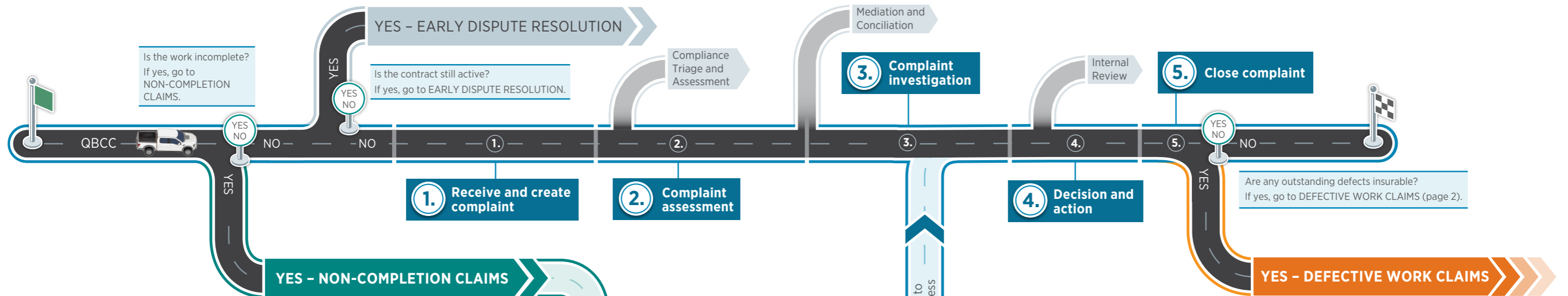


QBCC'S DISPUTE RESOLUTION

The QBCC may be able to help resolve disagreements about defective work through facilitation. Before lodging a Defective Work Complaint to access the QBCC's Dispute Resolution process, the Property Owner must notify the Contractor in writing of their complaint, listing each item of concern. The notice must give a timeframe (e.g. 14 days) for the Contractor to rectify the items (not required if they are bankrupt or insolvent and have had their licence cancelled, deregistered or deceased).

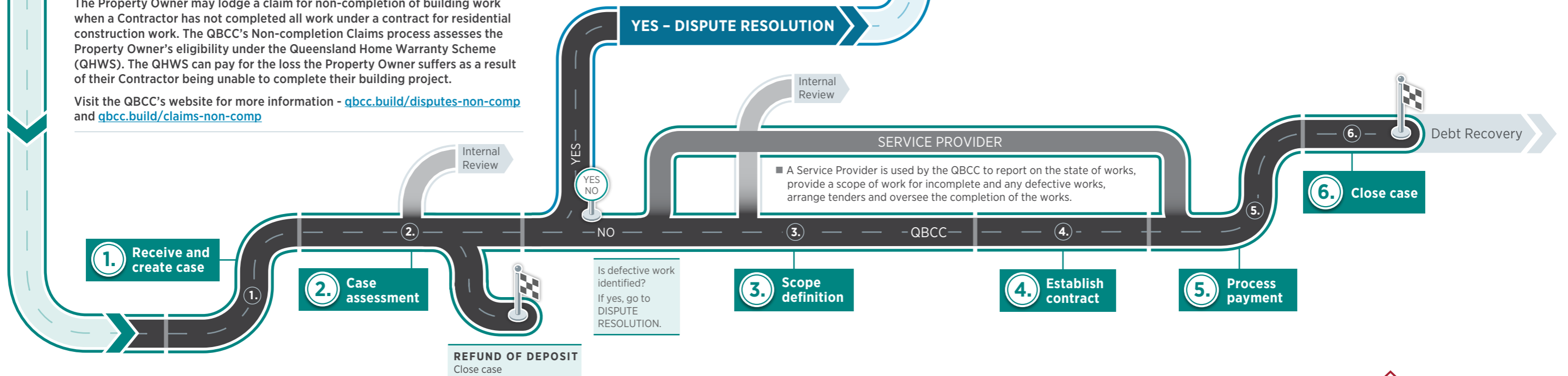
Visit the QBCC's website for more information - qbcc.build/disputes-defects



QBCC'S NON-COMPLETION CLAIMS

The Property Owner may lodge a claim for non-completion of building work when a Contractor has not completed all work under a contract for residential construction work. The QBCC's Non-completion Claims process assesses the Property Owner's eligibility under the Queensland Home Warranty Scheme (QHWS). The QHWS can pay for the loss the Property Owner suffers as a result of their Contractor being unable to complete their building project.

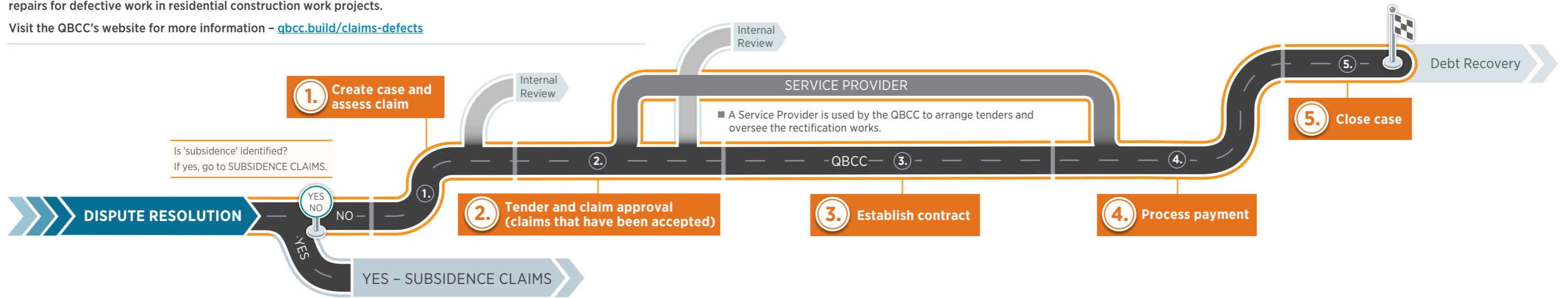
Visit the QBCC's website for more information - qbcc.build/disputes-non-comp and qbcc.build/claims-non-comp



QBCC'S DEFECTIVE WORK CLAIMS

Following lodgement of a Defective Work Complaint, the Property Owner has participated in the QBCC's Dispute Resolution process. Based on the outcome, the case may be referred to the QBCC's Defective Work Claims process to assess their eligibility under the Queensland Home Warranty Scheme (QHWS). The QHWS can cover the cost of repairs for defective work in residential construction work projects.

Visit the QBCC's website for more information – qbcc.build/claims-defects



DISPUTE RESOLUTION – Process stages

- 1. Receive and create complaint**
 - Property Owner (or the owner/occupier of the property adjacent to where building work is/was carried out or a Body Corporate) lodges a dispute complaint form with the QBCC
 - Case assigned to a QBCC Assessment Officer
- 2. Complaint assessment**
 - QBCC Assessment Officer:
 - assesses the validity of the Property Owner's dispute complaint
 - requests any missing mandatory documents
 - refers any compliance breaches to the Compliance Triage and Assessment unit for investigation
 - contacts the Property Owner and Contractor and attempts to facilitate an agreement
 - allocates case for assignment to a Building Inspector for investigation (if no agreement reached)
- 3. Complaint investigation**
 - QBCC Building Inspector reviews complaint and contacts the Property Owner and Contractor
 - QBCC Building Inspector may conduct property inspection and prepare inspection report
 - QBCC Building Inspector may organise inspection by a Technical Expert, if required
- 4. Decision and action**
 - QBCC Building Inspector:
 - issues a Direction to Rectify (DTR) to the Contractor if their work is defective
 - issues a Failure to Rectify to the Contractor if DTR is not complied with
 - does not issue a DTR if their work is not defective
 - Property Owner/Contractor may lodge a Queensland Civil and Administrative Tribunal (QCAT) or Internal Review if dissatisfied with a QBCC reviewable decision:
 - to give, or not to give, a DTR
 - that building work carried out under a DTR is, or is not, of a satisfactory standard
- 5. Close complaint**
 - QBCC sends closure letters to the Property Owner and Contractor
 - If any outstanding work is insurable, a QBCC Building Inspector estimates cost, prepares scope of work and refers the case for claim assessment

NON-COMPLETION CLAIMS – Process stages

- 1. Receive and create case**
 - Property Owner lodges claim form via PDF or online
 - QBCC validates claim
- 2. Case assessment**
 - QBCC Assessment Officer assesses the validity of claim
 - QBCC Assessment Officer sends claim acceptance or declinature letters to Property Owner and Original Contractor
 - Deposit is refunded (if no building work has commenced)
 - Property Owner/Original Contractor may lodge a QCAT or Internal Review if dissatisfied with the QBCC reviewable decision that a domestic building contract has been validly terminated. Property Owner may also review the decision to disallow a claim under the statutory insurance scheme wholly or in part
- 3. Scope definition**
 - Service Provider submits scope of work for approval
 - QBCC reviews scope of work
 - Service Provider submits tender and quote for approval
 - QBCC approves claim
 - Property Owner/Original Contractor may lodge a QCAT or Internal Review if dissatisfied with the QBCC reviewable decision about the scope of works to be undertaken under the statutory insurance scheme
- 4. Establish Contract**
 - Rectifying Contractor produces and sends contract to Property Owner to sign
 - Service Provider sends signed contract to the QBCC
- 5. Process payment**
 - Service Provider submits Rectifying Contractor's invoice
 - QBCC Assessment Officer reviews and approves invoice and makes payment
- 6. Close case**
 - Service Provider submits invoice for professional services to the QBCC
 - QBCC Assessment Officer closes the case

DEFECTIVE WORK CLAIMS – Process stages

- 1. Create case and assess claim**
 - QBCC Assessment Officer assesses the validity of claim
 - QBCC Assessment Officer sends claim acceptance or declinature letters to Property Owner and Original Contractor
 - Property Owner may lodge a QCAT or Internal Review if dissatisfied with the QBCC reviewable decision to disallow a claim under the statutory insurance scheme wholly or in part
- 2. Tender and claim approval (claims that have been accepted)**
 - Claims less than \$20K: Service Provider submits quote for approval (tender meeting not required)
 - Claims greater than \$20K: Service Provider conducts tender meetings and submits quotes for approval
 - QBCC approves claim
 - Property Owner/Original Contractor may lodge a QCAT or Internal Review if dissatisfied with the QBCC reviewable decision about the scope of works to be undertaken under the statutory insurance scheme
- 3. Establish contract**
 - Rectifying Contractor produces and sends contract to Property Owner to sign
 - Service Provider sends signed contract to the QBCC
- 4. Process payment**
 - Service Provider submits Rectifying Contractor's invoice and documents
 - QBCC Assessment Officer reviews and approves invoice and makes payment
- 5. Close case**
 - Service Provider submits invoice for professional services to the QBCC
 - QBCC Assessment Officer closes the case

Early Dispute Resolution

If the contract is still active, this service aims to resolve disagreements between the Contractor and Property Owner through facilitation to prevent potentially costly and lengthy disagreements and delays.

Compliance Triage and Assessment

If any compliance breaches are identified, the case is also referred to the QBCC's Compliance Triage and Assessment unit for investigation. Visit the QBCC's website for more information – qbcc.build/compliance

Mediation and Conciliation

This service provides Property Owners and Contractors with the opportunity to resolve the issues through good faith discussions with the assistance of an impartial Conciliator. It aims to help resolve the dispute quickly without waiting for a Building Inspector to consider the case and identify whether to attend on-site. If unsuccessful, the dispute case maintains its place in the queue for inspection. NOTE: A QBCC pilot project is trialling mediation and conciliation services. Terms and conditions apply.

Internal Review

A Property Owner and/or Contractor may lodge an Internal Review, within 28 days after the applicant is given notice of the decision, or becomes aware of the decision, if they believe a QBCC decision is incorrect. Visit the QBCC's website for more information – qbcc.build/internal-review

Debt Recovery

The QBCC may recover any payment made on a claim under the QHWS, as a debt, from:

- any building contractor who either carried out, or was to carry out, the relevant residential construction work; or
- where the building contractor was a company, anyone who was a director of the company at the relevant times. That is, anyone who was a director when the company carried out, or was to carry out, the relevant residential construction work or, when payments were made on a claim.

Subsidence Claims

The QHWS can cover Property Owners for loss suffered in the event of movement in the foundations of the residential construction work, which adversely affects its structural performance or functional use. Visit the QBCC's website for more information – qbcc.build/subsidence