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Title:
Press statement - Builders Licensing

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PRESS STATEMENT: THE PREMIER, MR. DUNSTAN.

SUBJECT: BUILDERS LICENSING.

DATE: 13TH FEBRUARY, 1971.

The great majority of the housing industry supported the Government's position on builders' licensing, the Premier, Mr. Dunstan, said today. He said that all of the organisations connected with the industry agreed to the Bill and supported it when it went through Parliament, but since then the Master Builders' Association has raised a series of carping and ridiculous objections to the regulations under the Act.

"They are trying, in fact, to prevent the Government implementing this Act, which is a major feature of its policy for the protection of home buyers.

"The objections raised by the Master Builders' Association make it quite clear that they have given no thought to safeguarding the public.

"The Government is vitally concerned about protecting home builders and so it wants to ensure that all builders are properly qualified and are financially sound.

On several occasions the Executive of the Master Builders' Association has met with the Premier and Government officials to discuss the Association's complaints.

Mr. Dunstan said "at each meeting the President of the Master Builders' Association stated that he was satisfied with the explanation given by the Government."

"However, when this was mentioned subsequently, the President wrote to the Premier to say that he was speaking for himself and not the Master Builders' Association. "The Master Builders' Association has continued to attack the administration of the Builders Licensing Act claiming, among other things, that the legislation is "an infringement of civil liberties".

The Builders Licensing Board has replied to all the objections raised by the Master Builders' Association and the objections and the answers are set out below.

That protection of the building public, which was the Association's initial objective in putting forward the concept of this legislation can be achieved far more simply and directly and by far less complicated means than those laid down by the regulations.

The forms are complicated, but the Board regards all the information provided as necessary. The forms themselves have been designed to cover both present and future requirements including, for instance, the expectation that in a few years time some formal training will be available for people who desire to enter the building industry as principals.

That certain of the questions being asked in the application forms appear to have no direct relevance to the granting or withholding of a builder's licence.

This objection was directed to the question seeking information on the percentage of work let out to sub-contractors.

This question is very important because it can determine whether adequate supervision by an experienced person will be given. Such supervision is provided where qualified tradesmen or subcontractors become general builders and carry out work principally through sub-contractors. But there have been in the past some people who, with little or no direct experience in the industry, have engaged in construction work entirely through the use of subcontractors, and the Board believes that the operations of some of these sorts of builders have brought the industry into disrepute. It wants to discourage this kind of person from entering the industry in the best interests of the industry itself as well as the public.

That the questions requiring financial information from private companies and individuals are intrusive and unnecessary and have no relevance to the competency of a company or an individual to carry out building work.

Every effort should be made to prevent builders who are in serious financial difficulties from continuing and so it is necessary that enquiries be made into the financial status of all applicants.

The information provided is, of course, completely confidential.

That the personal information being required from individuals, including directors or partners who are not even applying for a licence is an unwarranted invasion of privacy without corresponding benefit to the public.

All that required is two character references and a declaration relating to convictions at the time of first application only. Anybody who has control of building firms must be of good repute; there can be no exceptions.

That the answers to certain questions required to be completed by the regulations may be used as a means of discrimination against those engaged in the industry who were not born in Australia.

There will certainly not be any discrimination against migrants.

That the provision which requires a holder of a builder's licence to furnish the Board on demand with details of the names and addresses of all persons working on his or its behalf is doubtful relevance to the principal purpose of the Act.

This regulation has been inserted purely to assist in ascertaining the true facts in cases of dispute.

That a State Manager has to supply financial details.

The Act makes no provision for a manager's licence as distinct from an individual licence. It provides that the manager of a foreign company and at least one director of a local company must hold an individual licence. Accordingly, the manager or director must comply with all the requirements of holding an individual licence. Although the company concerned may be financially sound, the manager or director concerned is able to use his licence independently of the company, either while still employed or by leaving to set up on his own.

Under these circumstances, such an applicant cannot be treated any differently from anybody else.

That applicants must complete a list of convictions.

It is difficult to see why the Master Builders' Association objects to this question when it accepts the relevancy of questions relating to past bankruptcy. Convictions in the class of embezzlement, fraud and false pretences are just as relevant as bankruptcies.

Each case will be judged entirely on its own merits, with regard to the nature of the offence and when it was committed. The sole object of the Board in seeking this information is to enable it to perform the duties imposed upon it by the Act.

The Association's objections have already been answered three times, twice orally and once by letter, and it is difficult to understand why the Association persists with objections which do not command the support of any other section of the building industry.