



## BUILDING CONSENT AUTHORITY

### T-42, T-42.1 AND T-42.2 COMPLAINTS (building consent authority function)

#### Roles and Responsibilities

- **TEAM LEADER BUILDING**

Responsible for ensuring the building consent authority has the appropriate systems in place for responding to complaints.

Responsible for ensuring building officer and administration staff have the appropriate levels of technical competence to fulfil their functions and duties.

Responsible for updating processes and procedures that require revision as a result of a complaint and monitoring the complaints processes.

- **BUILDING OFFICER**

Responsible for responding to complaints in a timely manner and providing a full and complete record of findings and actions taken.

#### Background

1. The following process outlines the procedures required for responding to and investigating complaints.
2. Fundamental to the entire process is ensuring staff are appropriately trained to fulfil their responsibilities and have the appropriate authority to do so (refer to T-30 and T-30.1).
3. Building officers need a clear understanding of all building control functions and, in particular, the inspection requirements associated with assessing:

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<p>Introduction Date: 5 October 2006</p>	<p>Issue Date: 16 May 2007 Review Date: 7 September 2007</p>	<p>File Name: T-42, T-42.1 and T-42.2</p>	<p>Page 1 of 4</p>

- compliance of building work carried out under a building consent
- compliance of building work carried out without a building consent (see note)
- compliance of building work associated with a notice to fix (see note)
- compliance of building work associated with a certificate of acceptance (see note)
- compliance of building work associated with a safe and sanitary report (see note)
- dangerous buildings (see note)
- earthquake-prone buildings (see note)
- insanitary buildings (see note).

**Note:** These are territorial authority functions.

4. Most important is that building officers understand their responsibilities in association with entering land, including:
- their entitlement to enter private land during normal working hours or while work is being carried out and the requirement to provide a written warrant issued under section 174 of the Local Government Act 2002 on request, and
  - the need to obtain the consent of the occupier of a household unit before entering that household.

**Note:** Warrants are only issued to building consent authority officers. Private building consent authority staff may only use powers under section 90 of the Building Act 2004.

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5. Administration staff who are responsible for taking inspection enquiries require sound communication skills and should have an in-depth knowledge of in-house processes. They will ideally have a good geographical knowledge of the region.

## Procedure

### 1 COMPLAINT RECEIVED

- 1.1 Generally a complaint will be received by the call centre staff who will record details in the complaints register (INFRA) and forward details to the appropriate building officer to investigate.
- 1.2 On receiving complaint details, the building officer will determine whether the complaint relates to work undertaken or supervised by a licensed building practitioner.  
**Note:** The licensed building practitioner provision does not come into effect until 30 November 2009 and phased thereafter.

If so, the building officer will check the licensed building practitioner registration details and then instigate the necessary corrective actions. This may include lodging a complaint with the Building Practitioners Board, which may in turn initiate its own investigation.

### 2 ARRANGE INSPECTION

- 2.1 If the complaint relates to building work that is covered by a building consent, a site investigation may be required. The building officer will determine whether the complaint is valid and, if so, instigate the necessary corrective actions.
- 2.2 Following inspection, the building officer will record inspection findings, any corrective actions taken, and any follow-up action that may be required. This will generally be recorded in the complaints register. The need for preventive action will be determined by the Team Leader Building and a timeframe set for its implementation.
- 2.3 At all stages of the complaint investigation the investigating officer must keep the requirements of the NPDC complaint process and the customer service standards, which stipulates timeframes for responses to complainants.

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**NOTES**

A building consent authority must keep information that is relevant to the administration of this Act, to enable members of the public to:

- (a) be informed of their obligations under the Act, and
- (b) participate effectively under this Act.

This information must be kept for at least the life of the building to which the information relates, and, in the case of complaints, for at least 10 years from the date each complaint was received.

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