

Dear Sir/Madam,

Please find attached a series of letters in written to Ministers Garrett, Combet and Wong concerning our problems with the Green Loans Scheme, and our demand for compensation in lieu of being contracted. These letters constitute our submissions to the Senate inquiry into the Green Loans scheme.

These submissions are not confidential.

Kind regards
Rob Brook
Manager
Newcastle Home Sustainability Assessments



Newcastle

Home Sustainability Assessments

URGENT

22 February 2010

By post & fax: 6273 6101

The Honourable Peter Garrett AM, MP
Minister for the Environment, Heritage & the Arts
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister,

Contract with Department of the Environment, Water, Heritage & the Arts

I write as manager of Newcastle Home Sustainability Assessments ("NHSA") with 9 trained assessors and on behalf of Mr Peter Brook, manager of Sydney Environmental Services ("SES") with 6 trained assessors, and Mr Kenneth Wojcikowski working independently.


Your Press Release issued on Friday, 19 February 2010, and subsequent media reports have stated that the number of home sustainability assessors ("assessors") to be contracted to the Department will be capped at 5,000.

It is not clear whether NHSA's and SES's teams of assessors, and Mr Wojcikowski will be among this number. Both firms posted the relevant contracts to your Department two or more weeks ago and have not received a reply. Mr Wojcikowski posted his contract last Wednesday by priority mail.

We are concerned that our teams of assessors should be contracted to your Department and consider this to be our legitimate expectation and legal right. In the FAQ section on your Department's relevant website, the following appears:

Newcastle Home Sustainability Assessments 17 Beaumont St, Hamilton, NSW, 2303
Email: info@nhsa.com.au Web: www.nhsa.com.au
Tel: (02) 4961 2722 Fax: (02) 4962 5172

ABN 11 096 149 272

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Assessor selection – how many Assessors are going to be selected?

There is no limit to the number of Home Sustainability Assessors providing assessment services for the Green Loans Program. Some Assessors may be available for a couple of hours a day or week; while other Assessors may be available seven days a week. ...

In establishing our businesses, we relied on this statement and other information provided by your Department and by ABSA on how the Scheme would work and how Assessors would be contracted to the Department. There was no suggestion in any of the information provided that our assessors may not be contracted to the Department even though we satisfied the Scheme's qualifications and other requirements, which we have done. All information provided was to the effect that we would be contracted.

Both NHSA and SES developed additional training manuals and conducted training days for our assessors with the aim of providing a consistent, professional assessment process for our clients.

Apart from an enormous commitment in time and energy, NHSA has already spent almost \$70,000 establishing its business. This is comprised of the following, each item of which can be verified with invoices and photographic evidence if required:

\$12,000	Training in Sydney for 9 assessors
\$3,100	Insurance
\$4,600	Development of training materials
\$1,500	Development of logo & website; domain name
\$7,500	8 touch-screen computers
\$5,900	ABSA Registration
\$600	Telephone connections and initial phone system costs
\$1,100	Business cards
\$2,000	Miscellaneous; eg. stationary, laser measuring devices
\$1,210	Advertising of services in <i>Newcastle Morning Herald</i> on 19/2/10 and 22/2/10.
\$30,000	Budgeted outlay for fit-out of office; two-thirds constructed.
<hr/>	
\$68,610	Total Establishment Costs

On a per assessor basis, NHSA's establishment costs have totaled approximately \$7,500. SES has spent a similar amount establishing its business.

We would be grateful to receive confirmation that our firms and Mr Wojcikowski have been contracted to your Department.

Yours truly,

Rob Brook

cc. Department of the Environment, Water, Heritage & the Arts,
GPO Box 787, Canberra, 2601 (By post only)

The Honourable Peter Garrett AM, MP. Electoral Office: PO Box
249, Maroubra, NSW, 2035 (By post and fax: 9349 8089)

The Honourable Sharon Grierson MP (Local Member for
NHSA.) 427 Hunter St, Newcastle, NSW, 2300 (By post and
fax: 6277 8461)

**Newcastle Home Sustainability Assessments:
List of Assessors**

Robert Brook	HO56747
Joshua Peters	HO56331
Graham Walker	HO55590
Steven Condon	HO55591
Philip Litchfield	HO56748
Drew Nestorwitsch	HO59396
Elisabeth Pont	HO59394
Ryan Gallagher	HO56254
Luke Lord	HO59395

**Sydney Environmental Services:
List of Assessors**

Peter Brook	HO56585
Saysana Sirimanotham	HO56536
Peter Jones	HO56534
Qian Deng	HO56941
Sam Nashaar	HO56537
Jessie Billing	HO56535

Mr Kenneth Wojcikowski:

3 Silvergull Drive, East Ballina, 2478 (HO number has been
approved but not yet notified to him)

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Newcastle

Home Sustainability Assessments

URGENT

1 March 2010

By post & fax: 6273 7112

The Honourable Greg Combet AM, MP
Minister for Defence Personnel, Material & Science, and Minister
Assisting the Minister for Climate Change
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister,

Contract with Department of the Environment, Water, Heritage & the Arts


Please find attached a letter we sent to the Hon. Peter Garrett dated 22 February 2010, to which we have not yet received a reply. We now write to you as the Minister overseeing implementation of the "Green Loans" program, asking that you address the issue at hand, which is that we, along with Sydney Environmental Services ("SES") and Mr Kenneth Wojcikowski, be contracted by the Department to conduct home sustainability assessments.

Newcastle Home Sustainability Assessments ("NHSA") has now spent in excess of \$70,000, along with a very considerable amount of time and energy, in establishing our business. It was our business decision to do this in reliance on the information that was provided by Government at the time. That information was to the effect that once we met certain conditions (which we have met), we would be contracted to undertake home assessments under the program and, in particular, that there would be no cap on the number of assessors to be contracted.

The cap of 5,000 assessors, introduced on 19 February 2010 after our contracts had already been provided to Government, potentially excludes our team of assessors from being contracted and has

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prevented us from starting our assessment work to date. We have a large number of clients who want us to undertake assessments under the program and who we are prevented from servicing as a result of not yet being contracted to the Department.

On the Department's website, the following information is provided:¹

What do you need to do to become an Assessor?

...

1. Be accredited with an Assessor Accrediting Organisation

...

2. Sign a contract with the Australian Government to provide assessment services.

...

3. List your availability.

...

To list your availability, contact our Hotline on 1800 895 076.

We have completed steps 1 and 2. It is step 3, above, that we are unable to do. When we call the Hotline, we are told that we have not yet been contracted to the Department and therefore cannot book any appointments with clients, nor have our availability listed.

Previously on the Department's website, until Tuesday, 23 February 2010 when the website was changed, the following appeared as an "FAQ":

Assessor selection – how many Assessors are going to be selected?

There is no limit to the number of Home Sustainability Assessors providing assessment services for the Green Loans Program. Some Assessors may be available for a couple of hours a day or week; while other Assessors may be available seven days a week. ...

We would be grateful to receive confirmation that our firm, SES and Mr Wojcikowski have been contracted to the Department.

Yours truly,

Rob Brook

¹ <http://www.environment.gov.au/greenloans/assessors/accreditation.html>

cc. Department of the Environment, Water, Heritage & the Arts,
GPO Box 787, Canberra, 2601 (By post only)

The Honourable Greg Combet AM, MP. Electoral Office: PO
Box 747, Cardiff, NSW, 2285 (By post and fax: 4954 2655)


The Honourable Sharon Grierson MP (Local Member for
NHSA.) 427 Hunter St, Newcastle, NSW, 2300 (By post and
fax: 6277 8461)

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Home Sustainability Assessments

LETTER BEFORE ACTION

8 March 2010

By post & fax: (08) 8223 5588

The Honourable Penny Wong, MP
Minister for Climate Change & Water
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister,

Contract with Department of the Environment, Water, Heritage & the Arts


Please find attached a letter we sent to the Hon. Peter Garrett dated 22 February 2010, and a letter we sent to the Hon. Greg Combet dated 1 March 2010, to which we have not received a reply.

Those letters refer to the fact that the Government expressly stated that the Green Loans program would not limit the number of assessors appointed. In wholly reasonable reliance on that statement, among others, we spent more than \$70,000 (in addition to large amounts of time and effort) establishing a business with multiple assessors. Government has changed its position, causing very considerable losses to us. Imagine if this amount of money had come out of your pocket, in addition to the time and effort spent.

We understand that representatives of the Department of the Environment, Water, Heritage & the Arts have sought to deflect responsibility for prospective assessors being misled in this way by stating there was a "no guarantee of work" clause in the contract. We are not complaining about that clause of the contract; we have organised our own work under scheme. Our complaint is that our applications have not been treated the way Government stated they would be treated and we have not been contracted at all. Having fulfilled the requirements to be contracted previously specified by

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Government when we signed the contracts, we demand to be contracted.

Preliminary advice is that we have a very strong case against the Government for damages if we are not contracted. That advice is also to the effect that a class action is probably viable.

If we do not receive confirmation that our contract has been approved by the close of business on Friday, 12 March 2010, we will be formally placing this matter in the hands of our solicitors with instructions to bring proceedings.

Yours truly,

Rob Brook

cc.

Department of the Environment, Water, Heritage & the Arts:
GPO Box 787, Canberra, 2601 (By post only)

The Honourable Greg Combet AM, MP:
PO Box 6022, House of Representatives, Parliament House,
Canberra ACT 2600 (By post & fax: 6273 7112)
Electoral Office: PO Box 747, Cardiff, NSW, 2285 (By post & fax:
4954 2655)

The Honourable Sharon Grierson MP (Local Member for NHTA:
427 Hunter St, Newcastle, NSW, 2300 (By post & fax: 6277 8461)



Newcastle

Home Sustainability Assessments

23 March 2010

By post & fax: (02) 6273 7330
& (08) 8223 5588

The Honourable Penny Wong, MP
Minister for Climate Change, Energy Efficiency & Water
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister,

Contract with Department of Climate Change, Energy Efficiency and Water

Our letter of 8 March 2010, to which we have not received a reply, refers.

We attended a meeting of assessors last Friday at which one assessor, who we will not name but who works for Almighty Tree Services Pty Ltd,¹ explained that she had been added to her company's contract with your Department for the purpose of conducting home sustainability assessments. According to this assessor's account, her inclusion in the contract was made some time after Minister Garrett's announcement of 19 February 2010.


This assessor received her training some time after our team of assessors was trained, and the application to have her approved as a contracted assessor appears to have been made after our business submitted its contract for approval.

Would you kindly explain why this assessor (and presumably other assessors) have been approved to work under the Government's scheme while we have not, despite their training and application procedures having apparently been completed later than ours. Moreover, would you kindly detail the criteria being used by your

¹ ABN 36 129 698 844, Ph: (02) 4950 2773, 13 Rogulla Cl, Maryland, NSW, 2287

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Department to approve some contracts but not ours and the rationale for that criteria.

Yours truly,

Rob Brook

cc. The Honourable Sharon Grierson MP (Local Member for NHSA:
427 Hunter St, Newcastle, NSW, 2300 (By post & fax: 6277 8461)

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