

Managing a dispute with your builder



Key dates:

- 30 July 2023**
Registrations for the Resilient Homes Fund program closed.
- 11.59pm (AEST), 1 December 2025**
Grant applications for funding closed.
- 31 March 2027**
The completion of works date listed in your Building Contract must not exceed this date

Important: Registrations for the Resilient Homes Fund are not transferable. If you are planning to sell your home, all works must be completed and payments finalised prior to the sale of your home.

Please note:

The following steps are to be completed before **30 June 2027**:

- » A request for final milestone payment submitted to QRIDA

- » A RHF completion inspection of the works
- » Final Building Certification (if applicable) or the provision of the required trade certificates as listed in the Value for Money Certificate
- » Rectification of defects or incomplete works by the licensed contractor
- » Final invoices issued to the homeowner by the licensed contractor
- » Final invoices submitted by the homeowner to QRIDA
- » Final milestone payment released by QRIDA.

NOTE: Please note the Resilient Homes Fund (RHF) cannot negotiate or settle contracts between homeowners and builders.

While the Resilient Homes Fund does not negotiate or settle disputes between homeowners and builders, we can offer some advice. This fact sheet provides guidance on what to do if you find yourself in disagreement with your builder and where to turn if you need more support.



How can I avoid a dispute with my builder?

Choose a licensed contractor

The first step to avoiding a potential dispute is to find the right builder for the job. It's important to use a licensed contractor, as they have the relevant qualifications and experience and you're less likely to run into problems over unlawful building work.

QBCC has some tips on choosing a contractor you can follow to find out about your builder before you engage with them.

QBCC tips on choosing a contractor: qbcc.qld.gov.au/your-property/build-renovate/choosing-contractor

How can I protect myself from getting into a disagreement with my builder?

Maintain good communication – The key to avoiding, or at least minimising, a dispute is to talk with your builder. Arrange regular meetings to provide updates on project milestones and talk through any concerns as they arise. Ask questions if you don't understand anything and keep a record of the works you discussed. Respectful two-way communication and good record keeping will help you avoid most disagreements.

Understand your contract – The contract that is in place between you and your builder is the most important record you have of building works. Raise any questions you have about the scope or timing of works outlined in the contract before you sign. Make sure the approved quote (with reference number and date) or Value for Money certificate is referenced in the contract.

Once you have entered into a contract, the responsibility to manage the terms of the contract lies with you and your builder. If you find yourself in disagreement, the conditions outlined in the contract will determine the correct procedure for handling a dispute. Information about your builder's obligations to fix faulty building works can be found in the general conditions of your contract.

How do I manage a dispute with my builder?

Carefully review the agreed scope of works attached to your building contract with your builder. You may be able to resolve any building issues before they escalate by resolving any questions or concerns you have at this stage.

You should also put your concerns in writing to your builder, allowing time for them to respond or undertake any required works.

If a problem occurs after construction is complete, make sure to let your builder know in writing. We recommend that you allow for at least 14 days for the work to be rectified. If the problem is not resolved, contact QBCC for help.

Information about builders' obligations to rectify defective building works can be found in the general conditions of your contract and on the QBCC website: qbcc.qld.gov.au/non-compliance/consequences-non-compliance/direction-rectify

I can't resolve this issue with my builder. Who can help me?

If you believe that your builder is not fulfilling their end of the contract – and you have spoken with them and put your concerns in writing but did not get an acceptable resolution – you may need to seek professional advice about what actions you can take under the contract to resolve the dispute.

Problems that can be lodged as a complaint include:

- » Defective work
- » Incomplete or non-complete work
- » A fault in the building design
- » Damage to your property

Depending on the nature of your complaint, QBCC should be your first point of contact.

QBCC manages builder and building design complaints and can offer advice on managing building disputes such as defective work, non-completion of work, faulty design, or issues around payment, variations or delays.

On the QBCC website, search for building works or building design complaints and disputes and follow the steps to lodge a complaint.

Most issues can be resolved by the QBCC, but please note they have strict eligibility criteria which differs depending on whether your contract is active or has ended.

Visit the QBCC to lodge a complaint:

qbcc.qld.gov.au/complaints-disputes/building-work-issue

Contractual disputes

QBCC does not resolve contractual disputes. These will need to be lodged with the Queensland Civil and Administrative Tribunal (QCAT):

qbcc.qld.gov.au/complaints-disputes/building-work-issue/apply-directly-qcat

Note: You must lodge your issue with QBCC for an assessment and a decision before you can progress your complaint to QCAT.

The QBCC website explains the process for lodging your complaint to QCAT:

qbcc.qld.gov.au/complaints-disputes/building-work-issue/apply-directly-qcat

Where can I get legal help?

If you need legal help with a dispute, the Community Legal Centre Queensland has a list of legal providers searchable by area that you can contact for legal advice.

Visit Community Legal Centre Queensland:
communitylegalqld.org.au

What other support is available?

We appreciate that undertaking resilience building works can be stressful and overwhelming at times, especially if you are dealing with a dispute with your builder.

Free support services like Lifeline and BeyondBlue are here to help.

Visit lifeline.org.au

Visit beyondblue.org.au

If you have a question about your resilience works, such as understanding your contract or variations to building works, call the Resilient Homes Fund on **07 3007 4485**.

More information

For support or more information about the Resilient Homes Fund:



website qld.gov.au/resilienthomes

Or scan the QR code.

If you require the assistance of an interpreter, phone **1800 512 541**.

Our compliments and complaints management policy and procedure can be found at housing.qld.gov.au/contact/complaints-compliments