

Complaints to the Building Practitioners Board: A Quick-Guide

This guide is a brief overview of the complaints process, to help you understand what to expect.

About the Building Practitioners Board (the Board)

The Board is an integral part of the Licensed Building Practitioners (LBP) scheme. The Board is independent of the Ministry of Business, Innovation and Employment (MBIE) though MBIE supports its role and functions.

The Board's functions are divided into four main areas:

- › Hear appeals against licensing decisions made by the Registrar
- › Investigate and hear complaints about the conduct of Licensed Building Practitioners
- › Approve rules about Licensed Building Practitioners (the LBP Rules)
- › Report annually to the Minister of Building and Construction on its activities.

About LBP complaints

Like most professional regimes, the LBP scheme has a disciplinary mechanism to ensure the integrity and credibility of the LBP scheme. Anyone can make a complaint about an LBP's conduct (as long as the LBP was licensed at the time the conduct happened), and the Board will consider their complaint based on the evidence available.

The Board will ask the Registrar of Licensed Building Practitioners to investigate the matter. The Registrar delegates this task to the Investigations Team within MBIE.

The Registrar will produce a report on their investigation and the Board will consider the report so that they can make a decision on whether to hold a disciplinary hearing.

Note: The Registrar only provides a view to the Board based on the information gathered, they do not make, or have any part in making, disciplinary recommendations or decisions.

If the Board decide to hold a hearing and an LBP has breached a ground for discipline, the Board will then decide whether or not to issue a penalty. Any penalty decision can be appealed to the District Court.

What can I expect?

You will be contacted in writing by an Investigator (a delegate of the Registrar) to let you know that the complaint is being investigated. The Investigator will conduct enquiries to gather information to be included in the Registrar's report, so we might ask you questions or ask for additional information.

You could also be contacted by a Special Adviser or Technical Assessor, if one is engaged for an expert opinion.

The complaints process is complex and can take some time. The investigation stage alone can take several months, and the Board considering and deciding on a matter can take longer. You will be notified of any decision made by the Board in writing.

If you have submitted a complaint, the Board takes over the complaint and you then become a witness to the proceeding. The Board may continue, even if the complainant withdraws the complaint.

The Board will not resolve a commercial or contractual dispute. The Board cannot grant compensation. The Board can sanction LBPs in line with section 317 of the Building Act 2004.

Helpful hints for parties to a complaint

You may be contacted by the Investigator for more information, and you can also contact them for updates on the progress of your complaint.

You can provide additional documents to support your complaint or response. Typed documents are easiest to read. If you want to provide photographs, it is most useful if they are labelled or described in some way.

If you haven't already provided it, dates of when the work was carried out is very useful information for the investigation, such as when the work began and finished.

It is also useful to provide information relating to the type of work that was carried out. You could provide a document, such as a scope or summary of the work, or describe the work yourself by letting us know if it is a new build, alteration or renovation and what tasks were carried out.

You may also provide any information you have relating to other parties involved in the work to assist the investigation. This might include other contractors, whoever was supervising the work and whoever was carrying out the work.

LBP Complaint Process

Complaint received by the Building Practitioners Board.

The complaint is assessed for completeness and further information may be requested.

Investigation of the Complaint by the Registrar of Building Practitioners (or their delegate).

Board asks for further investigation.

Registrar's report on the matter is considered by the Board and a decision is made on how to proceed.

You may be contacted by a Special Adviser or Technical Assessor.

The Board decides to hold a hearing on the matter and then makes a ruling. This hearing might be on the papers.

Disciplinary decision handed down.

What this means for you

We ask for a response from the LBP and give him/her at least 20 working days to provide that response.

We might engage a Special Adviser or Technical Assessor for an expert opinion and they might contact the parties to arrange a site visit or to ask questions.

We might ask either party, witnesses or other relevant people to provide more information.

The Board decides that there will be no further action.

The parties are notified of the Board decision in writing.

You have a legal right to appeal a penalty decision. Seek independent legal advice if you are considering this.