

Dear Mr Fitzgerald

I have already canvassed some issues related to MBA in my comments on the HIA submission of 21/2/03

I am a bit out of date but the MBA national office is owned by the state and regional branch's. Probably still in proportion of some specific formulae as was Associated General Contractors Insurance ,the insurance company they established, fully owned and operated in the late 60's and 70's. That is the insurer they used for the required insurance under Vic legislation

There is no reason to believe that MBA is still not as it was in the 80's and earlier a company limited by guarantee as was the case and still is with the HIA

That is both the HIA and MBA at a national level under corporation law have for practical purposes the same legal structures and operating modus, now as in the past historically

So if the MBA state/ regions owned, operated and had common personnel in the 70's in a captive insurer one would expect a similar arrangement with the Master Builders Insurance Service now a days . That is one would expect , lets call it the federated head office, the MBA to have at director /senior executive level to have direct links to Master Builders Insurance Service [MBIS]

This would be in keeping with past practise which strangely always seems to reflect HIA practise . A company search of all MBA organisation and affiliates I suspect would soon reveal the same tangled web of individuals that Mr Dwyer has f/wd to you re HIA .

Certainly that was the case in the 70's and would still be good business practise today even if one may need to be more circumspect publicly

MBIS if it mirrors the MBA insurance venture in the 70's and I suspect it will ,it is , if not 100% owned , it is certainly substantially owned by the MBA ,which is a pinnacle organisation for the state/regional master builder branches

MBA views on contract, particularly Vic .Certainly contracts form part of the consumer policy framework and there importance cannot be underestimated but this is more a function of a separate consultative process involving consumers and the law reform commission ,either at the federal or state level

Just prior to the Kennett landslide in Vic I was involved in a domestic building contract rewrite undertaken by the Vic Law Reform Commission over which HIA had a copyright lien .I suspect the HIA were happy with the advent of Kennett who immediately closed down the LRC on gaining office

If you are considering any additional recommendations re domestic building contracts then it should be on the basis that the issue of consumer contracts per se be a referral to the C/wealth Law Reform Commission in a broader consumer policy framework

Yours Andris Blums

24/3/08

P.S. In my comments on the HIA submission I referred to the Motor Accident Board , please note that that for many years it has been known and operated as the Transport Accident Commission