

MASTER BUILDERS

ROMINA DE SANTIS, technical adviser at Master Builders WA, answers your questions about home building



THE QUESTION

My neighbour would like to replace an asbestos fence along my boundary. This has been here since the house was built in the 60s. The neighbouring site has villas on it, so the cost for their half for them is shared. However, I am a pensioner and would need to pay half the cost of the whole fence. I thought the asbestos was OK as long as it wasn't damaged. The fence is in perfect condition, so I would prefer to leave it. Where do I get advice for this?

THE ANSWER

The word asbestos certainly rings alarm bells with most people, and many of us still have trouble sorting the myths from the facts about this potentially dangerous substance.

According to the experts, when materials that contain asbestos are in good condition and left undisturbed, they do not pose a risk to your health.

In fact, if you live in a house that contains asbestos, you are not necessarily exposed to more asbestos fibres than people who live in homes that are asbestos-free.

If the asbestos fence is in good condition and does not require any repairs, then it should be suitable as a dividing fence.

There are important items to remember with asbestos:

- Visually check to see where it might be and make sure any materials are in good condition, not cracked or broken.
- If you plan to undertake repairs or renovations that involve disturbing or removing materials containing asbestos, it is important to take proper precautions.

There are fact sheets available on the Department of Health website on drilling and painting.

For information on safe handling of asbestos

products in WA and asbestos in the home, contact the environmental health officer at your local government or contact the Department of Health on 9388 4999 or visit www.health.wa.gov.au.

The request for payment of half of the fence needs to be in accordance with the Dividing Fences Act 1961.

You jointly own the fence and must jointly decide on the erection, repair and maintenance of the fence.

There is a fantastic publication available from the Building Commission that explains the obligations of neighbours for new and existing dividing fences called *Dividing Fences - A Guide*.

It includes a number of scenarios, frequently asked questions and contact details for advice. Visit www.commerce.wa.gov.au to obtain a copy.

While the Building Commission assists with the administration of the Dividing Fences Act 1961, it is unable to intervene in disputes about dividing fences.

Such disputes are dealt with through the courts.

For more information about building, visit the Master Builders A-Z Building Information Directory at www.mbawa.com. If you have any questions about home building or purchase issues, email romina@mbawa.com



CONSUMER PROTECTION STARTS WITH YOU

Consumer protection plays an important role in the housing industry. Master Builders director Michael McLean explains.

IN Western Australia, the statutory responsibility for consumer protection now comes under the jurisdiction of the newly created Department of Mines, Industry Regulation and Safety (DMIRS).

The Hon. Bill Johnston MLA is the Minister responsible for this portfolio while David Hillyard is the Commissioner for Consumer Protection.

So, what does consumer protection do?

It is responsible for creating an environment that promotes fair trading and helps people understand their consumer rights and responsibilities.

The role of consumer protection is to educate consumers and regulate businesses, with the aim of improving the outcomes for consumers especially when making large purchases like buying a new home.

The main tool to achieve that is the Australian Consumer Law (ACL), which has been beneficial for both consumers and businesses.

From a homebuilder's perspective, it is important that the DMIRS' Consumer Protection division works closely with the Building Commission to monitor such things as inaccurate and misleading advertising, the effectiveness of dispute resolution procedures and the operation of fair building contracts.

A good example where the Consumer Protection division played a useful role was when it prosecuted a business for purporting to be a member of the Master Builders Association when it clearly it wasn't.

The inappropriate use of the Master Builders logo by this unscrupulous business was very naughty and resulted in a hefty fine, which should deter other businesses from using industry association logos without proper authority.

It is also in a builder's best interest to have better informed consumers, so the DMIRS has an important role to help homebuyers make better choices and understand their obligations, such as reading contracts before they are signed.

It does this through its education programs, website (www.commerce.wa.gov.au/consumer-protection), brochures and advice line (1300 304 054).

WA is a leader in tracking consumer fraud.

As a regulator, Consumer Protection relies on industry associations like Master Builders to raise awareness amongst its members of relevant consumer law obligations.

Since uniform Australian Consumer

Law was introduced over five years ago, consumer protection agencies in every state have been able to collaborate on education strategies, enforcement mechanisms, policy and research activities to improve outcomes for consumers and reduce red tape for businesses.

One way the Consumer Protection division encourages and recognises community engagement is through its annual awards program.

This year's winners included:

- Nannette Williams, who won the Rona Okely Award for her involvement in the Karratha Community Health Centre as well as the North West Regional Women's Association, Women's Health Centre and the Pilbara Social Justice Council.
- Consumer Credit Legal Service WA won the Richard (Dick) Fletcher Award.
- Nature Playgrounds received the Kidsafe WA Award.
- Daniel Emerson from *The West Australian* and Noongar Media Enterprises shared the Ruby Hutchinson Award.

At the end of the day, we all have a responsibility to stamp out any rogues that bring the housing industry into disrepute through their inappropriate actions.

From a housing industry perspective, Master Builders has a code of ethics to benchmark appropriate standards of behaviour for prospective and existing members.

Although we also have a comprehensive complaints procedure when investigating allegations against our members, most disputes between builders and their clients are resolved through their contracts and, if necessary, through the courts.

Homebuyers are protected if their builder goes broke, dies or disappears and they have a new home or renovation under construction valued over \$20,000 by the Home Building Contracts Act.

This legislation requires all builders to take out housing indemnity insurance to protect the people they are building for up to \$100,000 per home.

As a consumer of any product or service, including those provided by builders, it is prudent to do your homework and check out the credentials of the person or business you are thinking of dealing with.

For example, is your builder a Master Builder and have they won any industry awards?

