

# 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

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		
Daytime phone number (        )			Mobile phone number (        )		
Email address					
PART 2: When and where the work complained about was done (if applicable)					
Date(s) work undertaken					
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					
Was a building consent issued?		Yes	No	Building consent number (if known)	
Has a Code Compliance Certificate (CCC) been issued?		Yes	No		
NOTE: Building work includes sitework, design work and the construction; alteration; demolition or removal of a building.					

**PART 3: Details of the Licensed Building Practitioner you are complaining about**Licensed Building Practitioner number: (check the LBP public register [www.lbp.govt.nz](http://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

**PART 4: Grounds for the complaint**

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 attach further details on a separate piece of paper if there is insufficient room above.

**PART 5: Evidence in support of the complaint**

Was there a written contract in place?      Yes      No

Please detail any evidence you are able to provide to support your complaint.

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

**PART 6: Steps taken to resolve the complaint**

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

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

**PART 7: Witness(es), if any**

NOTE: 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
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First names

Company name (if applicable)

Role in project

Street address

Suburb	Town/City
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Postal address (if different from above)

Suburb	Town/City
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Daytime phone number ( )	Mobile phone number ( )
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Email address

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

**Witness 2**

Title	Mr	Mrs	Miss	Ms	Surname
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First names

Company name (if applicable)

Role in project

Street address

Suburb	Town/City
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Postal address (if different from above)

Suburb	Town/City
--------	-----------

Daytime phone number ( )	Mobile phone number ( )
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Email address

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

**PART 8: 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 9: Declaration**

1. 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.
2. 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 out weights 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

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.