

# **Building**

Regulations Advisory Committee

## **Accredited Product Complaints and Revocation Procedure (endorsed 25 August 2021)**

## Responsibilities of the Building Regulations Advisory Committee

Under the *Building Act 1993*, the Building Regulations Advisory Committee (BRAC) is given the authority to accredit and revoke accreditation for building products, construction methods, designs, components, or systems connected with building work that do not comply with the deemed-to-satisfy provisions of the Building Code of Australia.

A Product, as defined under section 14 of the *Building Act 1993*, is a building product, construction method, design component or system connected with building work.

The accreditation and review function of the BRAC supports the building industry in creating a safe built environment for Victorians to live in. Fundamental to this process is considering and responding to written complaints about products accredited by the BRAC. The BRAC also consider complaints when product owners apply for re-accreditation.

The following procedure sets out the steps that consumers must follow to lodge a complaint, and the steps the BRAC takes to review and resolve complaints. It also sets out the process the BRAC follows to revoke and assess variations to accreditations.

## How to Lodge a Complaint About an Accredited Building Product

Consideration of consumer feedback is an integral part of ensuring that products accredited by the BRAC perform as expected. If you have had an experience with a BRAC-accredited building product that does not meet expectations, you are invited to lodge a complaint and provide feedback by emailing [BRAC@vba.vic.gov.au](mailto:BRAC@vba.vic.gov.au).

If your complaint is about an accredited product, your email must include the following details:

- your name and contact details
- the name and certificate number of the product your complaint is about
- details of your complaint\*, and
- details of what you would like to happen to resolve your complaint

*\*Your complaint must include as much detail as possible, including:*

- a) Address where the product is installed;*
- b) Date/s of installation and weather conditions on the day/s of installation;*
- c) A report, where/if available, from a suitably qualified independent practitioner detailing:*
  - *how the product has been used and installed, how the area was prepared and the general condition of the area;*
  - *whether or not the installation accorded with the manufacturer's requirements and the accreditation;*
  - *date when issue/s were first identified;*
  - *what issues are reported/witnessed to have been arising;*
  - *photographs of the issue/s;*

- *a written description of the perceived issue/s; and*
- *information relating to how the issue/s were or will be rectified.*

If your complaint is about the accreditation process, your email must include the following details:

- your name and contact details
- the name of the product under application
- your complaint, and
- what you would like to happen to resolve your complaint.

**NB: The BRAC does not have the power to award financial compensation or order remedial work.**

## Acknowledgement of your Complaint

You will have your complaint acknowledged in writing via email within five business days.

## Investigations

A single complaint in isolation will not automatically trigger a full review. Multiple complaints of the same nature for the same product may trigger further review.

Complaints will be reviewed on a case-by-case basis with consideration to:

- the merit of the complaint
- receipt of similar complaints previously for the same product, and
- what the complainant would like to see happen to resolve their complaint.

## Significant Product Complaints

Where the BRAC forms a view that a complaint warrants further review, the complaint will be considered a 'significant product complaint' and reviewed accordingly.

## Accreditation Revocations and Variations

BRAC has a responsibility to act when it identifies it has awarded an accreditation which may now no longer be appropriate.

Identification can occur in several ways including through written complaints made to the BRAC or when new information comes to the BRAC's attention by other means, including notifications received via Building Surveyors, Building Inspectors or the Victorian Building Authority (VBA).

If the BRAC, in light of new information received, determines that it has accredited a product (or construction method, design component or system) it believes is no longer satisfactory, the BRAC will revoke the accreditation or invite the accreditation holder to vary the accreditation.

A variation to an accreditation may only be granted in exceptional circumstances and cannot substantially alter the product, its installation or its intended use – a variation or modification is intended to impose improvements and additional safeguards to an existing product to increase its efficacy and safety. When recommending improvements, the BRAC will normally provide specific advice or directions to be followed or introduced, and the accreditation-holder will be asked to provide evidence of these measures and modifications being implemented to the BRAC's satisfaction.

## Powers to Revoke under the Building Regulations (2018)

Under the Building Regulations 2018 (Vic) (Building Regulations), the BRAC has the power to revoke an accreditation where it finds that the performance of the building product the subject of the accreditation:

- a) is unsatisfactory; or
- b) differs or fails to achieve the level of performance for which the building product was accredited; or
- c) where the accreditation was obtained by fraudulent means.

In determining whether the product meets the above criteria, regard must be had as to whether the performance of the product:

- a) fails to meet, at a minimum, the relevant Performance Requirements, as defined in the NCC; and
- b) is "fit for purpose"

The BRAC will not revoke an accreditation without first being satisfied that the criteria set out in "Powers to Revoke under the Building Regulations 2018 (Vic)" (as per above) have been met. However, the BRAC cannot turn a blind eye to complaints and concerns. If it is aware that there are complaints about a product or that it is not performing at a level for which it was accredited, the BRAC is obliged to investigate and revoke an accreditation (or seek a variation) as soon as is practicable.