



## Dispute Causes

Disputes between builders, trade contractors, and consumers occur for many reasons:

- Inaccurate or incomplete documentation
- Poor communication
- Unsatisfactory work
- Delays
- Lack of knowledge of building practices.

## How to avoid disputes

Builders and trade contractors should ensure that:

- Their accreditation or licence is current and appropriate for the work to be done
- The nature of the work to be done, how long it will take and exactly what it will cost, are explained and given in writing to the consumer
- Any variations (eg price or scope of works) are put in writing and given to the consumer
- All parties understand their rights and responsibilities and sign the contract
- All owners are given a copy of the contract at the appropriate time

Consumers should ensure that:

- They understand the sequence and key aspects of the building process
- The builder or trade contractor has a current licence for the work to be done (An Accredited Builder search can be carried out at the Workplace Standards website [www.wst.tas.gov.au/industries/building/bpa/abp\\_register](http://www.wst.tas.gov.au/industries/building/bpa/abp_register))
- The builder or trade contractor work is recommended by past customers
- The contract clearly specifies the extent and timing of work to be done, total price and payment details (deletion of clauses or insertion of N/A should be carefully considered)
- Their rights and responsibilities are detailed in the contract and understood
- They receive a copy of the contract at the signing of their contract
- The contract and any variations are signed by both parties (and copies kept on file)

## Responsibilities of Owners and Builders

It is the responsibility of the builder and the owner, working together, to ensure that the dwelling is constructed to an acceptable standard in accordance with the approved plans and contract documents.

Building surveyors are usually employed by the local authority and do not perform an ongoing supervisory role on behalf of individual owners. If consumers have specific requirements with regard to quality and finish, these details (e.g. type and number of coats of paint, materials to be used) should be discussed and written into the contract.

The next step is to carry out regular on-site inspections, by appointment, with the builder or builder's supervisor.

If consumers are not confident that they have sufficient time or knowledge to ensure the quality of the work, they should consider engaging a consultant to monitor the job on their behalf.

## What to do if you have a building dispute

First, you should try to resolve the problem by talking to your contractor and clearly identify all individual items you believe to be defective or incomplete.

You must provide reasonable site access and give the contractor the opportunity to address your concerns.

If you are not successful put your concerns in writing to the contractor and ask for rectification or completion to be completed within a reasonable time frame.



## Lodging a complaint

If you have been unsuccessful in resolving your dispute you may submit a written complaint to Consumer Affairs and Fair Trading detailing specific areas of complaint along with copies of the relevant documents.

Information provided should include the following:

- Your name and address and daytime telephone number
- Address of the site
- Builder's name, address and phone number
- A specific list of defects
- Copy of letter to builder detailing complaint and request for rectification
- Copy of plans and specifications
- Copy of contract, invoice or evidence to identify the contractor as the person responsible for the work.
- Copy of your Housing Indemnity insurance certificate (if applicable)
- Other evidence which supports your complaint

After your complaint is received the Building Dispute investigator will contact you. A site inspection may be scheduled to inspect the issues reported in the complaint. The findings are then discussed with you and the contractor with a view to resolving the dispute.

### CONTACT DETAILS

Department of Justice  
Consumer Affairs and Fair Trading  
15 Murray Street  
HOBART TAS 7000  
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Email: [consumeraffairs@justice.tas.gov.au](mailto:consumeraffairs@justice.tas.gov.au)  
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## Building Disputes and Resolution

