Department of **Local Government, Industry Regulation and Safety**

GOVERNMENT OF WESTERN AUSTRALIA

When completed this form is classified **OFFICIAL Sensitive**

Building and Energy Western Australia

OFFICE USE ONLY

Date complaint received

Receipt no.

Building complaint form

This is an approved form for lodgement of a complaint relating to a regulated building service or a home building work contract (HBWC) under section 5(1) and (2) of the *Building Services (Complaint Resolution and Administration) Act 2011 (WA)*.

NOTE: The preferred method for lodgement of complaints is online at *www.wa.gov.au/government/multi-step-guides/building-dispute-resolution*

1. Type of complaint

Building service ☐ (*alleging the building service was not carried out in a proper and proficient manner or was faulty or unsatisfactory)*

HBWC; or ☐ (*about a breach of contract including non-payment or other adjustment of rights under a HBWC)*

Both ☐ (*two fees will be applicable for lodging both types of complaint, refer to section 3)*

2. Complainant details (the person making the complaint)

Title Mr ☐ Mrs ☐ Ms ☐ Other

Given names | Family name

Address | Postcode

Title Mr ☐ Mrs ☐ Ms ☐ Other

Given names | Family name

Address | Postcode

Name of partnership, company or body corporate *(if applicable)*

Home telephone (Area code ( )) | Work telephone (Area code ( ))

Email | Mobile

Registration/licence type | Registration/licence number

(ie builder, painter, plumber or building surveyor – only applicable if you are a licensed or registered practitioner, contractor or tradesperson)

3. Fees

Complaint fee $122.00 ☐ Complaint fee – Concession (proof of concession must be provided) $61.00 ☐

Note: If you are making both a building service complaint and a home building work contract complaint, a fee is required for both.

Payment details

By post: Cheque ☐ Money Order ☐

In person: Cash ☐ Eftpos ☐ Credit card ☐ Cheque ☐ Money order ☐

Credit card payments (Do not provide credit card information on this form):

If you wish to pay by credit card, please ensure your email address is correct and an invoice will be provided to you via email for payment. Alternatively, please provide a contact number to enable one of our staff to contact you to obtain credit card details over the phone.

Please note your complaint will not be considered lodged until such time payment has been made. If you are nearing the statutory limitation for lodging a complaint (6 years for building service) you are encouraged to utilise the online complaint form which enables payment by credit card at the time of lodgement.

Contact number:

4. Respondent details (the person or building service provider you are complaining about)

Is the respondent: an individual ☐ a partnership ☐ a company ☐ not sure ☐

Title *(only applicable for individual)* Mr ☐ Mrs ☐ Ms ☐ Other

Given names

Family name

Name of partnership, company or body corporate *(if applicable)*

Trading name *(if applicable)*

ABN & ACN number *(if applicable)*

Address *(It is preferable that this is not a Post Office Box address)*

Postcode

Home telephone
Area code ( )

Work phone
Area code ( )

Email

Mobile

Is the respondent registered/licenced? Yes ☐ No ☐

Registration/licence type
(ie builder, painter, plumber or building surveyor)

Registration / licence number

5. Complaint details

Building work ☐ Painting work ☐ Plumbing work ☐ Building surveyor work ☐

Further description (new dwelling, additions, swimming pool etc.)

Property address *(ie address where building service was or would have been carried out)*

Complainant's interest in the property *(eg owner, builder, neighbour etc.)*

Local authority *(ie city, town or shire council)*

Has a building licence or permit been issued in relation to the work that is subject of the complaint?

Yes ☐ No ☐ If "Yes", please provide the building licence/permit number

Contract amount

For building service (ie workmanship) complaints, please provide the following:

- the date on which the building work commenced
- the date on which the building work was completed; or
- if work was not completed, the date work was last carried out

For Home Building Work Contract (ie contractual) complaints please provide a full copy of the contract or documents (eg quote, letter or email) that contains the contractual terms, including the date when all the terms were agreed to.

6. Complaint schedule

Brief description of complaint *(you **MUST** also complete the "Complaint schedule" **below**)*

It is critical to the resolution of the complaint that the items are expressed in a clear and concise manner enabling easy reference. Please provide a short description of each item of complaint below. **The items below should reflect those communicated to the respondent in your Notice of Proposed Complaint.**

Note: General descriptions such as "faulty", "poor" or "unacceptable" are not appropriate.

No.	Item/location/clause	Description	Reference to evidence relied upon	Remedy sought	Respondent's response
Example	**External east wall**	**Mortar falling out of brickwork**	**Photograph 4 inspection report**	**Repair wall**	**He/she refused**
1.					

(If the number of items in dispute exceeds the space on this page, please copy this page and commence a new page starting at the next number)

7. Preliminary action

☐ I declare that I have served notice on the respondent advising:
- that I propose to make a complaint;
- the remedy that I will seek; and
- the evidence on which I propose to rely.

Date and time of service

Person served

Service address

Method of service *(proof may be required):*

☐ Personal service by delivering notice to the respondent at their residential address.

☐ Personal service by delivering notice to a person, over the apparent age of 16 years, at the residential address of the respondent.

☐ Personal service by delivering notice to a person apparently in charge of the principal place of business or registered office of the respondent.

☐ Normal post to the residential / principal place of business / registered office of the respondent.

☐ Registered post to the residential / principal place of business / registered office of the respondent.

☐ Other *(please provide details)*

8. Declaration

I declare that the content of this form is true and correct. I acknowledge that under section 104 of the *Building Services (Complaint Resolution and Administration) Act 2011*, penalties of up to $25,000 for an individual and $125,000 for a company apply where it is proven that false or misleading statements were made in connection with this complaint or on this form.

Signature

Date

9. Supplementary information

Do you have any special requirements that the Building and Energy should be aware of in dealing with this complaint (eg need an interpreter, have a disability etc.)?

☐ Yes ☐ No (if "Yes", please provide details)

10. Lodgement

Submit completed form and any supporting documents:

In person at: Building and Energy
Level 1, 303 Sevenoaks Street
Cannington WA 6107
Mon-Fri 8:30am–4.30pm

By post (addressed to): Building and Energy Complaints Branch
Locked Bag 100
East Perth WA 6892

Email: be.complaints@lgirs.wa.gov.au
(4MB maximum)

Privacy Collection Notice: The personal information you provide will be used by the Department of Local Government, Industry Regulation and Safety (LGIRS) to provide dispute resolution services in accordance with the building services Acts and associated Regulations, as defined in s.3 of *Building Services (Complaint Resolution and Administration) Act 2011*. View the full details of the Privacy Collection Notice.

Complaint lodgement checklist

Office use only

☐ **Have you made your complaint in time?**

- Building service complaints must be made:
  - *within six years of the work being completed.*
- Home building work contract complaints must be made within:
  - *three years of the contract date;*
  - *three years of the breach of contract occurring; or*
  - *three years of the cause of action arising.*

☐ **Have you included a copy of the Notice of Proposed Complaint?**

At least 14 days prior to lodging your complaint, you must provide the respondent with notice of:

- your intention to lodge the complaint;
- the remedy you are seeking; and
- the evidence upon which you intend to rely.

The notice must be in writing and should outline all of the subject items of the complaint, including the remedy you are seeking for each. A Notice of Proposed Complaint pro-forma can be found at https://www.wa.gov.au/government/multi-step-guides/building-dispute-resolution/complaint-fees-and-forms

☐ **Have you provided a list of complaint items?**

You must provide a clear list of the items of your complaint and the remedy you are seeking for each. A schedule of complaint is located on page 3 of the complaint form for your use. The items of complaint should reflect those provided to the respondent in the Notice of Proposed Complaint.

☐ **Have you provided proof of service?**

Please complete section 7: “Preliminary action”, and sign the declaration in section 8 of the complaint form.

☐ **Have you included sufficient information to confirm who the respondent is, the nature of the works performed, the value of the works and when the works were completed? This may be done by including one or more of the following:**

- Copy of the contract/invoices.
- Copy of the building permit (*can be obtained from local government authority*).
- Other correspondence.

☐ **Is there any other relevant correspondence?**

Please include copies of other correspondence or documentation **relevant** to the complaint where applicable.

☐ **Have you provided the respondent’s contact details?**

The respondent’s contact details should include a postal address, telephone number and email if available. Failure to provide an address for the service of documents may result in your complaint being refused.

Failure to provide the above information may result in lengthy delays or in the Building Commissioner refusing to accept your complaint