

Submission

No 28

INQUIRY INTO THE OPERATIONS OF THE HOME BUILDING SERVICE

Organisation:

Name: Ms Dilber Salih

Telephone:

Date Received: 15/11/2006

Subject:

Summary

This submission has been kept partially confidential by resolution of the Committee.

We make this solemn declaration by virtue of the Statutory Declarations Act 1959 as amended and subjects to the penalties provided by that Act for the making of false statements in Statutory declarations, conscientiously believing the statements contained in this declaration to be true.

Signature of person Dilber Salih

Making declarations DILBER SALIH.

Declared at Sydney

On this 14 day of November Two thousand and six.

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SUBMISSION

General Purpose Standing Committee No.4

NAME: Dilber Salih

Statutory Declaration.

I Dilber Salih, of _____ do solemnly swear and sincerely declare the following statements are true and I am happy to give further sworn evidence orally answering any questions the committee may ask:

My parents Ekrem Salih and Gulsun Salih engaged _____) in August 1997 to prepare plans for a two storey dwelling full brick/concrete construction.

Mr brother Bullent was introduced by a friend to _____ saying that he was a qualified builder.

In August 1998, my parents and brother decided to speak to _____ and asked him to come to our house. We asked him - What projects have you worked on? _____ advised us that he had completed a lot of private buildings and said he was working now on several townhouse/villa site at Castle Hill; _____ gave my brother the address to visit the site. My mother Mrs Salih and my brother Bullent visited the site to see the workmanship of these townhouse/villas. As far as we knew the site was being built by _____ we did not search further.

We decided to accept the quote made by _____ came at the signing of the agreement, until this time we had not met _____

My elderly parents of ethnic background not mastering the English language trusted implicitly the licensed Builders believing if they have a licence they can build. Mr Salih's 23 year superannuation payout from Kellogg's funded their dream home, which turned sour.

On 1/11/98, we decided to sign the Contract, our quote was \$340,000 and completion date was advised for six (6) months.

My parents trusted the Builders and believed ability and skills as licenced Builders that they will complete our dream home according to the Acts and Regulations. This was not so, our dream had turned into a nightmare.

TERMS OF REFERENCE

a) The Builder Licensing System

Mr and Mrs Salih on 1/11/1998 signed a Building Contract with _____ to build a two storey full brick home for \$250,000 and on 11/5/1999 the Contract price amended to \$340,000.
(Refer to attachment #1)

My parents trusted implicitly that having a licence these Builders (_____) had the qualifications, practical experience and had the knowledge to build as required by the Local Government Act 1993 as per Conditions of Council Consent.

My parents were not aware of their rights and entitlement and they had to rely completely in the licence of these Builders

Furthermore, after 3 years of suffering a neighbour referred us a Consumer Group (BARG). Irene from BARG advised us how to search and check the licence of the builder, we were shocked of what we had found out.

Please note my searches to date have revealed the following:

_____ was not licenced at the time the Contract was signed; and was not licenced until 14 May 2002. (attachment #2)

_____ is a partnership that is NOT licensed, the licence no _____ which was recorded on the Contract is the individual licence of _____. All letterheads and invoices issued by _____ are misleading and deceptive as the licence printed next to _____ does not belong to _____ and bears the individual licence of _____.

During the CTTT proceedings we were advised to summons the OFT file of _____ and _____. The documents revealed further improper and misleading conduct, which is of great concern and very devastating.

PLEASE NOTE:

Copy of the original licence application file was obtained from OFT/HBS

1. Application for contractor's Licence was lodged on 08/04/95 by _____
Qualification stated: Associated Diploma of Applied Science:

NB: the document attached as reference of his qualifications demonstrates that:-

It is NOT A Diploma nor a Certificate
It is only a "Transcript of Academic Record" dated 22 December 1994

did not attached to his application the original or certified copy verifying by a Justice of the Peace of his Diploma as required by Home Building Services information guide go back to obtain a Diploma.

2. Statement of Practical Experience - Reference

- a) 19/04/1995 certify as foreman from January 1994 to August 1994 - **7 months**
- b) 08/04/1995 - Foreman from September 1993 to February 1995 - **5 months**
- c) worked with letter 04/04/1995 stating:- "No period of time of his employment is stated....?"
- d) - 01/06/1995 - Foreman from 01/08/1995 to 25/02/1995 - **7 months**

TOTAL: of Pratical Experience = **19 MONTHS**

Two years FULL-TIME acceptable practical experience in residential building industry is the requirement (if one has indeed the Diploma)

3. Regulators check SHEET states:

Acceptable Qualifications - ASS. Diploma of Applied Science
Building EXPERIENCE - 2 years

Result ORAL Assessment PASS - Recommends Building contracts to \$150,000;
Licence was issued to on 01/06/1995 ignoring that the attachments did not meet standard requirements.

Consequence - our house built by is for demolition. licence was cancelled for a period of 3 years for another consumer's complaint. Notice of Show Caused (2003) was issued, by the Office of Fair Trading where licence was cancelled.

In the Office of Fair Trading ,the Adminstrator advised that a quote was signed by - the licence on the letterhead is that of not of The Contract shows ' and the builder's licence number as The member stated s conduct has raised significant concerns with regards to his fitness to hold a Licence." **Again** this is individual licence number.

and : were prosecuted "In the New South Wales Administrative Decision Tribunal v Commissioner of Fair Trading (NSW) NSWADT : (2003) and i v Commissioner of Fair Trading (NSW) NSWADT (2005).
(Refer attachment 3)

PLEASE NOTE

was issued on 03 August 1998.

The OFT/HBS does not check thoroughly Reference for Practical Work Experience

The OFT provided a licence to _____ despite the practical work experience reference attached to his licence application was not legitimate.

The true facts in relation to _____ supported by documentation evidence are:

i) On the 3/8/98 the OFT granted _____ without checking thoroughly whether his reference was legitimate.

ii) The practical work experience reference dated 19.5.98 attached to his application was signed by _____ letterhead displaying builders licence number _____ which was NOT the licence number of _____ it was the individual licence of _____ who is _____ brother.

_____ knowingly and willingly mislead and deceived the OFT by printing his own individual licence on a _____ letterhead providing illegitimate reference for his brother.

_____ and _____ both signed a Statutory Declaration declaring "that the information contained in and attached to this application is complete and true to the best of my knowledge". Please note that there is a maximum penalty of \$1000 for making a statement and/or supplying false and misleading documentation that is attached to the application. (Refer attachment 4).