



**ASSURANCE**

*Fair Trading Act 1987*

Section 79

Assurance to the Commissioner for Consumer Affairs given for the purposes of s79 of the *Fair Trading Act 1987* by:

**Prisdale Pty Ltd (ACN 090 643 931) trading as Masterguard Security and Mr Peter Edward Robinson and Mrs Melanie Jane Robinson.**

**1. PERSONS GIVING THIS ASSURANCE**

- 1.1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Prisdale Pty Ltd trading as Masterguard Security, Mr Peter Robinson and Mrs Melanie Robinson of Rosedale in the State of South Australia for the purposes of Section 79 of the *Fair Trading Act (SA) 1987*.

**2. BACKGROUND**

- 2.1. Prisdale Pty Ltd (ACN 090 643 931), trading as Masterguard Security, is a proprietary company limited by shares.
- 2.2. Mr Peter Edward Robinson (Mr Robinson) is a director of Prisdale Pty Ltd.
- 2.3. Mrs Melanie Jane Robinson (Mrs Robinson) is a director of Prisdale Pty Ltd.
- 2.4. At all relevant times Prisdale Pty Ltd did not hold a building work contractor's licence issued under the *Building Work Contractor's Act 1995* ("the Act").
- 2.5. Section 6 (1)(a) of the Act prohibits a natural person or company from carrying on business as a building work contractor except as authorised by a licence under Part 2.
- 2.6. Section 6(1)(b) of the Act prohibits a natural person or company from advertising or otherwise holding themselves out as being entitled to carry on business as a building work contractor, unless authorised to carry on business as such a contractor by a licence under Part 2.

**3. CONDUCT OF CONCERN**

- 3.1. On or around 21 December 2010 Prisdale Pty Ltd and Mr Robinson were warned in writing by Consumer and Business Services (“CBS”) to not contract for building work unless licensed as a building work contractor under the Act.
- 3.2. On or about 18 February 2019 Prisdale Pty Ltd and Mr Robinson were again warned in writing by CBS to not contract for building work unless licensed as a building work contractor.
- 3.3. Between 1 July 2019 and 31 August 2019 Prisdale Pty Ltd carried on business as a building work contractor by supplying and installing wood heaters at the properties of two consumers, without authorisation by a licence under the Act.
- 3.4. Between 10 October 2019 and 8 October 2020 Prisdale Pty Ltd advertised on the website [www.masterguardsecurity.com.au](http://www.masterguardsecurity.com.au) for building work services, namely the supply and installation of wood heaters and roller shutters.

#### **4. CONTRAVENTIONS**

- 4.1. The Commissioner considers, and Prisdale Pty Ltd, Mr Robinson and Mrs Robinson acknowledges that by engaging in the conduct described in paragraph 3 above, it is likely that Prisdale Pty Ltd has:
  - 4.1.1. Carried on business as a building work contractor whilst not authorised to do so by licence, in contravention of section 6(1)(a) of the *Building Work Contractors Act 1995*; and
  - 4.1.2. Advertised or otherwise held the company out as being entitled to carry on business as a building work contractor whilst not authorised to carry on business as such a contractor by a licence, in contravention of s 6(1)(b) of the *Building Work Contractors Act 1995*.

#### **5. ASSURANCE GIVEN BY PRISDALE PTY LTD AND MR PETER ROBINSON AND MRS MELANIE ROBINSON FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987**

- 5.1. In response to the concerns raised by Consumer and Business Services (CBS) on behalf of the Commissioner, Prisdale Pty Ltd provides an Assurance to the Commissioner that the company will not:
  - 5.1.1. Carry on business as a building work contractor unless authorised by licence under the *Building Work Contractors Act 1995*.
  - 5.1.2. Advertise or otherwise hold itself out as being entitled to carry on the business of a building work contractor unless authorised by licence under the *Building Work Contractors Act 1995*.
- 5.2. Mr Robinson and Mrs Robinson also provides an Assurance to the Commissioner that they will:

5.2.1. Ensure that any company carrying on business as a building work contractor in South Australia, of which they are the directors, will be appropriately licensed under the Act.

5.2.2. Ensure that any company, of which they are the directors, will not advertise or otherwise hold itself out as being entitled to carry on the business of a building work contractor unless the company is appropriately licensed under the Act.

## **6. COMMENCEMENT OF ASSURANCE/UNDERTAKING**

6.1. This Assurance comes into effect when:

6.1.1. The Assurance is executed by Prisdale Pty Ltd

6.1.2. The Assurance is executed by Mr Robinson; and

6.1.3. The Assurance is executed by Mrs Robinson; and

6.1.4. The Commissioner accepts the Assurance so executed.

## **7. ACKNOWLEDGMENTS**

7.1. Prisdale Pty Ltd, Mr Robinson and Mrs Robinson acknowledge that:

7.1.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*;

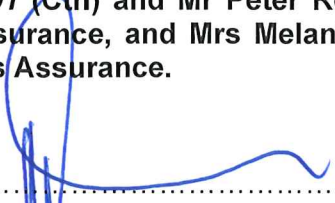
7.1.2. CBS will make this Assurance publicly available including by publishing it on CBS' public register of Assurances on its website;

7.1.3. CBS will, from time to time, make public reference to the Assurance including in news media statements and in CBS publications;

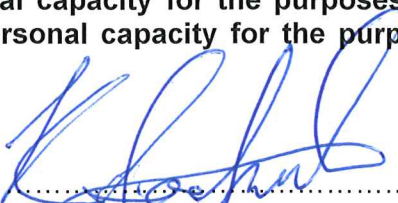
7.1.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct; and

7.1.5. This Assurance may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987*.

EXECUTED BY Prisdale Pty Ltd pursuant to *section 127(1) of the Corporations Act 2001 (Cth)* and Mr Peter Robinson in his personal capacity for the purposes of this Assurance, and Mrs Melanie Robinson in her personal capacity for the purposes of this Assurance.



Peter Robinson  
Director of Prisdale Pty Ltd




Signature of Witness


Name: Kim Sochala

Date: 27/4/21

Date: 27-4-21



Melanie Robinson  
Director of Prisdale Pty Ltd




Signature of Witness

Name: Kim Sochala

Date: 27/4/21

Date: 27-4-21

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to s79 of the *Fair Trading Act 1987* and section 218 of the *Australian Consumer Law (SA)*.



Dini Soulio  
Commissioner for Consumer Affairs (SA)

Date: 7/5/21