



Compliance Report

3rd Quarter – 2013/2014

COMPLAINT ACTIVITIES

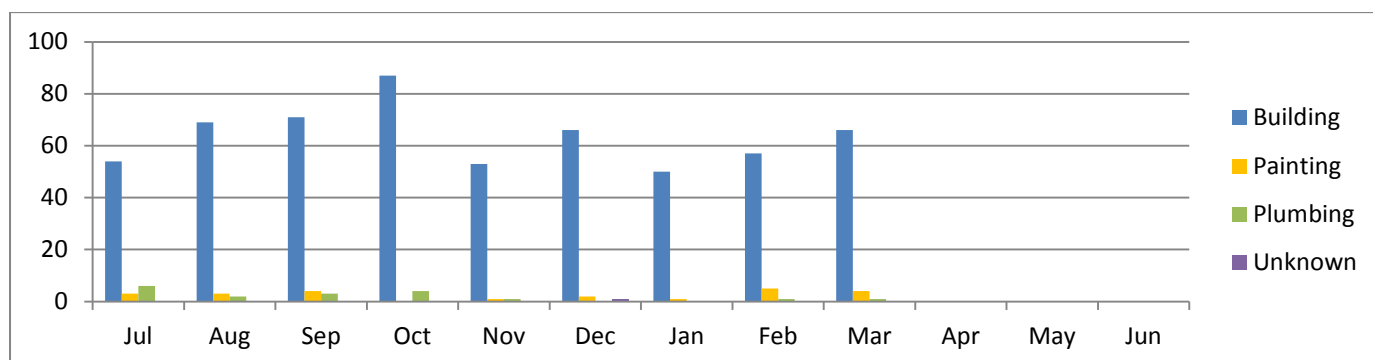
The total number of complaints received for the quarter is 185, which is 30 less than the first two quarters. Overall there have been 21 more complaints received in the first three quarters than for the same period last year.

There were eleven complaints refused by the Building Commissioner during the quarter. Of these eight were because the complaints were not made in accordance with the Act and three were because the complaints were deemed to be vexatious, misconceived or frivolous.

The complaints finalised remained consistent with previous quarters this year with 216 complaints being finalised. The majority of outcomes for the quarter continued to be orders made by the Commissioner, being 76 which represents 35% of the complaints finalised. There were 48 complaints withdrawn by the complainant and 40 referred to the SAT.

Timeliness of complaints for the quarter was generally consistent with previous quarters. February and March saw the timeliness well below the 113 average days to completion for the year to and January was slightly above with 115.

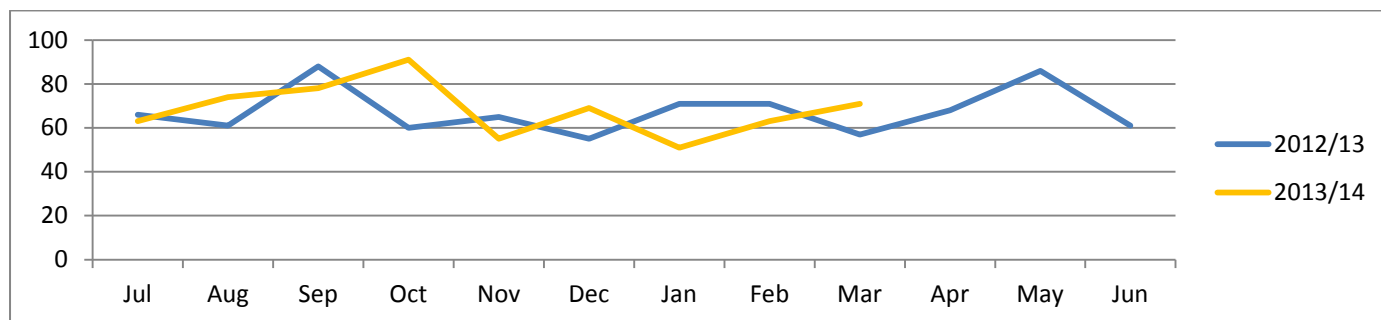
Complaints Received



Complaints Received													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building	54	69	71	87	53	66	50	57	66				573
Painting	3	3	4	0	1	2	1	5	4				23
Plumbing	6	2	3	4	1	0	0	1	1				18
Unknown	0	0	0	0	0	1	0	0	0				1
	63	74	78	91	55	69	51	63	71	0	0	0	615

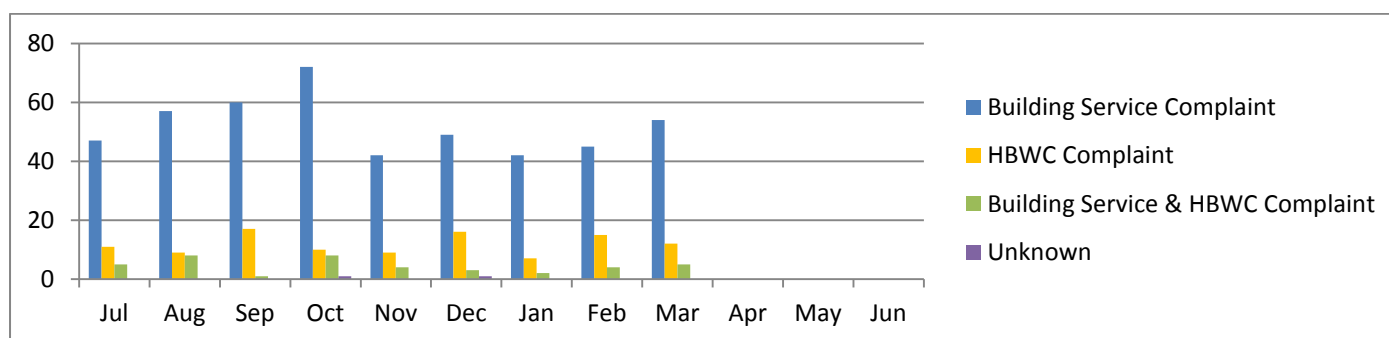
Building Compliance Report – 3rd Quarter 2013/2014

Total Complaints Received – Financial Year Comparison



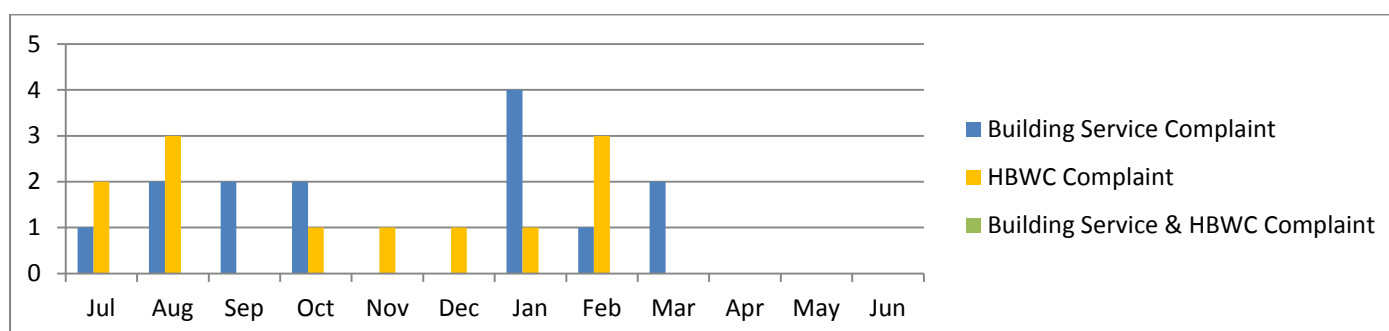
Total Complaints Received - Financial Year Comparison													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012/13	66	61	88	60	65	55	71	71	57	68	86	61	809
2013/14	63	74	78	91	55	69	51	63	71				615

Type of Complaints Received



Type of Complaints Received													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building Service Complaint	47	57	60	72	42	49	42	45	54				468
HBWC Complaint	11	9	17	10	9	16	7	15	12				106
Building Service & HBWC Complaint	5	8	1	8	4	3	2	4	5				40
Unknown	0	0	0	1	0	1	0	0	0				2
	63	74	78	91	55	69	51	64	71	0	0	0	616

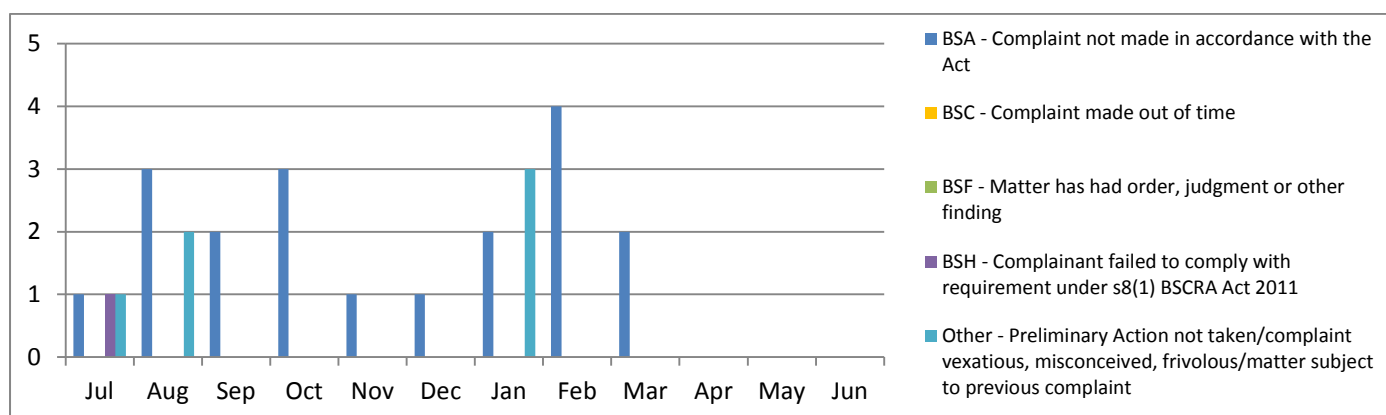
Complaints Refused



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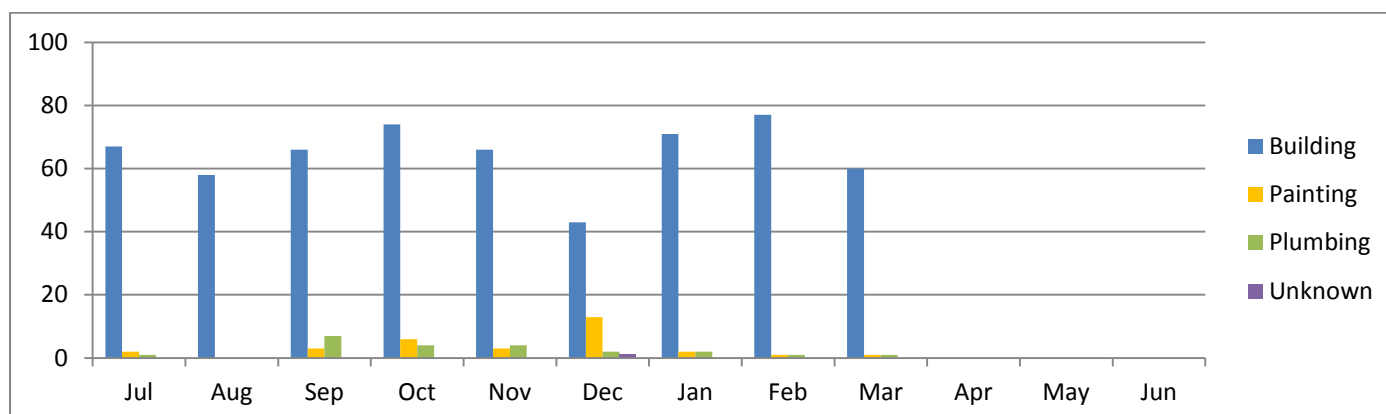
Complaints Refused													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building Service Complaint	1	2	2	2	0	0	4	1	2				14
HBWC Complaint	2	3	0	1	1	1	1	3	0				12
Building Service & HBWC Complaint	0	0	0	0	0	0	0	0	0				0
	3	5	2	3	1	1	5	4	2	0	0	0	26

Reason for Complaint Refusal



Reason for Complaint Refusal													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
BSA - Complaint not made in accordance with the Act	1	3	2	3	1	1	2	4	2				19
BSC - Complaint made out of time	0	0	0	0	0	0	0	0	0				0
BSF - Matter has had order, judgment or other finding	0	0	0	0	0	0	0	0	0				0
BSH - Complainant failed to comply with requirement under s8(1) BSCRA Act 2011	1	0	0	0	0	0	0	0	0				1
Other - Preliminary Action not taken/complaint vexatious, misconceived, frivolous/matter subject to previous complaint	1	2	0	0	0	0	3	0	0				6
	3	5	2	3	1	1	5	4	2	0	0	0	26

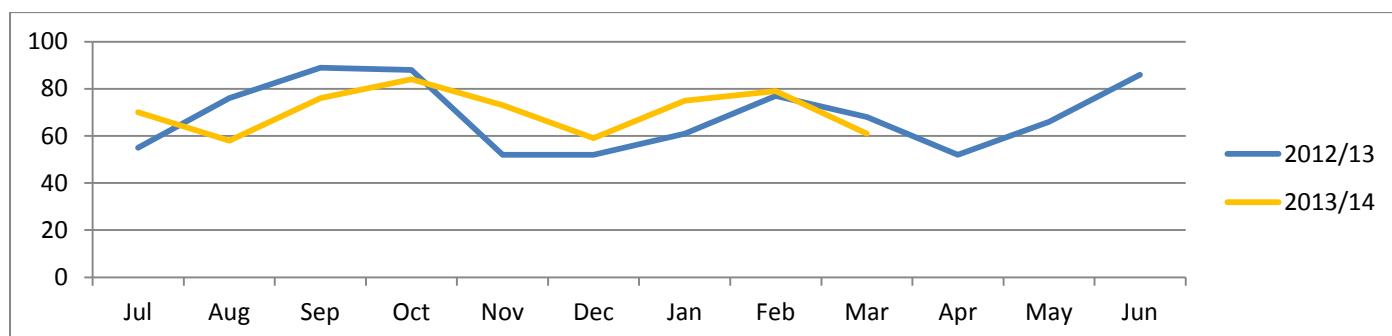
Complaints Finalised



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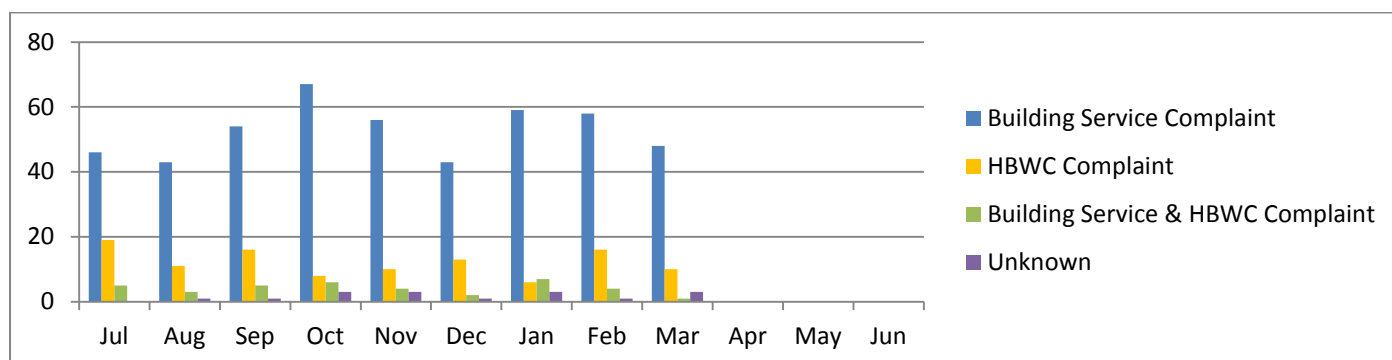
Complaints Finalised													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building	67	58	66	74	66	43	71	77	60				582
Painting	2	0	3	6	3	13	2	1	1				31
Plumbing	1	0	7	4	4	2	2	1	1				22
Unknown	0	0	0	0	0	1	0	0	0				1
	70	58	76	84	73	59	75	79	62	0	0	0	636

Total Complaints Finalised – Financial Year Comparison



Total Complaints Finalised													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012/13	55	76	89	88	52	52	61	77	68	52	66	86	822
2013/14	70	58	76	84	73	59	75	79	61				635

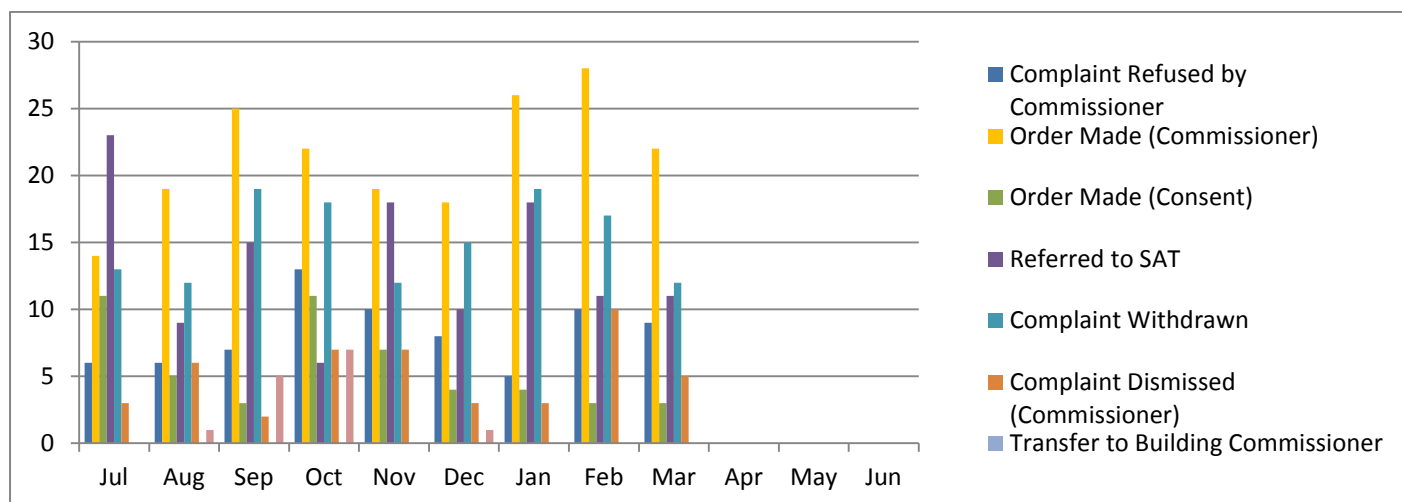
Type of Complaints Finalised



Type of Complaints Finalised													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building Service Complaint	46	43	54	67	56	43	59	58	48				474
HBWC Complaint	19	11	16	8	10	13	6	16	10				109
Building Service & HBWC Complaint	5	3	5	6	4	2	7	4	1				37
Unknown	0	1	1	3	3	1	3	1	3				16
	70	58	76	84	73	59	75	79	62	0	0	0	636

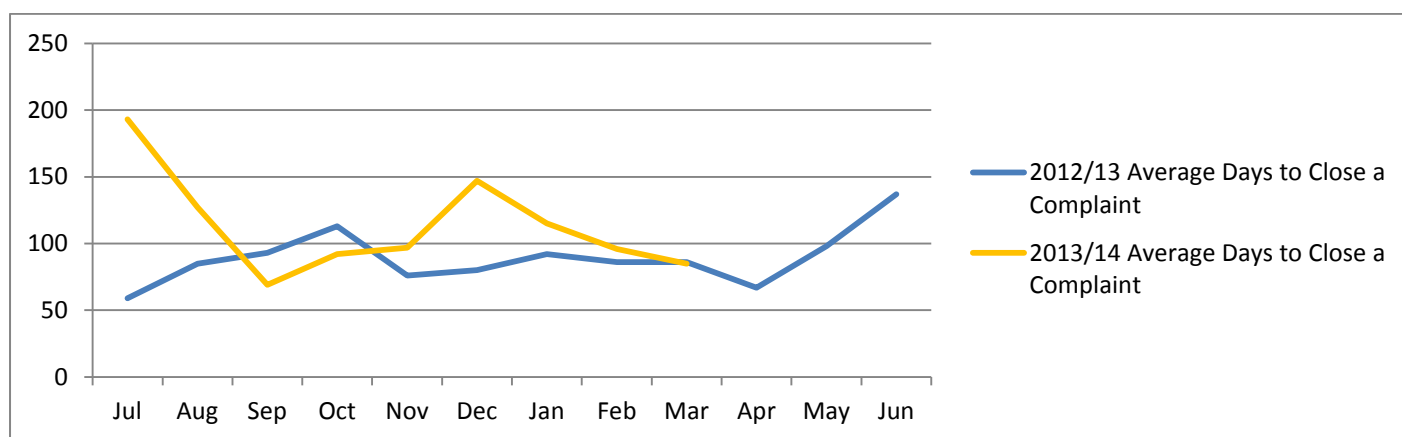
Building Compliance Report – 3rd Quarter 2013/2014

Complaint Outcomes



Complaint Outcomes														
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	
Complaint Refused by Commissioner	6	6	7	13	10	8	5	10	9				74	
Order Made (Commissioner)	14	19	25	22	19	18	26	28	22				193	
Order Made (Consent)	11	5	3	11	7	4	4	3	3				51	
Referred to SAT	23	9	15	6	18	10	18	11	11				121	
Complaint Withdrawn	13	12	19	18	12	15	19	17	12				137	
Complaint Dismissed (Commissioner)	3	6	2	7	7	3	3	10	5				46	
Transfer to Building Commissioner	0	0	0	0	0	0	0	0	0				0	
Unknown	0	1	5	7	0	1	0	0	0				14	
	70	58	76	84	73	59	75	79	62	0	0	0	636	

Timeliness



Timeliness														
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Avg	
2012/13 Average Days to Close a Complaint	59	85	93	113	76	80	92	86	86	67	98	137	89	
2013/14 Average Days to Close a Complaint	193	127	69	92	97	147	115	96	85				130	

AUDIT ACTIVITIES

Audit Program

The Audit branch have the responsibility for monitoring the building, painting and plumbing industries which includes the development and implementation of audit programs for registered building service providers. The Building Commission implemented the plumbing audit program in January this year following a trial in late 2013. For the third quarter there were 36 plumbing audits commenced.

The audit program for builders is now in the process of being developed and is currently in the trial phase of implementation. The first trial audit on a builder was carried out recently. Gemmill Homes volunteered for the audit, which was very successful and appreciated by the builder who also commented that it was an informative process. A few minor adjustments are now needed before communicating the implementation date to the industry.

The Building Commission is also currently developing the audit programs for painting and decorating; and building surveyors. The painting and decorating audit program is nearing the trialling stage, with trials expected to commence in the next 4 weeks.

The building surveyor audit program is in the early stages of development and has considered the objectives and aims at this stage. We are working with the key stakeholders to bed down what is turning out to be a very ambiguous set of requirements from a technical perspective. The statistics relating to the audits conducted will be included the inspections data for each of the respective industries.

Inspections

The manner in which we report inspections data has changed slightly to reflect industry specific information (eg. all building inspections data is reported in one graph and table, painting in another etc.). As a result of this, no data is reported for the previous two quarters.

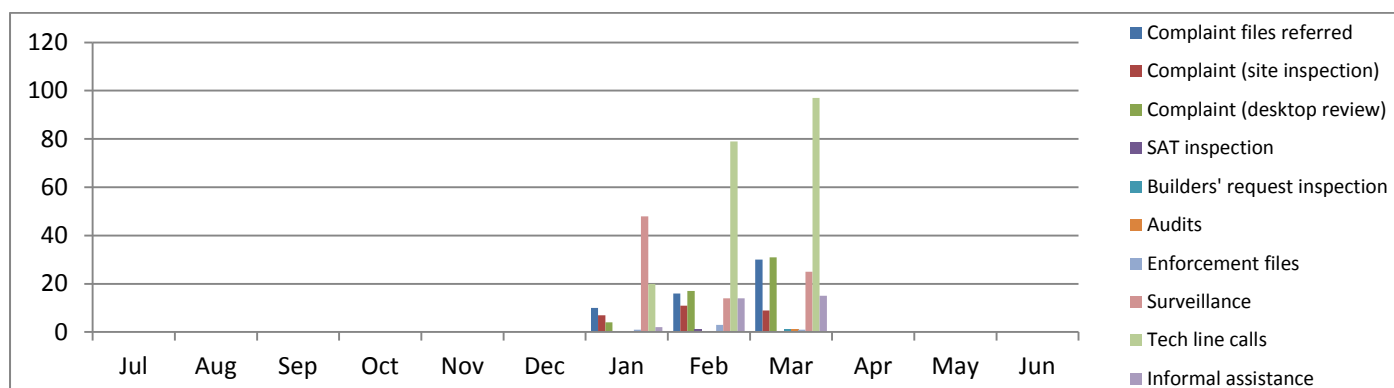
During the third quarter there were 56 complaint files relating to builders were referred to the Audit Branch. As a result, 52 desktop reviews and 27 site inspections were conducted. The Audit Branch also conducted one SAT inspection, one inspection at a builders request and 87 proactive surveillance inspections on builders. The Enforcement Branch referred five files for review by the Audit Branch, 196 tech line calls were received and there were 31 instances where the Audit Branch provided informal assistance relating to building issues.

Brickwork continued to be high in non-compliance for the third quarter. Non-compliance in weep holes was identified as the major reason for this high number. However, it is not the case that weep holes are not being put in the brickwork, but more a case that they do not comply with the BCA. This is not considered a high risk as there is no evidence to suggest that, where weep holes are not installed in accordance with the BCA, that moisture ingress is an issue. Therefore the Audit Branch is dealing with this non-compliance on a case-by-case basis by writing to the builder concerned to advise of the issue and the need to make it compliant.

There were eleven painting inspections and one re-inspection carried out as a result of complaints during the third quarter. Eleven assessment reports were prepared, 27 proactive surveillance inspections conducted and four files were referred from the Enforcement Branch for review. There were also 92 general inquiries and 61 instances where technical assistance was provided.

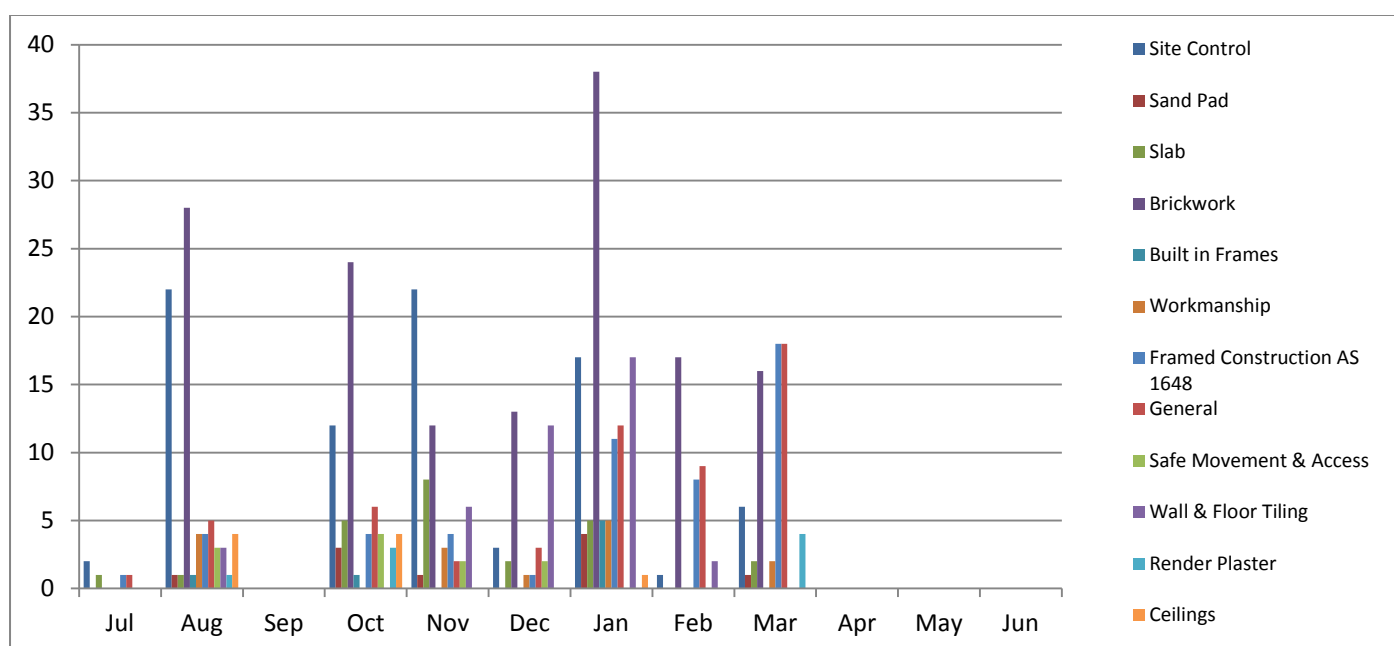
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Building Inspections



Building Inspections													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Complaint files referred							10	16	30				56
Complaint (site inspection)							7	11	9				27
Complaint (desktop review)							4	17	31				52
SAT inspection							0	1	0				1
Builders' request inspection							0	0	1				1
Audits							0	0	1				1
Enforcement files							1	3	1				5
Surveillance							48	14	25				87
Tech line calls							20	79	97				196
Informal assistance							2	14	15				31

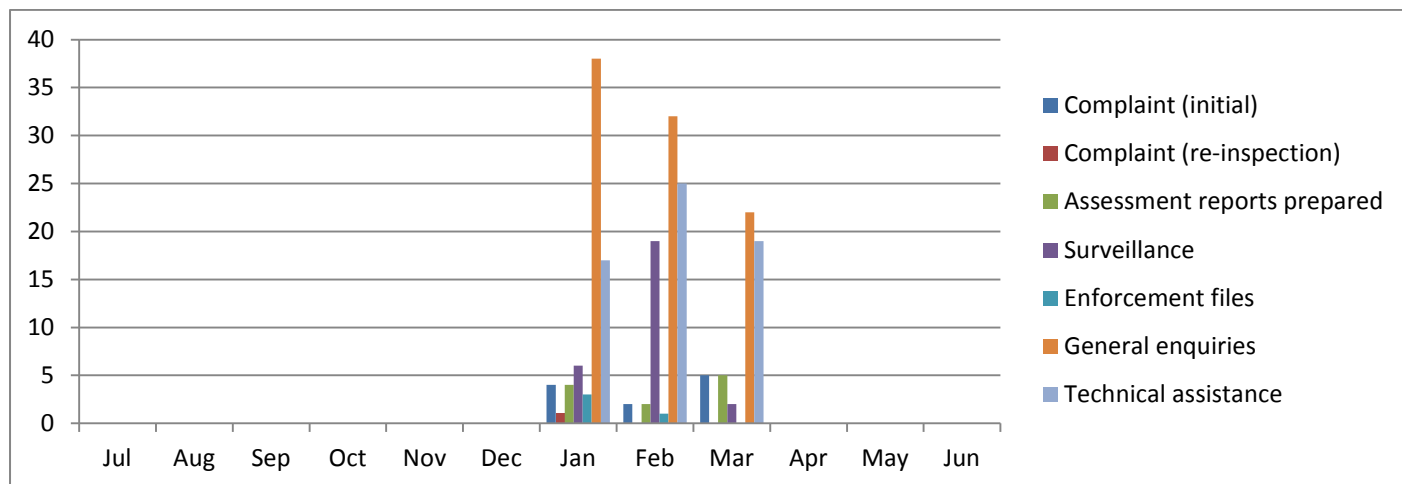
Pro-active Building Inspections – Items of Non-compliance



Building Compliance Report – 3rd Quarter 2013/2014

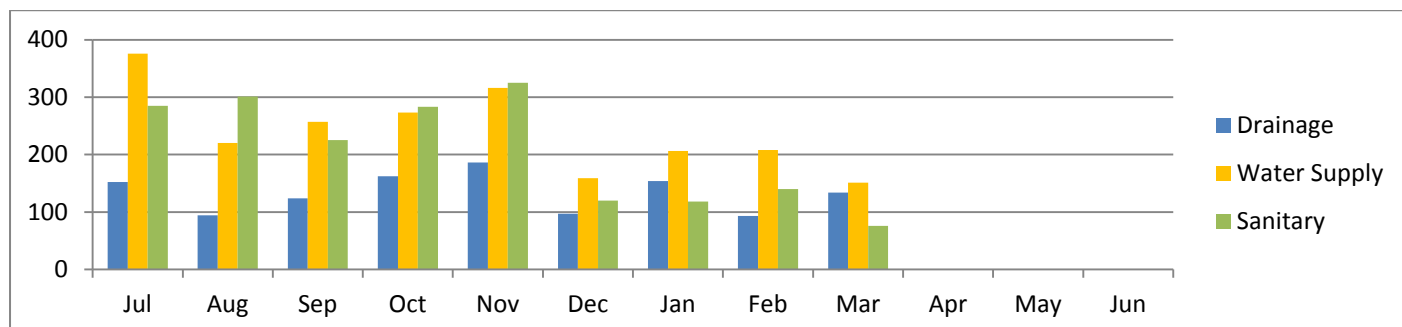
Proactive Inspections - Items of Non-compliance													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Site Control	2	22	0	12	22	3	17	1	6				24
Sand Pad	0	1	0	3	1	0	4	0	1				5
Slab	1	1	0	5	8	2	5	0	2				7
Brickwork	0	28	0	24	12	13	38	17	16				71
Built in Frames	0	1	0	1	0	0	5	0	0				5
Workmanship	0	4	0	0	3	1	5	0	2				7
Framed Construction AS 1648	1	4	0	4	4	1	11	8	18				37
General	1	5	0	6	2	3	12	9	18				39
Safe Movement & Access	0	3	0	4	2	2	0	0	0				0
Wall & Floor Tiling	0	3	0	0	6	12	17	2	0				19
Render Plaster	0	1	0	3	0	0	0	0	4				4
Ceilings	0	4	0	4	0	0	1	0	0				1
	5	77	0	66	60	37	115	37	67	0	0	0	219

Painting Inspections



Painting Inspections													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Complaint (initial)							4	2	5				11
Complaint (re-inspection)							1	0	0				1
Assessment reports prepared							4	2	5				11
Surveillance							6	19	2				27
Enforcement files							3	1	0				4
General enquiries							38	32	22				92
Technical assistance							17	25	19				61

Plumbing Inspections



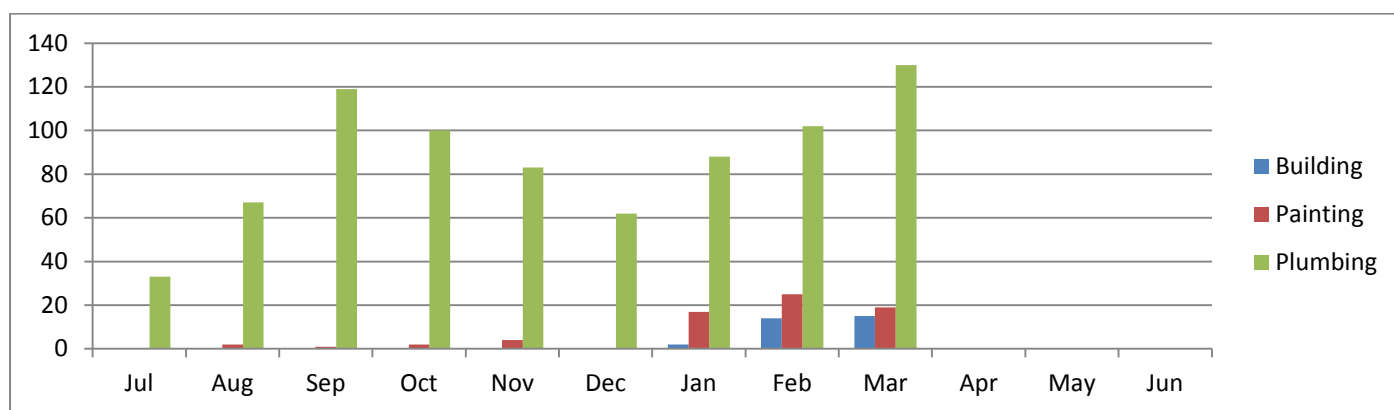
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Plumbing Inspections													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Drainage	152	94	124	162	186	97	154	93	134				1196
Water Supply	376	220	257	273	316	159	206	208	151				2166
Sanitary	285	301	225	283	325	120	118	140	76				1873
	813	615	606	718	827	376	478	441	361	0	0	0	5235

Informal Complaints

The informal complaints received relating building and painting significantly increased during the quarter. This is because the Audit Branch has only just commenced reporting these matters for building and painting is now reporting work that it does, that falls into this category, which it has not previously reported. Informal complaints received for plumbing increased significantly throughout the quarter with 107 received in January, 141 in February and 164 in March. The total informal complaints for the quarter (412) is significantly higher than the first two quarters.

Informal Complaints Received



Complaints Received													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building	0	0	0	0	0	0	2	14	15				31
Painting	0	2	1	2	4	0	17	25	19				70
Plumbing	33	67	119	100	83	62	88	102	130				784
	33	69	120	102	87	62	107	141	164	0	0	0	885

Technical Notes Issued

In February 2014 the Building Commission issued a technical note to industry titled 'Weatherproofing of projections through metal roof surfaces'. The technical note sought to inform industry of the minimum requirement under AS1562.1-1992 *Design and installation of sheet roof and wall cladding*, alternative flashing methods and whether synthetic rubber collar flashings were acceptable.

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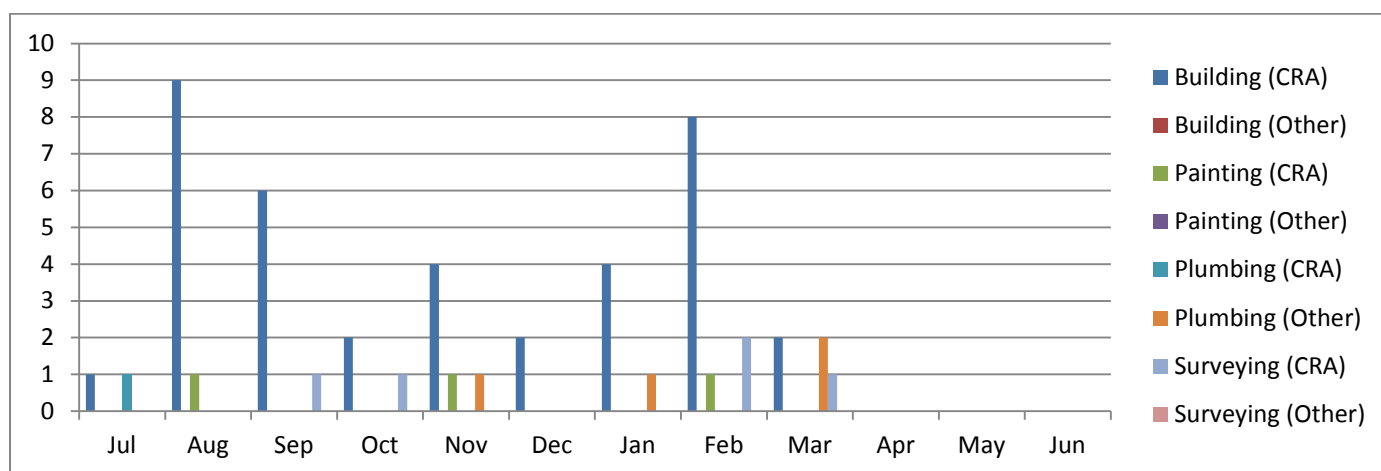
ENFORCEMENT ACTIVITIES

Disciplinary Complaints

There were 21 disciplinary complaints received for the quarter taking the total for the year to 51. During the third quarter there was six disciplinary complaints received for negligent or incompetent conduct, one for failing to manage/supervise, two for misleading, deceptive or harsh conduct and two for failing to comply with an order. There were ten disciplinary complaints for individual, different and less common disciplinary matters.

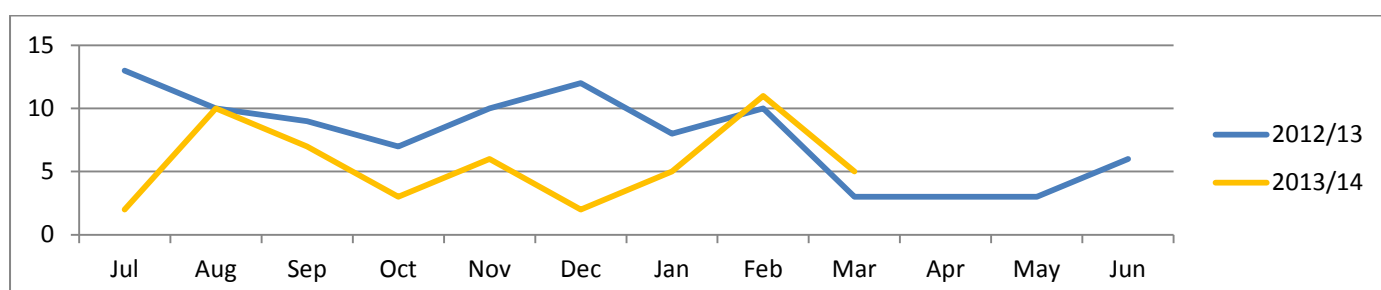
There were 24 disciplinary complaints finalised for building, one for painting and two for plumbing. The complaint outcomes for these matters consisted of seven refusals, nine dismissals, one administrative warning, seven referrals to the BSB and three referrals to the SAT.

Complaints Received



Complaints Received													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building (CRA)	1	9	6	2	4	2	4	8	2				38
Building (Other)	0	0	0	0	0	0	0	0	0				0
Painting (CRA)	0	1	0	0	1	0	0	1	0				3
Painting (Other)	0	0	0	0	0	0	0	0	0				0
Plumbing (CRA)	1	0	0	0	0	0	0	0	0				1
Plumbing (Other)	0	0	0	0	1	0	1	0	2				4
Surveying (CRA)	0	0	1	1	0	0	0	2	1				5
Surveying (Other)	0	0	0	0	0	0	0	0	0				0
	2	10	7	3	6	2	5	11	5	0	0	0	51

Total Complaints Received – Financial Year Comparison

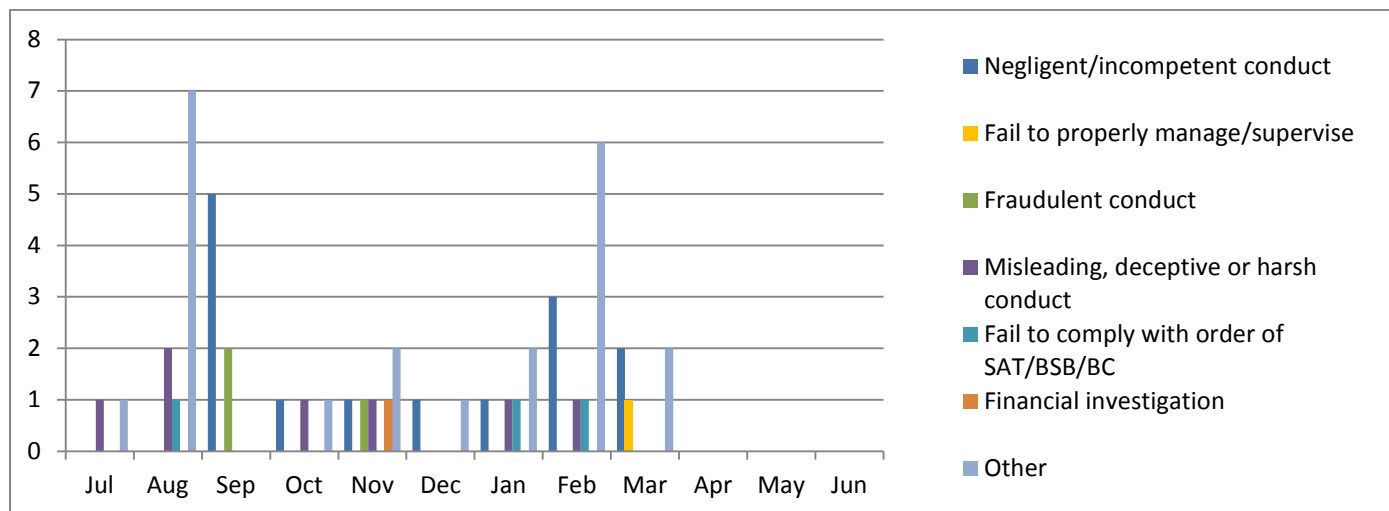


Building Compliance Report – 3rd Quarter 2013/2014

Total Complaints Received - Financial Year Comparison

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012/13	13	10	9	7	10	12	8	10	3	3	3	6	94
2013/14	2	10	7	3	6	2	5	11	5				19

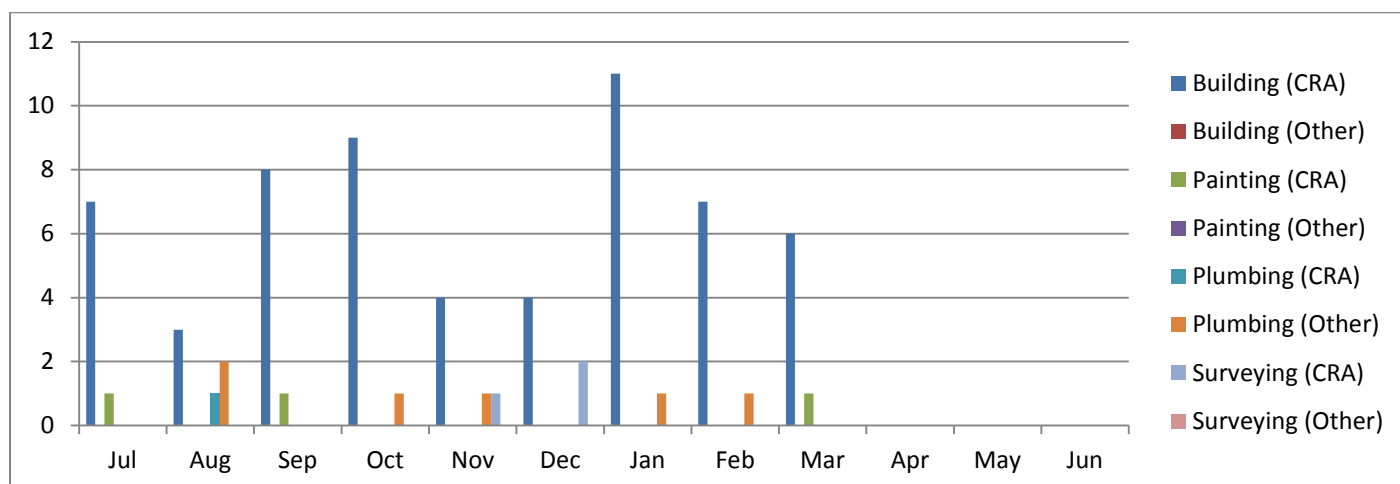
Type of Complaints Received



Type of Complaints Received

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Negligent/incompetent conduct	0	0	5	1	1	1	1	3	2				14
Fail to properly manage/supervise	0	0	0	0	0	0	0	0	1				1
Fraudulent conduct	0	0	2	0	1	0	0	0	0				3
Misleading, deceptive or harsh conduct	1	2	0	1	1	0	1	1	0				7
Fail to comply with order of SAT/BSB/BC	0	1	0	0	0	0	1	1	0				3
Financial investigation	0	0	0	0	1	0	0	0	0				1
Other	1	7	0	1	2	1	2	6	2				22
	2	10	7	3	6	2	5	11	5	0	0	0	51

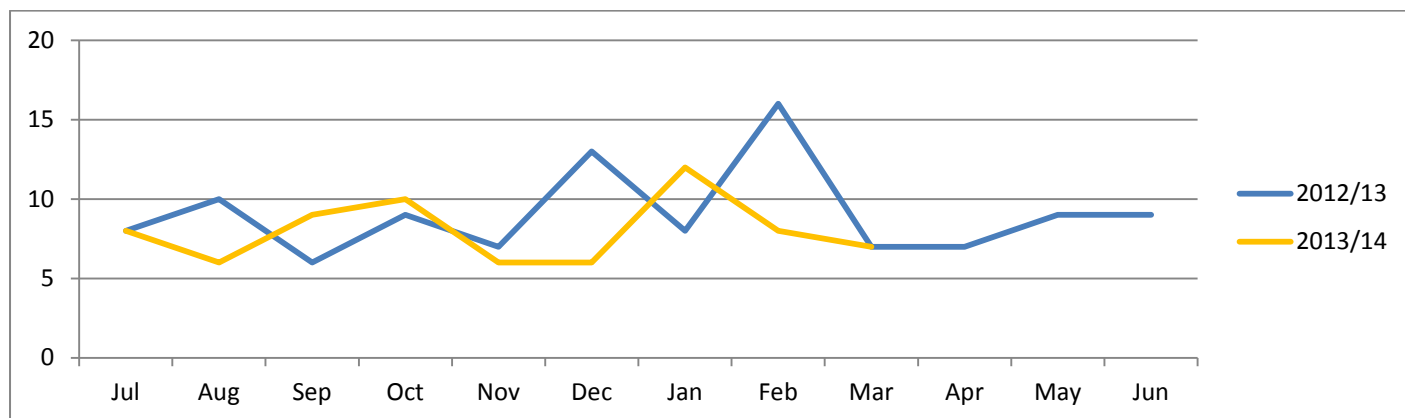
Complaints Finalised



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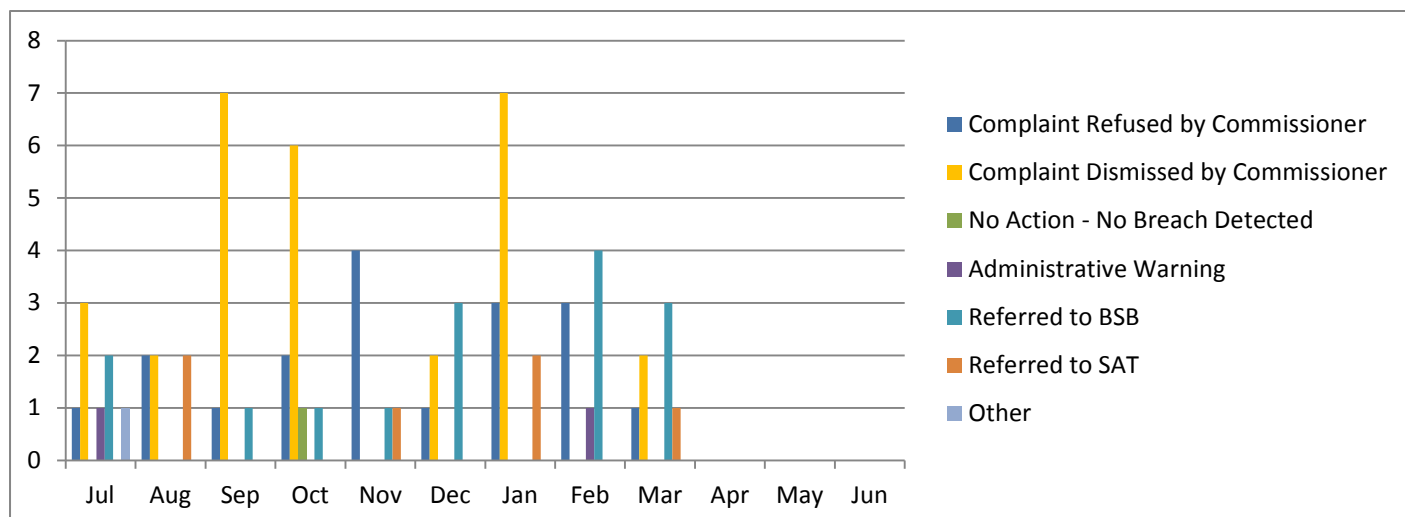
Complaints Finalised														
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	
Building (CRA)	7	3	8	9	4	4	11	7	6				59	
Building (Other)	0	0	0	0	0	0	0	0	0				0	
Painting (CRA)	1	0	1	0	0	0	0	0	1				3	
Painting (Other)	0	0	0	0	0	0	0	0	0				0	
Plumbing (CRA)	0	1	0	0	0	0	0	0	0				1	
Plumbing (Other)	0	2	0	1	1	0	1	1	0				6	
Surveying (CRA)	0	0	0	0	1	2	0	0	0				3	
Surveying (Other)	0	0	0	0	0	0	0	0	0				0	
	8	6	9	10	6	6	12	8	7	0	0	0	72	

Total Complaints Finalised – Financial Year Comparison



Total Complaints Finalised														
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	
2012/13	8	10	6	9	7	13	8	16	7	7	9	9	109	
2013/14	8	6	9	10	6	6	12	8	7				72	

Complaint Outcomes



Building Compliance Report – 3rd Quarter 2013/2014

Complaint Outcomes													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Complaint Refused by Commissioner	1	2	1	2	4	1	3	3	1				18
Complaint Dismissed by Commissioner	3	2	7	6	0	2	7	0	2				29
No Action - No Breach Detected	0	0	0	1	0	0	0	0	0				1
Administrative Warning	1	0	0	0	0	0	0	1	0				2
Referred to BSB	2	0	1	1	1	3	0	4	3				15
Referred to SAT	0	2	0	0	1	0	2	0	1				6
Other	1	0	0	0	0	0	0	0	0				1
	8	6	9	10	6	6	12	8	7	0	0	0	72

Statutory Offences

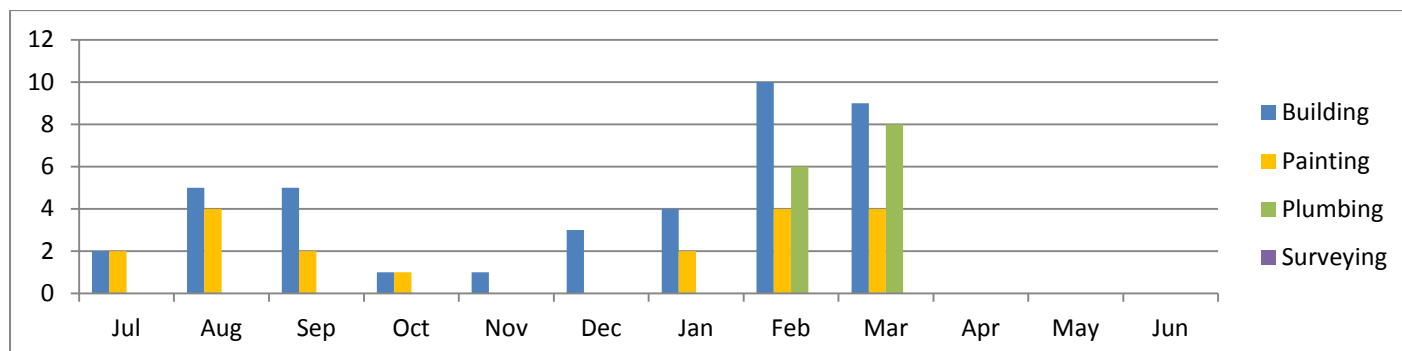
There were 47 complaints relating to statutory breaches received for the third quarter, which is a significant increase on the previous two quarters. Files previously determined as not requiring investigation for statutory offences have been reviewed following some changes to make the triaging process more robust and they have now been determined to have sufficient evidence to constitute a complaint and therefore commence an investigation.

Of the 47 complaints received, 14 related to builders charging an excess deposit, six were for unlicensed activity, one was for failing to comply with an order of the Building Commissioner, 14 for failing to submit compliance paperwork and twelve were for other individual and less common matters. Builders' charging excess deposits continues to be the most common complaint received. This is attributed to the prescribed deposit in the *Home Building Contracts Act 1991* being set at 6.5% of the overall contract price, which is significantly low compared to other jurisdictions in Australia. A review of the Act is currently underway and the prescribed deposit is one issue that is being looked at with a view to increasing it to be consistent with other jurisdictions. The high number of complaints received for failing to submit compliance paperwork is the result of a targeted compliance campaign against licensed plumbing contractors.

There were 53 complaints finalised during the third quarter. This is consistent with the first quarter, but significantly more than the second quarter where there was a lull due to increased staff leave. There were 14 administrative warning issued, mostly for excess deposit and not submitting compliance paperwork matters, no action taken on nine complaints, six infringement notices issued, six matters referred for prosecution and two complaints referred to the SAT or BSB.

The timeliness in the average number of days to finalise a complaint was significantly high in January due to a quiet month in terms of new work and having resources available to complete old cases. The average number of days to finalise a complaint dropped significantly in February and rose in March back to around the average for the year.

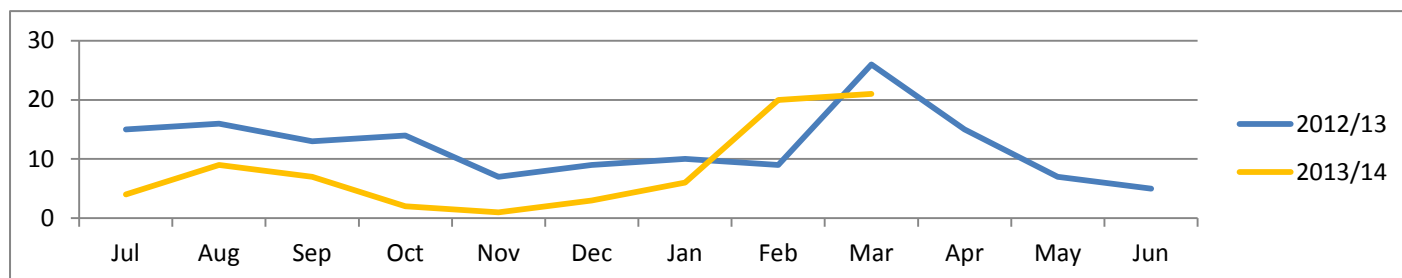
Complaints Received



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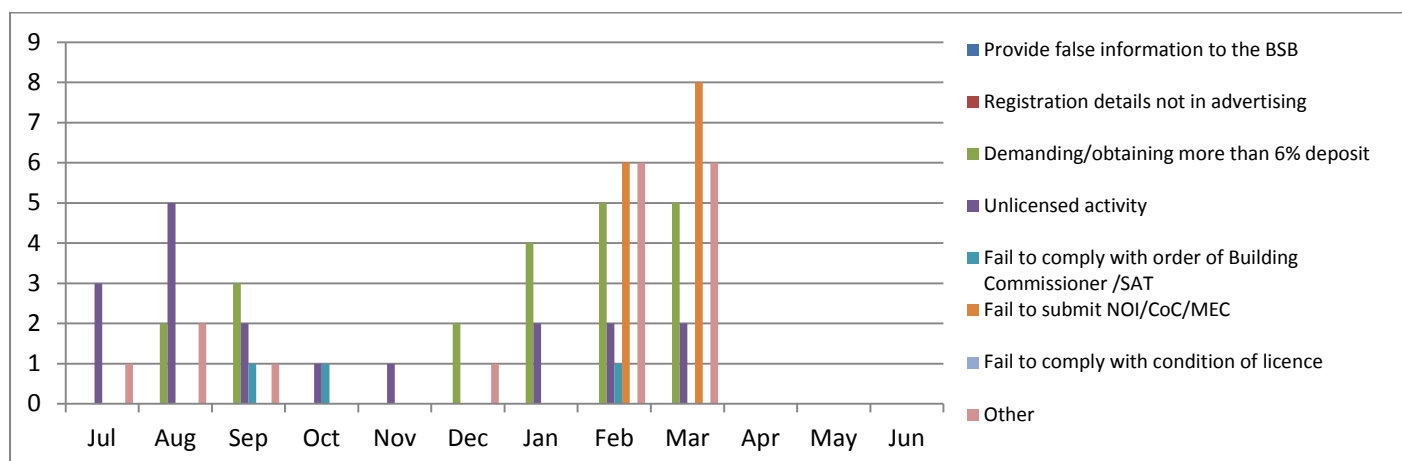
Complaints Received													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Building	2	5	5	1	1	3	4	10	9				40
Painting	2	4	2	1	0	0	2	4	4				19
Plumbing	0	0	0	0	0	0	0	6	8				14
Surveying	0	0	0	0	0	0	0	0	0				0
	4	9	7	2	1	3	6	20	21	0	0	0	73

Total Complaints Received – Financial Year Comparison



Total Complaints Received - Financial Year Comparison													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012/13	15	16	13	14	7	9	10	9	26	15	7	5	146
2013/14	4	9	7	2	1	3	6	20	21				73

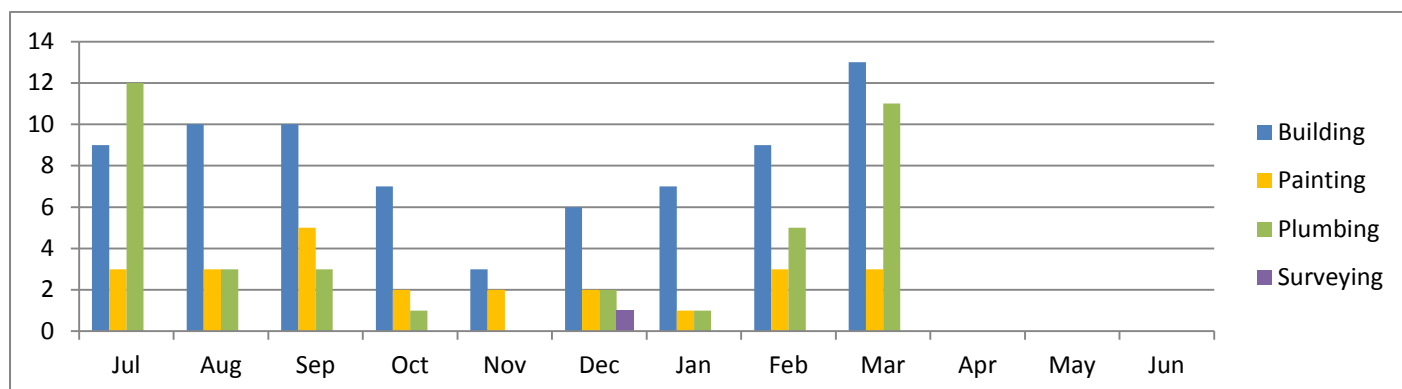
Type of Complaints Received



Type of Complaints Received													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Provide false information to the BSB	0	0	0	0	0	0	0	0	0				0
Registration details not in advertising	0	0	0	0	0	0	0	0	0				0
Demanding/obtaining more than 6.5% deposit	0	2	3	0	0	2	4	5	5				21
Unlicensed activity	3	5	2	1	1	0	2	2	2				18
Fail to comply with order of Building Commissioner /SAT	0	0	1	1	0	0	0	1	0				3
Fail to submit NOI/CoC/MEC	0	0	0	0	0	0	0	6	8				14
Fail to comply with condition of licence		0	0	0	0	0	0	0	0				0
Other	1	2	1	0	0	1	0	6	6				17
	4	9	7	2	1	3	6	20	21	0	0	0	73

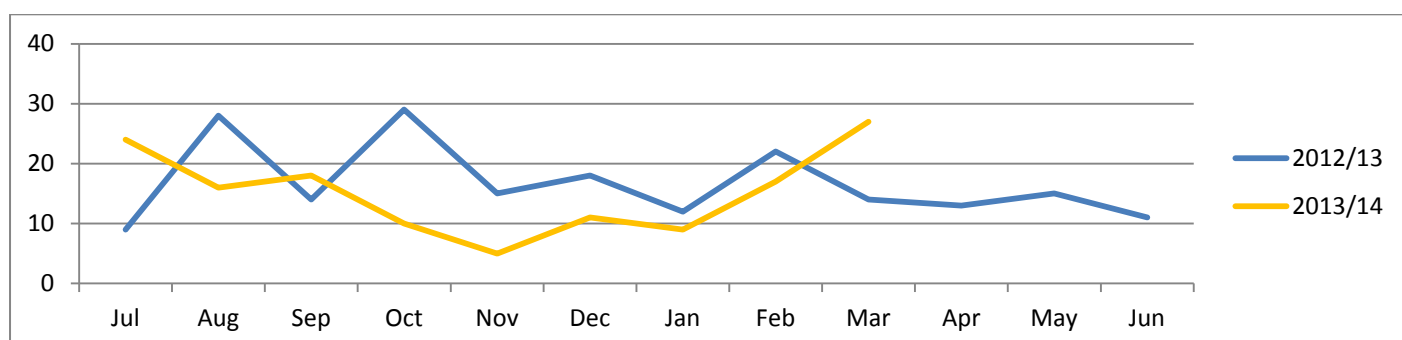
Building Compliance Report – 3rd Quarter 2013/2014

Complaints Finalised



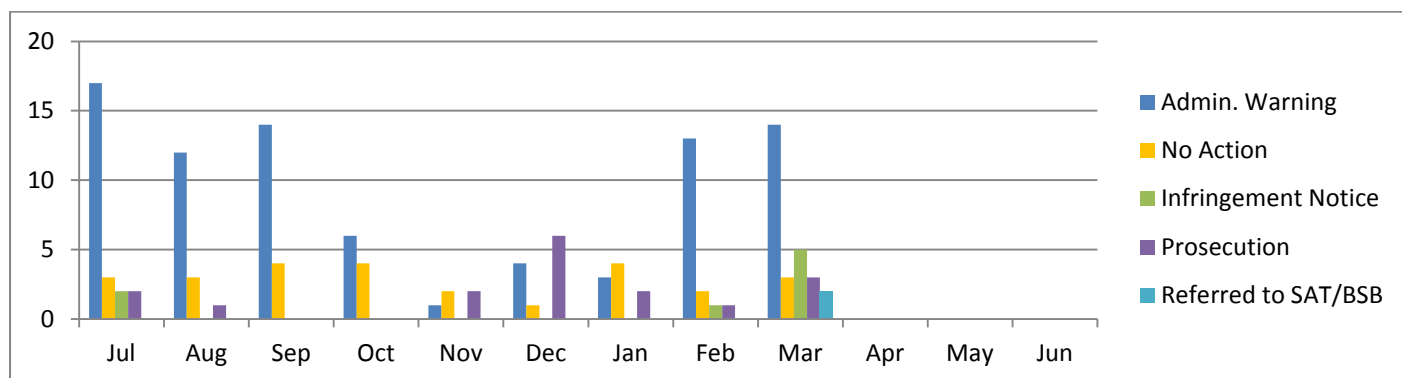
Complaints Finalised														
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	
Building	9	10	10	7	3	6	7	9	13				74	
Painting	3	3	5	2	2	2	1	3	3				24	
Plumbing	12	3	3	1	0	2	1	5	11				38	
Surveying	0	0	0	0	0	1	0	0	0				1	
	24	16	18	10	5	11	9	17	27	0	0	0	137	

Total Complaints Finalised – Financial Year Comparison



Total Complaints Finalised													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012/13	9	28	14	29	15	18	12	22	14	13	15	11	200
2013/14	24	16	18	10	5	11	9	17	27				137

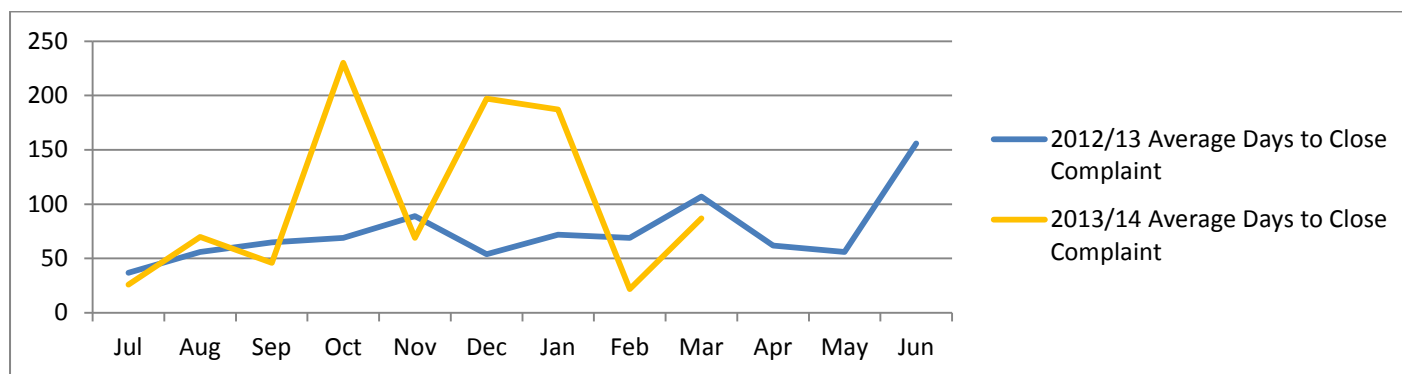
Complaint Outcomes



Building Compliance Report – 3rd Quarter 2013/2014

Complaint Outcomes													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Admin. Warning	17	12	14	6	1	4	3	13	14				84
No Action	3	3	4	4	2	1	4	2	3				26
Infringement Notice	2	0	0	0	0	0	0	1	5				8
Prosecution	2	1	0	0	2	6	2	1	3				17
Referred to SAT/BSB	0	0	0	0	0	0	0	0	2				2
	24	16	18	10	5	11	9	17	27	0	0	0	137

Timeliness



Timeliness													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012/13 Average Days to Close Complaint	37	56	65	69	89	54	72	69	107	62	56	156	99
2013/14 Average Days to Close Complaint	26	70	46	230	69	197	187	22	87				106