

JOINT AGENCY STATEMENT

May 2020

Complaints process for Bushfire Attack Level (BAL) Assessors or Bushfire Planning Practitioners

This statement provides the general public and local government with information on where to lodge a complaint involving a BAL Assessor or Bushfire Planning Practitioner, and the expected process once a complaint has been lodged.

When to lodge a complaint?

Are you a client of a BAL Assessor/ Bushfire Planning Practitioner?

If you have engaged the services of a BAL Assessor/Bushfire Planning Practitioner and you consider that the service provider has misrepresented or failed to provide a service, then you should first contact the BAL Assessor/Bushfire Planning Practitioner to attempt to resolve the issue.

If a satisfactory resolution cannot be reached then you may need to escalate the complaint.

Are you a decision-maker (e.g. local government)?

Important note – the below information applies solely to BAL assessments and Bushfire Management Plans submitted as part of a planning application. For BAL assessments and reports submitted as part of a building permit, decision makers need to be mindful of confidentiality provisions in the *Building Act 2011*. Please contact the Building and energy section of the Department of Mines, Industry Regulation and Safety on 1 300 489 099 if you require further advice.

If you have a concern with the quality of a submitted BAL assessment or Bushfire Management Plan (BMP) then you should first contact either the proponent or the BAL Assessor/Bushfire Planning Practitioner to attempt to resolve the issue.

If a satisfactory resolution cannot be reached then you may need to escalate the complaint.

Furthermore, you may wish to lodge a complaint directly to the accrediting body, the Fire Protection Association Australia (FPAA) when:

- there are repeated instances of substandard BAL assessments or Bushfire Management Plans by the same accredited BAL Assessor or Bushfire Planning Practitioner; or
- you consider that an accredited BAL Assessor or Bushfire Planning Practitioner has engaged in questionable or unethical conduct which may result in a substandard outcome (e.g. the BAL rating for a subject site has been achieved by deliberately changing inputs to obtain a more favourable outcome for their client).

Lodging a complaint against an accredited practitioner:

Complaints against an accredited Level 1 BAL Assessor, or Level 2 or 3 Bushfire Planning Practitioner, should be directed to the FPAA as the accrediting body in Western Australia.

You can check if the BAL Assessor is accredited by contacting the FPAA by telephone or by viewing the BPAD accredited practitioner [register](#).

How to lodge a complaint to the FPAA?

FPAA has developed an online complaints form. The form can be downloaded by clicking [here](#). Alternatively you can contact the FPAA by phoning 03 8892 3131 or emailing bpad@fpaa.com.au

What is the process after a complaint is lodged to the FPAA?

All complaints to the FPAA will be considered confidentially and fully investigated. Disciplinary action may be taken against an accredited practitioner if they are found to be in breach of the Code of Conduct or any requirements of the Western Australian Accreditation Scheme. You will be informed of the outcome of the investigation.

If your complaint against an accredited bushfire consultant involves misrepresentations or a failure to provide a service, you may have rights under the Australian Consumer Law (ACL). If the FPAA investigates your complaint and you do not agree with the outcome, you may refer the matter to the Department of Mines, Industry Regulation and Safety - Consumer Protection division (Consumer Protection), which regulates the ACL.

What if the practitioner is not accredited?

DMIRS Consumer Protection may, under certain circumstances, be the appropriate body to deal with complaints against an unaccredited bushfire consultant. If your complaint involves a

business failing to provide a service or failing to comply with certain consumer guarantees, you may have rights under the ACL.

Please visit DMIRS Consumer Protection's [website](#) for more information.

What if the complaint is against a licensed real estate agent or sales representative?

If your complaint involves a representation made by a licensed real estate agent or sales representative, DMIRS Consumer Protection may investigate the matter for potential breaches of the relevant real estate legislation.

Please visit DMIRS Consumer Protection's [website](#) for more information.

Other avenues to lodge a complaint against an accredited practitioner:

If you have reported the complaint to the FPAA and you are not satisfied with the FPAA's response, then you may wish to escalate your complaint to the WA Bushfire Accreditation Steering Committee.

Complaints to the WA Bushfire Accreditation Steering Committee Chairperson should be addressed to bushfire@dplh.wa.gov.au, attention WA Bushfire Accreditation Steering Committee Chairperson.

The email should state that you wish to make a formal complaint against an accredited practitioner. You should also provide your contact details, as well as a brief outline of the complaint.

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