

QCAT Practice Direction No. 3 of 2010

Arrangements for building disputes¹

(A) Arrangements for domestic building disputes involving claims of \$10,000 or less

1. These arrangements apply to domestic building disputes involving claims of \$10,000 or less.
2. Unless otherwise ordered by the tribunal, once the respondent has filed a response, the Principal Registrar will issue the following directions:
 - (a) The applicant must file in the tribunal and serve on the other party all material upon which it intends to rely within 14 days of the date of the directions;
 - (b) The respondent must file in the tribunal and serve on the other party its response and all the material upon which it intends to rely within 28 days of the date of the directions;
 - (c) The parties must attend mediation at the date, time and venue specified;
 - (d) The parties must attend the mediation in person or be represented by a person who has authority to settle the dispute.
3. If a response is not filed within a month of the application being filed, the application will be listed for a directions hearing.
4. Subject to paragraph 5, if the dispute is not completely resolved at the mediation, the Principal Registrar will list the application for an expedited hearing² and will issue the following directions:
 - (a) The time allocated for hearing will be limited to 2.5 hours;
 - (b) Each party will be allocated a maximum of 1 hour in which to present their case;
 - (c) Each party must notify the other party and the tribunal, in writing, which of the other party's witnesses they wish to question at the hearing;
 - (d) Each party must arrange for those persons notified to be present at the hearing;
 - (e) The Member presiding at the hearing will decide whether and to what extent questioning of a witness is allowed.
5. If the tribunal considers the dispute is too complex to be properly decided at an expedited hearing, paragraph 4 will not apply and the matter will be listed for a directions hearing.

¹ "Building disputes" is defined in *Queensland Building Services Act 1991*, Schedule 2

² The requirements for an "expedited hearing" are contained in *Queensland Building Services Act 1991*, s 95; *Queensland Civil and Administration Tribunal Act 2009* s 94 and the *Queensland Civil and Administration Tribunal Rules 2009* r 82.

(B) Arrangements for domestic building disputes involving claims in excess of \$10,000 and commercial building disputes

6. These arrangements apply to domestic building disputes involving claims in excess of \$10,000 and commercial building disputes.
7. Unless otherwise ordered by the tribunal, once a response to the application is filed, the application will be listed for a compulsory conference. If a response has not been filed within a month after the application was filed, the application will be listed for a directions hearing.
8. The parties must attend a compulsory conference in person or be represented by a person who has authority to settle the dispute.
9. If the proceedings are not completely resolved at the compulsory conference, the member presiding will make directions for the further conduct of the application or list the application for a directions hearing.

(C) Arrangements for building disputes involving claims of \$25,000 or less filed as minor civil disputes

10. If a building dispute involving a claim of \$25,000 or less is filed as a minor civil dispute³, the Principal Registrar, a member or adjudicator may remove the matter from the minor civil dispute list and direct that it is dealt with in accordance with this practice direction.

Justice Alan Wilson
President

26 March 2010

³ “Minor civil dispute” is defined in *Queensland Civil and Administration Tribunal Act 2009* Schedule 2