



Guide to the provision of evidence to support a building work complaint

What evidence am I required to provide to support my complaint?

A person making a complaint is required to provide to the Building Commissioner sufficient evidence to substantiate that the complaint items are valid. They will not be accepted if they are vexatious, misconceived, frivolous or without substance.

Depending upon the nature of the complaint items, the following forms of evidence may be provided:

- a) a photograph/s of the complaint item that clearly shows the item being complained about, along with an overall photo of the location showing any other influencing factors;
- b) plans, permits, specifications, addenda, contracts, invoices or statements and quotations relevant to the item of complaint;
- c) records of any agreements/discussions between the parties regarding the intended building work, or the building work that has been carried out.;

Please note that the evidence you may be required to provide is not limited to the above and you may be asked for further specific information during the course of your complaint.

Where a complaint item is not covered by one of the requirements listed above, an opinion based on a person's experience regarding the subject matter may suffice. Any statement justifying the fault/defect should include information as to why the fault is the responsibility of the person who carried out the work.

Do I need to provide an independent inspection report?

Building and Energy do not require home owners to obtain independent building inspection reports. Issues identified in the complaint will be inspected by Building and Energy's own inspectors, who will provide the parties with an independent report.

Some exclusions will apply to the services that Building and Energy's in-house inspectors can provide, including inspections of high-rise buildings and detailed expert reports on subjects such as engineering, chemical analysis and corrosion.

Photographs

Photographs supporting a complaint item need to specify the complaint item number that they relate to. This information needs to be detailed on the front of the photograph, not the back.

Photographs should also be dated or accompanied by sufficient information to indicate what date the photo was taken.

Photographs can be taken up close to the item of complaint; however, a general whole of area photograph should also be provided to enable Building & Energy to take all elements in the general area into consideration. When photographing defects relating to deviations, cracks, alignments, width, etc., ensure a tape measure, spirit level or straight edge (as needed), is included in the photograph so that the fault or inaccuracy can be verified.

This describes the item number of the complaint and identifies the photo which relates to it.

This describes the nature of the complaint as per the complaint schedule.



Example 1: Photo identifying issue and complaint item depicted.



Example 2: Tape measure used to demonstrate thickness.

Contract documents

Where a complaint relates to a failure by the respondent to provide building work in accordance with agreed contract documents (such as the size, location or type of building material used), any quotes, plans, sketches, etc., detailing the agreed requirement need to be provided. The issue or dispute that the evidence relates to needs to be identified so that Building & Energy is not making an assumption as to what aspect of the contract documentation is not being complied with.



Item 13
Photo C05

HOUSING INDUSTRY ASSOCIATION LIMITED
ABN 99 004 631 752

VARIATION TO CONTRACT

The Builder/
Contractor: _____
ABN: _____

Job Ref No: _____
Client details: _____

RE: Works at _____
Pursuant to Contract dated _____
Between _____ (the Owner/s)
And _____ (the Builder)
The Owner/s and the Builder hereby agree that the variation/s detailed hereunder be made to the contract.

ITEM	PARTICULARS	ADDITIONS	DEDUCTIONS
	owner's instruction on site		
	1c Bond Lns of house Plasterer \$100	\$ 100	
	Texture \$100	\$ 100	
	Extend ground floor internal doors due to wrong size frames being installed		
	Garage Doors \$45	\$ 540	
	Remove stainwell skirting, patch damaged walls & Re-paint walls	\$ 270 \$ 250	
	Remove & install extra shelves to WIR	\$ 145	
	upgrade downpipe grates to Galv	\$ 158.86	
	install Bulk head to Bed 5 due to strip grate being installed	\$ 276	
	SUB TOTAL	1839.86	
	PLUS 10% GST	183.98	
	VARIATION PRICE	2023.84	

The variation price is payable: on completion of the variation
 with the next progress claim after completion of the variation

Signed by the builder _____ On the _____ day of _____ 20____
the Owner/s _____ On the _____ day of _____ 20____

The owner/s is requested to sign and return all copies to the builder within 5 working days, whereupon the builder will sign and return the white copy/copies as required.

OT AN INVOICE

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Distribution	
White (Top)	Owner
White (2 nd)	Owner
Blue	Builder
Pink	Builder

Example 3: Contract document with complaint item number identified and relevant clause highlighted.

Complaint Form Complaint Schedule

When you are completing Building & Energy’s Complaint Schedule, it is important that you detail the evidence you are relying upon for each item of complaint in the column marked “Reference to evidence relied upon”.

Your reference must be specific to the clause and page number of any report and detail the photograph number for each item. A general reference to a document or group of photos will not be assessed as sufficient and you will be asked to provide further clarification, which may delay the processing of your complaint. The complaint form can be found here: <http://forms.commerce.wa.gov.au/building-commission/complaint>.

Inspection report

Where an inspection report is provided as evidence to substantiate a complaint, the report shall be prepared in accordance with the requirements of Australian Standard 4349.0-2007 *Inspection of buildings*.

The inspection report complaint items are required to match the same numbering as the complaint items submitted on Building & Energy’s Complaint Schedule.

Inspection reports need to meet the requirements of the Building & Energy’s “Guidelines for Building Complaint Inspections”, which can be viewed on our website at <http://www.commerce.wa.gov.au/publications/inspection-buildings-guidelines-building-complaint-reports>.



More information

If you need more information about what evidence is required to support your complaint or how your evidence should be detailed, please call 1300 489 099 or email bcinfo@dmirs.wa.gov.au.