

Managing Complaints: A Guide for Building Surveyors and Industry

Supporting guidance for the Victorian Building Surveyors Code of Conduct

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Purpose

This guide supplements the Building and Plumbing Commission's (BPC's) Building Surveyors Code of Conduct (**the Code**) by providing further detail on BPC's expectations for managing complaints when operating in the capacity of a relevant building surveyor (RBS).

The Code establishes the principles and rules for professional conduct that building surveyors in Victoria must meet when providing building surveying services. This includes a requirement to have a complaint management process.

While the Code sets out these minimum requirements, it does not prescribe in detail how they should be implemented in practice. This guidance builds on those requirements by outlining more specific expectations to support consistent, timely, and professional complaint handling by building surveyors.

For example, where the Code requires building surveyors to respond to complaints within a "reasonable time," this guidance provides greater clarity on what the BPC considers reasonable timeframes, such as acknowledging complaints within a specified number of days and taking timely action to progress resolution.

Scope

While the Code applies to all registered building surveyors in Victoria, this guidance focuses on building surveyors operating as an RBS and outlines the minimum complaint handling practices that the BPC considers necessary to support a consistent and professional approach to complaint management.

A building surveyor must take reasonable steps to minimise the potential for complaints and have a process in place to address problems or issues of non-compliance brought to their attention as soon as possible.

To meet this principle, you must:

8.1 Have a complaints management process for the handling of complaints that explains the steps you will take to address and resolve a complaint.

This includes:

8.1.1 Considering existing publicly available guidance materials or other materials such as the *Australian Standard: Customer satisfaction – Guidelines for complaints handling in organisations*, to assist you in developing a complaint handling process.

8.1.2 Ensuring that you keep records of any complaints you have received, and your actions taken to resolve the complaint.

8.1.3 Responding to complaints within a reasonable time and in a respectful manner.

8.1.4 As a relevant building surveyor, providing your complaints management process to potential and current applicants, clients or relevant parties on request and including it on your website.

Note: A municipal building surveyor is required to follow existing Council policies and procedures in place to deal with complaints.

8.2 When performing statutory functions, have a process in place to deal with issues of non-compliance raised by applicants, clients or relevant parties.

This includes:

8.2.1 Enabling relevant parties (for example, adjoining owners) to raise concerns about non-compliant building work (such as a lack of protection work).

Note: You must not act as an arbiter where there is disagreement between the owner and an adjoining owner about protection work. If there is a dispute between the parties, you should refer the parties to Part 10 of the *Building Act* regarding their appeal rights and ability to have a dispute considered by the Building Appeals Board.

Complaints in the RBS context include but are not limited to complaints from an applicant, building owner, adjoining owner, members of the public, or other professionals about:

- the behaviour of the RBS or other practitioners
- concerns about non-compliance and/or defective building work.

How to use this guidance

This guide has been developed to support the diverse range of building surveying businesses, from sole practitioners through to larger corporate organisations offering a range of services.

The minimum expectations outlined in this document describe the outcomes that RBSs are expected to achieve when managing complaints. The examples provided throughout this document are intended to illustrate how the minimum expectations may be met and should be applied in a manner that is proportionate to the size, structure and operating environment of the practice.

Accordingly, some examples may not be relevant to all practice settings. For example, while a building surveyor with a website can include information on how parties can raise concerns, a practitioner without a website can meet the same expectation by making their contact details and information on how to raise an issue within their jurisdiction are readily available through other communication channels, such as an email signature or other routine client communications.

Additionally, some building surveyors may already operate within organisations that have established complaints handling frameworks or quality management systems. While those arrangements may meet or exceed many of the general expectations outlined in this guide, building surveyors should also ensure their complaints management processes address the RBS-specific expectations contained in this document.

Minimum expectations

This section outlines the BPC's minimum expectations for complaints management processes when operating in the capacity of an RBS. **Table 1** summarises these expectations.

The guidance is intended to support the practical application of Section 8 of the Code, supporting a professional approach to complaint handling by building surveyors.

In developing and maintaining their complaints management processes, building surveyors should have regard to established better practice guidance materials. This includes the relevant standards (such as the *Australian Standard: Customer satisfaction – Guidelines for complaints handling in organisations*) and guidance published by regulatory bodies, such as the Victorian Ombudsman, adapted to the context of building surveying services.

To support this, the guidance below brings together and distils key principles from these sources drawing out the elements relevant to an RBS context.

Tips

Throughout this document, practical tips are included to assist building surveyors in communicating with clients and other parties to prevent complaints from escalating or complainant returning.

The tips are provided as examples of good practice and are not minimum expectations. Building surveyors may adopt these suggestions where they are appropriate to their practice or implement alternative approaches that achieve the same outcome.

Table 1 Summary of the minimum expectations for the management of complaints

Section	Minimum expectations for the management of complaints (general)
Enable Complaints	1. Have a clear commitment to receiving and responding to complaints
	2. Clearly make it known how to raise a complaint
	3. Make your complaints process easily accessible
Responding to complaints	4. Be transparent, responsive and set expectations early
	5. Maintain communication throughout the process
	6. Provide clear reasons for complaint outcomes
	7. Be fair and impartial
Complaint operations	8. Keep records
	9. Continuously improve
Key considerations	10. Comply with privacy laws
	11. Set clear expectations about acceptable behaviour
	Minimum expectations for the management of complaints (specific to concerns about building work)
Responding to concerns about building work	12. Respond in the first instance (even if you suspect the matter may fall outside your remit)
	13. Organise site inspections where appropriate
	14. Use your powers where appropriate

Enable complaints

Enabling complaints is a critical first step in an effective complaints management process. It ensures that individuals can easily raise concerns, understand how to do so, and feel confident that their complaint will be received and considered appropriately.

This section sets out the minimum expectations for making complaints processes visible, accessible, and supported with a clear commitment to receiving and responding to feedback.

Minimum expectations – Enabling complaints

1. Have a clear commitment to receiving and responding to complaints

- ☑ A complaints management process must be in place, including a process for relevant parties to raise concerns about non-compliance or other concerns (as per the Code).
- ☑ Commit to a complaint handling process by:
 - Ensuring you and your staff (where applicable) are appropriately trained to respond to and manage complaints effectively.
 - Having systems in place to support your complaint handling process.

2. Clearly make it known how to raise a complaint

- ✓ **Take reasonable steps to make parties aware of how to raise a complaint. For example:**
 - **Provide a link on a website** (where one exists), such as on a home page or contact page with a functional search tool.
 - **Provide information** through other communication channels, such as an email signature, upon your engagement or other routine client communications.
- ✓ **Ensure your registration details are up to date** so your contact details can be sourced through the 'Find a practitioner' function on the BPC website.
- ✓ **Provide your complaints process on request.** Information should include:
 - (i) How to raise a complaint
 - (ii) What information to provide
 - (iii) When to expect an acknowledgement
 - (iv) Typical timeframes for resolving complaints
 - (v) Advice on how to check on the status of a complaint.

TIP | Manage expectations around your role and responsibilities

We recognise that making information about how to raise concerns available may create concern that it will result in additional enquiries about matters outside your jurisdiction. However, clearly communicating your role, responsibilities, and statutory jurisdiction upfront can help manage expectations and reduce unnecessary contact. Where you have a website, consider including information about matters you can't assist with, and where issues outside your jurisdiction should be directed.

For example, the BPC has created a tool to help field complaints outside of the BPCs remit that larger organisations might find useful to build something similar on their website. Or for something simpler, providing an information statement to the person who engages an RBS at the time of engagement, or a statement on your complaint's lodgement page can also be helpful.

EXAMPLE OF A STATEMENT

Complaints **outside the scope of our engagement** should be referred to the appropriate agency:

- ☒ Building site is unsafe or dangerous - **Local Councils or WorkSafe**
- ☒ Building work is encroaching on road, sidewalk or other public space - **Local Councils**
- ☒ Smoke, fumes or smells from a building site - **EPA**
- ☒ Noise complaints - **Local Council**
- ☒ Building work is not finished or is not good enough - **BPC Dispute Resolutions**
- ☒ Building work is taking too long - **BPC Dispute Resolutions**
- ☒ Ongoing dispute with the builder for building contracts and payments, building work doesn't match plans - **BPC Dispute Resolutions**
- ☒ Builder has breached the Australian Consumer Law - **Consumer Affairs Victoria.**

The types of complaints **we may be able to assist** with include the following:

- ✓ Non-compliant work that is defined **only** as work not in accordance with approved plans, or work contrary to legislation
- ✓ Protection works matters
- ✓ Siting or overlooking issues. If the planning permit includes siting or overlooking requirements then these complaints should be directed to the planning department of the relevant local council.

3. Make your complaints process easily accessible

- ✓ **Provide reasonable options to lodge complaints** (e.g. website link, email, phone, written, and in person where practicable).
Where a complaint is raised over the phone or in person make sure it is followed up with a written confirmation
- ✓ **Ensure the process is simple** and easy to understand.
- ✓ **Allow authorised representatives to act** for or help people make and manage complaints.
- ✓ **Make reasonable adjustments** where communication barriers exist.

Responding to complaints

Responding to complaints effectively is critical to maintaining trust and supporting appropriate outcomes. Getting the initial stages right, through timely acknowledgement, clear communication, and appropriate initial assessment, reduces the risk of unnecessary escalation and supports a complainant's understanding and acceptance of outcomes.

This reflects the experience of complaint handling at the BPC. Where a building surveyor does not respond to the BPC in a timely manner, this results in additional administrative follow-up for the BPC and the building surveyor, including repeat requests for information and delays in progressing and resolving the complaint.

Minimum expectations – Responding to complaints (general)

This section sets out the minimum expectations for how complaints must be acknowledged, assessed, managed, and communicated, to ensure a consistent, transparent and fair approach in line with professional and regulatory obligations.

It aligns with Principle 7 of the Code, which requires building surveyors to communicate promptly and effectively with their client, the BPC, and relevant parties.

4. Be transparent, responsive and set expectations early

- ✓ **Explain your complaints process** to a complainant at the outset.

TIP | Being responsive

It is recommended you speak with people early to gauge their expectations and explain what you can and cannot do. At a minimum, it is good practice to communicate:

- your role
- how you will be dealing with their complaint
- what issues you will and will not be considering
- their likely involvement in the process
- the expected timeframe for a response
- the possible or likely outcomes of the complaint.

- ✓ **Acknowledge complaints within five business days.** Immediate responses are considered necessary for any life-safety matters.
- ✓ **Triage complaints** on receipt to assess priority, complexity and risk. This helps determine the appropriate response pathway and sets clear early expectations about how, when and by whom the complaint will be managed.
- ✓ **Set expectations early.** Where you are unable to deal with any part of a complaint, complainants should be notified as soon as it has been identified. This should include advice about where such issues and/or complaints may be directed (if appropriate).
- ✓ **Aim to resolve complaints within reasonable timeframes.** For example, 10 to 15 business days for straightforward matters.
- ✓ **Provide indicative timeframes** for more complex complaint matters.

Examples of being responsive where a matter is outside your statutory role

The BPC recognises that building surveyors often spend time responding to complaints that fall outside their statutory role. It may be beneficial to take a proportionate approach by providing brief, practical guidance to assist the complainant.

In some cases, a brief explanation of your role and, where appropriate, directing the complainant to the relevant authority can help manage expectations, reduce ongoing contact with you, and minimise the likelihood of escalation.

For example:

- **Noise complaints (adjoining owner):**
You may offer to relay the concern to the builder as a courtesy; however, it should be clearly explained that noise management is not within your role and that the complainant may contact their local council if the issue persists.
- **Workmanship concerns (owner):**
Clearly explain that assessing workmanship or contractual matters is outside your role as the RBS. Where appropriate, provide information on alternative pathways, such as the BPC's Dispute resolution services.
- **Protection works (adjoining owner):**
While adjoining owners are not your client, matters relating to safety or property damage, may escalate if not appropriately addressed. It is important to acknowledge the concern and take reasonable steps within your role to investigate and enforce compliance of the protection work and building work in accordance with the *Building Act*, Building Regulations 2018 and the building permit.

This may require a site visit to verify the condition of the building work and the circumstances of the complaint and to determine any necessary actions. However, if no required action is determined, a clear response to the adjoining owner is necessary to help manage the issue early and reduce the likelihood of escalation.

Taking a proportionate and informative approach in these situations can support more efficient complaint management and reduce unnecessary escalation.

5. Maintain communication throughout the process

- ✓ **Keep complainants informed** throughout the lifecycle of the complaint managing process.
- ✓ **Provide updates** when actions are taken or decisions are made, including expected timeframes.
- ✓ **Advise complainants promptly** if delays occur and explain the reason for the delay where possible.
- ✓ **Communicate the outcome** of the complaint once it has been finalised.

6. Provide clear reasons for complaint outcomes

- ✓ **Provide clear explanations** in writing of the **actions taken** that inform your decision to either close or follow up a complaint.

Examples of clear reasons

Providing clear reasons for the outcome of a complaint is essential to demonstrate that a matter has been properly considered and assessed.

Responses should go beyond simply stating a conclusion. For example, a statement such as “The upper-level windows comply with overlooking requirements” does not, on its own, provide sufficient explanation of how that conclusion was reached.

To meet expectations, building surveyors should clearly explain the basis for their decision. Some useful examples:

- Identify the relevant legislative or regulatory provisions that apply.
- Explain how the proposed or as-built work meets (or does not meet) those requirements.
- Include supporting information, such as extracts, plans, diagrams and photographs, where appropriate and with permission from the owner. This is particularly useful where the complainant may not have technical expertise.
- Outline any actions taken, or proposed to be taken, in response to identified non-compliance.
- Clearly explain when a matter falls outside your role or jurisdiction, and where appropriate, refer the complainant to the relevant authority.

TIP | A complete and well-reasoned response can help prevent repeat contact and avoid unnecessary escalation

Building surveyors may receive complaints from individuals who do not fully understand the role and statutory responsibilities of an RBS. This can lead to unrealistic expectations or requests, and in some cases troublesome conduct, which can present practical challenges for building surveyors in managing complaints effectively.

Where a complaint relates to an alleged non-compliance that was assessed and determined to be compliant, building surveyors are not expected to engage in ongoing or repeated responses. In these circumstances, a single, clear and well-reasoned response is generally sufficient, provided it explains how the matter was considered and the basis for the outcome.

Providing this level of clarity at the outset helps avoid the flow-on effects of not responding or responding inadequately. Where a complainant does not accept the outcome, it is appropriate to inform them of available avenues to escalate the matter, including contacting the BPC. This can assist in managing ongoing or challenging interactions by providing a clear pathway for independent review without creating an expectation of ongoing engagement by the building surveyor.

- ✓ **If a complaint is not substantiated, clearly explain the basis for your decision** and provide them with avenues to escalate, such as contacting the BPC, if dissatisfied with the decision.

TIP | A complete and well-reasoned response can reduce further time spent if a complaint is escalated

Investing time in preparing a complete and well-reasoned initial response can also save time later. For example, if a complaint is escalated to the BPC, the BPC will generally assess the information already provided to the complainant. Where the reasons for the decision are clear and complete, the BPC may be able to assess and finalise the matter without seeking further information from the building surveyor.

Conversely, where the reasons for a decision are unclear or incomplete, additional clarification may be required. This can result in further correspondence and additional time spent by the building surveyor responding to requests for information.

7. Be fair and impartial

- ✓ Assess complaints based on relevant information and evidence.
- ✓ Treat all parties fairly and respectfully in line with Section 2.2 of the Code: 'Be polite, courteous, appropriate and professional in all your dealings as a building surveyor'.
- ✓ Ensure decisions are based on professional judgement.
- ✓ Avoid bias, conflicts of interest and external influence.

Example of demonstrating fairness and impartiality

For many complainants, being treated fairly during the complaint handling process is just as important as the outcome of the complaint. People are more likely to be willing to accept an outcome if they believe the process to reach that outcome was fair.

All complaints should be treated equitably. There are several ways to make this visible to the complainant:

- Talk to people on all sides of the complaint and verify information where possible.
- Ask questions to show that you are listening.
- Avoid bias and deal with any real or perceived conflict of interest.

TIP | Managing perceptions of bias (e.g. adjoining owners)

In situations involving adjoining owners or third parties, there may be a perception that the building surveyor is biased toward their client (the owner who engaged them) or builder. While the building surveyor is performing a statutory role, this may not always be understood by complainants.

To help manage this:

- Clearly explain your role as an independent statutory decision-maker and the limits of your responsibilities.
- Be transparent about the information relied upon (e.g. approved plans, inspections, regulatory requirements).
- Reference the relevant legislative or regulatory provisions where appropriate.
- Use neutral, factual language.

Examples of neutral language:

- "I have assessed the matter against Regulation x, y and z of the Building Regulations and approved documentation."
- "Based on the information available, the works appear to be consistent with the approved plans."
- "My role is to assess compliance with the applicable legislation. I cannot determine private disputes between parties."
- "I understand your concerns and have considered them as part of my assessment."
- "At this time, I have not identified evidence of non-compliance based on the information reviewed."

Avoid language that may imply alignment with one party, such as:

- "The builder has done the right thing."
- "My client has complied."

Taking these steps can help build confidence in the process and reduce the likelihood of concerns escalating due to perceived bias.

Complaint operations

Effective complaint handling relies on well-managed records. Maintaining accurate and complete records is essential, providing transparency, supporting outcomes, and enabling complaints to be reviewed where necessary.

The best way to record and track complaints is having a central database or case management system that can be accessed by any staff handling complaints across your organisation. The database should suit your circumstances. Smaller organisations that receive few complaints might use a spreadsheet.

Minimum expectations – Complaint operations

8. Keep records

- ☒ Complainant details (name, contact information and communication preferences)
- ☒ Description of complaint
- ☒ The complainant's desired outcomes
- ☒ Actions taken to address complaint
- ☒ Outcome of complaint
- ☒ Any remedies or follow up action
- ☒ Date finalised.

9. Continuously improve

- ☒ It is good practice to annually review the types of complaints you are receiving and to assess if you can reduce the occurrence and/or have the right processes in place to deal with them effectively and efficiently.

Key considerations

Complaints must be managed in a way that appropriately considers privacy obligations and the nature of interactions with complainants and other parties.

These considerations are important to ensure that complaints are handled professionally, lawfully and respectfully, while also maintaining clear boundaries and protecting the integrity of the process.

Minimum expectations – Key considerations

10. Comply with privacy laws

- ☒ Collect only information necessary to assess the complaint.
- ☒ Use information only for complaint handling or regulatory purposes.
- ☒ Store information securely.
- ☒ Limit access to those involved in handling the complaint.
- ☒ Only disclose information where necessary, permitted, or required by law.

TIP | Balancing privacy obligations and complainant expectations

Adjoining owners will often seek access to plans, permit documentation or other information to understand why a building surveyor has determined that building work is compliant. Building surveyors should be mindful of both the relevant privacy and information-sharing obligations, as well as any statutory rights of access that may apply.

For example, under section 92 of the *Building Act*, an adjoining owner who has been given notice under the protection works provisions may request to inspect plans, drawings and specifications of the proposed building work. These should be in the possession or control of the RBS. In these circumstances, the RBS must make those documents available for inspection without charge.

However, a right to inspect documents does not necessarily create a right to receive copies of those documents. Where an adjoining owner seeks copies of plans or permit documentation, building surveyors should consider the relevant privacy obligations before disclosing the information.

For example, a building surveyor may not be able to provide copies of plans, permit documents or extracts to an adjoining owner without the owner's consent. In these situations, it may be helpful to explain the basis of the assessment using alternative methods, such as a simple sketch, diagram or written explanation prepared by the building surveyor. This can assist the complainant to understand how compliance has been assessed (for example, how overlooking requirements have been applied) without disclosing information that should not be shared.

Taking the time to explain an assessment, while remaining within privacy obligations, can help build confidence in the process and reduce misunderstandings or unnecessary escalation.

11. Set clear expectations about acceptable behaviour

- ✓ **Set clear expectations** about acceptable behaviour for both building surveyors and complainants.
- ✓ **Take reasonable steps** to manage unreasonable conduct.

TIP | Managing expectations on behaviour and unreasonable conduct

Clearly stating the standards of behaviour you will uphold and what you expect from complainants can help building surveyors manage challenging interactions and maintain professional boundaries when handling complaints.

Consider setting out how you expect parties to engage with you during the complaint process and how you will respond where conduct becomes unreasonable. For example, you may wish to include:

- A statement on your complaint lodgement page outlining:
 - Expected standards of behaviour from all parties involved in the complaint.
 - Explaining how you will respond to unreasonable conduct (e.g. abusive, repetitive, or troublesome communications).
 - Setting out any limitations on engagement where behaviour does not meet expected standards.
- Unreasonable conduct may include:
 - Abusive, aggressive, or threatening behaviour.
 - Excessive or repetitive contact that impacts your ability to manage the complaint effectively.
 - Refusal to accept reasonable explanations or outcomes.
 - Unreasonable demands or expectations that fall outside your role.

You can also draw on publicly available guidance to help prepare your business to manage unreasonable conduct, such as the '[Managing unreasonable conduct by a complainant](#)' published by the NSW Ombudsman or the '[Good Practice guide: Managing complex complainant behaviour](#)' by the Victorian Ombudsman.

RBS role in disputes about building work

The RBS has a clear responsibility to address non-compliant building work associated with a building project for which they are appointed. Accordingly, the Code requires building surveyors to have a process in place to identify, assess and respond to non-compliance.

Owners will often contact an RBS for guidance when they have concerns about building work that they believe may be defective¹ and/or non-compliant. While it is not the role of an RBS to investigate or resolve disputes about defective building work, building surveyors are often one of the first practitioners made aware of these concerns.

Where a concern falls outside the statutory role of the RBS, building surveyors are expected to respond, explain the limits of their role and, where appropriate, direct the person to a more suitable avenue for assistance consistent with **Minimum Expectation 4 - Be transparent, responsive and set expectations early**.

The minimum expectations in this section are intended to support the early identification of issues, clarify appropriate pathways for resolution, and reduce the likelihood of significant impacts for consumers. Early communication and appropriate referral can help ensure concerns are addressed in a timely manner to avoid issues becoming more complex or costly to resolve later.

Minimum expectations – Responding to concerns about building work

12. Respond in the first instance (even if you suspect the matter may fall outside your remit)

- ☒ If an owner or adjoining owner contacts you with concerns about building work, respond in a timely manner, even where you suspect the matter may fall outside your remit.
- ☒ Where a matter falls outside your statutory role, explain this clearly and, where appropriate, direct the person to the relevant authority, practitioner or dispute resolution pathway. Refer to **Error! Reference source not found.** and **Error! Reference source not found.** for examples.
- ☒ Be transparent with owners about the avenues available to escalate disputes, including the [BPC's Dispute resolution services](#) where applicable.

13. Organise site inspections where appropriate

- ☒ Consider whether an on-site inspection is required where concerns cannot be reasonably assessed through documentation, photographs or other available information. (noting mandatory stages of inspection require in person attendance).
- ☒ Undertake an inspection where this is necessary to determine if defective work is non-compliant.

14. Use your powers where appropriate

- ☒ Where non-compliance is identified, building surveyors are expected to use their professional judgement and available regulatory powers to select the most appropriate pathway to achieve compliance.
- ☒ Refer to the BPC's ([NO 03 Enforcement Tool Selection Guide](#)) for guidance on the appropriate use of enforcement powers.

¹ Defective building work means defective building work as defined in the [Domestic Building Contracts Act 1995](#).