

# Home Building Complaint Form

**Please read the information below carefully before completing this form.**

## Before lodging a complaint

It's important to give the other party an opportunity to resolve the issue before contacting Building Commission NSW. If you haven't yet contacted them and don't know where to begin, we can help. **Call us on 13 77 88.**

## How we can help

We can help with complaints relating to:

- building, renovation or trade work done on residential buildings
- specialist trade work done on residential and non-residential building

when the work is:

- is incomplete or defective
- does not comply with the statutory warranties provided by law
- has caused damage to other structures (including neighbouring properties)

We cannot help when:

- the statutory warranty periods have expired
- the building work was done outside New South Wales
- the dispute is before a tribunal or court
- you are requesting a legally binding order to be made (only a tribunal or court can make legally binding orders)
- the complaint is about your neighbour (unless it's about building work at a neighbouring property that has damaged your property)

We can give limited help when:

- the builder/ trader is unlicensed
- you are a homeowner lodging a complaint against an owner builder
- you are lodging a complaint against a builder/ trader that is under strike-off action, in administration, liquidation or has been deregistered
- your problem is about the terms and conditions of your contract or the price charged for work
- you are a builder / trader/ developer complaining about another builder / trader

If you are a design or building practitioner or developer please use the DBP enquiry form to contact us with any complaint or enquiry you may have:

<https://dbp-enquiry.fairtrading.nsw.gov.au/forms/20467>

**If you are not sure if we can help, you should submit your complaint. We will let you know how we can help.**

## How to use this form

Complaints come in all shapes and sizes and not every section of this form will be relevant to your situation. To help, this form contains directions to guide you to the relevant sections.

Please pay close attention to these directions to stay on-track. Please answer as many questions as possible. The more information you provide the better we can help you.

**Please do not send original documents. If required, we will request them.**

## How to lodge this form

Post your completed form and documents to:

**Building Commission NSW**  
**PO Box 972 Parramatta**  
**NSW 2124**

In person at any Service NSW Centre. For the address of your nearest Service NSW Centre please phone **13 77 88** or visit [www.service.nsw.gov.au/service-centre](http://www.service.nsw.gov.au/service-centre)

Section 1. Your details

Title Your first name

Your surname

Are you a Trader?

No Yes If Yes, what is your business name?

Are you currently in Australia?

Yes Please complete all questions

No Please go directly to Section 1.1

Your mailing address

Suburb State Postcode

Section 1.1

Your preferred phone number Your preferred email address

Section 2. Who is your complaint about?

Business name

ABN / ACN Licence number

Business address

Suburb State Postcode

Business website address

Full name of contact person Phone number of contact person

Email address of contact person

## Section 3. About the building

At which address was the work done? (Write 'as above' if this is the same address that you provided in Section 1)

Suburb State Postcode

Name of Local council

What type of building does your complaint relate to?

Free standing / Detached House; Duplex or granny flat	Please go to Section 4.1
Town House; Manor House or Villa	Please go to Section 3.1
Multi-unit / apartment dwelling (1 -3 storeys)	Please go to Section 3.1
Multi-unit / apartment dwelling (4 or more storeys)	Please go to Section 3.1
Other	Please go to Section 4.1

### Section 3.1

Is the property part of a strata scheme? Yes No

If Yes ; what is the name of the Strata Manager? (if one is appointed) Strata plan number

Are you lodging this complaint on behalf of an owners corporation? Yes No

Does the issue affect Common Property?

No Please go to Section 4.1 Yes Please go to Section 4.5

## Section 4. About your complaint

### Section 4.1

Tell us about the work that was done.

This question is only about the work. We will ask about the problems you experienced in a later question. If you're unsure of how to best answer this question; refer to Appendix -Examples (page 8) for guidance.

Please select one of the following:

I arranged to have the building work done	Please go to Section 4.2
I purchased the property after the work was already done	Please go to Section 4.3

### Section 4.2

How much did you agree to pay the builder / trader for the work?	On which date did you make the agreement? (DD/MM/YYYY)	How much money have you paid to the builder / trader so far?
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How did you pay the builder / trader? (For example; cash , cheque , bank transfer , credit card , other)

What date did the work begin?      What date did the work finish?  
*Leave blank if the work is unfinished*

Do you have either of the following:

Development Application (DA)      If Yes, provide the DA number  
Complying Development Certificate (CDC)      If Yes, provide the CDC number

Are you an owner builder?

No      Yes      If Yes, provide the owner builder permit number

**You have finished Section 4.2. Please go directly to: Section 4.4**

### Section 4.3

When did you buy the property? (DD/MM/YYYY)

Did you buy the property from an owner builder?

No      Yes      If Yes, provide the owner builder permit number

**You have finished Section 4.3. Please go directly to: Section 4.4**

### Section 4.4

Please describe the issue(s) that your complaint relates to. (Additional pages may be attached if required)  
If you're unsure of how to best answer this question; refer to Appendix - Examples (page 9) for guidance.

Have you contacted the builder / trader to try to resolve the issue(s)?      Yes      No

If Yes, what was the builder / trader's response when you contacted them?

If Yes, what is the full name of the person you contacted?

If No, please tell us why you didn't contact them?

Have you lodged a claim with your insurer?

No	Yes - waiting for a response
Yes - the claim was accepted	Yes - the claim was rejected

Are there any other agencies currently assisting you with your complaint?

No	Yes	If Yes, what is the agency?
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What would you like to happen as a result of your complaint?

**You have finished Section 4.4. Please go directly to: Section 5**

## Section 4.5

Is your complaint in relation to:	Initial build	Staged build	Rectification
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Do you have either of the following:

Development Application (DA)	If Yes, provide the DA number
Complying Development Certificate (CDC)	If Yes, provide the CDC number

Was an Occupation Certificate (OC) issued?

Yes - Final OC	What date was the OC issued?
Yes - Interim OC	What date was the OC issued?
No - OC was not issued	Why was an OC not issued?
Don't know	

Please describe the issue(s) that your complaint relates to. (Additional pages may be attached if required)  
If you're unsure of how to best answer this question; refer to Appendix -Examples (page 9) for guidance.

Is your complaint in relation to any of the following:

Fire Safety systems (active or passive)

Building enclosure such as external cladding and facade

Waterproofing

Structural issues such as load bearing; foundations; footings; floors; walls or roof

Services (acoustic; mechanical; electrical; plumbing or lifts)

Other

If Other, please specify:

**You have finished Section 4.5. Please go directly to: Section 5**

## Section 5. Supporting documents

You'll need to provide additional documents to help us understand the details of your complaint.

Every complaint is different and the documentation you have will depend on your particular situation.

Have a look at the list below and choose what is relevant to you.

Remember to attach these documents to the form and include them when you lodge your complaint.

Contracts and any variations. Any evidence of the agreement(s) you made with the builder / trader

Invoices, quotations, payment receipts etc. These are very important if you don't have a contract (see above)

Contract of sale. This is only relevant if you bought the property after the building work had been completed

Certificate of Insurance for HBC Cover

Certificates of Compliance. For plumbing, electrical, gas fitting, waterproofing etc.

Correspondence with the builder / trader about the dispute. Could be emails, SMS, letters etc.

Photos or reports which help describe the problem(s)

Anything else you think might be useful for us to consider

**This is the end of the form.** Before lodging your complaint, please make sure you have;

- answered all relevant questions correctly
- attached all relevant supporting documentation
- read and understood Section 6-Privacy Collection Notice

You can find information on how to lodge your complaint on Page 1 of this form.

## Section 6. Privacy Collection Notice

How we handle your personal information when you make a home building complaint:

### 1. Who we are

Your information is being collected by the Department of Customer Service (the Department) on behalf of the Commissioner for NSW Fair Trading for use by the Building Commission NSW. The Building Commission NSW gives priority to protecting the privacy of your personal information, in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

If you have any questions about this document, or how we handle your personal information, you can contact our Privacy Team using the contact details at the end of this notice.

### 2. Why we collect your personal information

We are collecting your personal information for the purposes of facilitating the receipt and general handling of your complaint.

### 3. The kinds of information we collect

We may collect the following information:

- Your full name and contact details (address, email, and phone number).
- Details about your complaint, including third-party details of the business/builder/trader your complaint is about and the name of the Strata Manager or Chairperson
- Property details
- Any relevant supporting documentation you think will be helpful for us to understand your complaint.

### 4. Failure to provide information

Your information is provided voluntarily however if you choose not to provide your information, we may be unable to deal with your complaint.

### 5. How we may use this information

We may use the information we collect in the following ways:

- To attempt to resolve your matter, which may include providing your personal information to the Trader or another government agency if appropriate.
- To investigate the matters which are the subject of your complaint and for related investigative or law enforcement purposes.
- To take action to secure compliance, or to remedy non-compliance, with legislation administered by the agency in relation to the matters which are the subject of your complaint or related matters. This may include taking disciplinary action or instituting civil, criminal or disciplinary proceedings.
- Internal administrative purposes, including liaising with you in relation to your complaint.
- To support more informed policy making, program management, evaluation, research, and service planning as it can facilitate more efficient service delivery for residents and business in NSW.
- Other directly related purposes.



## 6. Who we may share your information with

Your personal information may be disclosed to the individuals, businesses or entities who are the subject of your complaint, unless you ask to remain anonymous when the complaint is raised.

If required, we may make enquiries and exchange information with other NSW Government agencies, or other States, Territories and/or the Commonwealth. We may disclose your information to such bodies for these purposes.

We will not disclose your information to anybody else unless we are authorised or permitted to do so by law or where you have given consent. Our [Privacy Statement](#) describes when this may occur.

### 6.1 Service NSW

Service NSW acts as a shopfront for us and performs transactions for you, on our behalf. Service NSW collects the complaint form and provides it to the agency.

Information you provide via your complaint form will not be stored by Service NSW. For more information about how Service NSW handles personal information, please visit the [Service NSW Privacy Statement](#).

## 7. Protecting your information

We will store and manage your information in accordance with the provisions of the PPIP Act. We have measures in place to help protect your personal information from loss, unauthorised access, use, modification, disclosure, or other misuse.

See our [Privacy Management Plan](#) for more information about how we handle your personal information.

## 8. Your rights

Subject to certain conditions, you have the following rights in relation to your personal information:

- The right to request access to your personal information
- The right to request correction of your personal information

If you wish to access or correct your personal information, please contact us using the details below.

## 9. Contact us

If you would like to make a privacy enquiry or complaint, you can contact us at [BRDPrivacy@customerservice.nsw.gov.au](mailto:BRDPrivacy@customerservice.nsw.gov.au).

## Appendix - Examples

If you're unsure how to describe the work that was done and the issues you experienced, then the following examples might help guide you.

### Question: Tell us about the work that was done.

**Example 1.** I hired a plumber to install a stormwater drainage system to my property. I live in a 2 storey free standing home.

**Example 2.** I hired a contractor for a concrete project for the area around our pool.

**Example 3.** I live within Strata Plan 1234, I had my apartment renovated. I hired an electrician to install new wiring and lights within my unit. The work was done through my whole unit.

**Question: Please describe the issue/s your complaint relates to:**

- Example 1.** The stormwater pipe brackets were not mounted properly to the house and are poorly designed. Because of this, the installed gutter and downspout system is in the wrong place. So now I have:
- Water flowing to the foundation and along the sides of the house
  - Mould growing around the house due to excess amounts of water flow
  - Foundation cracks
  - Pest infestations
- Example 2.** The work is not complete with many delays. There are multiple defects with no signs of when this project will be completed. I need these issues to be fixed:
- Numerous cracks in the concrete
  - Reinforcement mesh slab was left on the ground and was not positioned, it does not meet Aust. Standards
  - Pool pipe has burst and was concreted over resulting in leaks
  - Excessively rough surfaces
  - Structural cracks
- Example 3.** The lighting within my unit is faulty and not working properly. The electrician said he will return to fix the lights but he has not returned and does not answer my calls.

## Appendix - Glossary

### ABN/ACN

You can search for builder and tradespersons ABN details at ABN Lookup ([business.gov.au](https://business.gov.au)).

### Certificate of Insurance for HBC Cover

Builders must have Home Building Compensation insurance for projects over \$20,000. By law, the Builder / Trader must give you a Certificate of Insurance before starting work or requesting payment.

For further information visit the [icare website](https://www.icare.nsw.gov.au).

### Certificates of Compliance

A Certificate of Compliance confirms the building work meets the required laws, rules and industry standards of Australia. You usually get this certificate after the work is done.

### Common property

Common property is all the areas of the land and buildings not included in any lot in a strata plan. For example parking lots, lobbies, stairways etc. For more information visit the [NSW Land Registry Services website](https://www.landregistry.nsw.gov.au).

### Contract terms and conditions

We cannot get involved in disputes about contracts and we cannot overrule, waive or enforce the builder/trader to change the terms of your contract.

We suggest you get legal advice to resolve your complaint. We can intervene help with in disputes if the work was not authorised, not required, or is in not complete. If this applies to you, please complete the form.

### Contract variations

Contract variations are changes made to a formal agreement or contract after the agreement is made.

These changes can be to the terms, conditions, scope of work, or even the price. Changes need to be approved and agreed to by everyone involved.

**Development Application (DA) or Complying Development Certificate (CDC)**

A Development Application (DA) is a formal application for development that requires consent. It is usually lodged with your local council.

There are some forms of development that may be approved via a fast track approval pathway. If that is the case, you will get a Complying Development Certificate (CDC) from your local council or an accredited certifier. Not all work will require a DA or CDC. If you do not have a DA or CDC, answer no to this question.

The DA reference number from the council will take the form DA -XXXXXX while the CDC reference number is from the Planning Portal and takes the form CDC -XXXX

**HBC Cover**

The Home Building Compensation Fund (HBCF) provides a safety net for home owners dealing with incomplete and defective building work carried out by a builder or tradesperson, where the work is valued more than \$20,000. A certificate of insurance will be provided to you by your builder/ trader when they engaged you. For further information on HBCF visit the [icare website](#).

**License number**

You can search for builder and tradespersons licence details at [Verify.licence](#).

**Occupation Certificate**

Your local council or a certifier will issue an occupation certificate to you, which allows you to legally occupy a building. You need an Occupation Certificate if you want to occupy or use a new building or change the use of an existing building.

**Other agencies**

May include the NSW Civil and Administrative Tribunal (NCAT) (whether they accepted the matter or not), taken legal action, made a Security of Payment Act (SOPA) claim or referred the matter to other agencies such as Law Access NSW, Small Business Commissioner, Department of Communities and Justice (CJC), your local council etc.

**Owner-builder**

An owner-builder is someone who is both the homeowner and the person responsible for managing the work being done at their own residence. The Owner Builder acts as a licensed builder and orders the building materials. You need to hold an Owner Builder Permit when the value of the work is over \$10,000.

**Rectification / Remediation**

Construction work that is a repair, renovation or protective treatment of a completed building.

**Rectification Order**

The order is issued by a Building Commission NSW Building Inspector and will describe what items require rectification (fixing) and a date by which the work is to be completed under the Order.

**Specialist trade work**

Specialist trade work includes:

- Electrical wiring work
- Plumbing and draining
- Gas fitting work, including medical gas
- Air conditioning and refrigeration work (except plug-in appliances)

### **Statutory warranties**

The Home Building Act 1989 provides homeowners with the following statutory warranties, where the work will:

- be done with due care and skill and in accordance with the plans and specifications;
- comply with relevant laws;
- be done with due diligence within the time stipulated in the contract or within a reasonable time
- where appropriate, result in a dwelling that is reasonably fit for occupation.

And the materials used will be:

- reasonably fit for the specified purpose or result
- new and suitable for the purpose used unless stated otherwise in the contract.

### **Statutory warranty periods**

The following time limits apply for homeowners to commence proceedings for a breach of statutory warranty:

- Major defects: 6 years from completion of the work
- All other defects: 2 years from completion of the work
- For residential apartment building work on common property: 10 years from when the building has been completed.  
No time limits apply if building work is still in progress.

For further information, visit our [website](#).

### **Strike off action, in administration, liquidation or has been deregistered**

You can check the registration status of a business on the [ASIC Published Notices website](#).

### **Tribunal or court**

This includes the NSW Civil and Administrative Tribunal (NCAT) or the Local or District Court of NSW.