



ASSURANCE

Fair Trading Act, 1987
Section 79, and

UNDERTAKING

Australian Consumer Law (SA)
Section 218

Assurance / Undertaking to the Commissioner for Consumer Affairs given for the purposes of section 79 of the *Fair Trading Act 1987* (SA) and section 218 of the *Australian Consumer Law* by:

Petros Katsikas
ABN 51 885 518 757

PERSONS GIVING THIS ASSURANCE & UNDERTAKING

1. This Assurance / Undertaking is given to the Commissioner for Consumer Affairs ("the Commissioner") by Petros Katsikas of Salisbury in the State of South Australia for the purposes of section 79 of the *Fair Trading Act 1987* (SA) and section 218 of the *Australian Consumer Law* (SA) ("the ALC"), which is adopted by the *Fair Trading Act 1987* (SA).

BACKGROUND

2. Mr Petros Katsikas is a natural person and sole trader, ABN 51 885 518 757.
3. On 29 May 2008 Consumer and Business Services ("CBS") granted Mr Katsikas a building work contractor's licence limited to Bricklaying & Masonry, Brick Paving, and Solid Plastering Limited to Repairs (BLD 210448) ("the licence"). Mr Katsikas surrendered the licence on 5 July 2017.
4. Section 6(1) of the *Building Work Contractors Act 1995* (SA) ("the BWC Act") requires a person who carries on business as a building work contractor to be licensed under the BWC Act. A person carries on business as a building work contractor if he or she performs building work for fee or reward. It is an offence for a person to carry on business as a building work contractor in relation to building work that he or she is not licensed to perform.
5. Section 158(7) of the ACL requires a person engaged in trade or commerce, who accepts payment (including part payment) for goods or services to deliver the goods or services within a reasonable time. It is an offence to accept payment for goods or services and to fail to deliver the goods or services within a reasonable time.

CONDUCT OF CONCERN

6. In February 2016, Mr Katsikas contracted in the amount \$6,842 to undertake building work namely, paving and concreting to a front yard at a residential property in Northfield. Between February 2016 and May 2016 Mr Katsikas performed some of that work. Mr Katsikas accepted payment totalling \$6,842 for the work. Mr Katsikas did not complete the work.
7. In April 2016, Mr Katsikas contracted in the amount \$25,571 to undertake building work, namely, fencing, steps, retaining wall, concrete slab, driveway and paths at a residential

property in Hope Valley. Between April 2016 and January 2017 Mr Katsikas performed some of that work. Mr Katsikas accepted payment totalling \$23,090 for the work. Mr Katsikas did not complete the work.

8. In August 2016, Mr Katsikas contracted in the amount \$15,971 to undertake building work, namely installing windows, fencing, and paving at residential property in Klemzig. Between August 2016 and September 2016 Mr Katsikas performed some of that work. Mr Katsikas accepted payment totalling \$15,971 for the work. Mr Katsikas did not complete the work.
9. In January 2017, Mr Katsikas contracted in the amount \$3,871 to undertake building work, namely paving and fencing at a residential property in Walkley Heights. Between January 2017 and March 2017, Mr Katsikas performed some of that work. Mr Katsikas accepted payments totalling \$2,500 for the work. Mr Katsikas did not complete the work.
10. By engaging in the conduct described at [6] – [9] above, Mr Katsikas performed building work that he was not licensed to perform under the BWC Act.
11. By engaging in the conduct described at [6] – [9] above, Mr Katsikas accepted payment (including part payments) for goods or services which he failed to deliver within a reasonable time.

CONTRAVENTIONS

12. As a result of the matters outlined above, the Commissioner considers, and Mr Katsikas acknowledges, that it is likely that Mr Katsikas has:
 - 12.1 Carried on business as a building work contractor unlicensed contrary to section 6(1) of the BWC Act; and
 - 12.2 Accepted payment for goods or services and failed to provide those goods or services within a reasonable time contrary to section 158(7) of the ACL.

COMMENCEMENT OF ASSURANCE / UNDERTAKING

13. This Assurance / Undertaking comes into effect when:
 - 13.1 The Assurance / Undertaking is executed by Mr Katsikas; and
 - 13.2 The Commissioner accepts the Assurance / Undertaking so executed.

ASSURANCE / UNDERTAKING GIVEN FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987 (SA) AND SECTION 218 OF THE ACL

14. Mr Katsikas hereby provides an Assurance / Undertaking to the Commissioner that he will not:
 - 14.1 Carry on business as a building work contractor unless authorised by licence in accordance with section 6(1) of the BWC Act; and
 - 14.2 Accept payment for goods or services and fail to provide those goods or services within a reasonable time and therefore undertakes to comply with section 158(7) of the ACL.

ACKNOWLEDGMENTS

15. Mr Katsikas acknowledges that:

- 15.1 It is an offence to breach an Assurance as set out in section 81 of the *Fair Trading Act 1987* and the Commissioner may take action for breach of an Undertaking given under the ACL;
- 15.2 CBS will make this Assurance / Undertaking publicly available including by publishing it on CBS' public register of Assurances & Undertakings on its website;
- 15.3 CBS may, from time to time, make public reference to the Assurance / Undertaking including in news media statements and in CBS publications;
- 15.4 This Assurance / Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct; and
- 15.5 This Assurance / Undertaking 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 or the *Australian Consumer Law*.

EXECUTED BY Petros Katsikas

P. Katsikas

Mr Petros Katsikas

Date: *17/3/18*



Signature of Witness

Witness name: *J. DUNCAN*

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to sections 79 of the *Fair Trading Act 1987* (SA) and section 217 of the *Australian Consumer Law* (SA).



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Commissioner for Consumer Affairs (SA)

Date: *29/3/18*