



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-270

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Yes
5. Fees	Waived
6. Processing time (in working days)	31
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Sunday, 1 December 2019 12:04:29 PM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title: [REDACTED]

First Name: [REDACTED]

Last Name: [REDACTED]

Business/Organisation:

Address: [REDACTED]

Suburb: [REDACTED]

Postcode: [REDACTED]

State/Territory: [REDACTED]

Phone/mobile: [REDACTED]

Email address: [REDACTED]

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Details of any complaints, demerit points or notices issued in relation to Archibuild Constructions Group Pty Ltd and any affiliates as well as any complaints held in relation to Hatem Abukwaik (AKA Tim Kwaik and Hatem Kwaik). Builder licence number 2014565 ACN 169 046 422.

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2019-270



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 2 December 2019, in which you sought access to any complaints in relation to ArchiBuild Constructions Group Pty Ltd.

Specifically, you are seeking: *“Details of any complaints, demerit points or notices issued in relation to Archibuild Constructions Group Pty Ltd and any affiliates as well as any complaints held in relation to Hatem Abukwaik (AKA Tim Kwaik and Hatem Kwaik). Builder licence number 2014565 ACN 169 046 422”*.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 2 January 2020. However, due to third party consultation, this timeframe was extended by 15 working days pursuant to section 38(5) of the Act. The due date for this request is therefore 23 January 2020.

Third Party Consultation

In making this decision, I completed consultation with the relevant third parties in accordance with section 38 of the Act. The views of the identified third parties were taken into account in making this decision.

Decision on access

Searches were completed for relevant documents and 12 documents were identified that fall within the scope of your request. I have decided to grant full access to one documents and partial access to 11 documents.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision are below.

Material considered

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the contentions of relevant third parties; and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant full access to the identified documents and components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Factors favouring disclosure (Schedule 2 section 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

(a) disclosure of the information could reasonably be expected to do any of the following:

- (xiii) contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the documents may contribute to procedural fairness by allowing you to have a record of all complaints and notices issued in relation to your builder, ArchiBuild Constructions Group Pty Ltd. I am satisfied that this factor favouring disclosure carries some weight. However, this factor is to be balanced against the factors favouring non-disclosure.

Factors favouring nondisclosure (Schedule 2.2(a))

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(ii) *Prejudice the protection of an individual's right to privacy or other rights under the Human Rights Act 2004;*

(xi) *prejudice trade secrets, business affairs or research of an agency or person;*

Taking into account the submissions put to me by the relevant third parties as part of the consultation undertaken in accordance with section 38 of the Act and having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (email addresses, street addresses, number plates, mobile numbers and names of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

The second factor I have identified as relevant in considering your access application is the prejudice that could occur in releasing trade secrets, business affairs or research of an agency or person. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Having reviewed the documents identified, I am satisfied that the documents contain information related to the business affairs of Jim's Fencing. I am of the view that the information contained in this document is sensitive in nature as it contains a quoted figure provided to the ACT Government that is not publicly known.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that is not in the public interest to release, while releasing the rest of the information will ensure the intent of the Act is met and will provide you with access to the majority of information held by CMTEDD within the scope of your request.

Access to documents

Pursuant to section 38(6) of the Act, I am required to defer access to all the identified documents which release was object to by a third party. This third party may apply for review of my release decision within 20 working days after my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log three working days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 02 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel Riley', with a stylized, cursive script.

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
17 January 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	Details of complaints, demerit points or notices issued in relation to Archibuild Constructions Group Pty Ltd and any affiliates. Also complaints held in relation to Hatem Abukwaik (AKA Tim Kwaik and Hatem Kwaik). Builder licence number 2014565, CAN 169 046 422	CMTEDDFOI 2019-270

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Letter to ArchiBuild Constructions Group re a complaint	21 Dec 2017	Partial	Sch 2 s2.2 (a)(ii)	Yes
2	2-5	Complaint outcomes as attachment to above letter	21 Dec 2017	Partial	Sch 2 s2.2 (a)(ii)	Yes
3	6-9	Photos as attachment to above letter	21 Dec 2017	Partial	Sch 2 s2.2 (a)(ii)	Yes
4	10-33	Emails between client and builder (some photos included)	11 Feb 2018	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2(a)(xi)	Yes
5	34-44	Photos as attachment to above emails	11 Feb 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
6	45-46	Complaint with photos	11 Nov 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
7	47-51	Photos as attachment to above complaint	11 Nov 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
8	52-65	Complaint with photos attached	12 Aug 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
9	66-72	Photos as attachment to above complaint	12 Aug 2018	Partial	N/A	Yes
10	73-78	Complaint with photos	15 Mar 2019	Partial	Sch 2 s2.2 (a)(ii)	Yes
11	79-85	Photos as attachment to above request	15 Mar 2019	Partial	Sch 2 s2.2 (a)(ii)	Yes
12	86	Anonymous complaint	12 Aug 2019	Partial	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
12						



ACT
Government

Chief Minister, Treasury and
Economic Development

Ref: 3152

ARCHIBUILD CONSTRUCTIONS GROUP PTY LTD

PO Box 352
Mitchell ACT 2911

Dear Sir/Madam

On the 12 December 2017 Access Canberra received a complaint regarding noise. The person believes the noise from building works on your premise **Schedule 2.2(a)(ii)** is excessive and disturbs their amenity. Access Canberra is seeking your assistance as the occupier of the premises to ensure the noise is not excessive. For your information, under the *Environment Protection Act 1997* (the Act), the permitted time periods and noise levels for residential areas are:

Monday- Saturday	7am – 10pm	45dB(A)
	10pm – 7am	35dB(A)
Sunday and Public Holidays	8am – 10pm	45dB(A)
	10pm – 8am	35dB(A)

Times when noise above the zone noise standard from **building work** is permitted:

The activity will be completed within 2 weeks;

Monday – Saturday	7am – 8pm
Sunday and Public Holidays	8am – 8pm

The activity will not be completed within 2 weeks

Monday – Saturday	7am – 6pm
Sunday and Public Holidays	no period specified

Building work means building work for which a building approval has been issued under the *Building Act 2004*. The attached fact sheet has more information about noise levels within the ACT.

If Access Canberra receives further complaints, Environment Protection Officers in response to further complaints may attend and take noise measurements. Please note, the Act does provide for penalties in cases where excessive noise occurs.

If you believe the noise did not originate from your business or you wish to discuss the matter please contact Access Canberra on 13 22 81 and request to speak with an Environment Protection Officer.

Yours sincerely

James Bradford
Manager
Complaints Management Team
Access Canberra
21 December 2017

Outcomes by case with incidents

Outcome/action type	Actions taken	Created By	Text	Date time of action
Notes	Re Incident - 171212-000003	Anna Smolicic	<p>Sent advisory letter to the builders currently working on Schedule 2.2(a)(ii)</p> <p>Addressed letter to: Archibuild Constructions Group Pty Ltd PO Box 352 Mitchell ACT 2911</p>	21/12/2017 10.35 AM
Incident note	171212-000003	Member of public	<p>Customer Bricklayers are arriving before 0530h each morning, setting up and beginning work, make enough noise to wake my family.</p> <p>The incident address is Schedule 2.2(a)(ii). I live at number S</p> <p>Today they are running a cement mixer and hammering. The photo I took was taken at 0525h this morning.</p>	12/12/2017 05.40 AM
Incident note	171212-000003	Anna Smolicic	<p>Staff Accountant Dear Sch</p> <p>Thank you for your information that you have provided, apologies I was unable to call you today, this should explain the two un-identified call you would have received today.</p> <p>I was attempting to advise you that in order to send the business a noise advisory letter and potentially escalate the matter further I will need to know who is doing the work on site. Could you please take a photo of the signage at the construction site and reply to this email with that attached? This will have street address, contact details and other relevant information such as the site manager.</p> <p>Many thanks,</p> <p>Anna Case Manager Access Canberra Complaints Management Team www.act.gov.au/accesscbr 132281</p>	14/12/2017 03.38 PM
Incident note	171212-000003	Member of public	<p>Customer Good afternoon,</p> <p>Yes, I can do that. Funny enough though, the bricklayers have not been onsite since about 11am the day I sent the complaint.</p> <p>It's possible the bricklayers have finished their bit. However, a reminder to the builders probably wouldn't hurt.</p> <p>I will send off a photo when it stops raining.</p> <p>Thanks</p> <p>Schedule 2.2(a)</p> <p>Get Outlook for Android</p>	14/12/2017 03.45 PM

On 12/12/2017 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject

Noise Complaint - Construction Work - Schedule 2.2(a)(ii)

Message

Response By Email (Anna) (14/12/2017 03:38 PM)

Dear Sched

Thank you for your information that you have provided, apologies I was unable to call you today, this should explain the two un-identified call you would have received today.

I was attempting to advise you that in order to send the business a noise advisory letter and potentially escalate the matter further I will need to know who is doing the work on site. Could you please take a photo of the signage at the construction site and reply to this email with that attached? This will have street address, contact details and other relevant information such as the site manager.

Many thanks,

Anna | Case Manager
Access Canberra | Complaints Management Team
www.act.gov.au/accesscbr | 132281

Customer By CSS Web Schedule (12/12/2017 05:40 AM)

Bricklayers are arriving before 0530h each morning, setting up and beginning work, make enough noise to wake my family.

The incident address is Schedule 2.2(a)(ii) I live at number Sch

Today they are running a cement mixer and hammering. The photo I took was taken at 0525h this morning.

YourDetails
First Name: [redacted]
Last Name: [redacted]
Contact Number: not provided

Incident note 171212-000003 Member of public Customer 15/12/2017 07:55 AM

Good morning Anna,
I have attached a photo of the Construction site notice board with the builder's name on it. I have also attached some photos of the general construction site, showing how messy the site and nature strip is.
The picture was taken about 8pm last night while I walked my dog (I have adjusted the brightness etc to try to make it clearer). The Licensed Builder is: Archibald Construction Group Pty Ltd
The Property on the notice says [redacted] Schedule 2.2(a)(ii), I believe I said [redacted] Schedule 2.2(a)(ii) in my earlier complaint.
If you need clearer pictures or if you have any further questions, please let me know.

Sch
[redacted]

On 12/12/2017 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject

Noise Complaint - Construction Work - [redacted] Schedule 2.2(a)(ii)

Message

Incident note

171212-000003

Anna Smolic

21/12/2017 10:33 AM

Staff Account

Dear Sch Thank you for providing the additional information required.

Information advising of noise restrictions has now been sent to the Activity Manager from the details you have provided.

If the issue continues after the 28 December 2017 please contact Access Canberra on 13 22 81 - when you are being affected by the issue. (Please note this is a 24/7 service).

When speaking with the operator from Access Canberra, you will need to advise them that it's an ongoing issue and you would like the EPA to attend, they will then take down all the required details and pass it on to the officer.

The on call officer will then call you back, (approx 20min) to arrange a time to attend the effected premises to take a noise measurement.

Kind Regards

Anna | Case Manager

Access Canberra | Complaints Management Team

www.act.gov.au/accesscbr | 132281

SITE ADDRESS

Street address [Redacted] Schedule 2.2(a)(ii)

[Redacted] Schedule 2.2(a)(ii)

DESCRIPTION OF WORK

Double story house + Double Garage + Alfresco.

Stages of work

DA DA exempt Not determined

DA Approval No

LICENSED BUILDER

Name Archibald Constructors Group Pty Ltd

Licence no. 2014565

Phone 02-61668551

ACN no. 69 046 122

Email info@archibald.com.au

NOMINEE FOR THE PROJECT

Name Hatem Kwak

Licence no. 2011222

BUILDING CERTIFIER

Name CBS

Licence no. 20142003

Phone 02 33 991

ABN no. 22 110 342 482

Email philip@cbs.com.au

PRINCIPAL CONTRACTOR

Required under ACT Work Health & Safety ACT

Name Hatem Kwak

Phone 0438 862 355

A/H phone (02) 61668551

SITE OFFICE LOCATION

[Redacted]



MASTER BUILDERS FIDELITY FUND









Schedule 2.2(a)(ii)

7 messages

Schedule 2.2(a)(ii)

Sun, Feb 11, 2018 at 3:38 PM

To: Hatem Kwaik <hatem@archibuild.com.au>

Bcc: Schedule 2.2(a)(ii)

Hi Hatem,

I cannot express to you how disappointed I am that we have not yet been able to see any progress in us moving into the house Schedule 2.2(a)(ii) or has shown no signs of completion in reasonable time. Workers come and perform a little bit of work and then disappear. We had to cancel or change our plans of travel and other commitments to fit in the 'moving to new house' for many months now. We have an inevitable overseas travel coming on 20th of March 2018 and will be back on the 20th of May 2018. We are unable to pay rent for all those while for the current house which the agent have increased. Hence I request your attention to this work and speed up the process.

Things pending to do:

1. Flooring and skirtings- Flooring has serious issue- almost 8 places it started ghosting, 4 places chipping, gaps in the laying and places where laminate has a bulging next to the kitchen bench top. we do not want to proceed with the current floor material as it has already shown manufacturing defects. I do not want to be dealing with such defects in future too. Please do any necessary action to remove the whole flooring. I have attached the photos of some areas where issues with flooring had been found. I have attached the warranty information- please have a look.
2. Garage door- please fix this asap
3. Tiling- Alfresco and Terrace to be completed.
4. Retaining wall in the front
5. Concreting the pathway around the house and places wherever necessary as mentioned in the inclusion list.
6. Side gates
7. Letter box- please do brick rendered
8. Remaining painting works including patchworks
9. Common area vanity and plumbing approval?
10. Heated Towel rails in all the 3 bathrooms.
11. Complete the staircase sides- see photos attached
12. water tank- charcoal colour-4000l

When do you think we will get the COU?

Few issues:

1. Flooring issues- see attached- chipping at master bedroom, guest bedroom, and lower bedroom, ghosting at various places as attached, gaps.
2. Heated Towel rails gone missing- stolen- please replace
3. 4 Cameras gone missing with storage unit and accessories- stolen- please replace
4. Common bathroom and Guest bedroom ensuite lighting is very insufficient. Please have a look in the night.
5. Kitchen drawers are not opening properly.
6. Scratches are becoming more evident on the switches, vanity stones etc.
7. Terrace balustrade underneath gyprock is incomplete

The more delay its getting the more issues are being found. So I request you to kindly complete the work asap.

Just FYI: Schedule 2.2(a)(ii) when we bought the land. Schedule 2.2(a)(ii) 3 years is a huge time for anyone to wait to move in. We were planning to celebrate her birthday in the new house. Moreover, we have to travel overseas on 20 March 2018.

We have paid 95% of the contacted amount. If there are any issues with payments, let us know. We have gone through 2 crisis situations already, cant afford another-one.

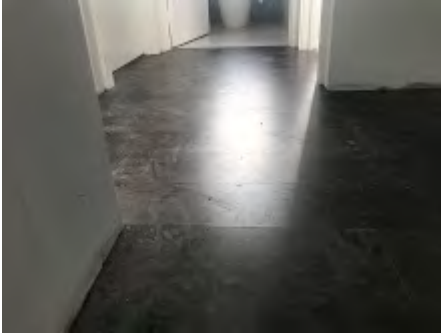
Even in your absence, you could complete all other houses under your construction, and why not this one yet?

Thank You,
Regards,
Schedule

14 attachments



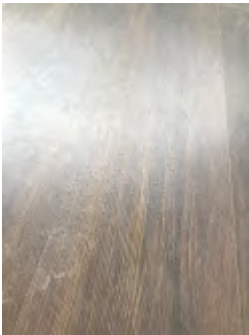
Gap in front of the guest bedroom.jpg
1549K



Ghosting near Atrium.jpg
945K



Ghosting near Main bathroom.jpg
1101K



Upstair sitting area.jpg
1293K



Ghosting in up stairs bedroom.JPG
2082K

Ghosting at the entrance of guest bedroom.JPG
1874K



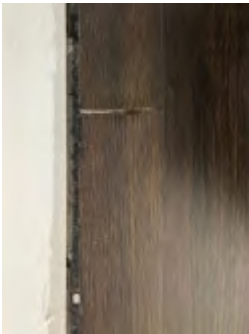
Chipping 1.JPG
1538K



Chipping 2.JPG
2483K

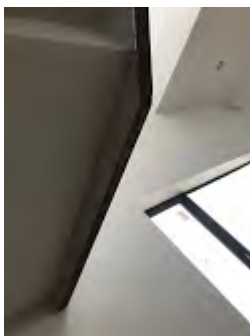


Chipping 3.JPG
2730K

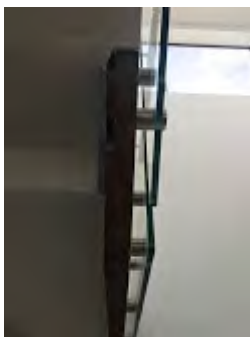


Gap.JPG
1432K


Staircase 1.JPG
1413K



Staircase 2.JPG
1298K



Staircase 3.JPG
936K

 probilt flooring warranty .pdf
1042K

Schedule 2.2(a)(ii)

Sun, Feb 11, 2018 at 7:14 PM

To: Hatem Kwaik <hatem@archibuild.com.au>
Cc: sales@endurofloor.com.au, loyalrugs@gmail.com
Schedule 2.2(a)(ii)

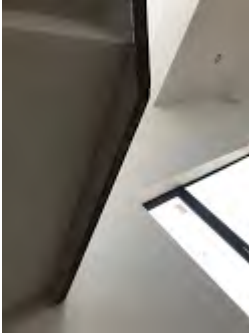
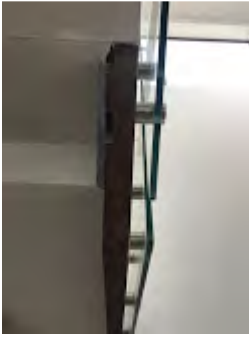
Hi Hatem,

Flooring and skirtings- Flooring has serious issue- almost 8 places has started ghosting, 4 places chipping, gaps in the laying and places where laminate has a bulging near the kitchen bench top. we do not want to proceed with the current floor material as it has already shown manufacturing defects. I do not want to be dealing with such defects in future too. Please do any necessary action asap to remove the whole flooring and replace it with another material. We are happy to choose a different material. I have attached the photos of some areas where issues with flooring had been found. I have attached the warranty information FYI.

Thank You,
Regards,
Schedule

14 attachments


Gap in front of the guest bedroom.jpg
1549K



Staircase 2.JPG
1298K



Staircase 3.JPG
936K

 probilt flooring warranty .pdf
1042K

Schedule 2.2(a)(ii)

Sun, Feb 11, 2018 at 7:16 PM

To: Hatem Kwaik <hatem@archibuild.com.au>, loyalrugs@gmail.com, sales@endurofloor.com.au

Kindly consider this email and delete my previous email as it has pictures not intended to be sent to you.

[Quoted text hidden]

11 attachments



Gap in front of the guest bedroom.jpg
1549K

Ghosting near Atrium.jpg
945K




Chipping 2.JPG
2483K



Chipping 3.JPG
2730K



Gap.JPG
1432K

 **probilt flooring warranty.pdf**
1042K

ArchiBuild <hatem@archibuild.com.au>

Mon, Feb 12, 2018 at 2:09 AM

To: Schedule 2.2(a)(ii)

loyalrugs@gmail.com, sales@endurofloor.com.au,

Schedule

Schedule 2.2(a)(ii)

Dear Sch

I am back to oz on 16/2 & Sche is working on this issue so please contact him until I return & will meet you all on site on 16/2 to get this 100% sorted.

Thanks

Regards,

Hatem Kwaik (Tim)

(Director)

ArchiBuild Constructions Group Pty Ltd

ABN: 16169046422

Ph: 02-6166 8551

Mob: 0438 862 335

E-mail: hatem@archibuild.com.au

PO Box 352

Mitchell, ACT 2911

[Quoted text hidden]

Schedule 2.2(a)(ii)

Mon, Feb 12, 2018 at 8:14 AM

To: ArchiBuild <hatem@archibuild.com.au>

Thanks for your prompt reply and much appreciated.

Regards,

Sch

[Quoted text hidden]

--

Thank You,

Regards,

Schedule

Schedule 2.2(a)(ii)

Sat, Feb 17, 2018 at 10:14 PM

Schedule 2.2(a)(ii)

[Quoted text hidden]

--

Thank You,

Regards,

Schedule

Schedule 2.2(a)(ii)

Sat, Feb 24, 2018 at 1:14 AM

To: Varun Rampal <loyalrugs@gmail.com>, Hatem Kwaik <hatem@archibuild.com.au>, accounts@winspear.com.au

Hi Hatem,

Please do the needful to replace the whole flooring with a different quality flooring which we shall let you know as soon as the current flooring issue is solved. It looks like people are trying to conceal the actual problem of the poor quality of the flooring by saying different opinions. The product that we chose claimed to have 25 years warranty and it has clearly not even lasted 7 days from laying. Also if it is an issue of being wet and damaged as it has been the discussion lately, how do you expect to get the whole house cleaned without touching water on floor?

Every single day of delay in making a decision for this issue is affecting us very badly at this stage.

I shall not be looking forward to having to deal with flooring issues in future too.

If this issue is not solved and if a new product is not being considered, I shall be forced to consider to get help from ACT Consumer court or Fair Trade.

Regards,

Schedule

[Quoted text hidden]

--

Thank You,

Regards,

Schedule

11 attachments

Gap in front of the guest bedroom.jpg

1549K



Schedule 2.2(a)(ii)

Flooring issues

3 messages

Schedule 2.2(a)(ii)

Sun, Feb 25, 2018 at 1:59 PM

To: Hatem Kwaik <hatem@archibuild.com.au>, Varun Rampal <loyalrugs@gmail.com>, accounts@winspear.com.au, sales@endurofloor.com.au, adam@archibuild.com.au, Schedule 2.2(a)(ii) technoservecanberra@gmail.com

Hi Hatem,

We are certainly not happy with the quality of the product used for flooring at Schedule 2.2(a)(ii) Sch as the product does not meet the warranty specified and we shall not be willing to go ahead with the same product. It says impact resistant, scratch resistant, easy to clean and maintain, ultra hard wearing surface- which is all against what has happened in our case. The endurofloor 12.3mm flooring has not even lasted 7 days from laying. We are not experts in flooring but can clearly see from the images sent to you in the previous email that there are serious issues with the quality of the product.

The product that we had chosen was from Bunnings Probilt Floor, colour- Vintage All Spice as you can see in the attached image. It says "Class and usage- 31/ AC3 Heavy duty residential and light commercial with warranty 25 years". This is a special order product form Bunnings.

However, we doubt that the product that your supplier has obtained is not the Bunnings Quality as he had obtained this from a different supplier other than Bunnings.

If you care for us as a consumer, I request you to consider moving fairly with our requests.

What are the other options that we can discuss at this stage?

We do not want to go ahead with the option of replacing with the same product or repairing the damaged area. We clearly do not want this product to be used for flooring our house.

We are happy to look into other options like a better Quality material and happy to pay the price difference for the new product.

As we are being delayed in this process, kindly let us know of any decisions of discussions or involve us in your discussions regarding this matter so that we shall all come to a final decision and speed up the process. If you do not intend to discuss and seek our opinion in this matter and give us some fair choices, we shall go ahead to seek help form 'Fair Trade'.

We had discussed this matter again last Friday (23 Feb 2018) with Varun (Loyal rugs) (despite having discussions on this matter for the last 3 weeks) and had been told that the supplier from Melbourne will come to settle this issue either by providing us the refund or by replacing the product with a better quality product. But on discussions with Willian (Windspear) on Saturday (24 Feb 2018), he told that he was asked by Varun to supply 13 more packs of the same flooring product which is not what we were told.

Whoever is taking the decisions in this matter cannot override our decision as we are paying for what needs to be in our house. I believe we have the right to choose as we pay for it.

Thank You,
Regards,

Schedule
3@te@llj

Varun Rampal <loyalrugs@gmail.com>

Tue, Feb 27, 2018 at 8:46 AM

To: Schedule 2.2(a)(ii) "Hatim@archibuild.com.au" <Hatim@archibuild.com.au>

Hi Sched,

First of all I don't know what is your problem to say me again and again it's not Bunning quality product , as you know I got the supplier number from Bunning on your request because Bunning Gina take 4 weeks to get this product and I got the number from Bunning and get this product in under week . And you choose this product from Bunning and I explain you this is a bad product I am not seeling please choose any good product from my shop , but you was not agree and told me if you and builder put any other product it will be a big dispute .

Second , you already talk with winspear group (probilt flooring) with Sched and they are not replacing the floor . You , me and builder already talk with William and he is not replacing the floor so please go ahead with fair trading . I don't want to waste your time .

Thanks

[Quoted text hidden]

--

Regards

Victor

Loyal rugs and flooring

Fyshwick- Canberra

Mob: 0433309102

loyalrugs@gmail.com

Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii)

Tue, Feb 27, 2018 at 11:58 AM

[Quoted text hidden]

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[Quoted text hidden]



Schedule 2.2(a)(ii)

hatem@archibuild.com.au <hatem@archibuild.com.au>

Thu, Mar 29, 2018 at 2:13 PM

To: Schedule 2.2(a)(ii)


Schedule 2.2(a)(ii)

Cc: Schedule 2.2(a)(ii)

Good afternoon,

Please sign & date the attached COU application for ACTPLA to issue COU asap.

Thank you

 **COU - APP.pdf**
155K



Schedule 2.2(a)(ii) - completion request

3 messages

Schedule 2.2(a)(ii)

Mon, Jul 30, 2018 at 12:25 AM

To: Hatem Kwaik <hatem@archibuild.com.au>

Cc: Schedule 2.2(a)(ii)

Hi Hatem,

Plases see the attached document for your action.

Nearly 2 months over after receiving COU and no attempt has made by the trades at Schedule 2.2(a) for even practical completion.

Can you please look at this seriously and consider this as third and final request of completion and maintenance?

Thank You

Regards,

Schedule

2 attachments



Major thigs to be completed- house.docx

20K



variation final.docx

74K

Hatem Kwaik <hatem@archibuild.com.au>

Mon, Sep 3, 2018 at 12:27 PM

To: Schedule 2.2(a)(ii)

Cc: Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii)

Hi Sche,

As you know Sche is working to get all pending minor things done for you and he already actioned some of them. We had to wait for more than 5 months for you to make the final practical completion payment and after we have received it back in end of June /2018 we have been chasing tradies to finish all the minor issues pending. There is no major issues not completed & COU has been issued which means the house has reached practical completion and all inspections passed successfully.

We still working to get all minor items rectified & you have to allow for more time to get things sorted as we had to wait for more than 5 months for final payment & we still not received payment for all the variations. We have met & discussed all the variations in person in 07/2018 but all your comments on the variations not correct & it contradicts the inclusion list etc. Hence the outstanding variations to be paid is around 20,000 as per the variation schedule submitted to you in our last meeting. We now have to get all variation payment in order for us to continue rectify all the minor items & we have organised for the Vacuum to be installed asap but we need variation payment sorted this week please.

I am away & I will call you when I return to Canberra to discuss external cleaning & painting which you have requested to be delayed until construction in your street settles as the house keeps getting lots of dust because you still didn't do the fencing etc.

Talk soon

Regards,

Hatem

[Quoted text hidden]

--

Regards,

Hatem Kwaik

(Director)

ArchiBuild Constructions Group Pty Ltd

Ph: 02-6166 8551

Mob: 0438 862 335

E-mail: hatem@archibuild.com.au

PO Box 352

Mitchell, ACT 2911

Schedule 2.2(a)(ii)

Mon, Sep 3, 2018 at 5:14 PM

To: Hatem Kwaik <hatem@archibuild.com.au>

Cc: Schedule 2.2(a)(ii) Schedule 2.2(a)(ii)

Hi Hatem,

Thank you for your email and letting us know about your intention. i paid you 100% with out practical completion as per the inclusion list but delayed as the bank didn't agree as the completion didn't happen. We have to take complete responsibility to realise final settlement from the payment.

But now you take this as areason to delay the completion.

There were lot of issues with flooring , electrical, carpenter and even plumbing.

Painting is only half way and the payment was completed for painstaking last year. Event the facade your team made a big mistake . Even with all these issues we agreed to come to terms only because you promised me that you will complete it.

You have mentioned from the start that you will pay for the PV solar installation. But it has become an issue now and finally I paid it.

I am still happy to go through variation and settle this but you need to give me date of completion.

Please let me know the time and place we will meet to finalise things.

Thank you

Sche

[Quoted text hidden]

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[Quoted text hidden]



Schedule 2.2(a)(ii)

Action plan Re: Variations - Tax Invoice

Schedule 2.2(a)(ii)

Thu, Oct 11, 2018 at 10:08 AM

To: Hatem Kwaik <hatem@archibuild.com.au>

Hi Hatem,

Thank you for your email.

I would like to bring your attention to some emergency repair /rectification work pending ever since we moved in here.

1. Vanity draining is now overflowing and functionless - over flow causing water damage to vanity.
2. Roof leaking and water damage to the awing- this needs immediate attention as the water get collected around a down light and can cause electrical outage.

- Last Thursday we booked electrician to come in and install vacuum cleaner but when you confirmed that you are home for the day, Sche went there to get access for electrician n no one was home and we had to reschedule it now. Please make sure Sche has access for next booking so electrician can finish it for you (electrician will need to be there for at least 2 hours)-

Please note this was sent to me three weeks ago and no electrician came to complete remaining electrical work until today and Sche has no plans/ booked to this job yet.

- Plesse advise when you will start your nstalling fence and retaining wall and provide us with tardies numbers so we coordinate with them to install gates and mail box (please refer to inclusion list for these two items as timber gates will be same material as your fence in standard timber and for mail box it will be stone like which will be installing after you finish testing wall etc)

Fence will be installed on 17 October and i have passed his number to Sche .

- For awning roof leak which was inspected twice by our roofer in the past 3 weeks and it was all resealed again please let me know of any issue n please send me some pics if it leaks again so we get roofer to look at it again for you (this issue rectification won't end at 90 days maintaince period and it will be rectified until it's 100% fixed)

- We are having a site meeting with Renderer to rectify any issues with external render prior final painting touch ups but plesse remember is better you finish fencing and retaing walls first so walls stay clean after final touch ups as we will also do pressure cleaning to all external windows and doors etc (could you please provide us with any wall render issues in a separate email with some photos if you can to ensure he rectify everything prior final paint touch ups) I have attached some photos I have taken last week but please provide us with any other render issue ASAP) I need this prior our site meeting with him next week.

You got all the photos already with the rendering issues. The retaining wall will be done by next week.

- As discussed on our last month 4 hours meeting in your house; all internal minor paint touch ups and door adjustments will be done when painter is able to return for external touch ups etc

Painter has told me that he will not do any carpentry work as the sliding doors are not working , master bed room door not locking and other door fixtures are not complete.
Can you please sent a carpenter or handy man to fix these.

- Silicon work for WIP around bench will be also done if you decide not going ahead with splash back so if you like to install splash back please buy the tile n advise when it's delivered to send tiler to negotiate a price to install it for you and you have to pay him directly and not through us to make easy for both of you.

Silicon work pending not only in the WIP but also for vanity to wall, Vanity basin (tiler has done silicon for the tile joints in toilets and bath. Flooring - gaps in between the skirting and floor. I have asked the floorer to do the silicon to seal it as the dust and fine particles coming down time to time from the wall to the internal floor. He said painter will do it but the painter didn't. Can you please follow this up.

- for the last sheet of Balustrades flight stairs will charge \$980 to install it as your allowance is not sufficient hence this will be a variation of you wish to install it but I am trying to negotiate with them to install it at no cost because they delayed us last year so will keep you posted on this (please note this Balustrade is optional as stairs landing is less than 1m high)

This last sheet is required for the safety of kids. Two incidents have happened when kids visited us and was about to fall over from that corner. So considering the safety I think we should install the last sheet. Please go ahead with this.

Please coordinate with Sche for all above points and ensure access is given when required as all these tardies are very busy and once we book them n don't provide them access it will be very hard to book them again as they are flat out due to the Canberra busy contbstruction market.

Can you please guide Sche and provide him with trades man as he has no electrician to complete electrical work now.

Please also arrangennforbpart variation payment as per below email so we continue to look after you should you need any help with any extra item for your house as you have mentioned to me before regarding extra tile splash back in WIP etc.

All the variations are not included in the list you have given below. I am happy to pay the variation once we include all the variation, when you rectify and everything is complete as per the inclusion list.

Please communicate with Sche by emails and txt messages and if you call him please allow him time to return your call in case he is busy working on sites.

I will appreciate if you could give me a date for the final settlement.

Kind Regards

Sche

[Quoted text hidden]

--

Thank You

Regards,

Schedule

20 attachments



Image-10.png
292K



Image-5.png
250K

Image-8.png
376K



Image-11.png
358K



Image-9.png
195K

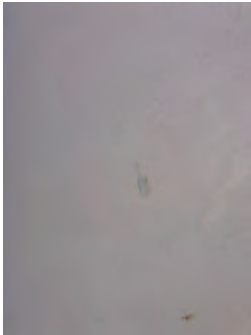


Image-13.png
78K

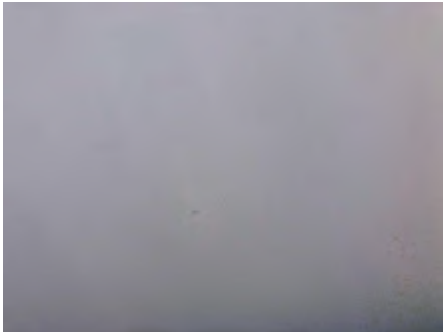


Image-14.png
96K

Image-12.png
270K



Image-15.png
99K



Image-7.png
601K



Image-15.png
99K



Image-5.png
250K

Image-13.png
78K



Image-8.png
376K



Image-11.png
358K

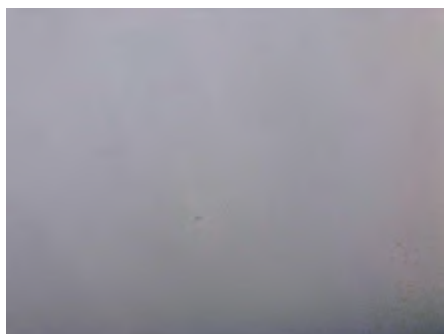


Image-14.png
96K

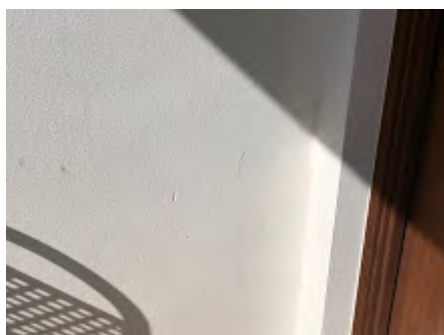


Image-7.png
601K

Image-10.png
292K



Image-9.png
195K



Image-12.png
270K



Schedule 2.2(a)(ii)

Issues and job completion

Schedule 2.2(a)(ii)

Sun, Nov 18, 2018 at 10:50 PM

To: Hatem Kwaik <hatem@archibuild.com.au>

Hi Hatem,

As advised earlier I am unable to wait until next year as complications with my Schedule 2.2(a) I am remaining you once again about the roof leak causing damage to flooring and vanity issues causing complications to my Schedule 2.2(a).

Schedule 2.2(a)(ii)

So I kindly request you to attend these matters immediately.

Also you have advise me that you will be doing gates. As soon as the fencing is complete. Fencing is completed near month time now. Please let me know what is happening with fencing.

Vacuum cleaner is not working as one opening is open and air leaking through it. Can you please sent the electrician to fix it.

Garage door top and side is in complete as it need plastering or gypsum board to cover the back of the top been of the garage.

Please inform us about the plan for other things aswell including

1. External cleaning
- 2 remaining internal and external painting
3. Letter box
4. Cloth line
5. Internal door lock fixing and sliding door not closing (carpenter?)
6. Side glass and hadrail for the step down to lounge.
7. Final settlement

Thank you

Sche

--

Thank You

Regards,

Schedule



Moving in date - dead line and Finding emergency short term accomodation

ArchiBuild <hatem@archibuild.com.au>

Fri, Dec 22, 2017 at 11:07 PM

To: Schedule 2.2(a)(ii)

Cc: Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii)

Hi Sche,

It's very simple we will set down before you pay the final progress payment & calculate the number of days we had to finish the house for you as per contract removing wet days & variation extensions / decision delays etc & if we will find that we have to pay you LD's we will also pay LD amount mentioned in contract.

Your friend or Schedule will also be liable for Turing 3 days job to 3 months for each stage & we will deal with him so you don't need to worry about it.

Wish I could help you but plz remember that my mum's house is open for you from Wednesday 27/12 to stay on for free until she returns from overseas on 5/2/2018.

Please let me know so I can arrange for her house keys on Wednesday morning as her flight on Wednesday night.

Good night

Regards,

Hatem Kwaik (Tim)

(Director)

ArchiBuild Constructions Group Pty Ltd

ABN: 16169046422

Ph: 02-6166 8551

Mob: 0438 862 335

E-mail: hatem@archibuild.com.au

PO Box 352

Mitchell, ACT 2911

[Quoted text hidden]



New Floor Variation Approval

Schedule 2.2(a)(ii)

Fri, Mar 9, 2018 at 11:41 PM

To: ArchiBuild <hatem@archibuild.com.au>

Cc: Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii)

Varun Rampal

<loyalrugs@gmail.com>

Hi Hatem,

You mentioned about your advise to us regarding the product but if you certainly knew or anticipated that this issue would happen, why didn't you just say we don't do installation for this product or suggest that these issues will happen. If you did not know of any unforeseen or anticipated issues that occurred to this flooring, its the same case with us too. We would not choose a product that chips off or ghosts out so easily if we knew the quality is such seriously affected as in this product. Moreover, nearly 8 months ago when we sent you the picture of the flooring, you called me asked where I found this product and you said you liked it so much. As we never had a chance to have a sample as it was not available at Bunnings then, we all looked at the display at Bunnings and picture. So please stop blaming us. I am not writing this email to get into an argument with you. But truly expects fairness from others and yourself involved in the construction of our house. If quality affects the warranty, the supplier is liable to replace and that is what he is doing now probably.

If you are replacing the flooring with same product, I believe I have the right to inspect and I am more than happy to do in your presence preferably before skirting and it should be free of cracks, chipping, gaps, planks should be free of blisters (manufacturing defects) and raised edges.

Any defects identified need rectification before and requires re installation therefore, this time I request you to have on- site supervision so that there is no delay due to faulty material being laid (edge chipped, blister planks and no gap in laying).

Also please hand over a few of the defective planks to me for future reference.

Thank you,

Sche

[Quoted text hidden]



Timber gates

ArchiBuild <hatem@archibuild.com.au>

Tue, Oct 16, 2018 at 7:43 PM

To: Schedule 2.2(a)(ii)

Cc: Schedule 2.2(a)(ii)

Hi Sche,

As discussed on your place today, please find attached timber gate price, so if you choose to go with another fencer make sure he charges as per below price as this is the total will credit to you and add it to our credit vs variation list.



Jim's Fencing Higgins
 PO BOX 3297
 BELCONNEN ACT 2617
 Australia
 Phone: 0427550121
 chris.beazley@jimsfencing.com.au
 ABN: 73 406 322 483

Quote **Schedu**

Quote

Quote date: 22/03/2018

Bill to:
 Archibuild Construction (Schedule 2.2(a)(ii))

Expiry:
 21/04/2018

DESCRIPTION

Hard wood timber fence with single gate on the RHS of the house
 Hardwood timber fence and double gates on the LHS of the house

Schedule 2.2(a)(xi)

Notes

PAYMENT STRICTLY ON COMPLETION
 Both owners are to sign here if quotation is approved and terms of the contract are fully understood

Clients Signature

Neighbours Signature

THIS QUOTATION VALID FOR 30 DAYS FROM THE ABOVE DATE

No responsibility taken if no survey pegs are provided to indicate true boundary. All Care but No responsibility for damage to underground cables and pipes and damage to garden if not cleared 2' on paling side of line. Power and water to be supplied by client - access by easiest means. Underground Rock / obstacles encountered will be at additional cost. \$60.00 per man hour or cost + 10%

*No claims unless we are given first opportunity to rectify.

COUNCIL PERMITS FOR ALL FENCES TO BE OBTAINED BY OWNERS

www.jimsfencing.net

Schedule 2.2(a)(xi)

Regards,

Hatem Kwaik (Tim)

(Director)

ArchiBuild Constructions Group Pty Ltd

ABN: 16169046422

Ph: 02-6166 8551

Mob: 0438 862 335

E-mail: hatem@archibuild.com.au

PO Box 352

Mitchell, ACT 2911

















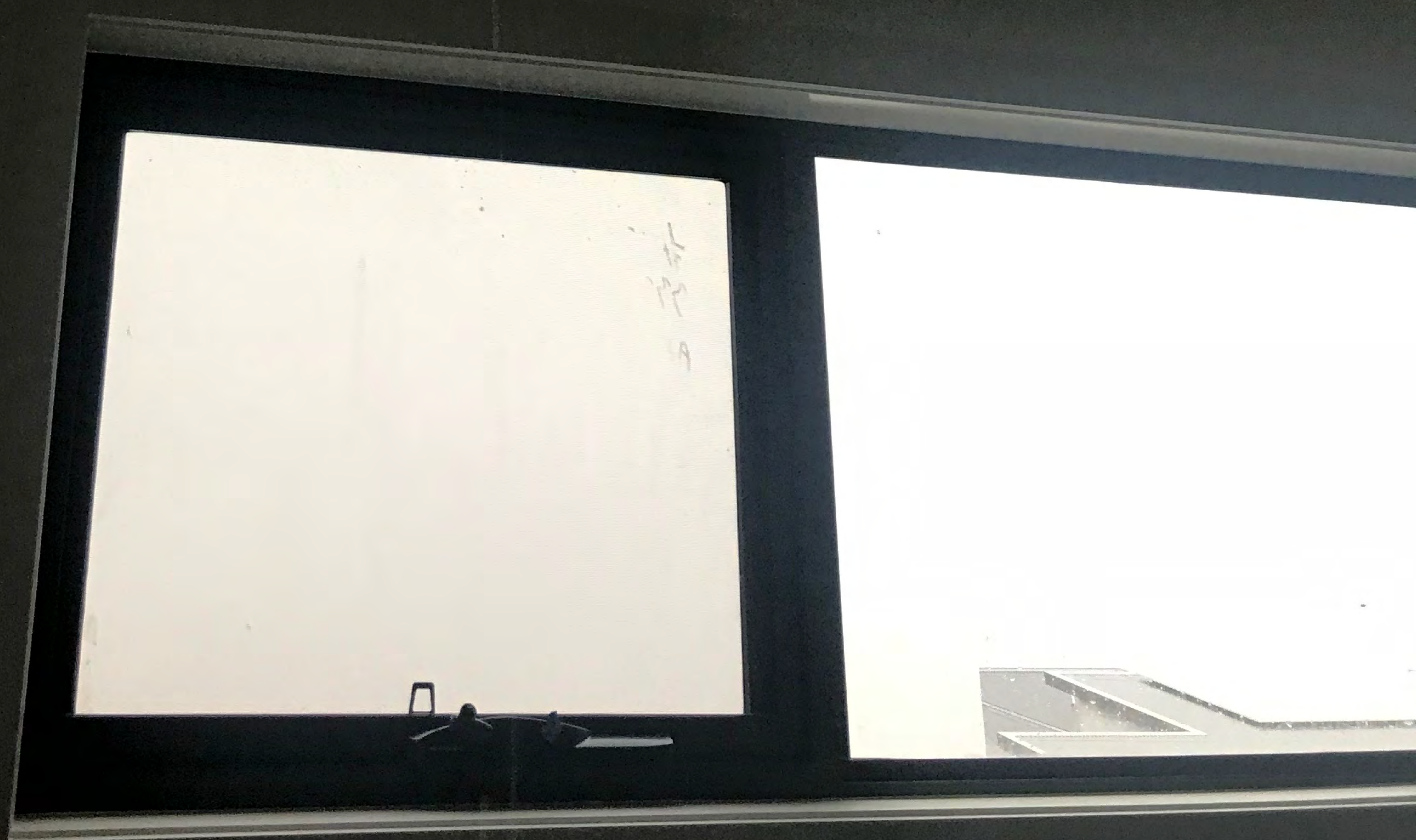
WORK ZONE

FOR (PRE)









ACT Government logo



Incident Reference # 181111-000138

Subject: Schedule 2.2(a)(ii) Inadequate waste management during building. Im sick and...

Date Created: 11/11/2018 12.41 PM

Note By Email (Wendy) (12/11/2018 01.01 PM)

Wendy forwarded this Enquiry to city.rangers@act.gov.au

Good afternoon City Rangers

This may be of interest to your unit, this is an anonymous complaint.

Cheers
Wendy

Auto Note By (Administrator) (11/11/2018 12.41 PM)

Positional data at time of incident submissions was:

Latitude:

Longitude:

Google Url:

Google Address: Schedule 2.2(a)(ii)

Customer By CSS Web (anonymous anonymous) (11/11/2018 12.41 PM)

Schedule 2.2(a)(ii)

agement during building. Im sick and tired of cleaning up the street of rubbish the owner and trades leave behind (before it goes in the river).

This is a rogue builder who doesnt care about anything or anyone - Hatem Kwaik, Archibuild

Additional Incident Details (if available)

Status: Forwarded to SME

Category: City Services & Utilities

Type of Correspondence: Complaint

Street:
Suburb:
Postal Code:

Contact Information

First Name: anonymous

Last Name: anonymous

Email Address: 204112111118@accesscanberra.act.gov.au.invalid

Phone Number:





GIVE
WAY







NOTICE ABOUT BUILDING WORK

City Name: _____
Project Name: _____
Location: _____
Start Date: _____
End Date: _____
Project Manager: _____
Contractor: _____
Phone: _____
Email: _____
Website: _____
Address: _____
City: _____
State: _____
Zip: _____



Outcomes by case with incidents

Outcome/action type	Actions taken	Created By	Text	Date time of action
Incident note	181115-002158	Natalie Lawton	<p>Staff Account</p> <p>Good morning [REDACTED]</p> <p>Thank you for providing that additional information.</p> <p>Hatem is keen to settle this matter with you and has agreed to set up a meeting with you although you must contact him as to when is convenient for you.</p> <p>Unfortunately, Access Canberra are unable to adjudicate in disputes. If you are unable to reach an outcome with the builder and wish to pursue the matter further you should seek some legal advice in regards to lodging an application with ACAT. See my previous email for contact details for the ACT Law Society.</p> <p>Kind regards,</p> <p>Natalie Senior Case Manager Complaints Management Team Phone 13 22 81 Access Canberra ACT Government</p>	12/03/2019 09:58 AM
Incident note	181115-002158	Member of public	<p>Customer</p> <p>Hi Natalie,</p> <p>Fencing is completed on 19 October 2018. Letter box can be build any time it has got nothing to do with the retainingwalls. FYI retaining wall is also complete now. He never responded to my calls and email for last 8 months. Friday morning he texted me and told me that he wanted to meet me on that day. I am not available for meeting as [REDACTED] Schedule 2.2(a)(ii)</p> <p>[REDACTED] Schedule 2.2(a)(ii)</p> <p>I will sent another request with all remaining allowance, remaining things as per inclusion list, deviations from the inclusion list, maintainance, delayed completion(liquidity damage) and accepted variation to him and access canberra over the weekend. I will sent all details to you as well. The stress me and my family gone through whilst this building process is still not forgettable.</p> <p>From this what my understanding is that he is not going to settle this with me unless a third party is involved. I remember you mentioned about ACAT when I talked to you over phone.</p> <p>Can you please let me know what is the procedure to do the same?</p> <p>Thank you Schedu le [REDACTED]</p> <p>On Fri, 8 Mar 2019 at 1:46 pm, Access Canberra Customer Services <accesscanberra@act.gov.au> wrote:</p>	08/03/2019 03:56 PM

On 15/11/2018 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject

Building/Planning - Water ingress/fit and finish defects - ArchiBuild Constructions Schedule 2.2(a)(ii)

Message

Response By Email (Natalie) (08/03/2019 01.26 PM)

Good afternoon Schedule 2.2(a)(ii)

As you are aware I have been investigating your complaint against ArchiBuild Constructions.

I have contacted Hatem, Director of ArchiBuild Constructions to raise your complaint and seek a time frame for finishing the outstanding items.

Hatem has advised the following:

- Clothesline will be completed by ArchiBuild Constructions upon you installing the house fence
- Mail Box will be completed by ArchiBuild Constructions upon you installing the retaining wall
- Side gates will be completed by ArchiBuild Constructions upon you installing the house fence

Hatem also advised that there is \$3699.95 outstanding on the final invoice. He would like to organise a meeting with you to work out a payment arrangement.

As this is the case Access Canberra are not in a position to force a settlement on a business. However the outcome of this office's investigation into your complaint does not eliminate the possibility that a consumer guarantee under the ACL has not been met.

Prior to commencing any civil application it is recommended that you obtain legal advice regarding the merit of your claim and the options available to you.

The ACT Law Society provides a free legal advice service and may be contacted on 02 6274 0300 to make an appointment to speak with a solicitor. Should the Society endorse further action you will need to make an application with the ACT Civil and Administrative Tribunal (ACAT). Information in relation to lodging an application can be found via their website at www.acat.act.gov.au or by calling 62071740.

Information regarding your rights under the ACL can be found on Access Canberra's website by searching 'Fair trading for consumers'. Further information may also be found on the Australian Competition and Consumer Commission's website.

Thank you for bringing this matter to our attention. I will now close your complaint.

Kind regards,

Incident note	181115-002158	Natalie Lawton	<p>Staff Account Good afternoon [redacted]</p> <p>As you are aware I have been investigating your complaint against ArchiBuild Constructions.</p> <p>I have contacted Hatem, Director of Archibuild Constructions to raise your complaint and seek a time frame for finishing the outstanding items.</p> <p>Hatem has advised the following:</p> <ul style="list-style-type: none"> • Clothesline will be completed by ArchiBuild Constructions upon you installing the house fence • Mail Box will be completed by ArchiBuild Constructions upon you installing the retaining wall • Side gates will be completed by ArchiBuild Constructions upon you installing the house fence <p>Hatem also advised that there is \$3699.95 outstanding on the final invoice. He would like to organise a meeting with you to work out a payment arrangement.</p> <p>As this is the case Access Canberra are not in a position to force a settlement on a business. However the outcome of this office's investigation into your complaint does not eliminate the possibility that a consumer guarantee under the ACL has not been met.</p> <p>Prior to commencing any civil application it is recommended that you obtain legal advice regarding the merit of your claim and the options available to you.</p> <p>The ACT Law Society provides a free legal advice service and may be contacted on 02 6274 0300 to make an appointment to speak with a solicitor. Should the Society endorse further action you will need to make an application with the ACT Civil and Administrative Tribunal (ACAT). Information in relation to lodging an application can be found via their website at www.acat.act.gov.au or by calling 62071740.</p> <p>Information regarding your rights under the ACL can be found on Access Canberra's website by searching 'Fair trading for consumers'. Further information may also be found on the Australian Competition and Consumer Commission's website.</p> <p>Thank you for bringing this matter to our attention. I will now close your complaint.</p> <p>Kind regards,</p> <p>Natalie Senior Case Manager Complaints Management Team Phone 13 22 81</p>	08/03/2019 01.26 PM
Notes	181115-002158 - Phone call	Natalie Lawton	<p>Builder left voicemail at 4:56 5/3/19. Called back today. Hatem (Tim) advised the following:</p> <ul style="list-style-type: none"> - The build was completed as per the inclusion list - Customer requested a number of variations and an agreement was made with Tim - Hatem invoiced for the variations although the customer said he couldn't afford to pay it - Tim tried to organise time to sit down and work out payment plan although the customer couldn't commit to a time, [redacted] Schedule 2.2(a)(ii) - The customer has gone ahead with landscaping work on his own, which Tim has noticed and questioned the customer as to why he can't afford that but not pay his invoice. <p>I advised our role isn't to settle disputes but rather to gather information to confirm if there is a breach in ACL or Building legislation. Tim is emailing me through the variation list, invoice and other emails.</p>	06/03/2019 10.43 AM
Incident note	181115-002158	Member of public	<p>Customer</p> <p>Hi Natalie,</p> <p>Thank you for helping me with this hard time.</p> <p>His contact number is</p> <p>Director: Hatem Kwaik : 0438 862 335</p> <p>Supervisors: [redacted] Schedule 2.2(a)(ii)</p> <p>I think [redacted] left and [redacted] is the supervisor now. I have the same issue with Hatem. He never answers my phone call.</p>	05/03/2019 04.21 PM

Kind regards
Sched

On Tue, 5 Mar 2019 at 3:40 pm, Access Canberra Customer Services <accesscanberra@act.gov.au> wrote:

On 15/11/2018 06:44 PM you contacted the ACT Government and an enquiry was submitted.

Below is a summary of your correspondence and our request for further information, please respond by either logging into our website and updating this incident or replying to this email.

Subject

Building/Planning - Water ingress/fit and finish defects - Archibuild Construction Schedule 2.2(a)(ii)

Message

Response By Email (Natalie) (05/03/2019 03:40 PM)

Good afternoon Sche
dule

I have still been unable to get in contact with the builder. Could you please advise what contact number you have reached them on?

Incident note 181115-002158 Natalie Lawton Staff Account 05/03/2019 03.40 PM

Good afternoon, [redacted]

I have still been unable to get in contact with the builder. Could you please advise what contact number you have reached them on?

Kind regards,

Natalie | Senior Case Manager | Complaints Management Team
Phone 13 22 81
Access Canberra | ACT Government

Notes 181115-002158 - Phone call to trader Natalie Lawton Attempted to call builder no answer left message. 05/03/2019 03.27 PM

Incident note 181115-002158 Member of public Customer 28/02/2019 02.18 PM

Hi Natalie,

Did you get a chance to talk to my builder?
Did he give you a time line to finish the remaining things and maintenance?

I have to do the letter box , gates and concrete path for clothline and cloth line now as it's nearly 8 months from COU.

Please get back to me .

Thank you
[redacted]
Schedule 2.2(a)(ii)

On Thu, 21 Feb 2019 at 2:18 pm, [redacted] Schedule 2.2(a)(ii)

Hi Natalie,

Thank you for getting back to me . I have seen builder and he attempted to clear the drain with a drainage expert found that it is clogged with construction waste and piece of wood. Now he has to cut the tiled wall and remove the waste from the pipe.

But he hasn't given me a dead line for fixing the drain. Also he has not mentioned about all outstanding fixtures (cloth-line , letter box, weather shield to garage and remaining underlined items in the inclusion list) and final settlement.

Regards

[redacted]
Schedule 2.2(a)

On Thu, Feb 21, 2019 at 1:12 PM Access Canberra Customer Services <accesscanberra@act.gov.au> wrote:

On 15/11/2018 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject

Building/Planning - Water ingress/fit and finish defects - Archibuild Constructions Schedule 2.2(a)(ii)

Message

Response By Email (Natalie) (21/02/2019 01:12 PM)

Good afternoon Schedule

Apologies for the delay in contacting you, I have been on unexpected leave.

I have reviewed the images you have supplied and contacted the builder, although I wasn't able to get through. I will make further attempts tomorrow.

From my assessments it appears the water leaking through the light fitting and the ceiling may be a structural defect. I can suggest you provide a report from a qualified structural engineer outlining the specific issues in regards to this. If structural issues are identified I will escalate your complaint to the Building and Planning Compliance Team for further action and review.

Kind regards,

Natalie | Senior Case Manager | Complaints Management Team Phone 13 22 81 Access Canberra | ACT Government

Incident note

181115-002158

Member of public

Customer

21/02/2019 02:25 PM

Hi Natalie,

Thank you for getting back to me . I have seen builder and he attempted to clear the drain with a drainage expert found that it is clogged with construction waste and pice of wood. Now he has to cut the tiled wall and

remove the waste from the pipe.

But he hasn't given me a dead line for fixing the drain. Aslo he has not mentioned about all outstanding fixtures (cloth-line , letter box, weather shield to garage an remaining underlined items in the inclusion list) and final settlement.

Regards
Schedule 2.2(a)

On 15/11/2018you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and theresponse to your enquiry.

Subject

Building/Planning - Water ingress/fit and finish defects - Archibuild Constructions Schedule 2.2(a)(ii)

Message

Response By Email (Natalie) (21/02/2019 01.12 PM)

Good afternoon Schedule

Apologies for the delay in contacting you, I have been on unexpected leave.

Incident note 181115-002158 Natalie Lawton Staff Account 21/02/2019 01.12 PM

Good afternoon, [redacted]

Apologies for the delay in contacting you, I have been on unexpected leave.

I have reviewed the images you have supplied and contacted the builder, although I wasn't able to get through. I will make further attempts tomorrow.

From my assessments it appears the water leaking through the light fitting and the ceiling may be a structural defect. I can suggest you provide a report from a qualified structural engineer outlining the specific issues in regards to this. If structural issues are identified I will escalate your complaint to the Building and Planning Compliance Team for further action and review.

Kind regards,

Natalie | Senior Case Manager | Complaints Management Team Phone 13 22 81 Access Canberra | ACT Government

Notes 181115-002158 - Phone call Natalie Lawton Called Builder no answer left message. 21/02/2019 01.12 PM

Incident note 181115-002158 Member of public Customer 12/02/2019 02.18 PM

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Thank You
[redacted]

Incident note 181115-002158 Member of public Customer 12/02/2019 02.16 PM

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Thank You
[redacted]

Incident note 181115-002158 Member of public Customer 12/02/2019 02.14 PM

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Thank You
[redacted]

Incident note 181115-002158 Member of public Customer 12/02/2019 02.13 PM

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Thank You
[redacted]

Incident note 181115-002158 Member of public Customer 12/02/2019 02.13 PM

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Thank You
[redacted]

Incident note 181115-002158 Member of public Customer 12/02/2019 02.03 PM

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Thank You
Schedule
6-26-17(1)

Incident note 181115-002158 Member of public Customer 12/02/2019 02.02 PM

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Thank You
Schedule
6-26-17(1)

Incident note 181115-002158 Member of public Customer 12/02/2019 02.02 PM

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Thank You
Schedule
6-26-17(1)

Incident note 181115-002158 Member of public Customer 12/02/2019 02.01 PM

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Thank You
Schedule
6-26-17(1)

Incident note 181115-002158 Member of public Customer 12/02/2019 02.00 PM

Incident: 181115-002158

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Thank You
Schedule
9:26 AM

Incident note 181115-002158 Member of public Customer 12/02/2019 01.59 PM

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Thank You
Schedule
9:26 AM

Incident note 181115-002158 Member of public Customer 12/02/2019 01.59 PM

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Thank You
Schedule
9:26 AM

Incident note 181115-002158 Member of public Customer 12/02/2019 01.57 PM

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Thank You
Schedule
9:26 AM

Incident note	181115-002158	Member of public	Customer	12/02/2019 01.56 PM
			-- Thank You Schedule 02/02/2019	
Incident note	181115-002158	Member of public	Customer	12/02/2019 01.55 PM
			-- Thank You Schedule 02/02/2019	
Incident note	181115-002158	Member of public	Customer	12/02/2019 01.54 PM
			-- Thank You Schedule 02/02/2019	
Incident note	181115-002158	Sheryll Bernsons	Customer Proxy	11/02/2019 11.30 AM
			Customer called today wanting update on this matter. He also mentioned that he will send more additional information for you to have a look at. He will also call you tomorrow.	
Incident note	181115-002158	Natalie Lawton	Staff Account	31/01/2019 11.46 AM
			Good morning Sche Thank you for providing the additional information, although there are a few other documents I require to make an informed assessment of your situation. - Yourcontract with the builder and inclusions list - Photo or video of the water flowing through the roof from the led down light- Any assessments by a third party in respect to the defects Upon receipt of the requested information I can properly assess your case and provide feedback in terms of the next step. Your complaint has been marked as resolved at this stage. When the requested documentation is received it will be reopened for review. Thank you for bringing this matter to our attention. Your time and cooperation is greatly appreciated. Kind Regards, Natalie Senior Case Manager Access Canberra Complaints Management Team www.act.gov.au/accesscbr 132281	
Incident note	181115-002158	Member of public	Customer	28/01/2019 11.47 PM

Hi Natalie,

Please see the attached contract and emails sent to the builder.

i have highlighted(underline) the items that are not completed in the inclusion list and allowance(never used).

The 90 day maintenance report was given with in 30days of receiving COU and given 3 reminder emails.

Main maintenance issue are

1. roof leakage in 3 different areas- 'selected ' is the roofing company - they made multiple contact but never rectified the issues. I have pictures of the water flowing through the roof from the led down light hole to the floor , water dripping from the architrave on the floor caused floor (laminare flooring) damage. water collected and causing damage to the dry wall in the awning.
2. Vanity drain blockage in common bathroom. - drainage tradesman found excess silicon was poured during construction time causing blockage the vanity drainage. e could never used this vanity ever since we moved in to the house. Builder said he will remove it and clear the drainage but never attended to this issue.
3. flooring issues- very next day when they did the flooring its edge started coming up . I requested builder to replace the flooring but only replaced the defected one. Flooring has manufacturing defects and need replacing.
4. water tank leakage- the down pipe from the water tank over flow is broken when the painter did the painting and water was leaking and over flown in to my neighbours pool. Drainage pipe need fixing.
6. External wall cladding has a hole - happened during construction- needs to closed.
7. Internal vanity and external windows also the cover to the gas heater needs sealing.
8. external painting not complete.
9. Not adequate heating or cooling - asper the inclusion list the total AC units should be combined at least 23 KW up to 26 KW. Instead builder installed only one unit heating 13.5kw for the living area and two 2.5 KW (5KW in total) for 2 bed rooms. SO instead of 23 to 26 kw he has installed only 19.5 kw . When we moved in during winter the living room was freezing cold and we all were sick require additional two heater in the living to cope with the cold. When we requested to put additional split system in the living area he told us to install window covering to increase energy efficiency.

remaining items as per inclusion list:

1. cloth line and concrete pathway
2. letter box
3. side gate
4. power pints and lights (2 down light and led strip light) to the kitchen
5. Glass balustrade to the steps from entry to lounge

and final settlement. Builder has agreed for the LD to be paid for the delay.

Hi Access Canberra,

Can you please contact me regarding Reference #:181115-002158.

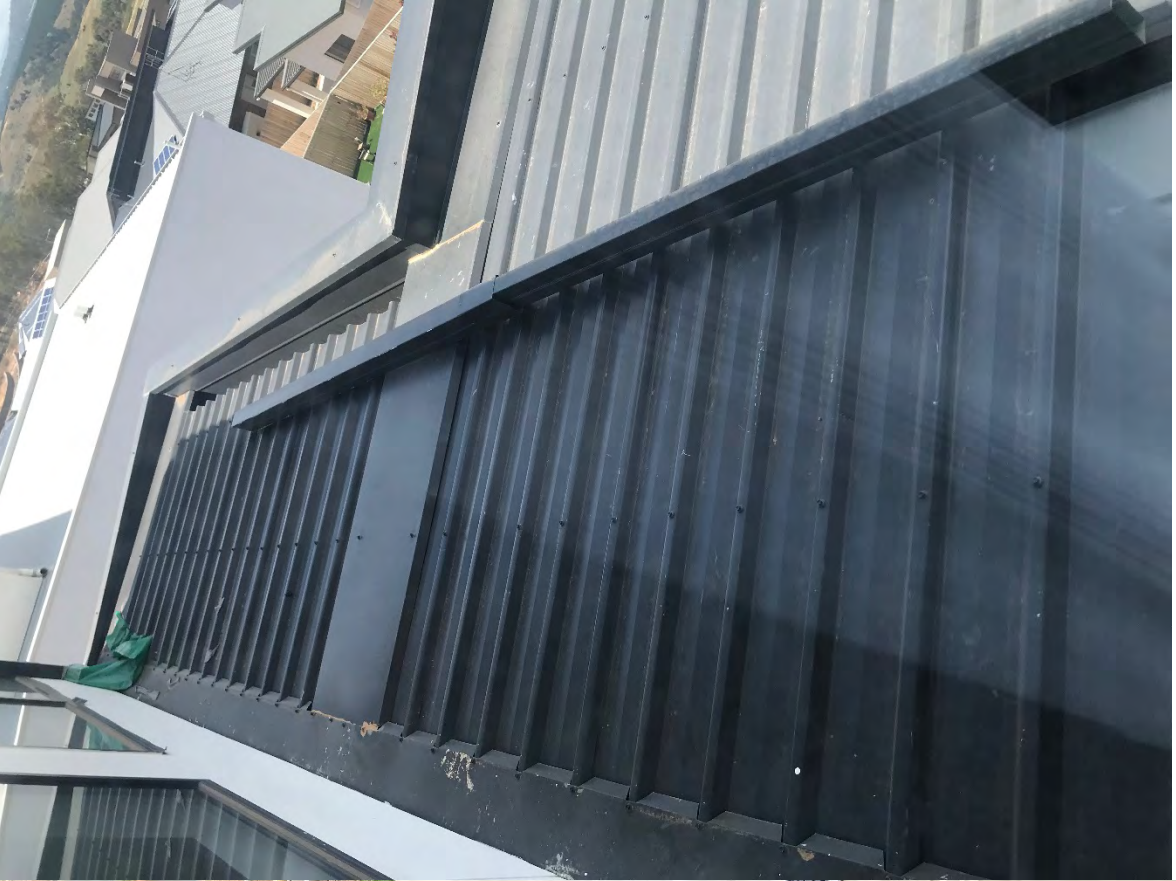
My phone number is **Schedule 2.2(a)(ii)** or email me please .

Incident note	181115-002158	Natalie Lawton	Note	22/01/2019 04.08 PM
			<p>Spoke to [redacted], he advised still a number of out standing defects. He is sending through emails, photos and contract. I advised what our role is and we will attempt to conciliate. He mentioned that the MBA representative contacted the builder and got them to fix some of the defects but not all of them and the MBA representative advised him to get legal advice.</p>	
Incident note	181115-002158	Member of public	Customer	13/01/2019 04.29 AM
			<p>Hi Access Canberra, Can you please contact me regarding Reference #:181115-002158. My phone number is [redacted] or email me please . -- Thank You [redacted] [redacted]</p>	
Incident note	181115-002158	Member of public	Customer	20/12/2018 10.37 AM
			<p>Hi Natalie, This problem is not resolved. I was advised that a case manager will be appointed with in 10 business days to intervene and resolve my issues. I have made multiple request to builder with no reply. So can you please advise me what should I do to resolve this issues? The contact is signed during [redacted] and still things are pending as per the contract. I have approached MBA and a senior MBA representative tried to intervene but his attempt was futile as the builders response was low. Finally he has advised me to go with a lawyer. Now I have to spend thousands for a lawyer. I would imagine there is government system or process in place in this capital city to protect the consumer. So I have contacted access Canberra. I will sent you my email correspondence and contract and if you could intervene with my builder for completion of house and final settlement will be appreciated. Thank you [redacted] [redacted] [redacted]</p>	

Notes	181115-002158 - Reason for not including business	Natalie Lawton	Unable to determine business due to lack of evidence	20/12/2018 10.26 AM
Incident note	181115-002158	Natalie Lawton	<p>Staff Account Good morning [redacted], Thank you for contacting Access Canberra. Under Australian Consumer Law there is a guarantee that goods are of an acceptable quality. If this guarantee is not met, the trader is obligated to provide a remedy in the form of a repair, replacement or refund. If you feel your rights have been negated, it is recommended in the first instance to write a formal letter of demand addressed to the trader clearly stating your matter and what you would accept as a remedy. The ACCC has a complaint letter tool located on their website via the following link: www.accc.gov.au. If the matter remains unresolved please supply your letter of demand, the response received from the trader, any purchase documentation and any other relevant correspondence you have had to date. Your complaint has been marked as resolved at this stage. When the requested documentation is received it will be reopened for review. Thank you for bringing this matter to our attention. I will be on leave over the Christmas and New Year shutdown from 4.30pm, Monday 24 December 2018 and return on Tuesday 15 of January.</p> <p>Kind regards Natalie SeniorCase Manager Access Canberra Complaints Management Team www.accesscanberra.act.gov.au 13 22 81</p>	20/12/2018 10.22 AM
Incident note	181115-002158	Member of public	<p>Customer Paid money as per the contract full amount and essential structure are not built and lot of other construction things are pending and 90 days maintainace period ended and maintain everything and issues are not attended.</p> <p>Schedule 2.2(a)(ii) [redacted]) and she need to use the vanity with out climbing stairs and vanity is been blocked with silicon during construction time and builder has not fixed this issue yet.</p> <p>Yards are not secure and I have [redacted] old other day ran out in to the main road while playing. Builder delayed the process by saying he will fix the gate only after I do the fence. Now the fence is been completed for months and Gate installation pending.</p> <p>All the money is been paid upfront. Otherwise I would have done this.</p> <p>Please give as some assistant to resolve this issue.</p> <p>[redacted] k you [redacted]</p>	15/11/2018 06.44 PM


















Outcomes by case with incidents

Outcome/action type	Actions taken	Created By	Text	Date time of action
Notes	investigation finalised	Bojan Sekara	No further investigation required. Case closed.	15/03/2019 03.34 PM
Notes	Response to complainant	Bojan Sekara	<p>Schedule 2.2(a)(ii)</p>  <p>Thank you bringing this matter to the attention of Access Canberra. If you notice any further potentially non-compliant building and planning activities on the block, please do not hesitate to contact us.</p> <p>I hope the above information is of assistance.</p> <p>Kind Regards,</p> <p>Bojan Sekara Regulatory Response Team Phone: 02 6207 1170 Email: rrt@act.gov.au Access Canberra Chief Minister Treasury and Economic Development Directorate ACT Government GPO Box 158, Canberra, ACT, 2601 www.act.gov.au/accessCBR</p>	15/03/2019 03.34 PM
Notes	190206-001467 - DLT - BPC	Nancy Nasr	No Value	25/02/2019 02.41 PM
Notes	190206-001467 - E-Development	Billy Cross	Matter involves a DA exempt residence and garage which is approved and has commenced. Schedule 2.2(a)(ii)	19/02/2019 02.38 PM
Notes	190206-001467 - Cat 2	Billy Cross	Matter involves non-compliance with DA Exempt approved plans. SME preliminary investigation required.	19/02/2019 02.38 PM
Incident note	190206-001467	Sheryll Bernsons	<p>Customer Proxy</p> <p>Schedule 2.2(a)(ii)</p>  <p>Hi ACTPLA,</p> <p>Schedule 2.2(a)(ii)</p>  <p>I have attached few photos for your reference. I like to know that they have complied with the building code and the approvals are obtained.</p> <p>If you require any further information for conducting this investigation, please let me know.</p> <p>My contact details are below</p>	06/02/2019 02.28 PM

Schedule 2.2(a)(ii)

[Redacted]

Incident note 190206-001467 Sheryll Bernsons Note 06/02/2019 02.28 PM

From: EPD, Customer Services
Sent: Wednesday, 6 February 2019 11:51 AM
To: AccessCanberraCMT <AccessCanberraCMT@act.gov.au>
Subject: FW: Compliant - Building envelope for construction a [Redacted]

FYI

Incident note 190206-001467 Billy Cross Staff Account 19/02/2019 02.38 PM

Good Afternoon [Redacted]

Thank you for bringing this to our attention.

The matter has been forwarded to the relevant line area, and you will be contacted in due course.

Kind Regards,

Billy | Senior Case Manager Access Canberra | Complaints Management Team www.act.gov.au/accesscbr | 132281

Incident note 190206-001467 Bojan Sekara Staff Account 15/03/2019 03.32 PM

Dear [Redacted],

Thank you for contacting Access Canberra (AC) to raise your concerns in relation to the activities at [Redacted] (block) and for taking your time to discuss your concerns further.

Schedule 2.2(a)(ii)

[Redacted]

Thank you bringing this matter to the attention of Access Canberra. If you notice any further potentially non-compliant building and planning activities on the block, please do not hesitate to contact us.

I hope the above information is of assistance.

Kind Regards,

Bojan Sekara | Regulatory Response Team
Phone: 02 6207 1170 | Email: rrt@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra, ACT, 2601 | www.act.gov.au/accessCBR



Controlled Activity or Construction Occupations Complaint - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

06 Feb 2019 11:14:04 AM

Y3VWZV

Access Canberra

PO Box 158
Canberra City ACT 2601

Phone: 02 6207 1923

Lease/site details - subject of the complaint

Suburb *

Section *

Block *

Unit

Floor

Schedule 2.2(a)(ii)

Address line 1 *

Schedule 2.2(a)(ii)

Address line 2

Suburb *

State

Postcode *

Schedule 2.2(a)(ii)

Applicant details

Title	Given name *	Family name *
Schedule 2.2(a)(ii)		

Postal address

Address line 1 *

Address line 2

Suburb *	State *	Postcode *
Schedule 2.2(a)(ii)		

Enter at least one phone number: *

Home phone number	Work phone number	Mobile number
<input type="text"/>	<input type="text"/>	Schedule

Email address *

Complaint details

Complaint type *

Unlawful development:

- Development without approval
- Development not in accordance with an approval

Breach of lease

- Unclean leasehold
- Unlawful use

Construction work

- Building
- Electrical
- Plumbing
- Gas

Licensee

- Unlicensed
- Licence breach
- Building certifier
- Works assessor

Complaint details

Provide a full description of your complaint *

Schedule 2.2(a)(ii)


Additional evidence, e.g. photographs, plans, reports

Applicant acknowledgement

I, **Schedule 2.2(a)(ii)** acknowledge:

- I have read and understood the details outlined on this form. *
- that this complaint, including the personal information provided on this form, may be referred to another ACT Government agency or ACT Policing for the purpose of investigating the complaint or a breach of another law. *
- that all the information given on this form and its attachments is true and correct. *

Outcomes by case with incidents

Outcome/action type	Actions taken	Created By	Text	Date time of action
Incident note	190812-002460	Member of public	<p>Customer Hi</p> <p>We have structural problems with our property that has caused serious water damage to our house as result of the recent Canberra storms.</p> <p>A year ago we completed our contract with our builder Archibuilding and move into our property. We have had many issues with the quality of the material and tradiesman used and the general integrity of the builder during and after building and managed but the water damage is so far the more serious problem.</p> <p>Our experience has been that he ignores our calls and emails. Thus we are making this complaint. We not in a financial position to fix the damage privately or hire a private lawyer to pursue the builder. We don't know the extent of the structural problem, however we have many photos and videos to show the problem we have had since 8 August 2019 storms. This is an emergency and we need the water damaged fixed as it can cause other serious issues, we currently can't occupy that section of the house and have had furniture damaged as result.</p> <p>Please let us know how our complaint can help us get the water damage fixed?</p> <p>Happy to be contacted via my email or mobile provided below in the complaint form. Thank you :)</p>	12/08/2019 04.38 PM
Incident note	190812-002460	Administrator -	<p>Note Administrator forwarded this Enquiry to buildingcounter@act.gov.au</p> <p>Forward to SME via External Event</p>	12/08/2019 04.38 PM
Incident note	190812-002460	Subject Matter Expert	<p>Note Updated by SME (buildingcounter@act.gov.au)</p> <p>Good morning,</p> <p>Please forward this complaint to the Complaints Management Team so that they can investigate the issue further.</p> <p>Regards, Building Counter</p>	13/08/2019 11.27 AM
Incident note	190812-002460	Bree Lyons	<p>Note</p> <p>Customer called requesting update. Advised CM will respond within 10 working days.</p>	20/08/2019 01.08 PM
Incident note	190812-002460	Anna Smolic	<p>Staff Account</p> <p>Good morning </p> <p>Thank you for contacting Access Canberra.</p> <p>Under Australian Consumer Law there is a guarantee as to acceptable quality – Section 54. If this guarantee is not met, the trader is obligated to provide a remedy in the form of a repair, replacement or refund. If you feel your rights have been negated, it is recommended in the first instance to write a formal letter of demand addressed to the trader clearly stating your matter and what you would accept as a remedy. The ACCC has a complaint letter tool located on their website via the following link: www.accc.gov.au.</p> <p>If the matter remains unresolved please supply your letter of demand, the response received from the trader, any purchase documentation and any other relevant correspondence you have had to date.</p> <p>Your complaint has been marked as resolved at this stage. When the requested documentation is received it will be reopened for review. Thank you for bringing this matter to our attention.</p> <p>Kind Regards,</p> <p>Anna Case Manager Access Canberra Complaints Management Team www.act.gov.au/accesscbr 132281</p>	26/08/2019 08.51 AM
Incident note	190812-002460	Tara Sanderson	<p>Note</p> <p>Customer called to request update, I notified her that an email was sent this morning. Customer advised that she will read through email and either respond to email or call back.</p>	26/08/2019 12.39 PM



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-270



FREEDOM OF INFORMATION REQUEST – SECTION 36 DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 2 December 2019 (Initial Request), in which you sought access to:

“Details of any complaints, demerit points or notices issued in relation to Archibuild Constructions Group Pty Ltd and any affiliates as well as any complaints held in relation to Hatem Abukwaik (AKA Tim Kwaik and Hatem Kwaik). Builder licence number 2014565 ACN 169 046 422”.

On 17 January 2020, a decision was made in respect of the initial request. Twelve documents were determined to be held by CMTEDD and within the scope of your request. Partial access was granted to 11 documents and full access was granted to one document.

On 20 January 2020, you requested an additional document search be conducted by CMTEDD to confirm that all documents held in relation to your request had been identified as you believed that there were other documents in CMTEDD’s possession.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act. This decision is made pursuant to section 36 of the Act.

Decision on access

A subsequent document search was conducted with six additional documents being located. I have included as **Attachment A** to this letter a schedule which outlines the relevant documents. This schedule provides a description of these documents that fall within the scope of your request and the access decision for each document.

Of these six documents located, four documents have been provided to you outside the Freedom of Information process as they are documents that are already available to you. The remaining two documents will be released to you in full and are at **Attachment B** to this letter.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log three days after the date of my decision. Your personal contact details will not be published. You may view the CMTEDD disclosure log at: <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) by the Ombudsman, you may apply to the ACAT for a review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740 <http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely



Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

5 February 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Seeking further documents to what has been released on 17 January 2020	CMTEDDFOI 2019-270 (Section 36)

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-35	Email - RE: [REDACTED] Site pics	18 Sep 2019	Full release	N/A	Yes
2	36	Email – internal comms between CMT	29 Oct 2019	Full release	N/A	Yes
3		Complaint lodged by applicant	Various	Full release	Provided outside FOI process	No
4		Email - Re: [REDACTED]	24 Sep 2019	Full release	Provided outside FOI process	No
5		Email - Photos	3 Oct 2019	Full release	Provided outside FOI process	No
6		Email - FW: [REDACTED]	25 Oct 2019	Full release	Provided outside FOI process	No
Total No of Docs						
6						

From: Zarak, Marko
Sent: Tuesday, 21 January 2020 8:13 PM
Subject: [REDACTED]

From: [REDACTED]@cbscanberra.com.au>
Sent: Wednesday, September 18, 2019 1:12:42 PM
To: Zarak, Marko <Marko.Zarak@act.gov.au>
Subject: RE: [REDACTED]

Hi Marko
Thanks for the photos.
We have served a stop work notice on the builder and confirmed the builder has received the notice.
I have had a discussion with owner.
I will be carrying out an inspection this afternoon.

Regards

[REDACTED]
Principal Building Surveyor
Certified Building Solutions Pty Ltd
[REDACTED]@cbscanberra.com.au

From: Zarak, Marko [mailto:Marko.Zarak@act.gov.au]
Sent: Wednesday, 18 September 2019 12:55 PM
To: [REDACTED]
Subject: FW: [REDACTED]

Hi [REDACTED]

As discussed over the phone
A few pictures for you to consider in relation to some observation of the construction as it currently stands

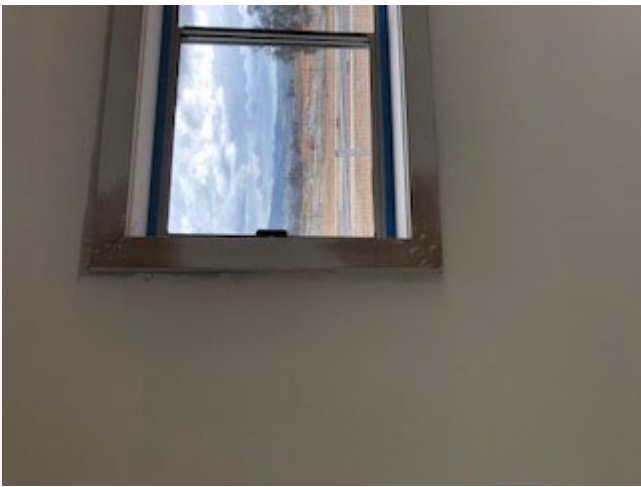
Happy to discuss the owners concerns
Happy to also discuss a way forward
You may need to zoom in a little to see the detail

Thanks Marko

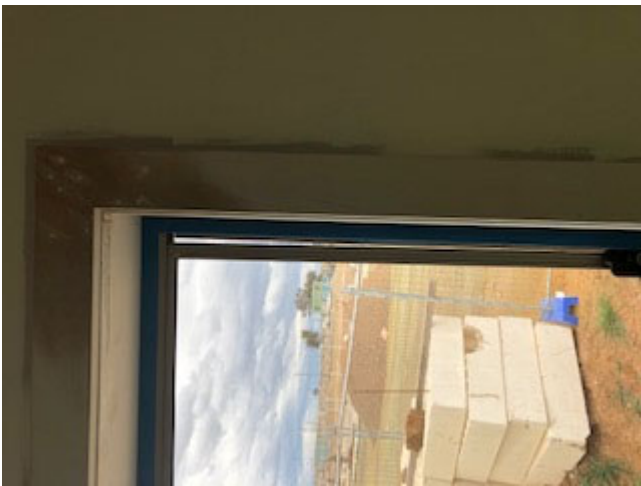
From: Marko Zarak
Sent: Monday, 16 September 2019 3:21 PM
To: Zarak, Marko <Marko.Zarak@act.gov.au>
Subject: Site pics

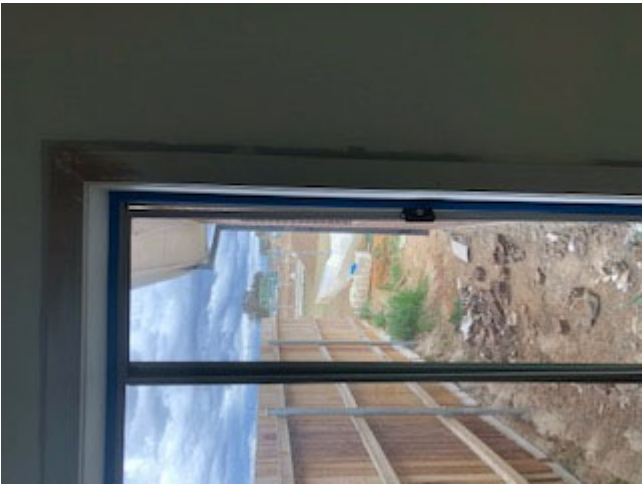


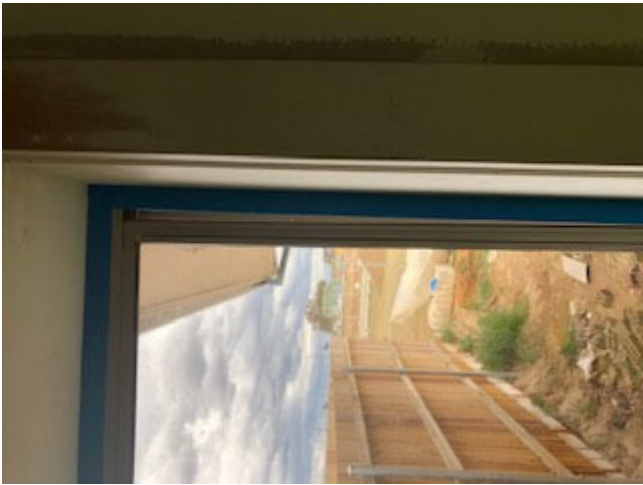
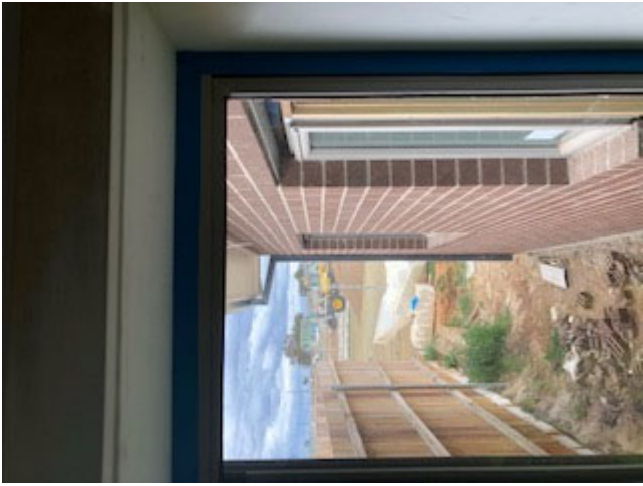
DPC /Termite ?



Window squareness alinement







The wall above is retaining 400mm adjoining allotment

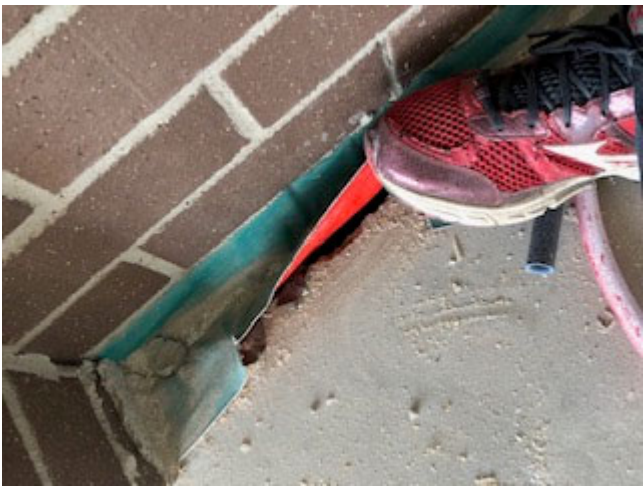


Garage Pier



Garage with step down, cavity with engaged piers

Didn't check width to height of wall for the engaged piers



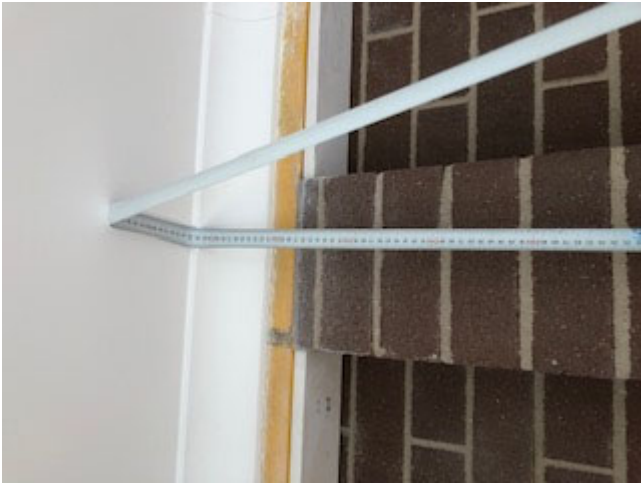


front garage wall RHS



Garage ceiling height





Is the render the performance for the weather proofing of the building

If so how is condensation been dealt with ?



weep holes different heights front LHS window DPC termite system ?



Not sure what the cavity is in the wall ?





front facade failing



Changes to garage window ?



Compaction and coverage of reio ?



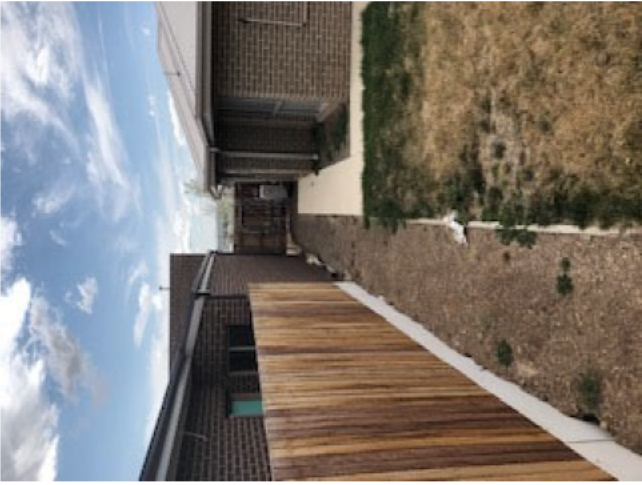
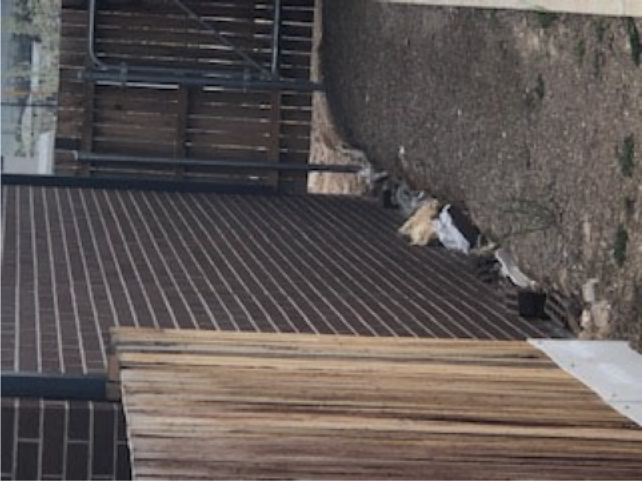
alfresco

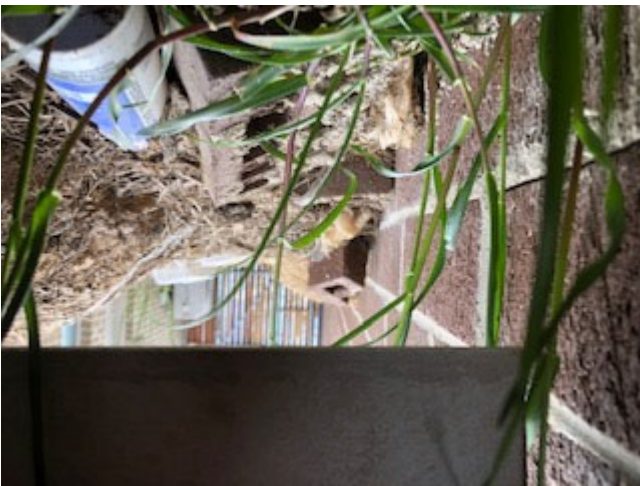


Exposed reio

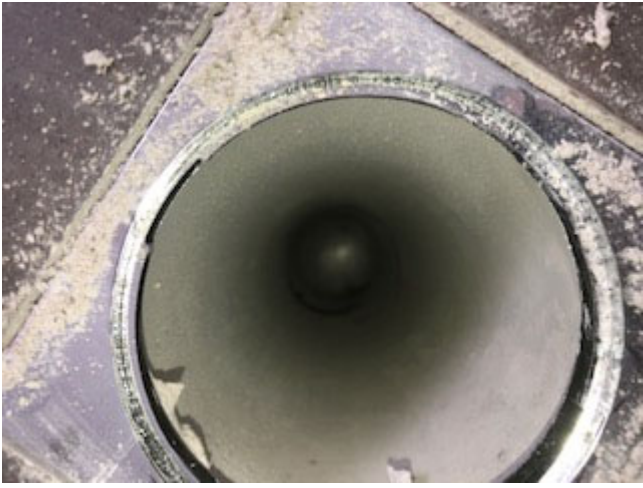


retaining wall 0 setback not back filled yet



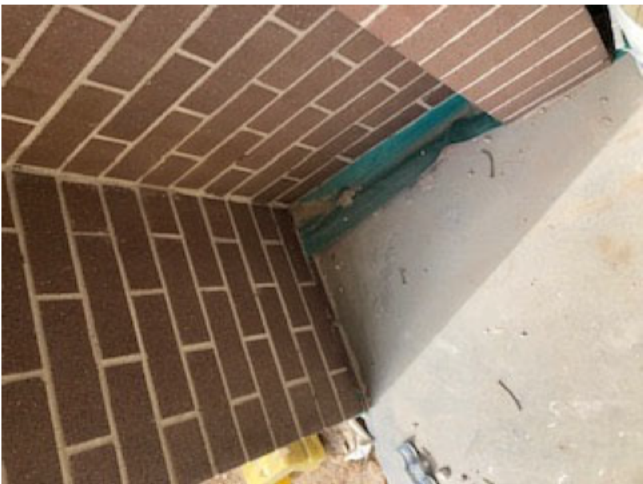


plumbing concerns and design I will follow up with plumbing



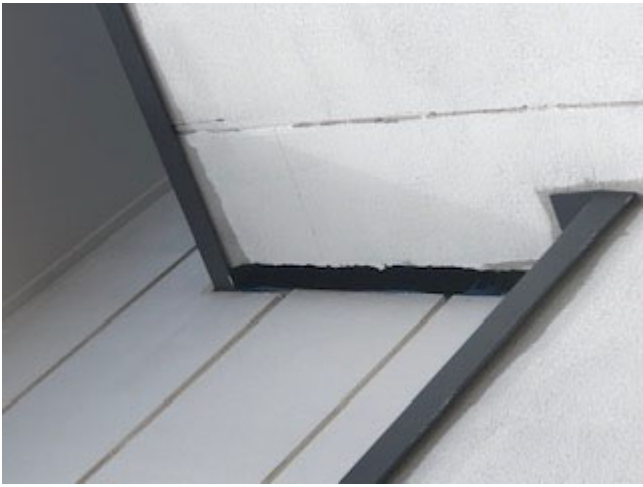


Opening and wall heights









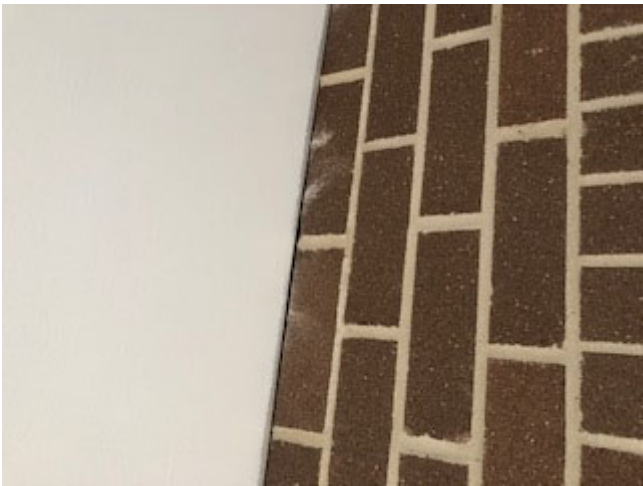




Weep holes ?



ceiling alfresco



WPC Termite ?







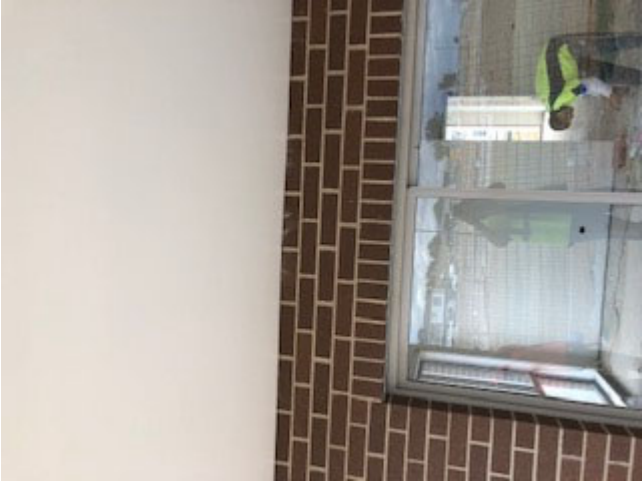






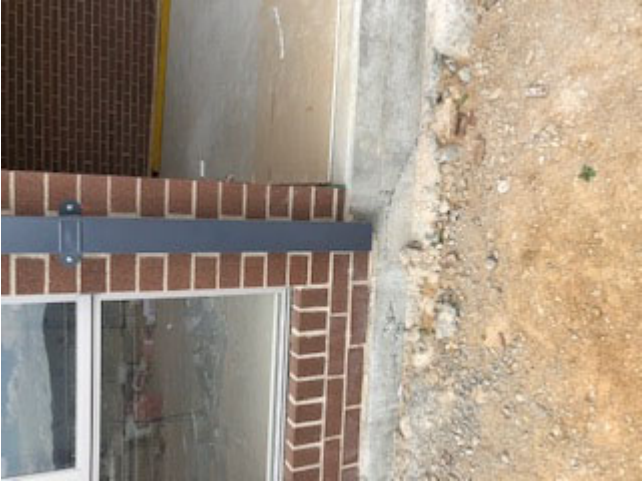






storm water design system?







From: [Marshall, Leoni](#)
To: [AccessCanberraCMT](#)
Subject: RE: Re: DLT request for case 14408
Date: Tuesday, 29 October 2019 3:07:00 PM
Attachments: [image001.jpg](#)

UNCLASSIFIED

Thank you

From: AccessCanberraCMT <AccessCanberraCMT@act.gov.au>
Sent: Tuesday, 29 October 2019 3:02 PM
To: Marshall, Leoni <Leoni.Marshall@act.gov.au>
Subject: RE: Re: DLT request for case 14408

UNCLASSIFIED

Thank you.
This case has been escalated to Building and Planning
Will

From: Marshall, Leoni <Leoni.Marshall@act.gov.au>
Sent: Tuesday, 29 October 2019 2:49 PM
To: AccessCanberraCMT <AccessCanberraCMT@act.gov.au>
Cc: Mundy, WilliamJ <WilliamJ.Mundy@act.gov.au>
Subject: Re: DLT request for case 14408

UNCLASSIFIED

Hi

As discussed, with James and Will, the above case has been re-categorised as Cat 2 for DLT to RRT. Additional information has been provided by the complainant that indicates the builder is not complying with certifiers instructions to rectify non-compliant works.

Kind regards

Leoni Marshall | A/g Senior Case Manager

Phone: 02 6207 0092 | e: leoni.marshall@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR

