



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:

Justin Peter Scott trading as "C & C Building Consultants"

PERSONS GIVING THIS ASSURANCE

1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Mr Justin Peter Scott for the purposes of section 79 of the *Fair Trading Act 1987* (SA).

BACKGROUND

2. Mr Justin Peter Scott is a natural person.
3. Mr Scott holds the ABN 59 780 377 062 as a sole trader and the registered business name "C & C Building Consultants".
4. Mr Scott does not hold a building work contractor's licence pursuant to the *Building Work Contractors Act 1995* ("the Act").
5. Mr Scott is the holder of building work supervisor's licence with conditions, BLD 287667 pursuant to the Act.
6. Mr Scott's building work supervisor's licence is limited to:
 - 6.1. General repairs limited to non-structural building work;
 - 6.2. Rendering & texture coating;
 - 6.3. Roof restoration.
7. Section 28 of the Act requires the following:
 - 7.1. That a domestic building work contract must be in writing.
 - 7.2. Must set out in full all the contractual terms.
 - 7.3. Must set out the name in which the building work contractor carries on business under the contractor's licence and the contractor's licence number and the names and licence numbers of any other persons with whom the contractor carries on business as a building work contractor in partnership.
 - 7.4. The contract must comply with any requirements of the regulations as to the contents of domestic building work contracts.
 - 7.5. The contract must be signed by the building work contractor and the building owner personally or through an agent authorised to act on behalf of the contractor or building owner. The building owner must be given a copy of the signed contract as soon as reasonably practicable after it has been signed by both parties together with a notice in the prescribed form containing the prescribed information.
 - 7.6. The copy of the contract and the notice given to the building owner must (apart from signatures or initials) be readily legible.

11/3/20
JP

8. Section 34 of the Act prohibits a building work contractor from performing building work to which Division 3 applies unless:
 - 8.1. a policy of insurance that complies with this Division is in force in relation to that building work; and
 - 8.2. in the case of building work to be performed by the contractor under a domestic building work contract—the building owner has been provided with a certificate that evidences the taking out of that policy of insurance and complies with the requirements of the regulations.

CONDUCT OF CONCERN

9. Between 4 September 2019 and 7 November 2019, Mr Scott carried on business as a building work contractor by contracting for roof restoration work for a property in Gifford Avenue, St Agnes (“the work”). The total amount paid for the work was \$19,205.
10. Mr Scott failed to provide a domestic building work contract as required by the Act in respect of the work and failed to obtain a policy of building indemnity insurance as required by section 34 of the Act.

CONTRAVENTIONS

11. The Commissioner considers and Mr Scott acknowledges, that it is likely that Mr Scott has:
 - 11.1. Carried on business as a building contractor without authorisation by licence in contravention of section 6(1)(a) of the *Building Work Contractors Act 1995*;
 - 11.2. Failed to provide a domestic building work contract in contravention of section 28(1) of the *Building Work Contractors Act 1995*;
 - 11.3. Failed to obtain a policy of insurance in contravention of section 34 of the *Building Work Contractors Act 1995*.

COMMENCEMENT OF ASSURANCE

12. This Assurance comes into effect when:
 - 12.1. The Assurance is executed by Mr Scott; and
 - 12.2. The Commissioner for Consumer Affairs accepts the Assurance so executed.

ASSURANCE BY MR JUSTIN PETER SCOTT FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987

13. In response to the concerns raised by CBS on behalf of the Commissioner for Consumer Affairs, Mr Scott hereby provides an Assurance to the Commissioner that:
 - 13.1. Mr Scott will not carry on business as a building work contractor except as authorised to do so by licence, or aid, abet, counsel or procure a company to carry on business as a building work contractor except as authorised to do so by licence.

11/6/20

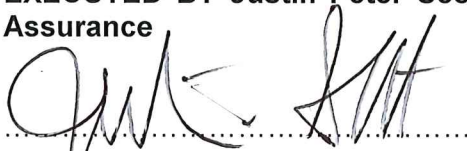

- 13.2. Mr Scott will not perform any domestic building work without a domestic building work contract in place in accordance with section 28 of the Act, or aid, abet, counsel or procure a company to perform any domestic building work without a domestic building work contract in place in accordance with section 28 of the Act.
- 13.3. Mr Scott will not perform any domestic building work to which Division 3 of the Act applies, unless a policy of insurance that complies with Division 3 of the Act is in force, or aid, abet, counsel or procure a company to perform any domestic building work to which Division 3 of the Act applies, unless a policy of insurance that complies with Division 3 of the Act is in force.

ACKNOWLEDGMENTS

14. Mr Scott acknowledges that:

- 14.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
- 14.2. CBS will make this Assurance publicly available including by publishing it on CBS' public register of undertakings on its website;
- 14.3. CBS may, from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and
- 14.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
- 14.5. 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 Justin Peter Scott in his personal capacity for the purposes of this Assurance


.....
Mr Justin Peter Scott

11/6/20
.....
Date

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


.....
Commissioner for Consumer Affairs (SA)

15/6/20
.....
Date

