

Complaints About Members of the Association

If your builder or trade contractor is a current member of the Master Builders Association of South Australia he or she is bound by the Association's Code of Conduct. Please refer to the National Code of Practice at the bottom of the Home Page of this website. It details the type of complaints that are covered by this Code. If you have a complaint against a current member of the Association then the complaints process might assist you.

It is important to note that this Code only applies to the conduct and behavior of members. It does not apply to contractual disputes which should be dealt with under the contract between the parties. However this does not prevent a Complaint being made in relation to the conduct of a member which gave rise to the dispute. If the Complaint is established then sanctions may be imposed on the member under the Code, but it is not the function of the Code to adjust the contractual rights or obligations of the parties.

The Complaints Process

- Whenever possible it is preferable to communicate openly with the member builder or contractor. If you can raise your issues and concerns early on, then it is more likely that problems, which may worsen over time, can be averted or resolved mutually between the parties.

If you have not been able to resolve your issues direct with the member builder, then you can write to the Association:

The Chief Executive Officer
Master Builders Association of South Australia Inc
PO Box 10014
ADELAIDE BC SA 5000

In your letter of complaint you should provide as many details as possible about the building project, the nature of the problems that have occurred and details of our current member. Sometimes it is useful to provide photos and plans as well. You should remember that we will not initiate the complaints process until you reduce your complaint to writing.

- Whenever a written complaint is received by the Association, concerning one of its current members, a copy is forwarded to the relevant member with a request that it respond in writing to each allegation contained in the complaint, within 14 days. If no response is received within the stipulated time, a reminder is sent requesting a response within seven days.
- On receipt of a response from the member, Master Builders South Australia evaluates the complaint and the response.
 - If there is any common ground concerning the builder's responsibilities, that common ground is highlighted and the builder is requested, in writing, to contact the owner to arrange for prompt attendance to the undisputed items. The builder and the complainant are also urged to attempt to resolve any disputed matters, if possible, and – in the event of any items so resolved – the builder is to attend to those items in the same time frame. The complainant is advised accordingly in writing and is usually also sent a copy of the builder's reply. If necessary, Master Builders South Australia then monitors the member's compliance with its undertakings.
 - In so far as a member's reply discloses disputed facts or disputed interpretations of the respective rights and obligations of the parties, the complaints process is inappropriate for resolving the matters so affected. Apart from the encouragement to resolve disputed items – or as many of them as possible – referred to above, Master Builders South Australia is unable to help in respect of those items that are, or remain,

unresolved. The complainant is then advised of these facts and of the advisability of seeking independent legal advice concerning its position and options if it wishes to pursue the resolution of any of the disputed items by other means.

- If a member fails to adequately respond to Master Builders South Australia's requests or if it fails to comply with its undertakings, the matter may be referred to the Disciplinary Committee of the Association. If the charges are found to be sustained after the appropriate hearing, the Committee can impose sanctions on the member, ranging from reprimand to suspension or cancellation of membership.