

Building disputes

The Queensland Civil and Administrative Tribunal (QCAT) is committed to actively resolving disputes in a way that is fair, just, accessible, quick and inexpensive.

QCAT can decide disputes about domestic and commercial building *work*.

If you wish to make a complaint against a *builder* please contact the **Queensland Building and Construction Commission (QBCC)** via 139 333 or www.qbcc.qld.gov.au

Before you make an application about a building dispute

From Monday, 15 December 2014 parties will be required to participate in a dispute resolution process with the QBCC prior to making a building dispute application to QCAT.

Types of building disputes

A consumer, contractor, subcontractor or building industry professional may have a complaint related to building work including:

- the performance of the work
- a contract for the work
- a claim of negligence, nuisance or trespass other than a claim for personal injuries.

The *Queensland Building and Construction Commission Act and Regulations 1991* set out what is not building work and what is not Tribunal work.

For the dispute to be heard by QCAT it must be about:

- erection or construction of a building
- renovation, alteration, extension, improvement or repair of a building
- provision of electrical work, water supply, sewerage or drainage or other like services for a building
- demolition, removal or location of a building
- any site work including the construction of a swimming pool, retaining structures, driveways or landscaping
- preparation of plans and specifications, or bills of quantity related to the building work
- inspection of a completed building (applications over the value of \$50,000 must obtain consent – see Form 25)
- fire protection work
- work prescribed under a regulation.

QCAT also reviews a wide range of decisions made by the QBCC. For more information visit www.qcat.qld.gov.au

Making an application in relation to a building dispute

Complete and lodge **one** of the following:

- [Form 23 – Application to review a decision](#)
- [Form 25 – Application for commercial building disputes](#) and [Consent notice major commercial building dispute](#)
- [Form 26 – Application for domestic building disputes](#)

You can also provide an expert's report with your application form to support your case.

When there are allegations of defective work, each defect must be described in detail using the [Alleged defective work/incomplete work schedule](#).

What happens next?

Once you have filed your application (form 25 and 26) with QCAT you must serve it on the other party and file an [affidavit of service](#) with QCAT.

If the other party does not file and serve a response, you may apply to QCAT for a default decision.

Enforcing a QCAT decision

If a party does not comply with the QCAT decision, the QCAT decision can be enforced in a Court.

Contact information

Brisbane

Address: Level 9, BOQ Centre, 259 Queen Street, Brisbane, 4000
Post: GPO Box 1639, Brisbane Qld 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au
Website: www.qcat.qld.gov.au

Outside of Brisbane

Your local Magistrates Court (excluding Brisbane Magistrates Court) can supply and accept all QCAT application forms. To find your nearest Magistrates Court, look under "Justice and Attorney-General" in the phone book or visit www.courts.qld.gov.au.

Dispute Resolution Centres

Phone: 07 3239 6269 or 1800 017 288 (toll free outside of Brisbane)
Website: www.justice.qld.gov.au

Resources

Available from www.qcat.qld.gov.au:

- [Making an application to QCAT](#)
- [Responding to a QCAT application](#)
- [What registry staff can and cannot do](#)
- [Legal advice and representation](#)

This fact sheet provides general information and should not be considered legal advice. If you are unsure about your legal rights you should get legal advice. Any actions taken to resolve your dispute should be determined by your individual circumstances.

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