

# QCAT REVIEW OF QBCC ‘REVIEWABLE DECISIONS’

EFFECTIVE NOVEMBER 2023

## Overview

The QBCC often makes decisions which affect the rights of consumers, licensed contractors and others. The QBCC makes every effort to ensure that these decisions are correct, however, often people are dissatisfied with the outcome of a decision that affects them. Some QBCC decisions are able to be reviewed and, in some circumstances, re-made by the Queensland Civil and Administrative Tribunal (**QCAT**).

This fact sheet explains the types of QBCC decisions that are reviewable in QCAT and some of the limitations on your review rights. In addition to a QCAT review, internal review of QBCC decisions is also available. For more information visit The [internal review process](#) at the QBCC website.

## Reviewable decisions

Reviewable decisions made by the QBCC, which are reviewable by QCAT, are set out in [section 86](#) of the *Queensland Building and Construction Act 1991* (**the Act**). These include (among other ‘reviewable decisions’):

- a decision to refuse an application for a QBCC licence
- a decision to give a direction to rectify or remedy or not to give the direction; and
- a decision to disallow a claim under the statutory insurance scheme, wholly or in part.

For a full list of ‘reviewable decisions’, go to [section 86](#) of the Act. In order to seek a QCAT review of a QBCC reviewable decision, you must file a Form 23 Application to review a decision in the QCAT registry. To access this form and for QCAT’s contact information visit the [QCAT website](#).

## QCAT process

QCAT has published a guide for review applicants who wish to review decisions of the QBCC. This is called a practice direction. Practice direction 9 of 2022, which deals with QBCC Reviews, can be located on the [QCAT website](#).

## Limitations on review

Some QBCC decisions are expressly not reviewable by QCAT, including those set out in section 86F of the Act. Generally, an Application to review a decision must be filed within **28 days after you receive notice of the QBCC’s decision**. For some decisions, such as a scope of work decision, the 28 day time limit is strictly applied and a failure to adhere to the timeframe can impact your review rights.

## Powers of QCAT

QCAT has the power to:

- confirm, set aside or vary QBCC’s decision
- set aside the decision and substitute its own decision; or
- set aside the decision and return it to QBCC to be reconsidered.

QCAT may also dismiss your application if:

- it considers your application frivolous or vexatious
- you have received reasonable notice of the time and place of a proceeding and do not appear; or
- if the proceedings are delayed because of unreasonable actions by you.

## One review per decision

The QBCC often make multiple decisions over time in relation to a single consumer, contractor or case file. A single QBCC letter or decision notice will sometimes advise you of **multiple** QBCC decisions. You may wish to seek QCAT review of one or more of these decisions. **Each** reviewable decision made by the QBCC requires a separate Form 23 **Application to review a decision** to be filed with QCAT.

If you receive notice of a QBCC ‘reviewable decision’ that affects you, it is important that you carefully read and consider QBCC’s decision and identify, in your Form 23 **Application to review a decision**, the QBCC decision that you wish to review.

Your Form 23 **Application to review a decision** must:

- identify the **specific** ‘reviewable decision’ that you seek to review (often it assists to note the date of the decision)
- if the QBCC letter or decision notice refers to **multiple** ‘reviewable decisions’, you must specify **which** of the decisions to which each Form 23 **Application to review a decision** relates; and
- If you wish to review **multiple** ‘reviewable decision’s, you must file **separate** Form 23 Applications to review a decision in relation to each reviewable decision, even if the decisions are set out in a single letter or decision notice.

If a Form 23 Application to review a decision is not properly made, it can be dismissed by QCAT. This may result in you losing your rights of review. It is therefore important that you take care in accessing your rights of review.

## Does the QBCC decision stand until QCAT review is complete?

Section 87A of the Act outlines the QBCC reviewable decisions which cannot be stayed by QCAT. These reviewable decisions will continue to have effect while the review application is heard.

This fact sheet provides general guidance only and should not be interpreted as legal advice. Court or QCAT proceedings can be legally complex, costly and time-consuming. The QBCC encourages you to obtain independent legal advice before commencing proceedings.