



**LICENSED
BUILDING
PRACTITIONERS**
Building confidence

LICENSED BUILDING PRACTITIONER COMPLAINT FORM

You may use this form to make a complaint about the conduct of a Licensed Building Practitioner.

PLEASE READ BEFORE COMPLETING THIS FORM

The Board cannot hear complaints regarding payment disputes; commercial or contractual disputes including employment disputes. You must provide enough information to enable the complaint to be investigated.

Complaints may lead to a licensed building practitioner being disciplined but the Board cannot award compensation or reparation.

Your complaint may relate to a person who is no longer a licensed building practitioner provided the person was licensed when the conduct occurred.

The completed form can be:

> **Sent to:**

The Secretary of the Building Practitioners Board
Ministry of Business, Innovation and Employment
PO Box 10 729
Wellington 6143

> **Or personally handed in at:**

Ministry of Business, Innovation and Employment
15 Stout Street
Wellington 6011

> **Or emailed to:**

bpb@lbp.govt.nz

> **Or refer to our guidance document:**

www.lbp.govt.nz/complaints-and-past-decisions/making-a-complaint



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

New Zealand Government

PART 1

YOUR DETAILS

You cannot make an anonymous complaint

Title Mr Mrs Miss Ms

Surname

First names

Company name (if applicable)

Street address

Suburb

Town/City

Postal address (if different from above)

Suburb

Town/City

CONTACT DETAILS

Daytime

Mobile

Email address

PART 2

WHEN AND WHERE THE WORK COMPLAINED ABOUT WAS DONE

DETAILS

If applicable

Date(s) work undertaken: Day Month Year
to: Day Month Year

Street address

Suburb

Town/City

Are you the owner of this property? Yes No

Name of owner (if not yourself)

Owner's daytime phone number

Owner's mobile phone number

Owner's email address

Territorial authority (Council)

Was a building consent issued? Yes No

Building consent number

Date building consent was issued: Day Month Year

Has a Code Compliance Certificate (CCC) been issued? Yes No

Day Month Year

Was there a contract in place? Yes No

Was a record or work/memorandum of work provided? Yes No If yes, please provide a copy

NOTE!

Building work includes sitework, design work and the construction; alteration; demolition or removal of a building.

PART 3

DETAILS OF LBP YOU ARE COMPLAINING ABOUT

DETAILS

Licensed Building Practitioner number

Check LBP public register www.lbp.govt.nz if unknown

Title

Mr

Mrs

Miss

Ms

Surname

First names

First name known as (if different from above)

Company name (if applicable)

Street address

Suburb

Town/City

Postal address (if different from above)

Suburb

Town/City

Home phone number

Mobile phone number

Email address

Which licensing class(es) does the LBP hold?

Design

Site

Carpentry

Roofing

External Plastering

Brick and Blocklaying

Foundations

Did you sight the building practitioner's licensing ID card?

Yes

No

Did you check the LBP public register before engaging the LBP?

Yes

No

Were there any other building practitioners on site? Yes No
If yes, please provide their names and LBP numbers below

NAME	LBP NUMBER	ROLE (EG ROOFER)

PART 4

GROUNDNS FOR COMPLAINT

DETAILS

What work did the LBP you are complaining about carry out and /or supervise? Tick as many as applicable

- | | | | | |
|--|-------------------------------------|--|--|---------------------------------|
| <input type="checkbox"/> New structure | <input type="checkbox"/> Alteration | <input type="checkbox"/> Extension | <input type="checkbox"/> Addition | <input type="checkbox"/> Design |
| <input type="checkbox"/> Carpentry | <input type="checkbox"/> Roofing | <input type="checkbox"/> External plastering | <input type="checkbox"/> Brick and blocklaying | |
| <input type="checkbox"/> Foundations | <input type="checkbox"/> Other | | | |

Please provide further detail eg. S/he built half the extension to the kitchen and living room

WHAT ARE THE ISSUES?

IMPORTANT!

Tick as many as applicable and provide any requested information on a separate sheet

Please provide as much detail as possible (including dates) about the conduct you are complaining about. You may wish to refer to the 'Grounds for discipline' detailed at the back of this form.

Remember: The Board cannot deal with commercial disputes.

NOTE: Please clearly label and attach copies of any evidential documents and/or photographs to support your complaint.

- Poor workmanship
 - > Please describe this in detail eg. S/he did work that does not comply with the building code or s/he did not put purlins in place.
 - > Please provide copies of photographs of the work and independent reports that you may have

- Builder has carried out/supervised work that s/he was not licensed to carry out or supervise

- Work does not comply with building consent
 - > How does it not comply with building consent?
 - > How did you come to know that it does not comply with building consent? Please provide any correspondence.
 - > Please provide relevant documentation eg Council documents

- Failure to provide documentation
 - > Which documentation?

- Builder held herself or himself out as being licensed to carry out/supervise work that s/he was not licensed to carry out/supervise
 - > What work did s/he hold herself or himself out as being licensed to carry out/supervise?
 - > How did s/he hold herself or himself out as being licensed to carry out/supervise this work?
 - Statements
 - Documentation (please provide relevant correspondence, business cards, newspaper clippings)

- Has the builder intentionally made a false or misleading statement in order to become licensed?
 - > What was the false or misleading statement?
 - > Please provide any documentation you have to support this allegation eg correspondence

PART 5

STEPS TAKEN TO RESOLVE THE COMPLAINT

DETAILS

Please detail what steps you have already taken to resolve the complaint

PART 6

WITNESS(ES), IF ANY

IMPORTANT!

A witness is anyone (other than yourself) who observed the work being carried out, and/or the finished work and/or was a party to any discussions relating to the alleged non-compliance.

Please provide details of further witnesses on a separate piece of paper if you have more than two witnesses.

WITNESS 1

Title Mr Mrs Miss Ms

Surname

First names

Company name (if applicable)

Role in project

Street address

Suburb

Town/City

Postal address (if different from above)

Suburb

Town/City

CONTACT DETAILS

Daytime

Mobile

Email address

Outline the points of note the witness observed in relation to your complaint

WITNESS 2

Title Mr Mrs Miss Ms

Surname

First names

Company name (if applicable)

Role in project

Street address

Suburb

Town/City

Postal address (if different from above)

Suburb

Town/City

CONTACT DETAILS

Daytime

Mobile

Email address

Outline the points of note the witness observed in relation to your complaint

PART 7

ATTACHMENTS

How many photos are attached to this form?
(Please ensure these are clearly labelled.)

How many extra sheets of paper are attached to this form?

Have you attached anything else to this form – if so what?

PART 8

DECLARATION

- > I agree to all documentation relating to this complaint being released to all parties involved and declare that the information I have supplied in this form is true and correct. I understand it is an offence under the Building Act 2004 to provide false or misleading information.
- > I am aware that all information I provide is subject to public release. If the Ministry or Board receive a request for this material they will be required to consider its release, in whole or in part, in terms of the criteria set out in the Official Information Act 1982. The Act requires the information to be made available unless: (1) it is considered that there is a good reason, under the Act to withhold the information; and (2) that good reason outweighs the desirability, in the public interest, of making the information available. The grounds for withholding information are set out in the Official Information Act 1982.

(Please advise the Board in writing, if you have any objection to the release of any of the information/evidence you have provided and the reasons you believe it should be withheld).

SIGNATURE

Signature Date

GROUNDS FOR DISCIPLINE OF LICENSED BUILDING PRACTITIONERS (SECTION 317, BUILDING ACT 2004)

- 1 The Board may (in relation to a matter raised by a complaint or by its own inquiries) take any of the actions referred to in section 318 if it is satisfied that –
 - (a) both of the following matters apply:
 - (i) a licensed building practitioner has been convicted, whether before or after he or she is licensed, by any court in New Zealand or elsewhere of any offence punishable by imprisonment for a term of 6 months or more; and
 - (ii) the commission of the offence reflects adversely on the person’s fitness to carry out or supervise building work or building inspection work; or
 - (b) a licensed building practitioner has carried out or supervised building work or building inspection work in a negligent or incompetent manner; or
 - (c) a licensed building practitioner has carried out (other than as an owner-builder) or supervised restricted building work or building inspection work of a type that he or she is not licensed to carry out or supervise; or
 - (d) a licensed building practitioner has carried out or supervised building work or building inspection work that does not comply with a building consent; or
 - (da) a licensed building practitioner has failed, without good reason, in respect of a building consent that relates to restricted building work that he or she is to carry out (other than as an owner-builder) or supervise, or has carried out (other than as an owner-builder) or supervised, (as the case may be), –
 - (i) to provide a certificate of work about any plans and specifications required to accompany the building consent application; or
 - (ii) to provide the persons specified in section 88(2) with a record of work, on completion of the restricted building work, in accordance with section 88(1); or
 - (db) a licensed building practitioner has held himself or herself out as being licensed to carry out or supervise building work or building inspection work of a type that, at that time, he or she was not licensed to carry out or supervise; or
 - (e) a licensed building practitioner has, for the purposes of becoming licensed himself or herself, or for the purpose of any other person becoming licensed, –
 - (i) either orally or in writing, made any declaration or representation, knowing it to be false or misleading in a material particular; or
 - (ii) produced to the Registrar or made use of any document, knowing it to contain a declaration or representation referred to in subparagraph (i); or
 - (iii) produced to the Registrar or made use of any document, knowing that it was not genuine; or
 - (f) a licensed building practitioner has failed, without good reason, to provide to the owner the record of work referred to in clause 1(b) of Schedule 1E or clause 1(b) of Schedule 1F; or
 - (g) a licensed building practitioner has breached the code of ethics prescribed under section 314A; or
 - (h) a licensed building practitioner has breached section 314B; or
 - (i) a licensed building practitioner has conducted himself or herself in a manner that brings, or is likely to bring, the regime under this Act for licensed building practitioners into disrepute
- 2 The Board may take the action whether or not the person is still a licensed building practitioner.