve visually observing each complaint item.

Invasive investigations are not undertaken by the QBCC to determine the cause of an alleged defect. Examples of invasive investigations include cutting a hole in a wall to look at damage behind the wall. The inspection is also not intended to be a complete inspection of the whole building or dwelling.

At the site inspection the 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 inspection. In this instance, we will contact you as soon as possible after the meeting date.

Direction to Rectify

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

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.

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.

Review of QBCC's Direction

If you are not satisfied with QBCC's decision to issue a direction, you may, within 28 days after receiving the decision or otherwise becoming aware of the decision, apply to have that decision reviewed independently through our Internal Review Unit.

Alternatively, you may, within 28 days after receiving the decision apply to the Queensland Civil and Administrative Tribunal (QCAT) for a review.

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

- Phone: 1300 753 228
- Web: qcat.qld.gov.au

Failure to comply with QBCC's Direction

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

- It will appear on your public record marked as 'not complied', visible by your current and future clients
- A fine from QBCC of \$3,226, or if prosecuted in the courts – up to \$201,625 (company) or \$40,325 (individual).
- Up to 10 demerit points on your licence – that's one third of all your points for three years.

Insurance rectification

If residential construction work is involved, QBCC may rectify outstanding items under the insurance provisions of the *Queensland Building and Construction Commission Act 1991*. You may owe any resulting rectification costs.

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