

30 January 2026

QCAT Act review
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Dear Sir/Madam,

Queensland Civil and Administrative Tribunal Act review 2025–26

Master Builders is the peak industry body for building and construction in Queensland and represents the interests of 10,000 building and construction related members. Its membership spans the full spectrum of the industry – from residential and commercial builders to subcontractors, manufacturers, and consultants.

The Queensland Civil and Administrative Tribunal (“**QCAT**”) plays a central role in Queensland’s building and construction dispute-resolution framework. For industry participants—contractors, subcontractors, trade contractors, consultants, developers and homeowners alike—QCAT is intended to provide a specialist, accessible and efficient forum for resolving disputes without the cost and formality of traditional court proceedings. In practice, however, delays, jurisdictional limitations and resourcing constraints undermine QCAT’s effectiveness.

Efficient and effective adjudication of building and construction disputes is not merely a matter of administrative convenience. It is fundamental to industry confidence, project continuity, cash-flow stability and risk management. Prolonged disputes can quickly escalate into insolvency events, abandoned projects and uncompensated losses. Any review of QCAT must therefore give weight to the practical realities of the building and construction sector.

1. Expanded jurisdiction to review more decisions

Decisions by the Queensland Building and Construction Commission (“**QBCC**”) often have significant and immediate commercial consequences for industry participants. Decisions relating to licensing, directions to rectify, insurance eligibility and legal compliance, can determine whether a contractor can continue trading, tender for work, or complete an existing project. Despite this, the current review pathways are limited and often fragmented, leading to inefficiency, duplication and prolonged uncertainty.

From an industry perspective, there is a strong case for expanding QCAT’s jurisdiction to provide a more comprehensive and effective review of all QBCC decisions. An expansion of QCAT’s jurisdiction would promote consistency and accountability in regulatory decision-making, while providing affected parties with a clear, accessible and timely avenue for review.

In addition, an expanded review mechanism within QCAT would reduce the need for parallel proceedings across multiple forums. This would lower costs, shorten dispute lifecycles and reduce the administrative burden on both industry participants and regulators. For small and medium contractors and trade contractors in particular, access to efficient review processes is critical to ensuring regulatory decisions do not operate as a de-facto barrier to ongoing participation in the industry.

Master Builders is of the view that there are benefits of expanding the jurisdiction of QCAT to be able to hear more matters. While there are problems with the level of expertise in decision making by QCAT (as discussed further below), it is a cost effective and timely alternative to taking matters to traditional Courts.

Master Builders has identified several areas that should be considered for the expansion of QCAT's jurisdiction, including:

- a. Commercial building disputes of more than \$50,000 in value.
- b. Reviewing a decision of the QBCC to allow a claim under the home warranty scheme.
- c. Reviewing a decision of the QBCC to seek to recover amounts paid out under the home warranty scheme.
- d. Reviewing a decision of the QBCC to grant or not to grant an extension of time to comply with a direction to rectify.
- e. Reviewing a decision of the QBCC that there are reasonable grounds for concern that a licensee is not complying with the provision of an Act mentioned in section 50A(1) of the *Queensland Building and Construction Commission Act 1991* ("the QBCC Act").
- f. Reviewing a decision of the QBCC as to the financial records that the Commission reasonably requires for deciding whether the licensee satisfies minimum financial requirements.
- g. Reviewing a decision of the QBCC as to the documents the QBCC reasonably requires for deciding whether the licensee is or has been complying with the provision of an Act mentioned in section 50A(1) of the QBCC Act.
- h. Reviewing a decision of the QBCC that it requires further information or evidence to decide a licence application.

2. More Qualified and Specialist Decision-Makers

Building and construction disputes are inherently complex. They commonly involve detailed contractual arrangements, statutory regimes, technical construction standards, expert evidence and competing commercial interests. Outcomes often turn on nuanced issues such as programming, causation, variation valuation, compliance with standards and the interpretation of contractual risk allocation.

While QCAT's accessibility is an important feature, the effectiveness and credibility of its decisions depend heavily on the expertise of its decision-makers. Decisions that do not adequately engage with the technical or contractual realities of construction disputes can create uncertainty and undermine confidence in the Tribunal. Poorly reasoned or inconsistent decisions increase the

likelihood of appeals, prolong disputes and add unnecessary cost. Conversely, well-informed and commercially realistic decisions encourage early settlement, improve compliance and reduce the overall dispute burden.

From an industry standpoint, there is a clear need for an increased proportion of legally and technically qualified Members of the Tribunal with demonstrated experience in construction law, contract administration and building practice.

The appointment of more specialist construction members, supported by appropriate training and resources, would materially improve decision quality and consistency. This would benefit all participants in the system, including homeowners, by ensuring disputes are resolved on a sound and predictable basis.

3. Increased Resourcing for Building and Construction Matters

Perhaps the most pressing concern for the industry is delay in matters being determined by QCAT.

QCAT's website provides figures to 25 September 2025 (www.qcat.qld.gov.au/applications/timeframes), which shows that it takes:

- 100 weeks to finalise 75 per cent of applications to review decisions of the QBCC; and
- 94 weeks to finalise 75 per cent of building and construction disputes.

Lengthy waiting times for directions hearings, final hearings and decisions undermines QCAT's role as an efficient dispute-resolution forum. In many cases, the time taken to resolve a dispute far exceeds the commercial lifespan of the underlying project.

For contractors, subcontractors and trade contractors, prolonged delays can have severe cash-flow consequences. Retention of disputed funds, unresolved defect claims and delayed determinations can strain working capital and increase insolvency risk. For homeowners, delays can leave projects incomplete or defective for extended periods, meaning that they might not be able to live in their own home, and often with limited practical remedies in the interim.

Increased resourcing is essential to address these issues. Dedicated funding for building and construction disputes, additional members with construction expertise, and administrative support targeted to high-volume dispute categories would significantly reduce backlogs.

Quicker, more reliable timeframes would not only improve access to justice but would also encourage earlier resolution and reduce the escalation of disputes. Efficient adjudication supports cash flow, reduces insolvency risk, and promotes better compliance and project outcomes.

Conclusion

From an industry perspective, QCAT's effectiveness as dispute-resolution forum is critical to the health and stability of the sector. Expanding jurisdiction to review QBCC decisions, appointing more suitably qualified decision-makers, and increasing resourcing for construction matters are practical and achievable reforms that would materially improve efficiency, fairness and confidence in the system.

Ultimately, strengthening QCAT's capacity to deal with building and construction disputes will benefit not only individual parties, but the broader Queensland construction industry and the community it serves.

Thank you for the opportunity to contribute to this important consultation. Should you require further detail or clarification, contact Julian Lane via redacted.

Regards,

Micheal Hopkins

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