

Legislative Assembly Committee – Quality of building in the ACT

Opening Statement

By Mr Raymond David

On 1025-1045, Wednesday 01 May 2019

We had signed a contract to build our house in September 2015 for completion by Oct 16.

We got control of our house in March 2018. It had been sitting idle since Jun 17 while we waited for our builder to fix a list of issues we provided after our 08 Jun 17 inspection.

Before we could move in:

we had to buy and have installed a water heater;

we had to have the floating bamboo floor on the bottom floor, lifted and reinstalled as it had been incorrectly installed (glued down) resulting in up to 20mm gaps between boards; and

we had to have the whole house re-keyed as the builder could not provide us a key to access the house. Our only access initially was the through the roller-door and garage.

We moved in at the end of May 2018.

When Catherine and I sit in our family room and look down the passageway, we can see daylight through to the porch and front yard due to the gaps between and door frames and the doors. With the slightest of winds, you can feel the breeze enter through these gaps, pass along the passageway into the family room to the back of the house. One of things we have to do is replace the front doors as they are not what we ordered in our contract, they are incorrectly fitted and are warped and bowed.

We get the same effect from the garage, through the garage access door into the house to the family room. At certain angles, you can see daylight through gaps between the door frame and the garage access door, and gaps between the roller door and garage wall. There is also a gap of nearly 2cm along the bottom of this door. Another item on the fix it list.

I highlight these faults specifically as an example of a breach to ACT building laws and code. This house is supposed to have been built to meet Energy Efficiency Rating requirements under the Energy Efficiency Improvement Act 2012. Our house is supposed to be EER 6.

During our first winter, we used our reverse cycle air conditioning throughout the house, in an attempt to heat it. The gaps around the doors that I've just described and those between the brickwork and the windows and door frames, some I can fit my fingers through, made it near impossible for the house to hold the heat. And during our first summer, the reverse occurred when we tried to cool the house.

During recent heavy rain in February, we had water come in through the ceiling in our family room. We are yet to work out where and how the water breached the moisture barriers supposed to prevent such occurrences. Just another thing to add to the list.

My question is: What is the point of imposing the mandatory EER requirements and approve building plans if there is no physical certification checks to ensure compliance?

As part of our submission to the Committee, we included a copy of the 90 page Building Inspectors Report which lists all the issues that need to be fixed in one way or another. A year ago, we provided a copy of this Report to Access Canberra as part of one of our complaints lodged. In all we lodged three separate complaints with Access Canberra. A year on since we lodged our last complaint, we are yet to hear from Access Canberra on the outcome of any of our three complaints.

I invite Access Canberra to inspect our house for compliance. However, if they find any issues, who would Access Canberra get to pay for all the work that would be needed for compliance? Would Access Canberra pursue our builder? Would they pursue our certifier?

One year on, Catherine and I are only beginning to catch up financially, after nearly being bankrupted by this whole building fiasco. We are slowly fixing the issues left by the builder, one at a time, as we are able to afford. This has impeded our settling into our house as money that should be going to curtains etc., is being spent on things like replacing privacy screens, porch tiles and timber ceilings, in essence paying for something we had already paid the builder for. As a result, it takes me a lot to get motivated to fix the next thing on the list, because each time I think about the issue, I have to get past my frustrations first. We are doing most of the work ourselves because we can, and we bring in trades for those tasks beyond our capacity.

When we should be looking forward to enjoying the fruits of our labour, Catherine has had to find work to assist financially. And instead of retiring, I have had to look for new employment so we are able to adequately manage our financial obligations over the next 4 - 5 years. At least for Catherine and I, we are still able do that.

I ask you, is our builder suffering and struggling like us?

A year on, our builder is still in business, no doubt still conducting business the same way with impunity, generating more complaints for Access Canberra and putting more consumers in the same position as Catherine and I.

There is an attitude and culture within the ACT building industry that needs to be changed. The only effective way to achieve such a change immediately is to impose effective policing and enforcement and fines, putting building licences on the line and applying severe fines for breach of building laws and codes.

We don't have the finances or the will anymore to take legal action against our builder. And our builder knows that. We prefer to focus on making the house we built into our home. We still have approximately \$40,000 worth of work to do. In accordance with our contract we are also owed liquidated damages of \$350 per week from October 2016 to May 2018 (approx. \$28,000). You would think that when you build a new house, probably the biggest purchase you would ever make in your lifetime; that it would be better regulated. The organisations funding such purchases were recently put through a Royal Commission. The outcomes and fallout from that are still reverberating. Can we expect the same from this Inquiry? We will see heads roll at Access Canberra, as what happened with the banks? We will see building licences revoked?

Catherine and I have accepted that we are not likely get anything from our builder. We participated in this Inquiry to stop our builder from doing to anyone else, what he did to us. We believe that he should lose his licence and be blocked from the ACT building industry. The sub-contractors he employed for our build should also be reviewed, given the quality of some of the work done on our house.

It is clear that the system is not working and needs fixing. And while this may take time, leaving it as it is will only make the situation worse. When I say the system, I include within that scope, the plans approval process, the standardisation of building contracts, the build itself, its progress certification steps and policing that goes with that, the certificate of occupation process that must include a final building inspection, and the complaints mechanisms that needs a review of the amounts the Tribunal can deal with.

Finally, Catherine and I would like to thank this Inquiry for giving us the opportunity to table our concerns and to contribute our experiences toward improving the quality of building in the ACT.