

Complaints against certifiers

Legislation

The statutory requirements for investigation of complaints are outlined in sections 190, 191, 194, 195, 198, 199, 201, 204 and 205 of the *Building Act 1975* (the Act). Other matters relating to building certifier's are stated in s10, 126, 127 and 128 of the Act.

It is advisable that you obtain a copy of this Act and familiarise yourself with these relevant sections. This legislation may be obtained from the following website link: www.legislation.qld.gov.au/Acts_SLs/Acts_SL_B.htm

Grounds for complaint

Section 190 of the Act states that "A person may make a complaint to QBCC about a building certifier if the person believes the building certifier has engaged in unsatisfactory conduct or professional misconduct." A complaint may only be made against a building certifier or former building certifier (only an individual) and not a company or business name.

NOTE: The QBCC may recommend mediation if it considers this method of resolution appropriate.

Complaint procedures

Making a complaint against a building certifier. Under section 190 of the Building Act 1975 it states the following:

1. A person may make a complaint to the QBCC about a building certifier if the person believes the building certifier has engaged in unsatisfactory conduct or professional misconduct.
2. A complaint must:
 - (a) be in writing
 - (b) contain particulars of the allegations on which it is founded
 - (c) be verified by statutory declaration.
3. QBCC may require the complainant to give further particulars of the complaint.
4. QBCC may dismiss any complaint without taking further action under this division if the further particulars are not given or if the complaint or the further particulars are not verified by statutory declaration.
5. QBCC must not disclose to another person unproved complaints against a building certifier.

Building certifier must be advised of complaint. Under section 191 of the Act it states the following:

After receiving the complaint, the QBCC must, by notice:

- (a) inform the building certifier of the nature of the complaint
 - (b) invite the building certifier to make, representations to the QBCC about the complaint within a stated time.
1. The time stated in the notice must provide at least five business days from when the notice is given.
 2. If the QBCC makes a decision about the complaint under section 204, regard to the representations must be given.

NOTE:

- Under s190(4)(2) of the Act, the QBCC must conduct an investigation into the complaint as soon as practicable.
- Under section 192 of the Act the QBCC can recommend mediation if it considers this could achieve resolution.
- Under s204 of the Act, the QBCC must give an information notice about its decision to the building certifier and if the decision is the result of a complaint, give the complainant a copy of the notice.

Examples of complaint

Breaches should include documentation as demonstrated below:

- building certifier has not lodged the building approval documentation with local council - *refer to attached documentation*
- building certifier has issued a frame inspection certificate when truss tie down was not installed on the northern wall of the dwelling - *refer to attached photos and approved drawings*
- Final inspection certificate issued but the the stormwater discharge not adequate - *refer to attached photos and approved drawings*
- Certificate of Classification issued when the building work does not comply with conditions of approval - *refer to attached Decision Notice and Certificate of Classification.*

Completing this form

- Use BLACK pen only
- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid – any amendments should be crossed out and initialled

I/We have read and accept the contents of the Information Statement provided with this form: YES NO

I/We have contacted the building certifier in regard to this complaint: YES NO

1. COMPLAINANT'S DETAILS

Surname:

First names:

Date of birth: – – ABN:

Postal address:

Postcode:

Business ph: Home ph:

Mobile ph: Fax:

Email:

2. SITE RELEVANT TO THE COMPLAINT

House No: Unit No:

Street name:

Suburb/Town: Postcode:

Local council:

3. CERTIFIERS DETAILS

Name of building certifier: Licence no:

PRIVACY NOTICE: QBCC is collecting the information on this form to investigate whether a breach of the *Building Act 1975* or other legislation has occurred. The list of complaint items contained on this form and your supporting documents will be given to the relevant building certifier. This information may be used in taking disciplinary action or criminal proceedings. You may be required to give evidence in Court or Tribunal about the information collected. The information collected may be requested by other government agencies which have certain powers to request this information or disclosed by order of a Court or Tribunal of competent jurisdiction. All information held by QBCC may be subject to application for access under the *Right to Information Act 2009* (the Act). Information may be released in accordance with the Act and QBCC Right to Information policy. For further information visit the QBCC website at www.qbcc.qld.gov.au

| | | | | |
|-------------|-----------------|----------------------|-------------|----------------------|
| OFFICE ONLY | CRN: | <input type="text"/> | Licence No: | <input type="text"/> |
| | Action Officer: | <input type="text"/> | File No: | <input type="text"/> |

4. COMPLAINT ITEMS

NOTE: A complete list of complaint items must be provided in the table below for your matter to be investigated - attaching emails, letters, building reports etc is considered insufficient.

| Item no. | Complaint items - description of building certifiers alleged breach/es (these must be specific and be supported by evidence/documentation). |
|----------|---|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |

5. DECLARATION

I/We do solemnly and sincerely declare that

the particulars in this complaint form and any accompanying statements are true and correct. I/We make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1876 to 1891*.

Declared at in the State of

on this day of 20

Signature of applicant/s

Before

Justice of the Peace/Commissioner of Declarations

Please forward it to:

Manager, Building Certification, Queensland Building and Construction Commission, GPO Box 5099, Brisbane Qld 4001 Telephone: 139 333