

Media Release

Contact: **Immacolata Bollella**
Phone: 8204 9512

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Substandard Builder Banned

The District Court today suspended Joseph Sommariva's building work contractors licence for 5 years and prohibited him from being a director of a body corporate that is a building work contractor until further order. Sommariva Constructions Pty Ltd of which Sommariva is the director, has been permanently disqualified from holding a building work contractor licence and fined \$5000. Albert Sommariva Pty Ltd, which Sommariva is also the director, was fined \$2500 and its building work contractor's licence suspended for a period of 5 years.

Sommariva Constructions Pty Ltd failed to complete the construction of a house leaving the consumer with a bill in excess of \$100,000 to rectify and complete the building work. The company carried out the building work for three homes when there were no policies of indemnity insurance in place in the company name.

Albert Sommariva Pty Ltd also carried out building work when no policy of indemnity insurance had been taken out.

Office of Consumer Business Affairs (OCBA) action was taken against Mr Sommariva as he was the director of the companies and also undertook building work on his own behalf when there was no policy of indemnity insurance in place.

Some subcontracted tradespeople on one job refused to complete work on the house after Sommariva failed to pay them.

Commissioner for Consumer Affairs, Mark Bodycoat said that Sommariva Constructions Pty Ltd had been contracted to build three homes while unlicensed, failed to take out indemnity insurance in the company name, left one job before building work was completed and carried out faulty work on two of the dwellings.

In its decision the District Court presided over by Judge Clayton said that Sommariva demonstrated a complete disregard for the requirements of the legislation, *Building Work Contractors Act, 1995*. He showed "he did not have the necessary respect for the requirements of the Act."

The Court also said, "The negligent work to which we have referred was the result of carelessness and bad building practices and cannot be excused."

Mr Bodycoat is pleased with the outcome. The evidence highlighted the significance of the case.

"His clients were left in the lurch with shoddy work, an expensive repair bill and no indemnity insurance to claim against. Thankfully the Court has viewed this matter as serious and has penalised Sommariva accordingly," said Mr Bodycoat.

Builders are required under the Building Work Contractors Act 1995 to take out a policy of building indemnity insurance to cover domestic building projects where the work costs over \$12,000 and



Education and Information Services

Level 1 Chesser House
91-97 Grenfell Street
Adelaide SA 5000

GPO Box 1719
Adelaide SA 5001

Telephone (08) 8204 9516
Facsimile (08) 8204 9509
www.ocba.sa.gov.au



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requires council approval. Indemnity insurance protects consumers if a builder becomes bankrupt, dies or disappears during construction or within the 5-year warranty period.

The Court ordered that Sommariva be required to attend and complete a supervisors course to ensure he meets the required standards to supervise building work and failure to do so by 31 December 2005 will result in the suspension of Mr Sommariva's building work supervisors' registration.

Sommariva Construction Pty Ltd was found to have undertaken substandard building work including:

- Non compliant work in the roof space;
- Oversight in brickwork with a boundary wall alignment;
- Inadequate draining set down in wet areas;
- Cracks under a window sill where a nominated control joint was not included.

Mr Bodycoat said, "People should always check that a builder is qualified, appropriately licensed and has taken out building indemnity insurance prior to the commencement of building work. This case highlights the risks of what can go wrong and how expensive the repair bill can be."

Consumers who have concerns about builders or building work can contact the Office of Consumer and Business Affairs on (08) 8204 9777, or visit www.ocba.sa.gov.au to check the Licensing Public Register and ensure that a particular builder or tradesperson is appropriately licensed.