

Dispute Resolution Services for Builders and Tradespeople

Licensed builders and tradespeople can access Fair Trading's free dispute resolution service if a dispute occurs with a consumer or owner-builder over a residential building issue. This service is available across NSW to licensed traders from all home building licence classes.

As with consumer-initiated complaints, Fair Trading responds to trader-initiated home building complaints, where the trader and/or consumer have indicated possible defective workmanship or materials.

Where a trader and consumer are unable to resolve their dispute, Fair Trading will attempt to mediate an outcome that is suitable to all parties concerned. Fair Trading realises that there is a greater chance of successfully resolving a dispute where there is early intervention and can utilise building inspectors who are trade qualified and highly experienced.

If a home building licensee is in dispute with a consumer or owner-builder and wishes to access this service, they should complete the attached ***Home Building Trader-Initiated Notification of Dispute Form***, and mail or fax the form to their nearest Fair Trading Centre (contact details on last page of the Form).

In response to the trader enquiry, Fair Trading will contact both parties to clarify the nature of the dispute and to seek agreement, from both parties, to participate in this intervention. In order for Fair Trading to proceed, both parties must be willing to participate in this process.

Depending on the nature of the matter, the possible outcomes could be:

- That the matter may be resolved at the outset with a Fair Trading officer contacting both the trader and consumer to undertake phone intervention regarding the issues raised;
- If the matter involves defective and/or incomplete work, it will be referred for a possible on-site mediation with a Fair Trading building inspector. If it is determined that there is defective or incomplete work, the building inspector may issue an order against the home building licensee.
- If the dispute is solely in relation to the payment of outstanding monies or a progress payment, licensees will be advised to lodge a claim with the NSW Civil and Administrative Tribunal (NCAT).

Trader to trader and trader to sub-trader home building disputes will continue to be handled by the NCAT.



**HOME BUILDING SERVICE
TRADER-INITIATED NOTIFICATION OF DISPUTE FORM**

Trader's Details		
Name:		
Address:		
		Postcode:
Phone:	Daytime:	Mobile:
Email Address:		
Licence Number:		

Consumer's Details		
Name:		
Address:		
		Postcode:
Phone:	Daytime:	Mobile:
Email Address:		

The Work			
Address where work has been undertaken			
Council Application Number <i>(if applicable)</i>		Name of Local Council	
What work was done? <i>(Please provide a brief description eg, construction of a house, concrete driveway, erection of pergola, etc)</i>			

Can you please answer the following questions in the columns below:			
What is the value of the work under your contract?	\$	Is this property part of a Strata Scheme?	YES NO
How much has been paid?	\$	Strata Plan Number <i>(if applicable)</i>	
Do you have a written contract? <i>(Written contracts are required for work over \$5000)</i>	YES NO N/A <i>(If yes, please attach a copy)</i>	Name of Strata Manager <i>(if applicable)</i>	
What is the date of the contract?	____/____/____		
When did work commence?	____/____/____		
What date was work completed?	____/____/____		
Is there a certificate for home warranty insurance?	YES NO N/A <i>(If yes, please attach a copy)</i>		
Is the customer an owner-Builder? If yes, What is their permit number? <i>(if known)</i>	YES NO _____		

What is the dispute about?*Please provide a brief outline of your dispute. Additional pages may be attached if required.*

Have you discussed your dispute with the consumer?		YES	NO
What was their response to the dispute?			
What outcome are you seeking?			

Have you already: Lodged a claim with the NSW Civil and Administrative Tribunal (NCAT)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is your reference number?
Has the consumer lodged a claim with the insurer?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what was the insurer’s response?

I declare that the information supplied by me is to the best of my knowledge, true and correct. I acknowledge that NSW Fair Trading may:

- Use information provided or later obtained to resolve, investigate or otherwise deal with the complaint, take enforcement action (if appropriate), and monitor the marketplace for investigative and law enforcement purposes; or
- Where more appropriate, refer the complaint and that information to the other party or another government agency, for the purpose of resolving the complaint.
- If there is no written contract for this work or a home warranty certificate obtained for work over \$20,000, you may be subjected to action for breaches of the various legislations administered by Fair Trading.

Signature		Date	
-----------	--	------	--

The notification of dispute form must be lodged together with -

- **copies** of plans and contracts
- **copies** of any correspondence between you and the consumer
- **copy** of certificate of home warranty insurance, if applicable
- **copies** of any available evidence, eg, photos, reports, etc.

and **mailed** to your nearest **Fair Trading Centre** (see list below).
Please **DO NOT** send **ORIGINAL** documents, if they are required Fair Trading will request them.



NSW Fair Trading is always looking for ways to improve our customer experience. You may receive a survey after your matter is finalised inviting you to provide feedback on our services.

FAIR TRADING CENTRES

www.fairtrading.nsw.gov.au

Albury FTC PO Box 1210 ALBURY NSW 2640 Tel: 13 32 20	Goulburn FTC PO Box 971 GOULBURN NSW 2580 Tel: 13 32 20	Queanbeyan FTC PO Box 1464 QUEANBEYAN NSW 2620 Tel: 13 32 20
Armidale FTC PO Box 641 ARMIDALE NSW 2350 Tel: 13 32 20	Grafton FTC PO Box 362 GRAFTON NSW 2460 Tel: 13 32 20	Tamworth FTC PO Box 1062 TAMWORTH NSW 2340 Tel: 13 32 20
Bathurst FTC PO Box 22 BATHURST NSW 2795 Tel: 13 32 20	Lismore FTC PO BOX 83 LISMORE NSW 2480 Tel: 13 32 20	Tweed Heads FTC PO Box 822 TWEED HEADS NSW 2485 Tel: 13 32 20
Broken Hill FTC PO Box 786 BROKEN HILL NSW 2880 Tel: 13 32 20	Newcastle FTC PO Box 2063 DANGAR (NEWCASTLE WEST) NSW 2309 Tel: 13 32 20	Wagga Wagga FTC PO Box 623 WAGGA WAGGA NSW 2650 Tel: 13 32 20
Coffs Harbour FTC PO Box 4089 COFFS HARBOUR JETTY NSW 2450 Tel: 13 32 20	Orange FTC PO Box 2285 ORANGE NSW 2800 Tel: 13 32 20	Wollongong FTC PO Box 5275 WOLLONGONG NSW 2520 Tel: 13 32 20
Dubbo FTC PO Box 584 DUBBO NSW 2830 Tel: 13 32 20	Parramatta FTC PO Box 972 PARRAMATTA NSW 2124 Tel: 13 32 20	
Gosford FTC Locked Bag 2906 CENTRAL COAST MC NSW 2252 Tel: 13 32 20	Port Macquarie FTC PO Box 1747 PORT MACQUARIE 2444 Tel: 13 32 20	

Need more help?

If you require help in another language please contact the Telephone Interpreter Service on 13 14 50.
Our TTY phone for the hearing impaired is (02) 9338 4943.