

Building Act 2000 - Part 4, Divisions 4 and 5

COMPLAINT AGAINST AN ACCREDITED BUILDING PRACTITIONER INFORMATION SHEET

The Director of Building Control (the Director) has powers provided by the *Building Act 2000* to investigate complaints regarding unsatisfactory professional conduct and professional misconduct by accredited building practitioners.

The conduct of accredited building practitioners is measured against the Code of Conduct found in the *Scheme for the Accreditation of Building Practitioners July 2008*, available at www.wst.tas.gov.au/bpa

If an accredited building practitioner is found guilty of unsatisfactory professional conduct and/or professional misconduct, this may result in disciplinary proceedings that can include cautions, reprimands, fines or cancellation of accreditation.

1. GENERAL INFORMATION

The statutory requirements for investigation of complaints are outlined in the *Building Act 2000*. It is advisable that you obtain a copy of this Act and familiarise yourself with these relevant sections. This legislation may be viewed at www.wst.tas.gov.au/safety_comply/legislation/acts or www.thelaw.tas.gov.au

2. GROUNDS FOR COMPLAINT

Section 32 of the *Building Act 2000* states that “A person may make a complaint to the Director in respect of the professional misconduct or unsatisfactory professional conduct of an accredited building practitioner.” A complaint may only be made against an accredited building practitioner (only an individual) and not a company or business name.

3. COMPLAINT PROCEDURES

Section 32 of the *Building Act 2000* states:

- (1) A person may make a complaint to the Director in respect of the professional misconduct or unsatisfactory professional conduct of an accredited building practitioner.
- (2) A complaint is to –
 - (a) be in writing; and
 - (b) contain particulars of the grounds of the complaint; and
 - (c) be supported by statutory declaration.
- (3) The Director may require the complainant to give further particulars of the complaint supported by statutory declaration.
- (4) The Director, by notice in writing sent to the complainant, may dismiss any complaint without investigation if –
 - (a) further particulars are not given when required; or
 - (b) the complaint or further particulars are not supported by statutory declaration; or
 - (c) the complaint is vexatious or frivolous.

Section 33 of the *Building Act 2000* states:

- (1) After receiving a complaint, the Director, by written notice, is to –
- (a) inform the accredited building practitioner within the specified period of the nature of the complaint; and
 - (b) provide to the accredited building practitioner any relevant documents; and
 - (c) invite the accredited building practitioner to make, within the period stated in the notice, representations about the complaint.
- (2) The period stated in the notice is to be at least 14 days after the date of the notice.
- (3) Any representation made under subsection (1)(c) forms part of the particulars of the complaint.

4. WHERE DO I SEND THE COMPLETED COMPLAINT FORM?

The completed and signed Complaint Form and any supporting documentation should be posted to:

**The Director of Building Control
Workplace Standards Tasmania
PO Box 56
ROSNY PARK TAS 7018**

5. CONTACT DETAILS FOR ASSISTANCE

Phone: 1300 366 322 (in Tasmania) or (03) 6233 7657 outside Tasmania
Fax: (03) 6233 8338
Email: wstinfo@justice.tas.gov.au

6. PRIVACY STATEMENT

The information you supply may be used in taking disciplinary action or criminal proceedings. You may be required to give evidence in Court or before an Appeals Board about the information provided. 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 Appeals Board of competent jurisdiction.

All information held by Building Control 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 Workplace Standards Tasmania (WST) Information Disclosure Policy. For further information visit the WST website at: www.wst.tas.gov.au

NOTE:

- Generally, Building Control will acknowledge the complainant within 7 days after receipt of the complaint. Under s35(1) of the *Building Act 2000*, the Director or approved investigator must conduct an investigation into the complaint as soon as practicable.
- Under s41 of the *Building Act 2000*, the Director must serve a notice on the complainant and the accredited building practitioner notifying them of the decision reached and the reasons for that decision.

COMPLAINT AGAINST AN ACCREDITED BUILDING PRACTITIONER

Please complete all the following information. When completing this form it is suggested you refer to the attached Complaint Information Sheet.

Part 1 DETAILS OF PERSON MAKING COMPLAINT	Full Name:	_____
	Address:	_____
	Daytime Phone:	Mobile:
	Email:	_____

Part 2 DETAILS OF THE BUILDING PRACTITIONER COMPLAINED ABOUT	Full Name:	_____
	Accreditation ("CC") Number*:	_____
	Phone:	Mobile:

* Accredited Building Practitioner (ABP) details can be obtained from:
www.wst.tas.gov.au/industries/building/bpa/abp_register

Part 3 STATUTORY DECLARATION BY THE COMPLAINANT	I, _____ (full name)
	_____ (address)
	_____ (occupation)

do solemnly and sincerely declare the information provided by me in Parts 1, 2, and 4 (including in any attached sheet) of this Complaint is true and correct. I make this solemn declaration under the *Oaths Act 2001*.

Complainant's signature: _____

Declared at _____ (place)

On _____ (date)

before me _____ (signed)

Profession or employment if commissioner for declarations _____

Justice Commissioner for declarations Authorised person (tick applicable)

Important Notice - Building Control is collecting the information on this form to investigate whether an ABP is liable for disciplinary action as a result of his/her conduct. The complaint details contained on this form and your supporting documents will be provided to the relevant building practitioner. If a complaint contains defamatory or aggressive language it may be returned to the complainant in order to have this language removed.

Part 4
COMPLAINT
DETAILS

Please clearly describe the nature of the ABP's conduct and align this with any evidence or documentation you can supply to support the allegations made in your complaint.

Example: Building Practitioner failed to construct building in accordance with approved drawings and the requirements of the Building Code of Australia (BCA).

- Roof constructed not in accordance with approved drawings, refer to attached photos and approved drawings
- Step down at rear door not in accordance with approved drawings and in excess of requirement of BCA, refer attached photos and approved drawings.

(Attach separate pages if necessary)

Part 5
SUPPORTING
EVIDENCE

Please identify the documents you have attached that support the complaint made in Part 4 above.

- | | | |
|--|--------------------------------------|----------------------------------|
| <input type="checkbox"/> Approved drawings | <input type="checkbox"/> Photographs | <input type="checkbox"/> Letters |
| <input type="checkbox"/> Building Permit documentation | <input type="checkbox"/> Emails | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Other – Please specify _____ | | |
| _____ | | |
| _____ | | |

Please send the completed form with any supporting documentation to:

The Director of Building Control
Workplace Standards Tasmania
PO Box 56
ROSNY PARK TAS 7018