

Supplementary
Submission
No 146a

**INQUIRY INTO REGULATION OF BUILDING
STANDARDS, BUILDING QUALITY AND BUILDING
DISPUTES**

Name: Name suppressed

Date Received: 28 August 2019

Partially
Confidential

Continuing on from submission Number 146 Insufficient consumer protection from Fair Trading Australia (FTA).

As noted in our submission

July 26, 2019

We received a call from FTA requesting we make a decision on the spot to agree to the builder modifying the gutter to have the 10mm gap installed.

August 4, 2019

We replied to FTA requesting further information and an explanation as to why a directive was not given to the builder.

As indicating in previous email from the FTA inspector which states, "I will be shortly issuing a written outcome to the inspection, but that outcome is subject to receipt of certification from the guttering manufacturer that the slots installed in the high fronted eaves guttering on site, comply with the overflow capacity requirements as described in table 3.5.2.4 of the BCA".

We have requested to have a copy of this certification however it has not been forthcoming.

After receiving no reply from FTA, we contacted FTA to enquire about how to lodge a formal complaint relating to the way our case has been handled by the FTA inspector. We were advised FTA would contact us to discuss our concerns. However, only after a second call were we given an email address to submit our concern.

August 25, 2019

We submitted our concerns in writing to FTA.

August 26, 2019

We received an email from the FTA inspector. The email included a scope of works that did not include the 10mm gap.

Also of note in the scope of works was the statement, "Provide certification from the manufacturer...confirming the gutter slot overflow as 1200mm² per metre of gutter as described in the BCA."

Indicating there is no previous compliance letter from the manufacturer with regard to the compliance of our existing gutters. Therefore the FTA inspector's declaration of complaint gutters is in direct conflict with is previous correspondence and conditions.

We were given 2 days to make to accept the offer. After replying and requesting more time to allow us to seek legal and expert advice on the proposed works, we received another email from the FTA inspector stating again our existing gutters are compliant and as we were unable to agree to the proposed work with the two day period all correspondence was to be with the builder. Essentially the FTA inspector is refusing to assist us further.

Also of concern, we received a read request to our complaint to FTA regarding our concerns of the FTA inspector's handling of our case. The read receipt was form the FTA inspector involved.

This raises further questions of the process of complaint within FTA. There appears to be an absence of a chain of complaint with FTA itself. Is the FTA inspector above explaining he's actions? If homeowners cannot rely on FTA to provide an unbiased inspection to ensure homes are build to comply with the building codes where do we turn?

This is a major builder and there are multiple homes being constructed with my local government area by this builder. The local council is aware of the issues, as is FTA. The question remains will they be legally responsible in the future when these homes encounter problems directly related to their lack of action?

28, August 2019

We again contacted FTA to request information of the chain of complaint within FTA and an explanation as to why our complaint was referred to and handled by the FTA inspector we have concerns about. We requested to speak with the FTA inspector's superior and were advised we would again be transferred to his office. It seem our only options are the FTA inspector or his direct line supervisor who did not reply to our previous email.

It has become evident there is no clear chain of complaint within FTA a department who function is to mediate complaints. The system that is FTA is broken.