



NCAT Consumer and Commercial Division Procedural Direction 2

ACCEPTANCE OF BUILDING CLAIMS

This Procedural Direction applies to:	Consumer and Commercial Division
Effective Date:	1 January 2014
Replaces Procedural Direction:	Not Applicable
Notes:	You should ensure that you are using the current version of this Procedural Direction. A complete set of Procedural Directions and Guidelines is available on the Tribunal website at www.ncat.nsw.gov.au

Introduction

1. This direction is issued pursuant to section 26 of the *Civil and Administrative Tribunal Act 2013 No 2* (NCAT Act) in respect to building claims lodged in the Consumer and Commercial Division and sets out the classes of application which will be accepted by the Divisional Registrar without investigation by an inspector under Division 2 of the *Home Building Act 1989*.

Certain applications to be rejected

2. Under section 48(J) of the *Home Building Act 1989* the Divisional Registrar of the Consumer and Commercial Division must reject any application for determination of a building claim unless the Divisional Registrar is satisfied that the subject matter of the claim has been investigated under Division 2 of that Act.
3. The President may direct that the building claim be accepted without such investigation having been made.

Building claims to be accepted where there has been no investigation

4. I direct that the Divisional Registrar accept building claims of the nature set out below where there has not been an investigation by an inspector:
 - (a) Appeals against a decision of an insurer under a contract of insurance required to be entered into under the *Home Building Act 1989*;

- (b) Debt recovery by a contractor;
 - (c) Cross-claims;
 - (d) Claims where the time for lodging a claim is due to expire within 3 months;
 - (e) Matters involving unlicensed contractors;
 - (f) Claims by a trader against a subcontractor regarding defective work;
 - (g) Claims against owner-builders regarding defective work;
 - (h) Claims involving companies that have been de-registered;
 - (i) Claims against companies or individuals who have gone into administration, liquidation or bankruptcy.
5. These directions do not preclude the President from directing in the individual case that a building claim not falling within the ambit of these directions be accepted by the Divisional Registrar without an investigation under Division 2 of the *Home Building Act 1989* having been made.

(Sgd)

24 December 2013

STUART WESTGARTH

Deputy President