

BSA Submission

Our dealing with the BSA began in 2003 in reference to our property in the Brisbane suburb of [REDACTED]; the low set town-house had been purchased as a newly-built dwelling from the builder in mid 1998 and is part of the development known as [REDACTED]. We discovered that the foundations had slumped on the North East corner, causing the water from the guttering to flow back into the eave lining of the front porch, shorting out the porch light and creating a dangerous situation. An engineer's report was commissioned, sighting the likely cause as a lack of preparation of the foundation substrate, prior to the slab being poured. Our unit shares a common slab with the adjoining property and is located at one end of the complex, approximately 1.5m from the boundary of the next property development.

The property was in the hands of our managing agents, as we were landlords in-absentia, living in Canberra. As can be seen by the above time line, the property was still within the 6 year warranty period.

The BSA was contacted and advised of the situation; we requested an investigation be carried out and remedial action be taken by the builder, to rectify the problem. (It was subsequently revealed that prior to our claim, the builder had become insolvent).

The BSA sent someone out to rectify the situation; that person concerned carried out a very sub-standard and unsatisfactory repair. No effort was made to lift the corner; instead, an unsightly piece of down-pipe was fitted to the guttering and dropped to the underground drainage pipe. This in no way addressed the problem; the corner of the property still sagged and the water continued to flow into the porch eave lining, making the light switch too dangerous to use. However, according to the BSA the problem had been rectified, despite our protestations to the contrary.

During this period, we were involved in the Canberra bush fires (18 January 2003) totally losing our home and contents; as a result of this situation, we were somewhat emotionally and financially bereft and in no condition to deal with extra trauma.

Subsequently, we have undertaken the necessary repairs professionally, at a cost to us of \$17,500; the building foundation has been lifted and all necessary repairs carried out to rectify the damage caused by the problem. The property is now in the state of repair it should have been after we approached the BSA for assistance.

We have had a further on-going issue with a firm of private certifiers in Bundaberg, with regard to the home we have built; the company were quite lax in their duty of care to us as their clients and we would take the matter to the BSA, If they were not as useless as they are. It is obvious that the BSA (based on their past performance) have no interest in supporting the man in the street who experiences difficulties. This

is not a singular view; virtually without exception, when the BSA is mentioned in conversation the comment will be *“don't bother, they are a waste of time and effort”*. Sadly, the BSA like so many of these so called bureaucratic “watchdogs”, love to wax eloquently regarding how they will be the Nemesis of those in the industry they represent, who show a disregard for regulations and carry out substandard work; the reality is, they hover over the heads of the small Owner-Builder or private operator as the [REDACTED], whilst allowing the “cowboys” in the industry to walk away unscathed. When approached, the complainant finds themselves drowning in a sea of bureaucratic red-tape and eventually comes to the conclusion of “why bother”.

While it is acknowledged that there will always be those in society who will be prepared to misrepresent a situation for personal gain; under the current system (as least as far as the BSA is concerned), the man in the street feels deserted and alone, totally lacking the confidence to expect a genuine effort will be made on his behalf, when difficulties are encountered. We suggest that the majority of ordinary private citizens lack the financial resources to engage legal counsel, to act on their behalf when a problem arises; they also do not possess the expertise to represent themselves adequately in a legal scenario. The result of this is, many wrongs are not righted.

What the public is seeking is an organisation who has the resources, expertise, bureaucratic muscle and the willingness to genuinely listen to and act upon issues raised, so that the outcome will be one of fairness and equity to all parties concerned.

Thank you for your attention.

David & Jenny da Costa