

Annex 3 B

DISTRICT COURT OF QUEENSLAND

REGISTRY: TOWNSVILLE

NUMBER: 98 OF 2010

Plaintiff:

BUILDING SERVICES AUTHORITY

AND

Defendant:

MARIO JOHN MENSO

SUBMISSION

Material to be read:

ANNEXURE: All copies supplied are true copies of originals.

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These are the particulars marked "3B" referred to in the annexed affidavit of Mario Menso sworn/affirmed before me at Townsville this 12th day of September 2011.
John Adrian McQuillan
J.P. (Qualified)



Outline of Submissions

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Defendant Mario John Menso
364 Forestry Road
Bluewater QLD 4818
Fax: 07 4751 3307

Plaintiff Building Services Authority
299 Montague Road
West End QLD 4001
Fax: 07 3247 9257

FILE COURT
MM

MM

ABBREVIATIONS

QBSA	Queensland Building Services Authority
DET	Department of Education and Training (Queensland)
ANTA	Australian National Training Authority
PMB	An identifier, part of an ANTA recognised training package
RTO	Registered Training Organisation <i>An organisation authorised by State authorities to deliver nationally recognised and accredited training and assessment services</i>
PARTEC	Plastic and Rubber Technical Education College <i>established by the plastics industry to provide education and training</i>
SPASA	Swimming Pool and Spa Association of Queensland Inc <i>a non-profit trade association dedicated to maintaining and improving standards within the industry</i>
NSPI	National Swimming Pool Institute of Australia <i>a registered training organisation that provides training and assessment to the swimming pool and spa industry</i>
ANSCO	The Australian and New Zealand occupational standards classification of occupations)

These are the particulars marked "2"
referred to in the annexed affidavit
of Mario Menso
Sworn/Affirmed before me at Townsville
this 12th day of September 2011
John Adrian McQuillan
J.P. (Qualified) [Signature]



Outline of Submissions

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Defendant Mario John Menso
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[Signature]

EXHIBITS:

1. Qualifications from the Certificate IV in Polymer Technology (PMB 40101).
2. Record of attendance at SPASA courses ("Attainments", not proof of training)
3. Subpoena of Grant Rangi.
 - 3 a. Confirmation of contact with Grant Rangi.
 - 3 b. Grant Rangi response from his legal representation.
 - 3 c. Grant Rangi plane flight.
 - 3 d. Confirmation to Grant Rangi of flight conformation.
4. Correspondence from BSA, 9th May 2009
5. A to Z of Apprenticeships and Traineeships Qld Government
6. Fax from JTS Electrics, Jenkins' company, re termination of work
 - 6 a. Kevin Cameron's report on the Jenkins pool report.
7. PARTEC business cards.
8. Chris Boyle comments pertaining to the Defendant, previous issues (slander)
9. Taking PMB Modules and Implementing into SPASA course
10. Chris Boyle regarding utilizing qualified personnel.
11. Email from Chris Boyle 24th September 2010.
12. Request of Documents from BSA August 09 pertaining to Court Hearing 28th Oct 2009.
13. Malcom Beibrick's application for Composite Technician.
14. BSA stating no Composite Technician Licence.
15. Letter and response to the Hon Robert Schwartin
16. Letter and response to the Hon Geoff Wilson
17. Response from Hon Robert Schwartin
18. Response from Hon Geoff Schwartin
19. BSA public appeal for submissions.
20. License for Fibreglassing.

These are the particulars marked "3" referred to in the annexed affidavit of Mario Menso Sworn/Affirmed before me at Townsville this 12th day of September 2011
 John Adrian McQuillan
 J.P. (Qualified) [Signature]

Outline of Submissions

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Defendant Mario John Menso
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21. Primary Building work / Associated building work.

22. Mandatory Insurance

23. ANZSCO. Australian New Zealand Standard Classification of Occupations.

Background summary

1. I am the Defendant MARIO JOHN MENSIO. I am self employed in my own business, trading under the business name, Paradise Pools Refurbishment. My works covers repairs to fibreglass swimming pools, Manufacturing pool liners involving the use of composite materials.
2. I am fully qualified in the field of work that I carry out. I have acquired my qualifications through PARTEC since 2003. I have completed additional electives and PMB modules. I have also completed and obtained other PMB qualifications which, when my training is complete, will fully qualify me as a Certificate III Composite Technician.
3. For three years the BSA has been claiming that I have been refurbishing fibreglass swimming pools without holding the proper licenses. I counter claim that there is no license for the type of work in question, that the licenses required by the QBSA are inappropriate, that the QBSA is not qualified and has shown that it is incompetent to judge the work, and that the QBSA has imposed fines and in other ways hampered me in my business without validity.
4. The dispute has seriously impacted on the conduct of my business and its finances, because of fines improperly levied and difficulties in pursuing clients for monies owed for completed work.

Summary chronology of the dispute

5. In 2007 one of my clients apparently to avoid paying for work done complained to the BSA which subsequently fined me \$1800 for (1) working unlicensed; (2) charging an excessive deposit; and (3) working without a contract. *See paras 43 through 46 following.*
6. In a meeting between me and the QBSA it was stated that the qualifications relied upon by me were worthless. I claim that the QBSA demonstrated ignorance of the relevant work and the appropriate training and licensing. *See paras 47 through 48 following.*

Defendant Mario John Menso
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Outline of Submissions

These are the particular matters in dispute between the Plaintiff, Building Services Authority, 289 Montague Road, West End, QLD 4001, and the Defendant, Mario Menso.

Sworn/Affirmed before me at Townsville
this 12th day of February 2011
John Adrian McQuillen
J.P. (Qualified)

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Mario Menso

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of
 Sworn/Affirmed before me at Townsville
 this.....day of.....20.....
 John Adrian McQuillan
 J.P. (Qualified).....

7. In later meetings it was clear that the QBSA was still ignorant of the nature of the work and the appropriate training and licensing required. *See paras 49 through 51 following.*
8. The QBSA advised me that I would be required to undertake training as a painter and decorator, and a water proofer, neither of which is relevant to the work I carry out, nor appropriate refer para 24. Because of the type of material used, those qualifications would still not give competence recognised by the QBSA for licensing. *See para 52 following.*
9. In 2009 the BSA advised me of training courses that they required me to undertake. I questioned the relevance of the training, the competence of the QBSA to administer the courses, and the legality of the proposal under Workplace Health and Safety legislation. In any case, I had obtained the qualifications in 2003. *See paras 56 through 57 following.*
10. On 28th October 2009 in the Townsville Magistrates Court (Mag- 89480/09 hearing QBSA V MARIO JOHN MENS0) the charges by BSA of unlicensed work on the Jenkins' pool (*see paras 43 thru 46 following*) was heard, and upheld. An appeal on the grounds that relevant information that was not available and had since become available was refused. *See paras 61 through 63 following.*
11. I have subsequently sought the help of my Member of Parliament, the Hon Andrew Cribbs in representations to the Minister for Public Works and the Minister for Education and Training. *See para 64 following.*
12. The issue at hand with the BSA has now been ongoing for 3 years without resolution. Mediation has not been discussed or considered. I have done everything in my power for an amicable outcome regarding this matter, through correspondence and also verbally but have been greeted only with underhanded tactics by the QBSA.

Facts relevant to qualifications

13. **Exhibit 1:** Qualifications from the Certificate IV in Polymer Technology (PMB40101) provided by PARTEC, a recognised RTO.

Pre-requisite courses:

- PMB PREP 201 A Prepare moulds for composite production.
- PMB PROD 251 A Apply gelcoat or other polymer surface finish.
- PMB PROD 247 B Hand lay-up composites.

Advanced courses:

Outline of Submissions

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Defendant Mario John Menso
 364 Forestry Road
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Plaintiff Building Services Authority
 These are the particulars marked
 referred to in the annexed affidavit
 of *Mario Menso* 299 Montague Road
 ofday of.....20.....
 Sworn/Affirmed before me at Townsville
 this.....day of.....20.....
 John Adrian McQuillan
 J.P. (Qualified).....



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Mario Menso

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- PMB FIN 203 B Repair product imperfection
- PMB TECH 405A Repair damaged fibre composites

14. **Exhibit 2:** BSA training program criteria for licensing, in relation with SPASA courses do not comply with the standards regarding to composite technician training. SPASA cannot and are not allowed to train or sign-off on these qualifications. Participants of SPASA training receive proof of attendance only, not evidence of a recognised qualification. But the courses are irrelevant to the use of composites in any case.
15. NSPI is not qualified in the training of composites, neither do they have the authority to sign-off on composite training as per a training package or be implemented as training in a license class. PARTEC are the only qualified and certified RTO endorsed by DET for this kind of work.
16. **Exhibits 3a through 3d** indicate arrangements between QBSA and NSPI that are contrary to the requirements for training for licensed work, and include serious breaches of the Workplace Health and Safety regulations.
17. The relationship between Grant Rangi, CEO of NSPI, and the BSA was to be examined in the Magistrates Court hearing. **Exhibit 3:** Rangi was subpoenaed for the 28th of October 2009 Court proceedings and failed to appear in Court for questioning. **Exhibit 3c** shows the plane flight booked for Rangi to come to Townsville, and the notification sent to Rangi on the 26 October 2009 confirming flights for the Court hearing. **Exhibit 3d** is a fax Confirmation of plane flights. The cost of the flights was charged to me.
18. **Exhibit 3a:** Grant Rangi stated in a phone conference that the QBSA made him sign-off on qualifications for which he has no authority and is not qualified to train. **Exhibit 3b Para 2,** by Rangi again as the modules that were incorporated into the SPASA course had to be signed off by Rangi himself. This is a serious breach of the relevant Acts regarding this issue, particularly regarding Workplace Health and Safety requirements.
19. **Exhibit 3b:** is a response from Grant Rangi's legal representation Tobi King Lateef. In its para 1 Rangi denies any prior contact with myself, and in its para 2 Rangi denies any knowledge of the events involving the BSA and myself.
20. **Exhibit 4:** On May 11th 2009, in response to a question concerning licensing as a composites technician, correspondence from the QBSA Brisbane office clearly stated that a Composite Technician comes under Manufacturing and does not require a licence.

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Sworn/Affirmed before me at Townsville
this 12th day of September 2011
John Adrian McQuillan
J.P. (Qualified)



21. **Exhibit 5:** indicates that DET clearly considers that a Composite Technician comes under Manufacturing, not under building and construction and therefore not within the jurisdiction of QBSA
22. **Exhibit 14: Para 4** Shows the BSA Licence issuer Cameron Murphy clearly stating that there is no Composite Technician License and a license is not required since the work is classed under Manufacturing.
23. **Exhibit 4:** Correspondence received from the QBSA also in May 2009 when requesting licensing information for a Composite Technician, the QBSA has responded by saying that there is **no licence class for a composite Technician** and that it comes under Manufacturing thus not requiring a licence for manufacturing a pool liner

The BSA and jurisdiction of swimming pool work

24. Under the Contracts Act 2000
Part 5 Restrictions relating to Contracts.
Division 1 Entering into Contracts
Section 52 (2)

"The building Contractor must not enter into a regulated Contract to carry out, or manage the carrying out, Domestic Building work of the particular kind, unless the Building Contractor is appropriately licensed for that kind of Domestic Building work."

25. There is no license class for a Composite Technician.
26. It was established in cross examination of Kerry Maggs of Innisfail QBSA, being Townsville **Mag:00024110/10(9)** that Maggs did not have any Composite qualifications and the QBSA Inspectors are knowingly operating outside the scope of works of their licence.
27. **Exhibit 10 para 4** Chris Boyles statement regarding Inspectors, It is conclusive now that at all times the QBSA and their Inspectors have been knowingly working outside the scope of works of their licence.
28. The BSA has told me that I need to enrol in an SPASA course. But the modules and electives did not cover the scope of works that I carried out and only pertained to the

These are the particulars marked "2" referred to in the annexed affidavit of MARIO MENSO
Sworn/Affirmed before me at Townsville this 12th day of SEPTEMBER 2011
John Adrian McQuillan
J.P. (Qualified)



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building and construction of concrete pools. I do not construct nor work on concrete pools.

29. (Exhibit 9) The BSA acting with SPASA took advanced electives from the National Training Package, without the authority or approval from PARTEC.

- PMB FIN 203 B – Repair product imperfection
- PMB TECH 405A – Repair damaged fibre composites

30. I pointed out to the QBSA that they were not qualified to teach these modules/electives, let alone to sign-off on them and then to attach these training electives into the SPASA licence class. The QBSA would be in breach of Work Health and Safety regarding the advance electives that they had selected. The QBSA completely bypassed the prerequisite electives (Exhibit 1) that cover safe handling of the materials etc. The consequences here are very serious due to the volatility of the material.

31. The prerequisites cover the hazards of handling of the materials involved (resins, catalysts, matrix), volatility of the products in temperature changes, and safe handling procedures. Omitting them from the QBSA/SPASA course means breaching Workplace Health and Safety (Safe Handling) regulations. These courses must be classroom based and include physical hands on experience.

32. The BSA in conjunction with Grant Rangit, who has no training, qualifications nor skills in composites, has signed-off on the electives and allowed them to be endorsed into the SPASA licence. This is the only way that it could have been included in the SPASA Modules and electives.

33. The QBSA has been a party to that action, and should be held to account for what indicates poor judgement, ignorance of the industry, and possibly severe breaches of the Act.

34. Why is it that PARTEC was not contacted and requested to introduce the appropriate electives with the appropriate training as they are the relevant RTO and since 1991 are the preferred training body selected by DET.

These are the particulars marked "8." referred to in the annexed affidavit of Mario Menso

Sworn/Affirmed before me at Townsville this 12th day of September 2011

John Adrian McQuillan

The effect of the BSA attitude

35. The QBSA is advising my clients to not make final payments because of their allegation that I am unlicensed. (Exhibit 6 is an example). It has been confirmed by QBSA

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Inspector (Kevin Cameron) and Ian Jennings CEO of the BSA that the BSA is encouraging clients to not pay. The QBSA are in breach of the act.

36. I am owed in excess of \$20,000 for unpaid work, due to creditors not paying for work done. I have incurred a Credit Default against my credit rating by my supplier and this has severely burdened me due to my inability to pay that account. There is a substantial amount still owing to my supplier.
37. Considerable time has been spent trying to help the QBSA understand the issues, and dealing with the consequences of the delays in completing clients' work. I have had to deal with disgruntled clients, creditors, banks, and my suppliers. The impacts spread to include all of my personal affairs, not just the direct impacts on my business activities.
38. All of these issues have consumed an enormous amount of my time, thus severely impacting on my availability to complete my work schedule. It has **extended job times significantly**
39. I have had my Drivers License suspended under the State Penalties Enforcement Regulation because I have missed a payment on my installment plan. That action further impacted on my ability to meet contractual obligations to clients. It is an impost on me caused by the BSA that can be invoked at any time.
40. QBSA is now using the delays they have caused to build a case against me. It seems that having no jurisdiction over my line of work they are using any excuse they can find to harass me and fine me for alleged unlicensed work.
41. The QBSA has made allegations against me that have no substance and have seriously impacted on me and my business. An example of this relates to work I have done for Monique Slade of Munbilla Drive in Kelso. At a meeting between the client, myself and Kevin Cameron of the BSA in breach of the legislation lied to my client that the QBSA have had prior issues with myself. I was fined for "unlicensed work, due to a variation in the works schedule".
42. The QBSA has done everything in its power to ensure that the fines that they have imposed remain in place, without any utilization of their incident investigation and dispute resolution processes.

These are the particulars marked "g" referred to in the annexed affidavit of Mario Menso

Sworn/Affirmed before me at Townsville this 17th day of September 2011

John Adrian McQuillan

J.P. (Qualified)

Detailed history of the dispute

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43. **Year 2007** :Start of work approx July of 2007 for my client Ken Jenkins at 134 Toolakea Beach Road, Bluewater. I was fined by the QBSA in October 2007, because of a complaint regarding quality of workmanship to his second hand fibreglass pool. I believe that the complaint was made by the client to avoid paying for the work I carried out.
44. I was told to pick up my equipment and leave the property in the final stages of finalizing touch up work details. The pool had been colored twice, the second time due to the client allowing contractors to lay a concrete border around the pool which caused damage to the pool finish which I had not completed. The remedial work was done at no cost to the client.
45. The client within one working day after evicting me from his premises was given Malcom Beibricks (Composite Trainer, PARTEC) name and contact details regarding questioning the quality of workmanship finish. I also delivered to the client's mail box Beibrick's contact details being his PARTEC business card (**Exhibit 7**) and advised him that I would be accept Beibrick's decision regarding the work.
46. Approximately six weeks later I received correspondence from the BSA and fines exceeding \$1800 because of:
- alleged working unlicensed
 - having charged an excessive deposit
 - working without a contract.
47. I requested a meeting with the BSA and was told by Inspector Jane Riley, my first contact with the QBSA, that the qualifications that I produced were not worth the paper they were written on (**Exhibit 1**). I told Riley who PARTEC represented and also supplied (**Exhibit 7**) contact details of Malcom Beibrick and Roger Cater, CEO PARTEC, Brisbane. I advised her to contact PARTEC regarding any questions about my qualifications and training.
48. Jane Riley informed me that I would be required to do an SPASA course. This license class has no qualifications pertaining to composites or my work, being entirely tied to concrete pools. The costs of this SPASA license was in excess of \$4500 but I would still be working outside the scope of works of the license. I believe that indicates that Riley was either ignorant or knowingly misleading me regarding the appropriate and relevant licensing, and is reason to question her competence.
49. The next meeting with QBSA was with Inspector Kevin Cameron at the BSA office in Townsville. I also requested Kevin Cameron to contact PARTEC regarding the issues at hand regarding licensing and training. My qualifications were once again shown and

Outline of Submissions

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Defendant Mario John Menso

Plaintiff Building Services Authority

364 Forestry Road

These are the particulars marked 299 Montague Road

Bluewater QLD 4818

referred to in the annexed affidavit

West End

QLD 4001

Fax: 07 4751 3307 of

Fax:

07 3247

Sworn/Affirmed before me at Townsville
 this 12th day of September 2011
 John Adrian McQuillan
 J.P. (Qualified)



Malcom Beibrick's and Roger Caters' contact details given. I requested the QBSA give me clear information as to what they required for a "proper licence". The BSA then stated that I was required to pay approx 460 dollars to apply for a QBSA licence, even though they admit that my work is classed under Manufacturing and is not within their jurisdiction.

50. That is, I was told to apply for an inappropriate license for \$450, but would then still have to pay \$4500 for the irrelevant SPASA course with no certainty that would satisfy the QBSA's licensing requirements. This anomaly was highlighted to the QBSA and I advised them that I would not pay any monies until the matter had been resolved, as I would still be working outside the scope of works of the license. I again reiterated my qualifications awarded by DET for appropriate training by PARTEC.
51. I advised Malcom Beibrick of the issues at hand. I understand that neither Malcolm Beibrick nor Roger Cator were contacted by anyone from the QBSA.
52. Year 2008: QBSA advised that I would still be required to do a SPASA course. That advice was later changed to in addition include a Painter and Decorators trade or a Water Proofer trade. I rejected that advice after confirming with Malcom Beibrick that I would be still working outside the scope of the license due to the materials that I use. The materials are a mixture of resin and a volatile catalyst, requiring special training and care in their handling, mixing and application. Painters and Water Proofer use single pack benign materials.
53. Exhibit 10: Dated 28th September 2008 Para 2 & 4 At about the same time frame, Robert Mcruvie after having a meeting with Chris Boyle omits in correspondence that they would bring in relevant personal with appropriate qualifications when required and also states there had been oversights by the QBSA in relation to myself and the matters were being rectified.
54. Exhibit 11: Email from Chris Boyle 24 September 2008, (Fix on the horizon) BSA must be made to explain this failure in their system as they are stating it has been handed to the Resolution Manager as of the 24th Of September 2008. Thats two years ago. (When was the last Inspectors Conference?).
55. Exhibit 8: Allegations were made by the QBSA to Robert Mcruvie that they had previous issues with myself pertaining to unlicensed contracting and other issues. I have requested from the QBSA copies of relevant documents to substantiate their claims which I believe to be untrue. I have had no response.

Outline of Submissions
 Defendant Mario John Menso These are the particular matters referred to in the annexed affidavit
 364 Forestry Road referred to in the annexed affidavit
 Bluewater QLD 4818 of MARIO MENSO West End QLD 4001
 Fax: 07 4751 3307 Sworn/Affirmed before me at Townsville
 this 12 day of September 2011 for 07 3247 9257

John Adrian McQuillan
 J.P. (Qualified)

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56. **Year 2009:** It was then ascertained through SPASA /QBSA that I was required to do the SPASA course. Amendments were made yet again relating to pool liner manufacturing. *See para 29 above*
57. I point out that I had already obtained the above qualifications since 2003. At no stage did the QBSA request my resume of work /qualifications relating to hands on experience etc for RPL (**Recognised Prior Learning**) as their own legislation states that they must do relating to incident investigation etc.
58. The client (Jenkins) in about March 2009 sold the property in which the pool was located whilst the complaint dispute was ongoing. It is understood that Jenkins made a substantial profit on the sale of the property and any defects with the pool were never mentioned to the buyers. The QBSA allowed this to occur without question. **IF THERE WERE ISSUES AT HAND WHY DID THE BSA NOT STOP THE SALE UNTIL THE DISPUTE WAS RESOLVED.** This is mandatory QBSA legislation and they have failed to be compliant.
59. **Exhibit 12:** In August 2009 I requested using RTI (Rights to Information) from the QBSA specific information regarding dispute resolution and incident investigation pertaining to how they handled my case to date. None of the documentation requested has been received from the QBSA. They have grossly exceeded the 45 day time limit by the RTI Act for supplying specific requested documentation.
60. **Exhibit 13:** Malcolm Biebrick applied for a Composite Technicians Licence on and around July/August 2009.
61. On 28th October 2009 there was a hearing in the Magistrates Court (Mag-89480/09 hearing QBSA V MARIO JOHN MENS0).
62. I appealed the 28th of October Magistrates Court decision being **APPEAL NO D980F 2010** with the intention of getting direction from the Courts but this was ruled out even after Workplace Health and Safety breaches were highlighted. Material pre- and post-trial that has come to light has confirmed that I am clearly innocent of working unlicensed. The material that was requested from BSA is presented to the Court would have clearly highlighted the injustice that had occurred in my case. The correspondence pertains to information that clearly highlights government legislation being breached, and the failure of the QBSA to liaise with DET and PARTEC regarding appropriate qualifications and licensing.

These are the particulars marked "12" referred to in the annexed affidavit of MARIO MENS0

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this... Building Services Authority
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63. I was fined again by the QBSA for unlicensing contracting MAG00024110/10(9). I was found guilty by the Court, but subsequent to the hearing it was established that Kerry Maggs BSA Inspector from their Innisfail branch, was working outside the scope of works of his Inspectors licence and he has no qualifications pertaining to composites. Furthermore none of the QBSA Inspectors have qualifications in composites. This would then deem them all to be working outside their scope of works. See **Exhibit 14**.
64. **Year 2010:** Also due to my concerns and the issues that have been at hand, I have written to Hon Andrew Cribbs, member for Hinchinbrook and with whom I am a constituent and requested that he write to the relevant Ministers being the **Exhibit 15:** Honorable Robert Swarten Department of Public Works, **Exhibit 16:** the Honorable Geoff Wilson Minister for the Department of Education and Training. The responses have been very unsatisfactory. See **Exhibit 17:** dated the 25th of February 2010; **Exhibit 17a** being the 4th June 2010 from Hon Robert Swarten; and **Exhibit 18** from Hon Geoff Wilson.

Summary: the BSA has been acting without regard to its mandate

65. Transcript material from the Courts will highlight the BSA perverting the cause of justice misleading the Courts whilst under oath leading to erroneous decisions. It will also highlight the goal post shifting tactics of the QBSA in how they affected the court decision.
66. The QBSA have through the courts managed to set a precedent that has worrying ramifications for society relating to fixtures in properties. The QBSA has had accepted that a swimming pool is deemed to be attached to the ground by sand as it is situated. The Australian Standards deem bedding sand as non cohesive. Thus the BSA has had to define swimming pools by a perverse definition simply so that they can claim that they are buildings. This type of conduct must be prevented from happening again. If legislation and protocol were followed this would have not occurred and allowed to happen.
67. This is shown when the QBSA implemented PMB Qualifications into the SPASA course, whilst being unqualified to do so and not engaging the relevant RTO.
68. The jeopardy they are putting people under is one of a serious nature and action needs to be taken with the people in question, immediately. There is specific legislation and protocol in place to ensure that issues do not escalate as they have done here in my case, the QBSA have had complete disregard to the legislation in place by the Government and now should be dealt with accordingly.

These are the particulars marked "13" referred to in the annexed affidavit of *Mario Menso* sworn before me at Townsville this 1st day of November 2010. (Qualified)



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69. **Because** work with composites is classed by DET under Manufacturing and composites are not within the jurisdiction of the BSA, **it follows that** the QBSA has no jurisdiction over composites work.
70. **Because** work cannot legally be done under a regulated contract without the relevant licence and there is no licence class for the work that I do, **it follows that** there is no basis for the QBSA fining me.
71. The ramifications now should be echoed through the ranks of the BSA engulfing the CEO and also the Minister who holds the Portfolio as the stigma the BSA are portraying is rank. If I am an example of how they are conducting / handling their affairs then the QBSA should be immediately stripped from the relevant Minister's Portfolio or the QBSA dismantled as he has now been fully aware of the ongoing issues in his Department.
72. **Exhibit 19: shows** the QBSA appealing to the public for Submissions etc. This is a deplorable cost to the public purse, purely by not following and implementing legislation that is already in place.
73. **Exhibit 20: shows** The Act QBSA Regulation 2003 s 43, 30 4 of the act that pre and up to 2003 there were Four license classes for fibreglassing, however a board meeting held by QBSA and other Government bodies in 2003 struck out the license classes. This can only then be deemed and conclusive that a composite Technician would not require a license as it was then to come under the jurisdiction of Manufacturing trades and therefore would not require a license class. As it was deemed a trade in year 2000 by the Queensland Government, and Trained by Partec since 1991 the preferred RTO selected by the Department of Education and Training Queensland.
74. Ian Jennings recently stated to myself in a lengthy phone conversation there has never been no such license classes for fibreglassing work. I believe that Jennings has occupied his position as CEO of the QBSA for a term of Nine years and would have signed off on these issues in his position.
75. **Exhibit 21: Primary Building Work/ Associated building work** stated by QBSA being
(3) The following is not **Primary Building work**, but may be **associated building work**
- (viii) **Swimming pools or Spas that are not part of a bathroom**

12 Meaning of "Associated building" work

- (1) For section 10 (b) , "Associated Building work" is the following building that is n

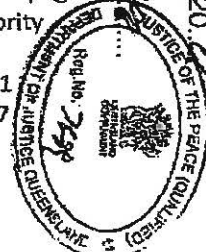
Outline of Submissions

Defendant Mario John Menso
364 Forestry Road
Bluewater QLD 4818
Fax: 07 4751 3307

Plaintiff

Building Services Authority
299 Montague Road
West End QLD 4001
Fax: 07 3247 9257

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These are the particulars marked "14" referred to in the annexed affidavit of Mario Menso. Sworn/Affirmed before me at Townsville this 12th day of November 2011. John Adrian McQuillan JP. (Qualified)

M. Menso

Primary Building work, but is other building work carried out under a contract that includes primary building work (the "other building work")

The Land Title Act 1994, 148 States a Building means a fixed structure that is wholly and partly enclosed by walls & is roofed, and includes a part of building.

76. I Mario John Menso state that I do not carry out building work.
77. **Exhibit 22: The Swimming Pool and Spa Association of Queensland Inc. (SPASA) Pertaining to Insurance.**
- Swimming pools, unlike home construction, are not protected by mandatory Government insurance. To protect consumers when building, installing or renovating pools and spas, members must provide Watertight "Contract Completion" and "Defective Construction" Benefits.

I have my own Insurance cover.

78. **Exhibit 23:** In regard to license Classes the QBSA are restricted to writing any license class governing composite technicians. ANZSCO (Australian New Zealand Standard classifications of Occupations) whom identifies trades Nationally and also New Zealand. ANZSCO have not deemed a trade name for a Composite Technician recognized Nationally and also in New Zealand at present. Ex: As per Carpenter, Plumber etc. Therefore the QBSA cannot write a license until such time that all bodies of ANZSCO agree on the trade name pertaining to Composites. This is the Australian Constitution.
79. Therefore at all times the QBSA have been fully coherent of all Statuary, Government regulations and legislation. The QBSA have blatantly gone out of there way to obstruct legislation practices safety nets, put in place to insure cohesion between Government bodies to minimize production loss ie: time, money, duplication etc. This then allowing Government and businesses to streamline the opportunity of trades, RPL (Recognition of Prior learning) and insure the quality control of trades by way of preferred trainers selected by Government in the relevant areas of industry that they pertain to.
80. The QBSA has also stated, that an application process presides with building within the Townsville City Council. This process does not exist within the realms of the Council therefore again the QBSA have mislead relevant Authorities at my expense. This has already been clarified by relevant Council personal. ie: Local Government power to exempt particular assessable building work on particular stages of inspection. Due to the fact that it is Assessable building work under the building regulation 2006, maintenance work only being carried out on an existing structure. **Exhibit 24:** Manufacturing process of liner with FGI (Fibre glass International) materials.

These are the particulars marked 1-37 referred to in the annexed affidavit of Mario Menso. Sworn/Affirmed before me at Townsville this 15th day of Nov 2011.

John Adrian McQuillan
J.P. (Deputy Magistrate)

Outline of Submissions

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M. M.



15 Nov 11 07:59a

Mario Menso

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81. On these grounds, with substantial material attached and other relevant material that still requires to be highlighted, in the interest of natural justice I now request that a full investigation be commenced into the QBSA pertaining to their actions and handling of the issues at hand beginning in 2007. I also request that this case be investigated on its merits. Which will highlight malfeasance that has been incurred by the QBSA.
82. I wish also to have all fines quashed, all records, of alleged illegal act by me expunged, and damages paid for the expenses and costs incurred to me and my business.

Mario John Menso

Paradise Pools Refurbishment

These are the particulars marked * 16 :
 referred to in the annexed affidavit
 of MARIO MENSO
 Sworn/Affirmed before me at Townsville
 this 12th day of SEPTEMBER 2011
 John Adrian McQuillan
 J.P. (Qualified)



Outline of Submissions

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