

# Media Release



Government of South Australia

Office of Consumer and  
Business Affairs

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## Builder shows blatant disregard for licensing system

Today in the Adelaide Magistrates Court John Roger McLean was convicted of a number of offences under the *Building Work Contractors Act 1995*. The Office of Consumer and Business Affairs (OCBA) took prosecution action against McLean after he blatantly disregarded the licensing system.

McLean was convicted of 9 offences in total, 1 count of carrying on business as building work contractor when not authorised (for working outside the scope of his licence), 2 counts failing to provide consumers with a certificate of an indemnity insurance policy, 2 counts of failing to provide written contracts and 4 counts of demanding a payment not in accordance with the Act.

McLean was fined a total of \$8,000, plus prosecution costs and victims of crimes levy.

Deputy Commissioner for Consumer Affairs, Euan Miller said, "If they're not licensed to do the work then they are in clear breach of legislation. Trades people are only licensed to do certain work after they have demonstrated they are suitably qualified and capable of doing so."

McLean of Torrens Park was caught out after a number of his clients phoned OCBA all reporting similar experiences. The Commissioner for Consumer Affairs alleged that McLean was paid for building work that he did not complete, that he did not provide his clients with written contracts and asked for more than \$1000 deposit. OCBA's investigation also revealed that McLean had contracted for work that was outside the scope of the authority of his licence.

While McLean did hold a builder's licence it was limited to erection of pergolas and decking, fencing (excluding brick and brush), painting, and general repairs (non-structural). However, McLean also contracted to perform work including constructing a garage enclosure and installing French doors for which he was not licensed.

McLean also failed to take out building indemnity insurance as required by law. Magistrate Anderson said in sentencing Mr McLean that it was up to a person who is licensed to know their obligations to take out indemnity insurance at law. This indemnity insurance provides important protection for consumers if a builder becomes bankrupt, dies or disappears during construction or within the 5-year warranty period.

Whilst it was a number of consumer complaints that revealed McLeans' conduct, for many unlicensed builders and trades people it is regular monitoring by OCBA that uncovers their activity. OCBA conducts random visits to building sites and checks advertisements to detect those working either unlicensed or outside the scope of their licence.

Mr Miller said, "Builders and trades people need to understand that the licensing system is in place for consumer protection. If they do work that they are not licensed to do then they risk being caught and facing court action."

To report unlicensed activity or to verify that a person or company is licensed call 8204 9644 or visit the Licensing Public Register at [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au). To report shoddy building work contact OCBA on (08) 8204 9777 or 131 882 for country callers.