



**Landscaping Industries Association of New Zealand Inc.
Registered Master Landscapers**

COMPLAINT FORM

AND

COMPLAINT PROCEDURE



**Landscaping Industries Association of New Zealand Inc.
Registered Master Landscapers**

COMPLAINT FORM

To be completed by complainant (Registered Master Landscapers Client) and forwarded to
Landscaping Industries Association of New Zealand Inc.

Your Name: _____

Your Address: _____

Post Code: _____

Daytime Telephone: _____ Mobile Phone: _____

Email: _____

Name of Landscaping Industries Association of
New Zealand Inc Member: _____

Address of Member: _____

Site Foreman/Manager: _____

Manager / Director: _____

(involved in your contract) _____

Date Work Started: _____

Date Work Completed: _____

Brief Description of Work Completed / In Progress



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CHECK LIST OF ITEMS TO BE ENCLOSED WITH THE COMPLAINT FORM:

- ORIGINAL QUOTATION
- SPECIFICATIONS
- CONTRACTS
- DRAWINGS
- PHOTOGRAPHS

Is the matter presently the subject of any legal proceedings? Yes No

If yes, please give details:

Have you attempted to resolve the complaint with the contractor? Yes No

If yes, please give details



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Are you willing to meet the contractor on-site and discuss resolving the dispute?

Yes No

What type of contract was used?

- Landscaping Industries Association of New Zealand Contract
- Company's (Member's) Own Contract
- Other (please specify)

If no contract was used, were any of the following:

- Written Estimate
- Quotation
- Letter of Agreement
- Instruction to Proceed

Were there any conditions of contract? Yes No

Have alterations been made to the original plan? Yes No

Were these notified and agreed? Yes No

Was the agreement verbal or written? Yes No

If alterations had a financial implication was this notified? Yes No

By submitting this complaint to the Landscaping Industries Association of New Zealand Inc. (Registered Master Landscapers) Complaint Procedure, the complainant agrees that Landscaping Industries Association of New Zealand does not accept or take on any responsibility or liability of any kind whatsoever for the member's original work or any remedial work undertaken for the complainant. This exclusion of liability applies irrespective of any role Landscaping Industries Association of New Zealand may take in the complaints procedure including, but not limited to, the inspection of the member's work.

Signature: _____

Date: _____

Send this completed form and attachments to:

The Chairman of the Complaints Committee
Landscape Industries Association of New Zealand Inc.
P O Box 5523, Auckland 1141



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3.4 The Complaints Committee: The Complaints Committee shall consist of the Vice President, and at least two others. A membership committee member from the region concerned shall be included where possible. Impartial outside experts or upstanding citizens may be included where suitable members are not available.

3.4.1 The Complaints Committee shall investigate client complaints against members. The complaint shall be submitted directly by the client or their agent and shall not be accepted from another source. All the evidence and other relevant information shall be examined rigorously and without bias. The Complaints Committee shall recommend to the Executive the course of action it deems appropriate. A decision shall be made by Executive and the parties advised in writing of the decision.

3.4.2 If the Member has not entered into a recognised and appropriate contract (for example the Landscape Industries Association of New Zealand inc landscape works agreement) including a full description of the work to be done by way of plans, specifications or other means and including written variations then the full cost of the investigation of the complaint will be met by the member.

3.4.3 Possible courses of action shall include but not be limited to: resolution of the complaint between the two parties; dismissal of the complaint; suspension of membership; recovery of costs; a fine deemed to be appropriate by the Complaints Committee or expulsion.

5.8 EXCLUSION OF LIABILITY

5.8.1 The Association does not guarantee the workmanship or performance of any member.

5.8.2 The Association shall not be liable to any person, including members, for any act or omission including negligence or breach of confidentiality for any action taken or advice or information provided in relation to any member or for any matter arising out of any member's workmanship or performance or failure to perform.

12. COMPLAINTS PROCEDURE (see 3.4)

Complaints shall be investigated by the Complaints Committee:

12.1 The complaints procedure shall be as follows:

(a) All complaints are to be submitted utilising the Landscape Industries Association of New Zealand Complaints Form with all relevant information as requested on the form and addressed to the Association Administration Manager. A written acknowledgment, including a copy of the Complaints Procedure, shall be sent to



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the Complainant within seven days of the receipt of the complaint. The member involved shall be sent a copy of the complaint within seven days of its receipt; the member is expected to use every endeavour to resolve the complaint forthwith and is to be given 14 working days to respond in writing or in exceptional circumstances any other time period which the Complaints Committee shall deem reasonable.

- (b) A copy of the complaint will be simultaneously sent to the Chairman of the Complaints Committee.
- (c) Upon referral of the complaint to the Complaints Committee, the information provided will be assessed and if the member has not entered into an appropriate written contract with their client then they will be advised of the estimated cost of the report. The member will be asked to enter into a contract with the Landscape Industries Association of New Zealand to complete this report.
- (d) The Complaints Committee has the power to make such investigations as it thinks fit but before making any recommendation it must invite the member, the subject of the complaint, to make submissions and produce such evidence as it considers necessary to answer the complaint.
- (e) A full record shall be kept of all evidence and information tendered. The Complaints Committee will then make its recommendation to the Executive Committee in writing.

12.2 A copy of the complaints procedure shall be held by the Administration Manager and be available to members on request.

12.2.1 All correspondence of a pertinent nature, to the complainant and the member, from the Association shall be by registered mail.

12.2.2 If the complainant does not make themselves available or cannot be contacted within the course of investigating the complaint and a response is not received from them within 14 working days of any request, or in exceptional circumstances any other time period which the Complaints Committee shall deem reasonable, then the complaint shall lapse and the file be closed.

12.3 Right of Appeal

An appeal may be made in writing to the Executive. Significant new evidence or other justification shall be provided before a complaint can be appealed.

On receipt of an appeal the complaint shall be re-examined by a past executive member who had not previously considered the said complaint, who will make a recommendation to the Executive. The decision shall be made by executive and the parties advised in writing of the decision. The appealed decision shall be final and binding on all parties.