



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:

Puddle Plumbing & Gas Pty Ltd (ACN 606 377 057) trading as 'Puddle Plumbing & Gas' and Mathew James Overton.

1. PERSONS GIVING THIS ASSURANCE

1.1. This Assurance is given to the Commissioner for Consumer Affairs by Puddle Plumbing & Gas Pty Ltd trading as 'Puddle Plumbing & Gas' in the State of South Australia and its sole Director Mathew James Overton, for the purposes of section 79 of the *Fair Trading Act 1987*.

2. BACKGROUND

- 2.1. Puddle Plumbing & Gas Pty Ltd (ACN 606 377 057) (**Puddle Plumbing & Gas**), is a proprietary company limited by shares.
- 2.2. At all material times Puddle Plumbing & Gas did not hold a licence authorising it to contract for gas fitting or plumbing work within South Australia.
- 2.3. At all relevant times Mr Mathew James Overton (**Mr Overton**) was the sole Director of Puddle Plumbing & Gas.
- 2.4. Between 16 May 2007 to 22 April 2017 and from 20 September 2017 onwards Mr Overton held a worker's registration authorising him to perform gas fitting, plumbing and restricted electrical work within South Australia.
- 2.5. Mr Overton's electrical worker registration is restricted in that it is limited to:
 - 2.5.1. Service and replacement of single phase 240V water heaters (rated up to 4.8kw or 450l) & associated components.
- 2.6. Section 6(1)(a) of the *Plumbers, Gas Fitters and Electricians Act 1995 (the PGE Act)* requires that a person must not carry on business as a plumbing or gas fitting contractor except as authorised by licence.
- 2.7. Section 6(1)(b) of the PGE Act requires that a person must not advertise themselves as being entitled to carry on business as a plumbing or gas fitting contracting except as authorised by licence.

3. CONDUCT OF CONCERN

3.1. From 23 April 2017 to 22 February 2019 Puddle Plumbing & Gas contracted for plumbing and gas fitting work without authorisation by licence including, but not limited to the following addresses:

- 17 Galway Avenue, Collinswood, South Australia;

- Lot 999 Hardy Walk, Lightsview, South Australia;
 - Lot 1002 Hardy Walk, Northgate, South Australia;
 - Lot 1724 Woodli Avenue, Lightsview, South Australia;
 - 28 Gloucester Street, Largs Bay, South Australia;
 - Lot 131 Marsden Street, West Lakes, South Australia;
 - Lot 132 Marsden Street, West Lakes, South Australia;
 - Lot 133 Marsden Street, West Lakes, South Australia;
 - 28A Gloucester Street, Largs Bay, South Australia.
- 3.2. From 23 April 2017 onwards Puddle Plumbing & Gas advertised on Facebook as being entitled to carry on business as a plumbing and gas fitting contractor without authorisation by licence.

4. CONTRAVENTIONS

As a result of the matters outlined above, the Commissioner considers, and Puddle Plumbing & Gas acknowledges that it has:

- 4.1. Carried on business as a plumbing and gas fitting contractor without authorisation by licence in contravention of section 6(1)(a) of the PGE Act; and
- 4.2. Advertised as being entitled to carry on business as a plumbing and gas fitting contractor without authorisation by licence, in contravention of section 6(1)(b) of the PGE Act.

As a result of the matters outlined above, the Commissioner considers, and Mr Overton acknowledges that he has:

- 4.3. Aided, abetted, counselled or procured Puddle Plumbing & Gas to carry on business as a plumbing and gas fitting contractor without authorisation by licence in contravention of section 6(1)(a) of the PGE Act; and
- 4.4. Aided, abetted, counselled or procured Puddle Plumbing & Gas to advertise as being entitled to carry on business as a plumbing and gas fitting contractor without authorisation by licence in contravention of section 6(1)(b) of the PGE Act.

5. COMMENCEMENT OF ASSURANCE

This Assurance comes into effect when:

- 5.1. The Assurance is executed by Puddle Plumbing & Gas; and
- 5.2. The Assurance is executed by Mr Overton;
- 5.3. The Commissioner for Consumer Affairs accepts the assurance so executed.

6. ASSURANCE BY PUDDLE PLUMBING & GAS PTY LTD AND MR OVERTON GIVEN FOR THE PURPOSES OF SECTION 79 OF THE *FAIR TRADING ACT 1987*

In response to the concerns raised by CBS on behalf of the Commissioner for Consumer Affairs, Puddle Plumbing & Gas Pty Ltd and Mr Overton hereby provide an Assurance to the Commissioner that:

- 6.1 Puddle Plumbing & Gas will not carry on the business of a plumbing and a gas fitting contractor except as authorised by licence in contravention of section 6(1)(a) of the PGE Act; and
- 6.2 Puddle Plumbing & Gas will not advertise as been able to carry on the business of a plumbing and gas fitting contractor except as authorised by licence in contravention of section 6(1)(b) of the PGE Act; and
- 6.3 Mr Overton will not aid, abet, counsel or procure Puddle Plumbing & Gas to carry on the business of a plumbing and gas fitting contractor except as authorised by licence in contravention of section 6(1)(a) of the PGE Act; and
- 6.4 Mr Overton will not aid, abet, counsel or procure Puddle Plumbing & Gas to advertise or otherwise hold out as being entitled to carry on business as a plumbing and gas fitting contractor except as authorised by licence in contravention of section 6(1)(b) of the PGE Act.

7. ACKNOWLEDGMENTS

Puddle Plumbing & Gas and Mr Overton acknowledges that:

- 7.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
- 7.2. CBS will make this Assurance publicly available including by publishing it on CBS' public register of undertakings on its website;
- 7.3. CBS may, from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and
- 7.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
- 7.5. 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 Puddle Plumbing & Gas Pty Ltd by its authorised officer pursuant to section 127(1) of the *Corporations Act 2001* (Cth) and by Mathew James Overton in his personal capacity as sole director of Puddle Plumbing & Gas Pty Ltd



Mr. Mathew James Overton

Director/Secretary of Puddle Plumbing & Gas Pty Ltd

Date: 11/9/19



Signature of Witness

Witness name: chloe turner

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



Commissioner for Consumer Affairs (SA)

Date: 23/9/19