

COMPLAINT AGAINST A BUILDING CERTIFIER BY A REGULATORY BODY





WHEN TO USE THIS FORM

You may make a complaint to the QBCC's Certification Unit about a building certifier you believe has engaged in unsatisfactory conduct or professional misconduct. The QBCC will require you to provide a statutory declaration.



NOTE: By submitting a complaint against a building certifier, the QBCC's Certification Unit may investigate the conduct of the certifier. The QBCC will advise the certifier of the complaint.

In investigating the conduct of the certifier, the QBCC's Certification Unit **does not** have authority to:

-  enforce refunds
-  rectify defective work
-  become involved in matters of a contractual nature
-  issue payments to complainants under the Queensland Home Warranty Scheme.

GROUNDINGS FOR COMPLAINTS

The below are **examples only** and are not inclusive of all matters for a complaint against a certifier:

- Building certifier has not submitted the building approval documentation to local council.
- Building certifier has issued a frame inspection certificate when truss tie down was not installed on the northern wall of the dwelling.
- Final inspection certificate issued but the stormwater discharge not adequate.
- Certificate of Occupancy issued when the building work does not comply with the approval.

BEFORE YOU COMPLETE THIS FORM

1. Is your complaint about a building certifier as an individual person?

☐ Yes ☐ No – **STOP.**



A complaint may only be made against a building certifier or former building certifier (as an individual person) and not a company, business name or multiple certifiers.

2. Have you mitigated any safety risks to occupants on the site?



The QBCC does not provide a 'make safe' service. The QBCC has no authority to take complaints regarding safety practices on site, or to inspect sites to ensure compliance with safe work practices under the *Work Health and Safety Act 2011* or the *Work Health and Safety Regulation 2011*.

If you have concerns regarding the builder(s) or site owner(s)' obligations or omissions in relation to site safety you will need to contact WorkSafe Queensland. For further information please visit worksafe.qld.gov.au.

In addition, please take appropriate steps by raising any issues with the site owner(s), builder or occupant(s).

3. Are you within the time limits for submitting a complaint?

There are time limits for submitting a complaint, depending on circumstances. Use the flowchart (i.e. 'Determining cut-off date') on the following page to determine if you are eligible to submit a complaint.

4. Do you have information and documents on hand that will help us investigate?

Information and evidence that will help our investigation:

- Contact details of the building certifier
- Location of the site (street address or Lot/Plan)
- Contact details of the owner and/or resident of the property where the site is located
- Details of your complaint (alleged offences).

Evidence about the building certifier and certification, such as:

- Local government documents (forms, permits, reports)
- Approval documentation
- Emails
- Photos
- Certificates/Reports.

DETERMINING CUT-OFF DATE

Time limits apply for making a complaint about the conduct of a certifier, unless the conduct has caused, or may cause, significant financial loss or other serious harm.

Use this flowchart to determine if you meet the time limits for submitting a complaint.

Have any of the following forms been issued (that you are aware of), or has the building development approval lapsed?

☐ **Form 11** (Certificate/Interim Certificate of Occupancy).

☐ **Form 21** (Final inspection certificate - single detached class 1a buildings and class 10 buildings or structures).

☐ **Form 17** (Final inspection certificate – swimming pools).

☐ **The building development approval lapsed**
This lapse occurred before an occupancy or final inspection certificate was issued.


☐ **No form issued**


What is the date on the form/certificate?

Date / /

Is the date more than seven (7) years ago?

☐ **Yes** ☐ **No**

 Attach a copy of the form.

 **Continue submitting complaint**


Did the lapse occur more than seven (7) years ago?


☐ **Yes** ☐ **No**

Did any of the following actions occur more than one (1) year ago?

- A private certifier was engaged for the application, or
- The application was received by the local government if a private certifier was not engaged for the application, or
- The complainant became aware of the conduct.

☐ **Yes** ☐ **No**

 **STOP. The complaint is past the cut-off date.**
To consider a complaint outside the time limit, you must provide evidence of significant financial loss or other serious harm. See instructions below.

 **Continue submitting complaint**

TO CONSIDER A COMPLAINT OUTSIDE THE CUT-OFF DATE

To ensure your complaint about a certifier's conduct is successfully considered outside the standard submission timeframe, you must **provide documented evidence** (not just your opinion) proving that the conduct has **caused, or may soon cause, significant financial loss or other serious harm**. As the complainant, you are responsible for demonstrating how serious it is.

- If claiming significant financial loss**, you need to provide evidence that proves how much it affected you. This includes detailed estimates from independent, qualified professionals (e.g. structural engineers, registered builders) detailing the cost to rectify the defect(s) caused by the certifier's conduct.

Attach copies of paid invoices, itemised expenditure lists, and any documented proof of devaluation of the property directly resulting from the conduct of the certifier. You need to explain why the amount is a significant loss relative to the project and how the certifier's actions allegedly caused it.

- If claiming other serious harm**, your submission must clearly establish a direct link between the certifier's conduct and the issue(s). For safety concerns, include comprehensive inspection reports highlighting non-compliance that causes an immediate risk.

EXAMPLES OF WHAT IS A BUILDING CERTIFIER FUNCTION

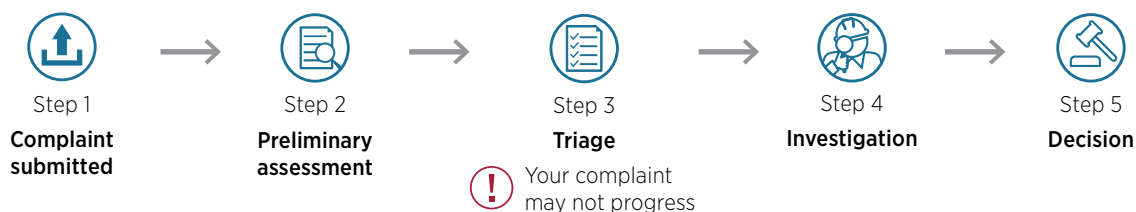
It means performing tasks to check and certify building work, including:


- ✓ Assessing building plans and work to ensure they meet building standards.
- ✓ Issuing compliance certificates confirming the work complies.
- ✓ Inspecting work as part of a building approval.
- ✓ Providing stage and final certificates for houses and certain structures.
- ✓ Issuing occupancy certificates so a building can be used.

WHAT CERTIFIERS ARE NOT RESPONSIBLE FOR


- ✗ Designing the building or structure or carrying out any of the building work.
- ✗ Ensuring a builder is complying with their contract.
- ✗ Taking responsibility for quality control and material finishes (e.g. quality of paintwork or finishes on a project, wrong coloured timber treads).
- ✗ Supervising the job site.
- ✗ Enforcing Workplace Health and Safety measures for building sites falling under the governance of WorkSafe Queensland.
- ✗ Meeting the cost of referral agency assessment and inspection fees (e.g. QFES, local government etc.).
- ✗ Ensuring a subcontractor is complying with their contract with the owner or builder.


WHAT HAPPENS AFTER YOU SUBMIT A COMPLAINT?




-  **1. Complaint submitted** – You will receive a letter or email confirming that your complaint has been received, along with your unique case number.

 At this step **please wait** to be contacted by the QBCC.


-  **2. Preliminary assessment** – The QBCC will commence a preliminary assessment to determine if the complaint has been properly made. During this step, the QBCC may request additional information from you to complete the assessment.
- Where relevant, the QBCC may write to your organisation stating that the complaint items raised can be resolved through direct engagement between your organisation and the certifier.


 At this step **please wait** to be contacted by the QBCC.

-  **3. Triage** – Under Section 191 of the *Building Act 1975*, the QBCC must inform the building certifier of the nature of the complaint. This includes a copy of the completed complaint form and all relevant evidence and documentation you have provided.

After receiving the certifier's representations, and consideration of all relevant information and evidence, the QBCC will decide if your complaint will proceed to investigation or be dismissed.

If the QBCC decides to dismiss the complaint prior to an investigation, you will be notified. Please note that a decision to dismiss a complaint prior to an investigation is non-reviewable.


 At this step **please wait** to be contacted by the QBCC.

-  **4. Investigation** – The complaint will be referred to a Certification Officer for investigation. Both parties will be notified.
- An exact timeframe to investigate cannot be provided due to the nature and complexity of the complaint and the time it takes to review the information and documents provided.

 The timeframe to investigate a complaint **can be lengthy**.

Complaints will be dealt with in a confidential manner that is respectful to both the complainant and the respondent.

Reasonable steps will be taken to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the complaint handling process. However, the QBCC cannot give an assurance of absolute confidentiality, given statutory obligations and principles of natural justice.

-  **5. Decision** – Once the investigation of your complaint is finalised, the QBCC will provide you with an Information Notice outlining the decision, reasons for the decision and your rights in relation to the decision.

COMPLETING THIS FORM

1. Download this PDF form to fill out on-screen. Save this PDF form to your personal records and print a hard copy to submit by post, in person, or online.
2. If you choose to fill out with a pen, use BLACK pen only – print clearly in BLOCK LETTERS - DO NOT use correction fluid. Cross out mistakes and initial any amendments.

SUBMITTING YOUR FORM



In person:
At any QBCC Customer Service Centre



Post:
GPO Box 5099, BRISBANE QLD 4001



Via the feedback and enquiries form on
my.qbcc.qld.gov.au.

You will need to be logged in to attach files.

PRIVACY NOTICE – PLEASE READ

The QBCC is collecting personal information on this form to investigate your complaint against a building certifier and to assist with assessing their compliance with statutory requirements. This is authorised by the *Building Act 1975*.

The QBCC may also use your email address to contact you about research and engagement activities for the purpose of improving our services. You will be able to opt-out of receiving these emails.

The QBCC is required by the *Building Act 1975* to provide certain complaint information to the alleged certifier.

It is important to note that:

- When taking disciplinary action, the QBCC is required to provide all details of your complaint to the alleged certifier. This includes your name and all supporting evidence provided by you.
- You may be required to give evidence in court.
- We may also disclose your information to local governments that have certain powers to request information of this type, or to a court or tribunal. The information provided will only be disclosed by the QBCC where authorised or required by law.
- All information held by the QBCC may be subject to application for access under the Right to Information and Privacy legislation or as authorised or required by law.

Visit the QBCC Privacy Policy at qbcc.build/privacy-info for more information, including steps to access and amend your personal information, or submit a privacy complaint.

1. YOUR COMMITMENT

Honest and complete information

It is important you are truthful about the information you provide, so we can review your submission quickly and fairly. We also need you to fully complete this form. Complainants who provide all of the requested information are most likely to avoid delays in getting their complaint assessed.

Your behaviour matters

The safety of our team members and all parties involved in your complaint is very important. We will not accept hurtful or abusive language, or threats to our staff, or anyone related to your complaint. Aggressive behaviour that puts others at risk will not be tolerated.



WARNING: Giving false or misleading documents to the QBCC is an offence under Part 4, Section 203 of the *Building Act 1975* and may result in a fine and your case being closed.

☐

I understand the QBCC will not accept hurtful or abusive language, or threats to staff, or anyone related to my complaint and that aggressive behaviour that puts others at risk will not be tolerated.

☐

I understand that documentation submitted with this form may be made available to other parties under the *Right to Information Act 2009* or *Information Privacy Act 2009*.

2. DECLARATION

Under Section 190 of the *Building Act 1975*, a complaint must be verified by a statutory declaration.

I, [full name]

of, [address]

in the state of,

☐ I do solemnly and sincerely declare the particulars in this complaint form and any accompanying statements are true and correct.
I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

☐ I declare the information provided in this complaint is correct to the best of my knowledge.

Signature of
complainant

Date

D	D
<input type="text"/>	<input type="text"/>

 /

M	M
<input type="text"/>	<input type="text"/>

 /

Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

This form must be signed by hand. Digital signatures are not accepted.

Taken and declared before me at [name of town or city and suburb where affidavit signed]

this day [date]

of [month]

year

before me

Full name of the person before whom the declaration is made

Signature of Justice of the Peace/
Commissioner for Declarations/
Notary Public/Lawyer

3. AGENCY DETAILS (i.e. the person submitting the complaint)

Title ☐ Mr

☐ Mrs

☐ Miss

☐ Ms

Other

Family name

Given names

Agency name

Position title (i.e. Director, Secretary, CEO, Manager)

Direct phone

Mobile phone

Direct email

Postal address

Suburb

State

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Postcode

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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4. SITE RELEVANT TO THE COMPLAINT



Please provide lot and plan details if street address is not known. The lot and plan details (e.g. SP/RP) are shown on title documents or a rates notice.

Lot number (e.g. 6) Plan type (e.g. RP) Plan number

Street address

Suburb State Postcode

5. CERTIFIER'S DETAILS



NOTE: A complaint must be submitted against an individual person only.

Name of building certifier

Licence number

Business phone Mobile phone

Email



The address can be found in the public Building Certifier Register at qbcc.build/certifier-search.

Postal address

Suburb State Postcode

6. OTHER HELP

Have you referred your concerns/allegations to another regulatory authority (e.g. Queensland Fire Department, Local Government Authority, Environmental Protection Agency, Queensland Work Health and Safety)?

☐ Yes ☐ No

If yes – which organisation? ☐ Local Government Authority/Council ☐ Queensland Civil and Administrative Tribunal ☐ District or Magistrates Court

Other

Application/reference number? (if applicable)

What proactive measures have you taken to resolve your concerns with the certifier and the property owner (i.e. phone, notices, email, site inspections, meetings, mediation)?

7. COMPLAINT ITEMS

List all complaint items on the following page(s) for the QBCC to investigate your allegation(s) of the building certifier's unsatisfactory conduct or professional misconduct.

For each complaint item, include:

- Item number
- Date you became aware
- Brief description of the allegation
- List of attached evidence and documentation to support your allegation (e.g. photos, emails/letters, certificates, approvals, plans, building reports).

IMPORTANT: Any evidence and documentation attached to the form will only be considered if referenced in this section.

What is a building certifying function?

It means performing tasks to check and certify building work, including:

- Assessing building plans and work to ensure they meet building standards.
- Issuing compliance certificates confirming the work complies.
- Inspecting work as part of a building approval.
- Providing stage and final certificates for houses and certain structures.
- Issuing occupancy certificates so a building can be used.



PLEASE NOTE: Any allegation that directly references the Certifier's Code of Conduct will not be accepted. Not all building defects identified via a Defective Building Work Complaint against the builder are directly related to a certifying function.



Failure to provide all this information may delay assessment and could require submitting a new complaint form and statutory declaration.

☐

By ticking this box, I confirm that **I have reviewed pages 1—3** of this form.

☐

I understand that **the QBCC does NOT offer a make-safe service**, and if I have any safety related concerns I will immediately refer these to WorkSafe Queensland.

What is and what is not a complaint?

Examples of a complaint:

- ✓ "The certifier assessed and endorsed structural elements of our dwelling that do not match the specifications included in the Building Approval."
- ✓ "The certifier has issued a Building Approval with approved door widths and ramps that did not comply with National Construction Code requirements for Accessibility Standards."
- ✓ "The certifier issued a Building Approval for an extension that did not comply with the local government planning scheme."

Examples of what IS NOT a complaint:

- ✗ "The certifier was paid in full and has not provided the services for which they were engaged."
- ✗ "The certifier did not respond to my emails, phone calls or text messages."
- ✗ "The certifier approved an extension to my neighbour's house that obstructs my views and caused too much shade."
- ✗ "The certifier approved a new two-storey building that has windows that overlook my rear deck and pool area."

 The following pages are for entering Complaint Items. Copy and attach additional Complaint Items pages as necessary.



QUEENSLAND BUILDING AND
CONSTRUCTION COMMISSION

COMPLAINT AGAINST A BUILDING CERTIFIER BY A REGULATORY BODY

7. COMPLAINT ITEMS (continued)

TIPS FOR COMPLAINT ITEMS

Item number Date you became aware

D	D	M	M	Y	Y	Y	Y
0	5	0	9	2	0	2	5

Detailed description of the allegation

(Note: a detailed timeline of events is not required)

How does your allegation directly relate to the certifier's function(s)?

List of attached evidence and documentation to support your allegation

List here all relevant legislation that the certifier has alleged to have breached in the performance of their certifying function(s).

Item number Date you became aware

D	D	M	M	Y	Y	Y	Y

Brief description of the allegation

(Note: a detailed timeline of events is not required)

List of attached evidence and documentation to support your allegation

Item number Date you became aware

D	D	M	M	Y	Y	Y	Y

Brief description of the allegation

(Note: a detailed timeline of events is not required)

List of attached evidence and documentation to support your allegation

7. COMPLAINT ITEMS (continued)

Item number Date you became aware

D	D
<input type="text"/>	<input type="text"/>

 /

M	M
<input type="text"/>	<input type="text"/>

 /

Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Brief description of the allegation

(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

Item number Date you became aware

D	D
<input type="text"/>	<input type="text"/>

 /

M	M
<input type="text"/>	<input type="text"/>

 /

Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Brief description of the allegation

(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

Item number Date you became aware

D	D
<input type="text"/>	<input type="text"/>

 /

M	M
<input type="text"/>	<input type="text"/>

 /

Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Brief description of the allegation

(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

7. COMPLAINT ITEMS (continued)

Item number Date you became aware

D	D
<input type="text"/>	<input type="text"/>

 /

M	M
<input type="text"/>	<input type="text"/>

 /

Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Brief description of the allegation

(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

Item number Date you became aware

D	D
<input type="text"/>	<input type="text"/>

 /

M	M
<input type="text"/>	<input type="text"/>

 /

Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Brief description of the allegation

(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

Item number Date you became aware

D	D
<input type="text"/>	<input type="text"/>

 /

M	M
<input type="text"/>	<input type="text"/>

 /

Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Brief description of the allegation

(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

7. COMPLAINT ITEMS (continued)

Item number

9

Date you became aware

D

D

/

M

M

/

Y

Y

Y

Y

Brief description of the allegation
(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

Item number

10

Date you became aware

D

D

/

M

M

/

Y

Y

Y

Y

Brief description of the allegation
(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**

Item number

11

Date you became aware

D

D

/

M

M

/

Y

Y

Y

Y

Brief description of the allegation
(Note: a detailed timeline of events is not required)

**List of attached evidence and documentation
to support your allegation**