

Media Release

September 28, 2017

PENALTY WELCOMED FOR UNLICENSED BUILDER

South Australia's consumer watchdog has welcomed the penalty and compensation totalling more than \$25,000 imposed on an unlicensed builder who took money from two clients for work he never completed, before changing his business name to avoid detection by authorities.

In the Elizabeth Magistrates Court, 28 year old Simon Alan Maylin of Elizabeth Downs admitted to breaches of the *Australian Consumer Law* and the *Building Work Contractors Act*.

The court heard Maylin accepted a payment of \$9120 for paving work that was never begun.

In addition, Maylin had accepted a \$1050 deposit from one client for paving work at their property and failed to start work.

When the client demanded a refund, Maylin falsely claimed his business had been declared bankrupt.

The court was told that while Maylin was under investigation for existing complaints, he changed the name of his business and entered into a contract with another couple for paving work – securing a deposit of \$3850 for which he only did three hours work, during which he damaged a water pipe and attempted to hide the damage.

Maylin was convicted on all counts, fined \$8000 and ordered to repay \$16,086 in compensation along with \$1000 in costs.

“This is a significant penalty that should serve as a deterrent to others who would seek to take money from trusting consumers and then fail to live up to their end of the bargain,” Commissioner for Consumer Affairs Dini Soulio said.

“It is also an unfortunate reminder of why consumers should check to ensure a contractor is licensed before hiring them to perform work.

“No matter how small the job, checking the register can give you peace of mind that the person you're hiring is actually qualified to perform the work.”

Mr Soulio said that before entering into a contract, consumers would be well-advised to either contact Consumer and Business Services or visit the CBS website to learn their rights when it comes to paying a deposit to a contractor.

“For building contracts less than \$20,000, the most a consumer can pay as a deposit is \$1000, and for building contracts worth more than \$20,000, the deposit cannot be more than five per cent of the contract price,” Mr Soulio said.

To check the public register, head to www.cbs.sa.gov.au. For advice on consumer rights, or to report concerns about a contractor, contact CBS on 131 882.