

**Supplementary  
Submission  
No 21a**

**INQUIRY INTO INQUIRY INTO THE OPERATIONS OF  
THE HOME BUILDING SERVICE**

**Organisation:**

**Name:** Ms Luisa Berg

**Telephone:**

**Date received:** 5/12/2006

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

Luisa Berg: Addendum to submission of 7 Nov 2006

## NSW Legislative Council's Inquiry GPSC No.4

### a) The Builder Licensing system

Further to my submission dated 7 November 2006, I would like to clarify the position with respect to my Builder and his licences, which demonstrate that the licensing system does not adequately address builders' non compliance with the responsibilities attached to their licences.

At the time I entered into a contract with \_\_\_\_\_ on 15 January 2001, my search of the OFT builder's License did not alert me to the builder's previous Corporate name, history and warning as shown in the 1991 Builder's Licence Register, as I had no access to that information.

From my present searches of the Builders Register, I understand that in 1991, \_\_\_\_\_ was the building Supervisor of \_\_\_\_\_. When that Company went into Liquidation in November 1991, he took over its management while also having a builder's Licence in the name of \_\_\_\_\_ of which he is the sole Director.

In my contract with \_\_\_\_\_, \_\_\_\_\_ is the nominated Supervisor for \_\_\_\_\_ as well as its sole Director and professional Engineer and Designer.

When I entered into the home building contract with \_\_\_\_\_ in January 2001, I was unaware that Mr. \_\_\_\_\_ Contractor's licence was subject to a condition. That condition was that the Licence was "Only for contracts not requiring Home Warranty Insurance".

\_\_\_\_\_'s contract with me was therefore in breach of the condition of Mr. \_\_\_\_\_ licence. Had I known that \_\_\_\_\_'s licence had this condition, I would not have entered into a contract with \_\_\_\_\_.

As sole Director of \_\_\_\_\_, Mr. \_\_\_\_\_ is responsible for the Company's actions. It appears that until I lodged my complaint with the Home Building Service (HBS) against Mr. \_\_\_\_\_ licences as a builder and supervisor on 5 Nov 2004, neither Strategic Claims Solutions (SCS), which has had my claim since 24 March 2002, nor BIG Corp had investigated Mr. \_\_\_\_\_ licences.

Because SCS and BIG Corp appeared to have been unaware of the status of Mr. \_\_\_\_\_ licences they accepted his claims about his level of competence. This meant that for most of the time Mr. \_\_\_\_\_ was able to assert his claim to have the approved skill and competence as a Home Builder and Certifier of the work to the SCS and BIG Corp. Thus my house is

not adequately certified. It took 17 months of investigation for my complaint to be proven and for the builder and Supervisor to be fined on 26 April 2006, for a total of \$ 17,500. Then, it took another 6 months for the warnings "not to contract with the Licencees" to be put on the licences after Mr. did not pay the fines. Currently, Mr. has succeeded in obtaining a stay of proceedings from the Administrative Decisions Tribunal by challenging the imposition of the fines on the grounds that:

1. Both his Company and himself have been inconvenienced by the proceedings.
2. There is evidence to suggest that the Monetary Penalty was unfair.

This stay of proceedings resulted in the removal of the warnings and notices of fines from the Register of builders' licences. The end result is that, to my dismay, consumers enquiring about the status of Mr. licences are placed at risk by the representation that the Licencees have not had fines and warnings placed against their records. Consumers need to rely on the licensing system to provide them with accurate information for their choice of a good builder. My "attachments marked Nos "1-11" of searches of the Licence Register available to me show :

1. *Supervisor's licence Nos. . . . . and . . . . . in the names of . . . . . and . . . . . respectively, have been clear of warnings and records of fines since 1991, except for the notation that the Building Services Corporation/OFT approved and paid 2 statutory claims.*
2. *The historical records have been sanitized as detailed in pages 3-7 of this addenda*

My recent representations to the HBS for the Register of Mr. Licencees to include a notation that an application against the fines is before the Administrative Decisions Tribunal has yet to be considered. Since then, the current licences as indicated in the attached searches of the records of the Licence Register dated 30.11.2006 do not alert to the historical records of Mr. and . . . . . I believe this is misleading consumers.

*Historical Record of Licences held by Mr.*

A.

<b>Contractor's Licence Number</b>	<b>Name</b>	<b>Period of licence</b>	<b>Status of licence</b>
No. (Attachment 1)	;	14.11.84 to 13.11.91	Expired. Warning removed & former status of liquidation removed
No. (Attachment 2)		14.11.84 to 13.11.91	Expired, Warning: "do not contract with this licensee".
No. (Attachment 3)		8.9.76 to 24.12.92	De-registered.