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MEDIA RELEASE

29 November 2013

UNLICENSED, BUSINESS NOT REGISTERED, NO WORK DONE MARK ANTHONY MASON TRADING AS M.A.S ERECTIONS PROSECUTED

A Lake Macquarie man has been prosecuted by NSW Fair Trading for entering into contracts and taking money for residential building work he never even commenced and for which he had no licence.

Mark Anthony Mason trading as M.A.S. Erections pleaded guilty in Newcastle Local Court to two breaches each of: Section 158 (7) of the Australian Consumer Law for accepting payment and not supplying goods and services; Section 4(1)(a) of the *Home Building Act 1989* for unlicensed contracting of residential building work; and, Section 8(1)(a) of the *Home Building Act 1989* for demanding and receiving payment before commencing work.

Mr Mason was convicted and issued with \$27,330 in fines and costs to be paid within 28 days. The charges related to two consumers and Mr Mason was ordered to fully refund the money they paid to him.

Fair Trading Commissioner Rod Stowe said in 2012 Mr Mason took \$3,550.80 in payments from a Salisbury consumer to supply and re-roof a greenhouse. Mr Mason used the business name M.A.S Erections, which is not registered with the Australian Securities and Investment Commission (ASIC).

“The consumer deposited money requested into a bank account as instructed by Mr Mason,” the Commissioner said.

“Bank records obtained by Fair Trading showed Mr Mason withdrew the money at intervals over several days with substantial amounts withdrawn from an ATM at a hotel in Orange and other various amounts withdrawn from an ATM in Swansea and paid to shops and a service station.

“Mr Mason eventually admitted to Fair Trading officers that he used the money for personal purposes and never bought any materials for the greenhouse construction.

“The consumer emailed Mr Mason on 20 September 2012 and Mr Mason responded that he was out of town. The consumer again emailed Mr Mason asking for his money back. After receiving no response he contacted Fair Trading and lodged a complaint with the Consumer, Trader & Tenancy Tribunal (CTTT).

“In January this year, the CTTT made an order that Mr Mason pay the consumer \$3,550.80 immediately. The payment has not been made.

“A second consumer in Abermain contracted with Mr Mason trading as M.A.S Erections in late August 2012 to supply and install an awning.

Mr Mason sent the consumer a quote for \$1,873 for materials and labour and requested the consumer pay \$700 deposit into a bank account.

Mr Mason's bank records show he withdrew some of that money from one ATM at a hotel in Orange and another ATM at Swansea, as well as paying amounts to various businesses including supermarkets and a service station.

Mr Mason then visited the consumer requesting further payment. The consumer refused given no work had yet commenced.

On 4 September 2012, the consumer emailed Mr Mason and asked for his money back. When the money was not returned he lodged a complaint with Fair Trading.

Mr Mason subsequently admitted to Fair Trading officers that he used the second consumer's money for personal purposes and did not buy any materials for the awning.

Commissioner Stowe said in March this year Mr Mason admitted in an interview with Fair Trading that he did not hold a licence to do residential building work in New South Wales and he did not have any formal building qualifications.

"Consumers should always do a simple licence check on the Fair Trading website at www.fairtrading.nsw.gov.au or call 13 32 20 for advice," he said.

"Licensing protects consumers and genuine industry participants."

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