

Resolving problems

Issues are not unusual in construction and property development, and they need to be resolved quickly, cost effectively, and fairly.

Self-resolution

Parties involved in a dispute should attempt to resolve it themselves (known as self-resolution). Issues can often be resolved by talking the problem through and reaching an agreement or compromise.

Some of the benefits of self-resolution are:

- It can be the quickest and cheapest means of resolving a dispute.
- It can prevent the dispute escalating.
- It can preserve the relationship between the parties.
- It can prevent future disputes from occurring – or enable them to be resolved more quickly.

There are three simple steps to self-resolution of a dispute:

- Check your facts.
- Communicate.
- Record any agreement in writing.

Check your facts

Review the written contract and what has been discussed to date. Be sure that you understand what your contract means for you.

[More detailed contractual information is available on the Building Performance website\(external link\)](#)

Communicate

When it comes to discussing a problem with each other, these tips may help:

- Talk with the other party as soon as possible if you have a concern – ignoring a problem is not going to make it go away.
- Be available to each other and do not ignore attempts from the other party to contact you.
- Express your views clearly and listen with an open mind to what the other party has to say.
- Try to understand the other party's point of view.
- Check that you and the other party both understand what the concern is.
- Come up with a range of options to resolve the matter including possible compromises.
- Set realistic goals for reaching an agreement.
- Keep talking and listening regardless of whether a mutual solution can be reached.
- Set another time to continue negotiations if the issues are not resolved straight away.
- Stick to the issues and be respectful, especially when leaving voicemail, text messages, or sending emails. This will avoid creating unnecessary ill-feeling towards one another due to a hasty, poorly-worded message.

Record any agreement in writing.

While most verbal or 'hand-shake' agreements are binding, it is important to ensure that key issues are accurately recorded in writing. Some advantages of doing this are:

- it provides a means of checking that the parties have agreed on the key issues.
- it provides a means of ensuring that details of what has been agreed to can be recalled at a later time.
- it prevent future disputes by clearly outlining what has been agreed to.
- it provides a means of confirming closure in regards to a dispute.
- it makes enforcement easier if the agreement is not adhered to.

Get more information

The Building Performance website has a lot of information through the following links that you may find useful:

- [Why contracts are valuable\(external link\)](#)
- [Rights and obligations in the building process\(external link\)](#)
- [Dispute resolution options\(external link\)](#)

Taking it further

If you are not able to resolve your dispute, or if you want to take the matter further, you have a number of options. Here are some useful places to go:

- [For complaints relating to a licensed building practitioner](#)
- [For complaints relating to an unlicensed person carrying out restricted building work](#)
- [For other complaints or general information](#)