

A Statement of Contentions / Points of Claim is a written statement that sets out the facts of the Applicant's matter and what result the Applicant is seeking.

What do I include in my Statement of Contentions / Points of Claim?

The Statement of Contentions / Points of Claim should be written as a series of numbered short paragraphs, each containing a separate fact that is central to the application. It should:

- include details of the documents that are the subject of the application
 - state the full name of the parties and the address of the property
 - contain fully itemised particulars of the application and the relief or remedy sought - particulars of a pleading provide details about how a general allegation is founded and will be proved at hearing.
 - identify the issues in dispute, the basis of the application and the relief sought against the other party (which may refer to an attached expert's report providing such report is clearly itemised), and
 - be filed with the Board and a copy served (given) to the other party or parties. Make sure it is filed and served by the time ordered in the Directions and Orders.
- *lays out the defence* – Avoid drafting the Statement of Contentions / Points of Claim to address matters you think the other side will raise as a defence to the application. The submission should only deal with the facts of the application. You will have an opportunity to respond to the other parties' version of the facts at a later stage.
 - *withholds information* – Do not hold back key parts of the application to try and surprise the other side at the Board hearing. If you do, you may not be permitted to raise this information later.

Sample Statements of Contentions / Points of Claim?

You can find template Statements of Contentions on the BAB website, at -

<https://www.buildingappeals.vic.gov.au/how-to-apply/information-about-submissions>

Respondent's/Interested Parties' Statement of Contentions / Points of Claim

If the Board orders the Applicant to file a Statement of Contentions / Points of Claim, it will also order that the other party or parties file and serve a Respondent's Statement of Contentions / Points of Defence by a certain date. Generally, a Respondent's submission will respond to each separate paragraph (pleading) in the Applicant's submission. The Respondent's Statement of Contentions / Points of Defence must be filed with the Board and served on the applicant and any other party in accordance with the Directions and Orders.

Further information

If you have an inquiry, please email registry@buildingappeals.vic.gov.au or call 1300 421 082.

Common Mistakes

Make sure that the Statement of Contentions / Points of Claim adequately outlines the application. Some of the common mistakes include:

- *too long* – You do not need to include every single detail about what happened. A short and concise statement will make it easier for the Board to understand the issues in the application.