

## APPLICATION FOR MEDIATION OR CONCILIATION

If you are an owner or a builder and you are in dispute regarding a residential building work matter, you may apply to the Commissioner of Residential Building Disputes (the Commissioner) for mediation or conciliation. This provides a neutral environment to assist you in coming to an agreement. If an application is accepted by the Commissioner both parties must agree to the mediation or conciliation and must come to a mutual agreement. The Commissioner may make a binding decision only if there is a mutual agreement between the two parties.

### Has the same matter been heard by either the Commissioner of Residential Building Disputes or the Lands, Planning and Mining Tribunal before?

If the matter has previously been heard by the Commissioner and you are disputing the decision, you will need to contact the Lands, Planning and Mining Tribunal.

If the matter has been heard by the Lands, Planning and Mining Tribunal previously please contact them for further information on how to proceed.

If the matter has not been heard by either body before and the criteria e.g. time frame met and correct details entered, you can make an application to the Commissioner.

### When to Lodge an Application

You can apply to the Commissioner of Residential Building Disputes for mediation or conciliation if you are a current owner or builder and you entered into a contract on or after 1 January 2013 and you have a dispute regarding defective work in relation to either:

- structural or non-structural defects;
- non-completion of building work; or
- or another consumer guarantee dispute.

The role of the Commissioner of Residential Building Disputes is to be an impartial and independent umpire between builders and owners. The Commissioner may mediate or conciliate disputes when a complaint is received from an owner who alleges residential building work is defective.

## How to Lodge an Application

Download the application form (Application for Mediation or Conciliation) from the Northern Territory Consumer Affairs, Residential Building Disputes web page: [www.consumeraffairs.nt.gov.au](http://www.consumeraffairs.nt.gov.au).

Ensure the form is filled in correctly and in its entirety. Lodge the application in person at NT Consumer Affairs at either:

- 1st Floor, The Met Building, 13 Scaturchio Street, Casuarina; or
- Ground Floor, Green Well Building, 50 Bath Street, Alice Springs; or
- via post to: PO Box 40946, Casuarina NT 0811, along with copies of all relevant documents.

## What happens next?

The application will be assessed and if further information is required an Officer will contact you.

If the application meets all the requirements, the application will be accepted and the other party will be sent copies of all documents and given the opportunity to respond.

If the other party responds and agrees to participate a mediation or conciliation conference will be listed. All parties will be given Notice in writing of the details of the conference.

If the parties do not come to a mutual agreement the current owner may make an Application for a decision or for a technical inspection. The builder may also make an Application for a technical inspection. Either party may also seek independent legal advice.

Once the matter is heard, and if both parties reach an agreement, the Commissioner may make a binding Order.

\*\*If the matter is found to be complex in that it is a question of fact or law, the Commissioner may refer the application to the Lands, Planning and Mining Tribunal at any stage of a hearing.