



ASSURANCE
Fair Trading Act 1987
Section 79

Assurance to the Commissioner for Consumer Affairs given for the purposes of section 79 of the *Fair Trading Act 1987* by:

Iguana Investments Pty Ltd (ACN 136 733 161)

1. PERSONS GIVING THIS ASSURANCE

- 1.1. This Assurance is given to the Commissioner for Consumer Affairs by Iguana Investments Pty Ltd (ACN: 136 733 161) of 28 Atlas Court, Modbury North, SA in the State of South Australia, for the purposes of Section 79 of the *Fair Trading Act 1987*.

2. BACKGROUND

- 2.1. Iguana Investments Pty Ltd (Iguana) is a former building work contractor licensed under the *Building Work Contractor's Act 1995* (the Act) (BLD 235514). Iguana's building work contractor's licence was granted on 19 April 2011 and cancelled on 16 June 2015.
- 2.2. In 2012, Iguana constructed two storey units at 68 Franklin Avenue, Mawson Lakes (Unit 1 and Unit 2).
- 2.3. Iguana failed to obtain building indemnity insurance in relation to the construction of Units 1 and 2, 68 Franklin Avenue, Mawson Lakes, contrary to s 34 of the Act.
- 2.4. Shortly after the owner purchased Unit 1 in June 2012, the upstairs balcony of Unit 2 leaked causing significant damage to Unit 1.
- 2.5. In 2012, Iguana also constructed a residential dwelling at 1 Clansman Avenue, Windsor Gardens.
- 2.6. In 2013, Iguana constructed 6 units at 7 Sandy Lane, Hackham.
- 2.7. In early 2014, the Commissioner for Consumer Affairs received a number of complaints in relation to the construction of the properties listed in paragraphs 2.3 – 2.7. An investigation was commenced which resulted in the Commissioner engaging building consultant Peter Jankovic to provide expert opinion in relation to each property, identifying items which were non-compliant with the Building Rules or considered to be poor workmanship. Mr Jankovic's findings were outlined in 9 separate reports.
- 2.8. By agreement with Iguana, the Commissioner for Consumer Affairs subsequently engaged a quantity surveyor to quantify the cost of rectification works in relation to the items listed in the reports of Peter Jankovic, with the exclusion of some items by agreement.

- 2.9. Following further negotiations, the Commissioner and Iguana executed a Deed of Settlement as an alternative to the Commissioner instituting civil proceedings on behalf of each of the consumers pursuant to s 47 of the *Fair Trading Act 1987* and disciplinary proceedings under the *Building Work Contractor's Act 1995*.
- 2.10. Pursuant to that Deed of Settlement, Iguana agreed to compensate the home owners a total of \$186,674.36 (to be distributed in specified amounts to each of the consumers) plus the costs owing to the quantity surveyor of \$8,633.86. Iguana also agreed to purchase Unit 1, 68 Franklin Avenue, Mawson Lakes from the owner for \$255,000.

3. CONDUCT OF CONCERN

- 3.1. As a result of the matters outlined above, the Commissioner for Consumer Affairs considers that there is proper cause for disciplinary action against Iguana as a former building work contractor on the following grounds:
 - 3.1.1. Performing building work, namely the constructions of Units 1 and 2, 68 Franklin Avenue, Mawson Lakes without a policy of building indemnity insurance in force contrary to s 34 of the Act;
 - 3.1.2. That Iguana acted unlawfully, improperly, negligently or unfairly in performing building work which was found to be non-compliant with the Building Rules and of poor workmanship in the construction of Units 1 & 2, 68 Franklin Avenue, Mawson Lakes, 1 Clansman Avenue, Windsor Gardens, and Units 1-6, 7 Sandy Lane, Hackham.

4. ASSURANCE GIVEN FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987

- 4.1. Iguana hereby provides an assurance to the Commissioner that:
 - 4.1.1. It will not perform or engage in any building work regulated by the *Building Work Contractor's Act 1995* (SA) (to have permanent effect);
 - 4.1.2. It will not apply for a building work contractor's licence in South Australia (to have permanent effect).

5. COMMENCEMENT OF ASSURANCE

- 5.1. This Assurance comes into effect when:
 - 5.1.1. the Assurance is executed by Iguana; and
 - 5.1.2. the Commissioner for Consumer Affairs accepts the assurance so executed.

6. ACKNOWLEDGMENTS

- 6.1. Iguana acknowledges the conduct of concern outlined in paragraph 3.1 above.

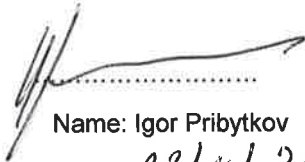
6.2. The Commissioner for Consumer Affairs acknowledges that Iguana has made reparation and compensation to each of the home owners as per the Deed of Settlement.

Iguana acknowledges that:

- 6.3. CBS will make this Assurance publicly available including by publishing it on CBS' public register of Assurances on its website;
- 6.4. CBS may, from time to time, make public reference to the Assurance including in news media statements and in CBS publications;
- 6.5. This Assurance may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987* or a related Act.

EXECUTED BY **Iguana Investments Pty Ltd (ACN 136 733 161)**, pursuant to section 127(1) of the *Corporations Act 2001 (Cth)*

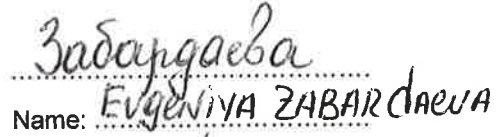
Sole Director



Name: Igor Pribytkov

Date: 03/11/2017

Signature of Witness



Name: EVGENIYA ZABAR daeva

Date: 03/11/2017

Accepted by the **Commissioner for Consumer Affairs (SA)** pursuant to s79 of the *Fair Trading Act 1987*



Commissioner for Consumer Affairs (SA)

Date: 17/11/17

