

21<sup>st</sup> September 2012

Paul & Jocelyn Jamieson consumer submission:

Comments to the Senate Inquiry into the BSA (Building Services Authority)

Our reason for involvement comes from a complaint re faulty workmanship and rectification of said work. The Company has since gone into liquidation, Certification of sign off was done by a qualified certifier within 2 year required period from finalisation of works and faulty workmanship was not picked up at that time as it should have been.

Comments to the Inquiry

We thank you for the opportunity to make comment to the Senate Inquiry re the Queensland Builders Services Authority. We have only become aware of this very recently which may be a cause in limiting others like ourselves in being able to provide significant comments on the contents of the draft bill.

We do not feel that the QBSA achieves a balance between the interests of building contractors and consumers. An independent body should be available to look into issues raised against building contractors. As the QBSA handles licensing, insurances and other matters concerning building contractors we do not feel it appropriate that they handle issues between consumers and their building contractors. How can they be 100% on each parties side.

Again we feel the effectiveness of the QBSA to provide remedies for defective building work and to provide support, education and advice for both those who undertake building work and consumers is severely restricted and biased. To ensure transparency & fairness an independent body with free access must be available for consumers compared to building contractors and certifiers.

Reform of the Authority providing enhanced assistance for consumers is definitely required.

There is a flaw in the current system when it comes to building contractors that have gone into liquidation. If a company is still operating we can contact the BSA and they can approach this company for us but if the company has gone into liquidation consumers have no reproach. If a consumer has entered a contract with someone to complete a job and an issue arises with said job then there needs to be some recourse whether the building contractor is still working or not. It is especially important in the cases where they are no longer operating because the consumer does not even have the recourse to contact the builder direct or take any other action against them. Trust and payment have been given towards the building contractor to complete their job correctly then there is a responsibility to that party to rectify any errors. A consumer is not to know a job has been completed incorrectly if they hire someone who is qualified, has been certified. When a building contractor goes into liquidation the BSA is aware of this but they do not contact all of the previous customers to advise them of this so that they have the opportunity of having someone check the work that was done in case there may be any issues. From our information BSA only contacts consumers who have current jobs uncompleted. If the company goes into liquidation then we feel that BSA should notify all consumers of that company that have a policy with the BSA so that they could have work checked to ensure that it has been done to standard. If BSA has an issue with a company then they should notify previous consumers to recommend that they get their work

checked. In the instance of liquidation the builder does not pay it is left up to the BSA and is where an independent body is needed to assess these cases so that an independent opinion is obtained of who should pay costs and rectify damages i.e, such as other industries like Financial Services for Insurance and Banking.

The reason we feel strongly about this that we have had a patio built by [REDACTED] in March 2005. This was signed off by a certifier on 19/07/2006. We understood that the certifier is signing off that they have checked the job has been completed correctly. At the end of April 2012 we became aware of defects in our flyover patio as it is now resting on our roof. Upon trying to contact the builder we have found that they went into liquidation in 2009 of which we had no knowledge. We therefore contacted the BSA to claim as a Category 1 defect which has been declined as it falls outside of the time limit from date of construction. We feel the time limit should be from the date of certification if not longer for companies that have gone into liquidation. It is going to cost us approx. half the value of our patio to repair the damage done through no fault of our own.

We were advised by [REDACTED] that a certifier is not important and has no relevance in the checking or in the construction of the patio. If this is the case why do you have "qualified" certifiers to prepare the plans for the construction and why do you require certifiers to come and sign off on the construction once completed? This means that the certifier has no responsibility to ensure that the works have been built correctly. As consumers how are we to know that this job has been done correctly.

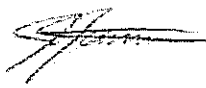
In our case after we found there was a problem with our roof we paid for an independent engineers report to find out the problem and was told that it had not been constructed correctly. From the discussion with [REDACTED] regarding the non importance of a certifier we are now left with no recourse whatsoever in something that we had no control over, when we did our best to ensure it was completed by a qualified, well known builder and comply with all requirements.

We are not sure if we would be available to attend on the date of the hearing due to work commitments but are happy to discuss this further with anyone if required.

Also we are not sure what documents are required to be attached to this submission so would be happy to provide more details as required.

We thank you for your time in reading our submission.

Kind regards



Paul & Jocelyn Jamieson

