

Identification and explanation of key/generic terms in Building Disputes

Building disputes are decided under the *Building Services (Complaint Resolution and Administration) Act 2011 (WA) (Act)*.

A full list and definitions of the terms used in the Act are set out in s 3 of the Act. The meanings given in the Act itself are the official definitions that will be used by the Tribunal in determining disputes.

However, we have selected a few key terms and phrases, and have provided some simplified definitions and explanations, which may help you to understand some of the core concepts in building disputes.

The words that appear below in ***bold italics*** are terms that are defined in the Act.

<i>Building Commissioner</i>	The government official with whom a <i>building service complaint</i> or a <i>HBWC complaint</i> must be lodged and who can send the complaint to the Tribunal.
<i>building service complaint</i>	A complaint that a <i>regulated building service</i> has not been carried out properly or is faulty or unsatisfactory.
<i>building remedy order</i>	An order to remedy a <i>regulated building service</i> or to pay the costs of remedying the <i>regulated building service</i> (or, sometimes, to pay compensation for failing to carry out the <i>regulated building service</i> properly or for faulty or unsatisfactory building work).
<i>regulated building service</i>	Any of the following: <ul style="list-style-type: none"> • a <i>building service</i> carried out by a registered builder; • <i>home building work</i> carried out under a <i>home building work contract</i>; or • unauthorised building work (carried out without a necessary permit).
<i>building service</i>	Work for the construction, renovation, alteration, extension, improvement or repair of a building.

<i>HBWC complaint</i>	A complaint that there has been a breach of a <i>home building work contract</i> or a breach of a provision of the Home Building Contracts Act 1991.
<i>home building work contract</i>	A contract for a fixed price of more than \$7,500 but not more than \$500,000 for the performance by a builder of <i>home building work</i> .
<i>home building work</i>	Work for the construction, alteration, improvement or repair of a dwelling (i.e. a building which is a place of residence).
<i>HBWC remedy order</i>	An order: <ul style="list-style-type: none"> • restraining any specified action in breach of a <i>home building work contract</i> or the Home Building Contracts Act 1991; or • requiring work to be done or an amount to be paid under a <i>home building work contract</i>; or • declaring that an amount is not payable or must be repaid under a <i>home building work contract</i>; or • that compensation be paid for loss or damage caused by a breach of a <i>home building work contract</i> or the Home Building Contracts Act 1991.