NSW GOVERNMENT | Home Warranty Insurance Fund

QBE

# HOME WARRANTY INSURANCE – CLAIM FORM (FOR POLICIES ISSUED AFTER 30 JUNE 2010)

- **This form should be only completed for lodgement of a claim under a Contract of Home Warranty Insurance (policy) issued after 30 June 2010.**
- **Enquiries concerning claims under home warranty insurance policies issued before 1 July 2010 should be directed to the insurer that issued the policy. Contact details for former home warranty insurers can be accessed at www.fairtrading.nsw.gov.au.**
- **The completed form should be lodged with the Insurance Agent that issued the home warranty insurance policy.**
- **For claims under policies issued by Vero Insurance Limited between 1 July 2010 and 30 September 2010 please contact the Home warranty Insurance Fund (homewarranty@treasury.nsw.gov.au - www.homewarranty.nsw.gov.au) for advice regarding the Insurance Agent to whom your notification should be submitted.**
- **References in this form to 'builder' and 'building work' include trade and other building contractors/work.**
- **Home warranty insurance covers a homeowner for loss or damage resulting from non-completion of residential building work and/or arising from a breach of a statutory warranty (e.g. defective work) because of a builder's or owner-builder's insolvency, death, disappearance and/or a suspension of a builder's licence for non-compliance with a compensation (money) order of the Consumer, Trader and Tenancy Tribunal (CTTT) or a court in favour of the homeowner.**

## Section 1 - Homeowner Details

Homeowner Name

Address of Residential Building Work that is the Subject of the Claim | State | Postcode

Homeowner's Postal Address (leave blank if same as above) | State | Postcode

Business Phone Number ( )

Mobile Phone Number

Facsimile Number ( )

Email Address

Are you registered for GST purposes? No ☐ Yes ☐ ▶ What is your ABN?

Are you entitled to claim an Input Tax Credit on the amounts claimed? No ☐ Yes ☐ ▶ If **Yes**, how much – 100% or other? %

## Section 2 - Details of Insurance

Certificate of Insurance Number

Date of Issue / /

Insurer: SICorp / Home Warranty Insurance Fund

Insurance Agent

Use by Insurance Agent

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## Section 3 - Builder/Owner-Builder Details

Name of Builder/Owner-Builder

Address of Builder/Owner-Builder (if known) State Postcode

Builder's Licence Number/Owner-Builder Permit Number (if known)

Business Phone Number ( )

Mobile Phone Number

Facsimile Number ( )

Email Address

Are you related to the builder/owner-builder (or developer) or do you have any other personal association with them?

No ☐ Yes ☐ ▶ If **Yes**, please provide details below

Please indicate which situation is applicable to your claim:

| | | No | Yes | |
|---|---|---|---|---|
| 1 | Is the builder/owner-builder insolvent (e.g. bankrupt, in liquidation or under external administration)? | | | If **Yes**, please provide details |
| | If **Yes**, how and when did you become aware of the insolvency? | | | |
| | Have you been officially been notified of the insolvency? | | | If **Yes**, please provide a copy of the notice you received |
| 2 | Has the builder/owner-builder died? | | | If **Yes**, please provide details |
| | If **Yes**, how and when did you become aware of their death? | | | |
| | Have you received any formal notification? | | | If **Yes**, please provide details |
| 3 | Has the builder*/owner-builder disappeared? | | | If **Yes**, please provide details |
| | If **Yes**, how and when did you become aware of their disappearance?* | | | |
| | What evidence do you have of their disappearance?* | | | |
| | What steps have you taken to locate the builder*/owner-builder? | | | |
| 4 | Has the builder's licence been suspended for non-compliance with a compensation (monetary) order of the CTTT or a court in favour of the home owner? | | | If **Yes**, please provide details of your knowledge of this |

* **Note:** *Where a home owner is unable to locate their builder, in the first instance, a complaint should be lodged with NSW Fair Trading. In the event that Fair Trading cannot find the builder, a letter will be provided to the home owner stating that the builder is unable to be located, which can be attached to this claim form. Further information is available at www.fairtrading.nsw.gov.au or on 13 32 20.*

What is the nature of your claim (you may tick more than one):

- ☐ Non commencement of work
- ☐ Non completion of work
- ☐ Defective work
- ☐ Defective design (if by builder)
- ☐ Loss of deposit or progress payment
- ☐ Alternative accommodation, removal and storage costs reasonably and necessarily incurred
- ☐ Legal or other reasonable costs in seeking to recover compensation from the builder/owner-builder

**1.** Did you enter into a building contract with the builder? Yes ☐ No ☐ ▶ If **No**, go to Section 6

**2.** What was the commencement date of the Contract? / /

**3.** Was the Contract terminated? No ☐ Yes ☐ ▶ If **Yes**, provide details including a copy of all documentation evidencing termination.

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4. What was the completion date? (Please provide details e.g. completion certificate, occupancy certificate, or other) / /

5. If the residential building works are not complete, what is the date the builder/contractor last attended site? / /

6. What is the current stage of works?

## Section 4 - Details of the Building Contract

1. Were plans and specifications prepared for the residential building work? No ☐ Yes ☐ ▶ If **Yes**, please provide a full copy

2. Who supplied the plans and specifications? (Builder/contractor, or you or your representative(s))

3. Was the contract for residential building work in writing? No ☐ Yes ☐ ▶ If **Yes**, please provide a full copy

4. Contract Sum $

Variations $ Provide a copy of all documentation evidencing agreed variations.

$

$

$

Deductions $ Provide a copy of all documentation evidencing agreed deductions.

**Total Contract** $

## Section 5 - Payments

Provide details of all payments to the builder (evidence of payment is required. e.g., bank statement, receipts, etc).

| Date | Cash cheque / other | Amount claimed |
|---|---|---|
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | **TOTAL PAYMENTS TO BUILDER** | $ |

Is there a retention fund? No ☐ Yes ☐

If **Yes**, please provide details of the financial institution holding the fund, the current balance, the date and amount of each deposit into and any withdrawal from the fund including who made each withdrawal.

Is there still any money owing under the original contract? No ☐ Yes ☐

If **Yes**, how much is owing? $

When was it due for payment? / /

Why was it not paid?

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## Section 6 - Property Purchase Details (if applicable)

1. What was the date of purchase? / / ▶ Please provide a full copy of the purchase contract.

2. What was the purchase price? $

3. When did you take possession of the property? / /

4. Did you obtain a pre-purchase inspection report? No ☐ Yes ☐ ▶ If **Yes**, please provide a copy

5. Were you aware of any items of complaint in the residence prior to settlement of the purchase?

   No ☐ Yes ☐ ▶ If **Yes**, please provide details.

6. Do you have access to the building plans and specifications? No ☐ Yes ☐ ▶ If **Yes**, please provide a copy

7. Do you still own the residence which is the subject of your claim? No ☐ Yes ☐

## Section 7 - Complaints/Claims

1. Have you previously notified the builder of complaints regarding loss or damage to the residential building work?

   No ☐ Yes ☐

   If **Yes**, please provide dates of notification and details of the items of complaint. What further action have you taken in regard to each complaint?

2. Please provide a copy of any correspondence entered into between you and the builder regarding your complaints/claim.

3. Precisely what is your claim? List all items that are the subject of your claim, estimate the cost of each and describe as best you can the cause of each item. For each item state when you first became aware of it.

| Item | Cause | Cost |
|---|---|---|
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | | $ |
| | **TOTAL AMOUNT BEING CLAIMED** | **$** |

4. Have you previously claimed under any insurance policy, contract performance agreement or any other such agreement in relation to the loss or damage to the residential building work the subject of the claim?

   No ☐ Yes ☐ ▶ If **Yes**, state when and provide details.

5. Please provide a copy of any Consultant's report you have obtained in relation to the matter.

## Section 8 - Other Proceedings

Have any proceedings been commenced or concluded in relation to the subject matter of this claim resulting in, or likely to result, in settlement with the builder/contractor, an arbitration award, an award by a Tribunal or a Judgement of any court?

No ☐ Yes ☐ ▶ If **Yes**, please provide full details.

## Section 9 - Privacy Statement

NSW Self Insurance Corporation (**SICorp**), is a statutory corporation constituted under the *NSW Self Insurance Corporation Act 2004* (NSW) and is responsible for carrying on the business of providing home warranty insurance for building work done in New South Wales that requires such insurance under the *Home Building Act 1989* (NSW). SICorp is regulated by the *Privacy and Personal Information Protection Act 1998* (NSW) and is required to provide the following information to you in relation to your personal information.

**Purpose of Collection**

SICorp, through its agents, collects and holds personal information (information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion and which relates to a natural living person) for the purpose of providing home warranty insurance (insurance) in relation to building work requiring such insurance, including:

- evaluating your claim;
- providing, administering and managing the insurance services following acceptance of your claim form;
- investigating, and if covered, managing and processing claims made by you in relation to any policies of insurance issued by us; and
- seeking recovery of any amounts paid by SICorp under any policies of insurance.

SICorp and its agents, collect personal information in connection with the purposes listed above, through this form and also from other State or Federal government bodies, our insurance agents, loss assessors, claims investigators, reinsurers, insurance companies, mailing houses, claims reference providers, other service providers, legal and other professional advisers.

Examples of personal information include your claim history.

**Disclosure and collection**

SICorp or its agents may disclose your personal information, in connection with the purposes listed above or as otherwise authorised or required by law, to other State or Federal government bodies, our insurance agents, loss assessors, claims investigators, reinsurers, insurance companies, mailing houses, claims reference providers, other service providers, legal and other professional advisers.

**Consequences if information is not provided**

Supply of the information sought in this form is not required by law, however, if you do not provide us with this information we will be unable to consider or manage your claim under the policy.

**Access**

You can request access to, and correction of, your personal information by contacting the Privacy Contact Officer of our insurance agent, as stated on your Certificate of Insurance.

In some circumstances we may not agree to allow you access to some or all of the personal information we hold about you such as when it is unlawful to give it to you. In such cases we will give you reasons for our decision.

***NSW Self Insurance Corporation PO Box A2615, Sydney South, NSW 1235.***

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## Section 10 - Owner Claimant Declaration

*This declaration must be signed by each of the claimants and/or all of the owners of the property.*

I/We confirm that the details on this form are true and represent a fair and accurate representation of the affair(s) of the claimant(s). If any of the information disclosed in this form alters or materially changes, I/we will notify the insurance agent stated on the Certificate of Insurance immediately.

I/We acknowledge that SICorp, or its agent, may seek additional information from me/us as required from time to time.

I/We acknowledge that SICorp, or its agent, reserves the right to reject any claim.

I/We acknowledge that I/we have not negotiated or settled a claim, incurred any expenses without notifying SICorp's insurance agent, as stated on the Certificate of Insurance, in writing.

I/We have read and understood the Privacy Statement section in this claim form.

**For personal applicants**
I consent to SICorp and its agents collecting, using and disclosing my personal information in accordance with the Privacy Statement.

**For all applicants**
If I have disclosed personal information in this form about any other person, I confirm that I am authorised to disclose this information to SICorp and its agents and to consent (and do consent) on that person's behalf to collection, use and disclosure of this and other personal information about them in accordance with the Privacy Statement.

| Declared by Claimant (name) | | Declared by Claimant (name) | |
|---|---|---|---|
| | | | |
| Signature | Date | Signature | Date |
| | / / | | / / |

# HOME WARRANTY INSURANCE – CHECKLIST

Please ensure you have included the following details and supporting documents (as required) to complete your application lodgement successfully:

For claims where you contracted with the builder:

- ☐ A complete copy of the contract relating to the building work, which is the subject of the claim
- ☐ A copy of your Certificate of (Home Warranty) Insurance
- ☐ A complete copy of the plans and specifications relating to the building work
- ☐ A complete copy of the conditions of approval as specified by your approving authority
- ☐ A copy of all certificates issued in relation to the construction of the dwelling
- ☐ A copy of all documents evidencing agreed variations or deductions
- ☐ Proof of payments made under the original contract
- ☐ Proof of termination of contract (if applicable)
- ☐ A copy of any Judgements relating to this matter by any Tribunal or Court
- ☐ A copy of any consultant's report you have obtained in relation to the matter
- ☐ A copy of any correspondence entered into between you and the builder/owner-builder regarding this matter

For claims where you purchased the residence, the subject of the claim:

- ☐ Evidence of ownership (eg. Council Rates notice)
- ☐ A copy of your Certificate of (Home Warranty) Insurance
- ☐ A complete copy of the Contract for Sale of Land through which you purchased the residence
- ☐ A complete copy of any pre-purchase inspection report or the like obtained prior to the purchase of the property
- ☐ A copy of any Judgements relating to this matter by any Tribunal or Court
- ☐ A copy of any consultant's report you have obtained in relation to the matter
- ☐ A copy of any correspondence entered into between you and the builder/owner-builder regarding this matter

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