



REGISTERED MASTER BUILDERS ASSOCIATION
OF NEW ZEALAND INCORPORATED
FACTSHEET FOR POTENTIAL COMPLAINANTS
OCTOBER 2021

1. **The Association**

- 1.1 Registered Master Builders Association (“the Association”) is an Incorporated Society with a constitution pursuant to the Incorporated Societies Act 1908.
- 1.2 The constitution provides that Members may complain against other Members and that the Association, by its Board, may also initiate complaints.

2. **Standing**

- 2.1 Normally, Incorporated Societies do not recognise non-members as having standing to bring complaints, and so non-members may not take part in a complaints process.
- 2.2 The Association recognises that, in certain limited circumstances, it is appropriate for people who are not Members to be able to complain against existing Members. This is because hearing complaints allows the Association to monitor the standards attained by its Members.
- 2.3 A person who is not a Member may make a complaint in writing to the Chief Executive of the Association about a Member if:
 - (a) They are a consumer who has a residential contract with a Member; and
 - (b) The defects liability period of the residential contract has not expired at the date the complaint is received by the Chief Executive; and
 - (c) The person making the complaint continues to have an interest in the building constructed or altered.
- 2.4 The Chief Executive will deal with any such complaint in accordance with the Rules and Bylaws of the Association.

3. **Other Complaints from Non-members**

- 3.1 Any person may provide information to the Association about the workmanship, conduct or behaviour of a Member of the Association. It will be for the Chief Executive and/or the Board to determine, at its sole discretion, how to proceed on receipt of such information.

4. **Commercial Remedies**

- 4.1 People who wish to lodge complaints are to be aware that:
 - (a) The Association is concerned to monitor and if necessary enforce the standards set by its Rules and Bylaws on the Members, but that:
 - (b) The Association and its complaints procedure do not exist to provide a remedy to dissatisfied parties.
- 4.2 Any person may, at any time, pursue any commercial remedy that they may have against a Member, whether via alternative dispute resolution, the Courts or Arbitration.