

Friday May 5, 2006

COURT HALTS UNLICENSED BUILDING ACTIVITIES

South Australia's Office for Consumer and Business Affairs has launched successful court action against an unlicensed Elizabeth East building contractor.

The Supreme Court has today granted an injunction against Maurice Desmond Robinson to restrain him from carrying on business as a building work contractor without being licensed.

Consumer Affairs Minister Jennifer Rankine says this is another warning that serious action will be taken if contractors attempt to conduct business while they're unlicensed.

"Faced with Robinson's apparent ongoing failure to act within the applicable law, there was little option but to seek an injunction to protect the public," says Ms Rankine.

"Injunctive orders were necessary to protect consumers from financial loss, poor quality and incomplete building work, and other such detriment."

Robinson is alleged to have continued to carry on business as a building work contractor despite repeated OCBA warnings, and even the institution of prosecution action.

OCBA sought an interim injunction to prevent such conduct from continuing to occur. In granting the injunctions, Judge Withers said:

"The Commissioner's case for interlocutory relief is strong. ... This is a matter where it is appropriate to find that there is a serious question to be tried and that the balance of convenience, particularly having regard to the obligation of the Commissioner to protect the public in his administration of the Fair Trading Act and the Building Work Contractors Act and the strength of his case, favours the granting of an interlocutory injunction."

The Judge ordered that, until further order, Robinson be restrained from:

- Placing any advertisement or directory listing, either personally or through an agent or third party, in any form of media which represents that he is entitled to quote for or perform building work, including the construction of carports and verandas;
- Performing or entering into any agreement to perform, for fee or reward, building work within the meaning of the Building Work Contractors Act 1995, including accepting deposits for building work, personally performing building work, causing building work to be performed or organising or arranging for the performance of building work;

- Holding himself out as being entitled to carry on business as a building work contractor, including providing quotes for building work within the meaning of the Building Work Contractors Act 1995.

The Office of Consumer and Business Affairs is currently taking prosecution action against Mr Robinson.

The Commissioner for Consumer Affairs, Mark Bodycoat, says builders and tradespeople need to understand that the licensing system is in place for consumer protection.

“It contains measures to reduce financial risk and the risk of poor quality work. If they do work which they are not licensed to do then they risk being caught and facing legal action.”

To report unlicensed building activity or substandard work contact OCBA on (08) 8204 9777 or 131 882 for country callers. To verify that a person or company is licensed visit the Licensing Public Register at www.ocba.sa.gov.au

For further details contact Immacolata Bollella – OCBA – on 8204 9512.

For further information contact David Heath on 0422 004 439
