



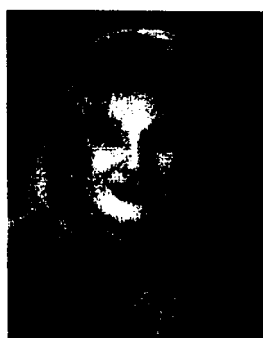
### Biography for COONAN, the Hon. Helen Lloyd

<b>Date</b>	03 October, 2007	<b>Database</b>	Biography
<b>Source</b>	Parliamentary Library	<b>State</b>	NSW
<b>Current MP</b>	Yes		

## COONAN, the Hon. Helen Lloyd

Senator for New South Wales

Liberal Party of Australia



### Parliamentary service

Elected to the Senate for New South Wales, 1996 (term began 1.7.1996) and 2001.

### Ministerial appointments

Minister for Revenue and Assistant Treasurer from 26.11.01 to 18.7.04.

Minister for Communications, Information Technology and the Arts from 18.7.04.

## Welcome from the Hon Joe Hockey MP

Minister Hockey has been the Member for North Sydney since 1996. He was appointed Minister for Financial Services and Regulation in 1998, Minister for Small Business and Tourism in 2001 and Minister for Human Services in 2004. He was appointed the Minister for Employment and Workplace Relations in 2007.

**Joint Media Release  
with John Watkins, NSW Minister for Fair Trading**

**National Review Of Builders Warranty Insurance**

The Minister for Financial Services and Regulation, Joe Hockey and the NSW Minister for Fair Trading, John Watkins, today announced the Ministerial Council on Consumer Affairs had agreed to a review of home builders warranty insurance schemes across Australia.

Consumer Affairs Ministers agreed in July to a national review that would look at improving the operations of compulsory home builders warranty insurance schemes.

Home builders warranty insurance protects home owners from defective or incomplete building work. It is taken out by builders, but covers the work they do on behalf of consumers.

The schemes are run by the States or territories and are all currently different.

"Although the home warranty market now seems to be settling down, it is timely to look at how the schemes can be strengthened to provide greater security for home owners and builders and to encourage more competition in the sector," Minister Watkins said.

"The review will seek to improve consistency and competition and that will mean a better deal for consumers and builders alike."

Minister Hockey said the Commonwealth was not seeking to take over the schemes, but the national nature of the insurance business meant the Federal Government had a facilitation role to play for the States.

The former head of the NSW Treasury, Percy Allan, would conduct the review which was expected to be completed by mid 2002.

The review's Terms of Reference [attached] had been drafted by Mr Watkins.

For inquiries, contact: Neil Power, Ministerial Council on Consumer Affairs, 02 6263 3051.

**4 October 2001**

**Media contact: Matthew Abbott, Minister's office 0413 076 213**



### ***New Model for Builders' Warranty Insurance in NSW/Victoria***

1. The threshold for compulsory home warranty insurance will be raised to \$12,000.
2. The minimum period of cover for structural defects will be 6 years.
3. The minimum period of cover for non-structural defects will be 2 years
4. The mandatory requirement for builders of high-rise residential buildings is to provide builders warranty insurance will be removed. Owners of high-rise dwellings will have access to a last resort catastrophe fund which is to be funded by builders and insurers.
5. The maximum cover (i.e. excluding legal costs) for non-completion claims will be 20 per cent of the original building contract amount.
6.
  - A. A homeowner will be able to claim under a home warranty insurance policy when their builder:
    - Is dead
    - Has disappeared; or
    - Is insolvent.
  - B. Insurers and NSW and Victorian agencies will agree procedures which will provide insurers with an opportunity to meet consumer needs for settlement of a claim prior to the 6A trigger points being reached
7. The minimum amount of cover will be \$200,000 (inclusive of legal and other costs).
8. New South Wales and Victoria will use their best endeavours to harmonise their builders' warranty insurance products and the specified processes to be followed by all parties (insurers, builders and homeowners).
9. Insurers' liability in respect of claims above \$10 million arising from the death, disappearance or insolvency of any single builder will be capped. The catastrophe fund referred to at 4 above will also be available to meet claims liabilities in excess of \$10 million.
10. New South Wales and Victoria will use their best endeavours to harmonise the reporting requirements for insurers between the two States.



4.

**ASIC**

Australian Securities & Investments Commission

ANGUS DALE-JONES  
Regional Commissioner

66 St Georges Terrace, Perth  
GPO Box 9827 Perth WA 6001  
DX 158 Perth

Telephone: (08) 9261 4199  
Facsimile: (08) 9261 4156

30 September 2007

Mr Phil Dwyer  
National President  
The Builders' Collective of Australia  
27 Advantage Road  
Highett VIC 3190

**BY EMAIL TO: [dwyerbld@bigpond.net.au](mailto:dwyerbld@bigpond.net.au)**

Dear Phil

### **BUILDERS WARRANTY INSURANCE**

I refer to your correspondence and discussions with me over recent weeks, in particular your emails of 7, 14 and 20 September and our meeting in Melbourne on 12 September. I also note your various discussions and correspondence with ASIC over the last few years, including over ten complaints about industry practices.

First, my thanks to you for bringing these matters to our attention, and for the helpful detail you have provided. I appreciate that this will have consumed a not inconsiderable amount of time, and your efforts have provided us with a clearer understanding of the issues.

We have now concluded a thorough re-review of all the matters you have brought to ASIC's attention. As foreshadowed in my telephone conversation with you on 19 September, I can now confirm that based on the information you have provided to us and extensive information from other sources, we have identified no breaches of the companies and financial services provisions in the Corporations Act that warrant regulatory intervention.



As discussed, *Corporations Regulation 7.1.12(2)* specifically provides that a home building insurance product, as regulated in the financial services provisions of the



Corporations Act, "*does not include insurance ... that relates to building or construction work in relation to a home building*". This is a specific decision of Parliament and ASIC must act within its mandate under the law.

Although my internal ASIC discussions about the possible use of our consumer protection powers are not yet finalised, it is unlikely that we will have jurisdiction to take much, if any, action in regard to the issues you raise. Generally ASIC does not enter into correspondence with complainants about the further action it may take on a matter. If we require more information we will contact you.

It is a matter for you as to whether you obtain legal advice in relation to any of the issues you raise. Although ASIC may not be able to assist in taking action on the points you raise, particularly those in your email of 20 September, independent legal advice may help you ascertain whether there were sufficient grounds to obtain successful legal remedies.

Yours sincerely

**ANGUS DALE-JONES**  
**REGIONAL COMMISSIONER**

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**From:** Angus Dale-Jones [mailto:angus.dale-jones@asic.gov.au]  
**Sent:** Thursday, 11 October 2007 10:55 AM  
**To:** Phil Dwyer  
**Cc:** Philip Laird  
**Subject:** Re: FW: BWI & HIA [SEC=UNCLASSIFIED]

Dear Phil

Thank you for your phone call last night and the two emails below.



My copy of the Corporations Regulations indicates that Reg 7.1.12(2) was effective 11 March 2002, which was when many of the Financial Services Reform Act changes to Corporations legislation took effect.

kind regards  
 Angus

"Phil Dwyer" <dwyerbld@bigpond.net.au>

To "Angus Dale-Jones" <angus.dale-jones@asic.gov.au>

cc

11/10/2007 07:52 AM

Fax to

Subject FW: BWI & HIA

---

Dear Angus

Thank you for your time on the phone yesterday, and providing me with an update in relation to your inquiries into the consumer protection aspect of BWI.

I now have every confidence that you are taking our concerns very seriously and addressing them in a timely manner.

I look forward to hearing from you this morning in regard to my request seeking the date the Corporations regulation 7.1.12(2) was introduced as legislation, and secondly if possible I would like to know who introduced this legislation to the Parliament.

The attached Hansard above I have just obtained, and as you can see there are others that have similar opinions to myself in respect to the HIA, and again ask you to consider our concerns in this area.

The Federal Court action against me by Dr Silberberg for racial vilification was unsuccessful last week and the charges were dismissed with costs in my favor.

Kind Regards

*Phil Dwyer*



The Place To Be

# Media release

From the Minister for Finance and the Minister for Planning

Wednesday, 10 April 2002

## GOVERNMENT ACTS ON WARRANTY INSURANCE FOR HIGH RISE DEVELOPMENTS

The Bracks Government has moved swiftly to protect Victoria's \$1.4 billion residential high-rise construction industry by fast-tracking a new regulation to release builders from the requirement to have warranty insurance.

Finance Minister John Lenders said the new regulation came into force today and would allow building permits to be approved without insurance in place.

"With the changes to insurance products offered builders of high-rise residential developments were in an impossible situation," he said.

"They could not have their building permit approved unless they had warranty insurance.

"The exemption has been made because the bulk of the insurance industry has indicated it will no longer provide warranty insurance for residential buildings of more than three storeys.

"The government has acted quickly to ensure that Victoria's building and construction industry was not adversely affected by the insurers' decision."

The Minister for Planning Mary Delahunty said the move follows the announcement to establish a domestic building marketplace dispute resolution process to be managed by the Building Commission and Consumer Affairs.

Consumers who buy high-rise apartments, as well as the builders who construct them, will also have access to the new dispute resolution process to help them resolve issues more quickly, she said.

"The Government has developed the new process to allow consumers and builders to resolve disputes in a timely manner," Ms Delahunty said.

"The Building Practitioner's Board will be able to suspend the license of a builder who fails to satisfactorily repair substandard work."



Changes to high-rise builder warranty insurance were agreed to by Victoria and New South Wales under the 10 Point Plan announced last month.

Media contact: Premier's Media Unit on 9651 5799 [www.vic.gov.au](http://www.vic.gov.au)

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## Coonan not prepared to hand over her letters

By Mark Riley, Political Correspondent  
December 14 2002



The Revenue Minister, Helen Coonan, refused yesterday to release letters written on her ministerial letterhead in pursuit of a personal claim for a \$200,000 insurance payout.

The Opposition demanded Senator Coonan's resignation, saying she had misused her public office as minister responsible for the insurance industry.

But the Prime Minister, John Howard, continued to stand by his minister, repeating that her actions did not constitute a "hanging offence". He added, though, that using ministerial letterhead in private affairs was "not normal practice" and "I encourage ministers not to do it".

The *Herald* revealed on Thursday that Senator Coonan had used her parliamentary letterhead in several letters to Woollahra Council and a builder over renovations to her multi-million-dollar Woollahra home.

After a day of Opposition attacks over the affair, Senator Coonan admitted on Thursday night that she had used the letterhead twice in writing to the Royal & SunAlliance insurance company over a claim for defects in the renovations.

The minister was paid the maximum amount of \$200,000 under the Home Owners Warranty scheme after estimates of the cost of rectifying the defects grew from between \$60,000 and \$80,000 to \$331,430.

Documents published by the *Herald* yesterday showed Senator Coonan used her parliamentary letterhead to argue successfully for the council to drop a \$542.40 application fee for a Section 96 modification to the building application covering her renovations.

The general manager of Woollahra Council, Gary James, said the application related to a lattice fence Senator Coonan wanted to build at the back of her property which would encroach on three adjoining properties.

He said the council received hundreds of such applications a year, but conceded it was rare for the fees to be waived. The council did not have statistics for the period covering Senator Coonan's application but it had not waived fees on any Section 96 applications in the past year.

Mr James said the council had used its discretion in dropping Senator Coonan's fees because much of the assessment work for the application had been covered in her original building approval.

The Leader of the Opposition, Simon Crean, said Senator Coonan should release all correspondence related to the insurance claim, including that sent on her ministerial letterhead and from her ministerial offices.



Senator Coonan declined. She reissued her statement from Thursday night, which said she had written two letters to the insurance company on parliamentary letterhead after the claim amount had been settled, and that there "was no inappropriate use of ministerial letterhead".



A spokesman for the minister said on Thursday night that one of those letters had been sent to the insurance company before the matter had been settled and one afterwards.



Mr Howard said yesterday that both letters had been sent "after the claim was settled".

Labor vowed yesterday to use the powers of the Senate to compel the minister to release the documents, if necessary. However, Parliament is not due to resume until February 4.

This story was found at: <http://www.smh.com.au/articles/2002/12/13/1039656221202.html>





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**The Hon Ian Macfarlane MP  
Minister for Industry, Tourism and Resources**

PO BOX 6022  
PARLIAMENT HOUSE  
CANBERRA ACT 2600

**1 8 NOV 2006**

Mr Phil Dwyer  
National President  
The Builders' Collective of Australia  
27 Advantage Road  
HIGHETT VIC 3190

Dear Mr Dwyer *Phil*



Thank you for your letter of 19 October 2006 concerning builders warranty insurance. I note that you have also written to a number of my colleagues in Government. I am responding on behalf of the Australian Government.

Arising from recommendations contained in *Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business*, the Australian Government will request the Productivity Commission to undertake a public inquiry of Australia's consumer protection policy framework. I believe this inquiry will achieve an appropriate level of independent scrutiny, as proposed in your letter.

I would also like to lend my support to the course of action suggested to you on 19 April 2006, by the Minister for Small Business and Tourism, the Hon Fran Bailey MP. She too recommended your active participation in the Productivity Commission inquiry but she also urged you to continue to raise this issue with the states and territories, who have regulatory responsibility for this matter.

Thank you for taking the time and effort to bring this matter to my attention.

Yours sincerely

Ian Macfarlane

# Cumberland

NEWSPAPERS



17<sup>th</sup> July 2006

Mr [REDACTED]

[REDACTED] NSW 2170

Dear Mr [REDACTED]

**Congratulations!** Through a special relationship with the Housing Industry Association (HIA), Cumberland Newspapers is pleased to extend to you a complimentary 'Trial Services Offer' with Australia's largest renovation and home building association.

By taking advantage of this offer you have access to a great range of benefits including:

- **Legal Assistance** – offering professional advice on a wide range of workplace matters;
- **Technical Support** – help with issues involving the Building Code of Australia, Australian Standards, Local and State building regulations;
- **Safety Services** – access to professional Safety Advisers with housing sector trade experience to ensure you deal with safety in the most cost effective and practical way;
- **Business Partner Network** – supporting partners who help run your business by providing practical advice, services and networking opportunities;
- **Industry Information and updates** – through accredited training courses, information nights, exhibitions, publications and member alerts;
- **Equipment, stationery and supplies** – discounted contracts, safety equipment, standards, clothing, sub-contractor agreements and much more;
- **HIA Insurance Services** – providing the most comprehensive products and services designed specifically for the construction industry at competitive rates;

To find out more about HIA and the helpful range of products & services available please visit the HIA website at [www.hia.com.au](http://www.hia.com.au); available 24 hours a day, 7 days a week.

Your complimentary 'Trial Services Offer' is valid until the 31st October 2006. Whilst there is no obligation to continue beyond this time, you do have the opportunity to join HIA, at any time, and receive all of the benefits of membership.

Should you prefer not to take advantage of this offer, please let us know by faxing back the attached form to 02 9688 7677 by 28th July 2006. If we do not hear from you by that date, we will proceed to contact HIA to provide you with the service offer. When you are contacted, you will again be given the opportunity to accept or decline the offer.

We trust that this offer will add value to your business by giving you a competitive advantage and assisting you to cut/contain costs.

Kind regards

Karla Hepburn  
True Local Category Manager  
Cumberland Newspapers

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You only need to complete and return this form by 28<sup>th</sup> July 2006 should you NOT wish to take up the complimentary 'Trial Services Offer'.

Fax: 02 9888 7677

I wish to decline the complimentary 'Trial Services Offer'

Contact Name:

[REDACTED]

Company / Trading Name:

Telephone Number: .....

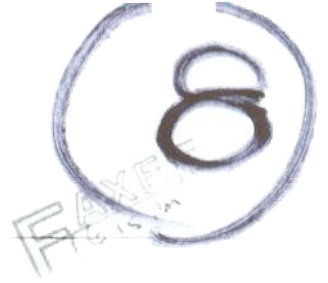
Signed: .....

Date: .....

925451

# The Builders' Collective

*Representing Registered Building Practitioners*



## Facsimile

**Facsimile to:** Stephen Ward  
**Company:** Contractor Accreditation Limited  
**Facsimile No.** 08 89844003  
**From:** Phil Dwyer  
**Date:** 21.05.07  
**Subject:** BWI & HIA  
**No. of Pages:** 3

**Dear Steve**

Still battling with the matter of BWI and I must admit under severe circumstances as HIA currently have two actions against me, one in the Federal Court and the other in the Supreme Court.

In the meantime I would appreciate you confirming to me the HIA method of obtaining membership in NSW as demonstrated in the attached documentation is the same principle that was applied in the Northern Territory that would have allowed the HIA to claim they represented the whole of your industry when they were lobbying for the introduction of the Last Resort Insurance regime.

Would appreciate hearing from you as soon as possible to confirm this method was applied.

Kind Regards

Phil Dwyer

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**From:** Steve Ward [mailto:stephen.ward@accreditation.com.au]  
**Sent:** Tuesday, 22 May 2007 12:50 PM  
**To:** dwyerbld@bigpond.net.au  
**Subject:** HIA Free Membership

Phil

Thanks for your fax.

The process of offering unsolicited free membership is consistent with HIA's actions in the NT a couple of years ago. The only difference seems to be that our locals were offered 12 months membership.

Those that didn't respond to reject the offer subsequently received demands for fee payment after the free period had expired.

Regards  
Steve



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technically capable  
contractors working in  
the Northern Territory's  
building and  
construction sector.*

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- Browse a complete listing of CAL Accreditation Categories and Sub Categories
- Provide feedback on a service provided by a contractor, or on CAL in general

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