

What you need to know about

## Making a complaint about a building practitioner

### What can I expect as an outcome?

The outcome of your complaint may not always result in the prosecution of a registered building practitioner. Also, an investigation will not stop any building work from being carried out or rectified, and it will not lead to the payment of compensation for loss or damage. Should your complaint be referred for investigation, there are a number of potential outcomes that may result from the Commission's action.

These include:

- Having your complaint dismissed through a lack of available evidence to support your allegations
- Having your complaint substantiated, but no further action recommended due to extenuating circumstances such as the identification of very minor breaches of legislation. In these cases a notation of your complaint will be made in the practitioner's conduct file for future reference
- The Commission prosecuting the practitioner who was the subject of your complaint
- The Commission referring the practitioner to the Building Practitioners Board for an Inquiry into his or her conduct.

In all of these situations you will be informed of the outcome in writing by the assigned case officer. If you are unhappy with the outcome you are encouraged to contact the particular case officer to discuss your concerns.

### What else do I need to know?

Commission staff may need you to provide additional information to help assess or investigate your complaint. You may be asked to provide copies of letters, drawings and other documents.

To help Commission staff contact you, please keep the Commission informed if you change your address or telephone numbers.

### Need more information?

Telephone +61 3 9285 6400 Facsimile +61 3 9285 6464  
Level 27, 2 Lonsdale Street, Melbourne, Victoria, 3000

publicrelations@buildingcommission.com.au  
[www.buildingcommission.com.au](http://www.buildingcommission.com.au)

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## What do I need to know?

Registered Building Practitioners are typically proud of their professionalism and ethical standards, but sometimes a client, or member of the public may have concerns about a registered building practitioner's professional conduct or ability to practise.

When you have such concerns, you should first discuss them with the building practitioner. If, after speaking to the building practitioner, you are still not satisfied or you do not wish to discuss the matter further, you can seek the assistance of the Building Commission.

## What can I complain about?

The Building Commission takes seriously all complaints about registered building practitioners where they may have breached professional standards or the requirements of the *Building Act 1993*. The building practitioner's client, or anybody who has an interest in the work of a building practitioner can make a formal complaint to the Building Commission.

The types of complaints the Building Commission investigates can include situations where a registered building practitioner has:

- Carried out building work without the required insurance or building permits
- Carried out building work that is different to the work on a permit
- Permitted an unregistered builder to use his or her registration
- Breached the building contract (e.g. requested excessive deposit or premature progress payments)
- Failed to conduct work in a competent manner and to a professional standard.

There may be circumstances in which the Building Commission will refer your complaint to another Government body. Victorian legislation distinguishes between different types of complaints, with various Victorian Departments responsible for different issues.

- Complaints about architects should be made to the Architects Registration Board of Victoria by phoning 9655 8570 or emailing registrar@arb.vic.gov.au.
- Should you be involved in a contractual dispute related to domestic building and your contract is dated from 1 July 2002, you should contact Building Advice and Conciliation Victoria. This is a joint initiative between the Building Commission and Consumer Affairs on 1300 557 559.
- If your concern is about a new building project near your property (e.g. overshadowing or overlooking), you should first raise your concerns with the local council where the project is located.
- Complaints about unregistered Building Practitioners should be made to Consumer Affairs Victoria 1300 558 181.

## How do I make a complaint?

A complaint relating to a registered practitioner's professional conduct or ability to practice should be made in writing to:

Manager, Advice and Assessment Unit  
Building Commission  
PO Box 536  
MELBOURNE VIC 3001  
complaintservices@buildingcommission.com.au

You should identify yourself and state the reasons for your complaint.

## What happens to my complaint?

### Initial Assessment

When your complaint is received, the Building Commission will assess it carefully and:

- Acknowledge receipt of your complaint in writing within 5 days
- Assess your complaint and the issues you have raised
- Examine the Registered Building Practitioner's prior history
- Decide if your complaint should be investigated, or refer you to other services to resolve your concerns.

### Initial Assessment time frame

The assessment process will be undertaken as quickly as possible. However, depending upon the complexity of the issues raised, some assessments may take some time to finalise. In most situations this process should take no longer than 28 days.

## After assessment what next?

There are many possible courses of action that may be taken following the assessment of your complaint.

- Your complaint may have arisen due to a lack of available information on the issue. You will be provided with brochure information that may resolve your complaint in the initial stages
- The issues relating to your complaint may not warrant any further action or the Building Commission may be unable to assist you. You will be notified of this decision in writing usually within 7 days of assessment
- Your complaint may be best investigated by another agency or association. In this case you will be notified of this referral in writing usually within 7 days of assessment
- Where your complaint has been assessed as possibly involving serious breaches of legislation it will be referred to a compliance officer who will contact you directly in order to conduct a full and proper investigation of your complaint. You will be notified of this decision within 7 days of the assessment
- Where your complaint does not involve serious breaches of legislation and is considered a minor breach, it will be recorded against the registered building practitioner's conduct file. This will allow the Commission to monitor the practitioner's performance in the industry over a period of time. It may ultimately result in action being taken against the practitioner if further complaints of a similar nature continue to be received by the Commission.

**The building practitioner's client or anybody who has an interest in the building practitioner can submit a formal complaint to the Building Commission.**