



UNDERTAKING
Australian Consumer Law (SA)
Section 218

Undertaking to the Commissioner for Consumer Affairs given for the purposes of section 218 of the *Australian Consumer Law (SA)* by:

Mr Robert Davey, as Trustee for the Davey Family Trust

PERSONS GIVING THIS UNDERTAKING

1. This Undertaking is given to the Commissioner for Consumer Affairs (**the Commissioner**) by Robert Davey, as Trustee for the Davey Family Trust, in the State of South Australia for the purposes of section 218 of the *Australian Consumer Law (SA)* (**the ACL**), which is adopted by the *Fair Trading Act 1987*.

BACKGROUND

2. The Trustee for Davey Family Trust is a discretionary trading trust. Mr Robert Davey is the trustee of the Davey Family Trust and holds the registered business name "One Stop Inspections".
3. One Stop Inspections provides building, pest and swimming pool inspection services.
4. In providing these services, Mr Robert Davey visits consumers' homes in response to consumers requesting an inspection through an online website. Consumers can book and pay for the inspection services. The website has pages describing the business in terms of its size, number of staff, expertise and scope of services.
5. The business One Stop Inspections was acquired by Robert Davey, as trustee for the Davey Family Trust in December 2017.

CONDUCT OF CONCERN

6. In May 2017 CBS received a complaint in relation to information on the One Stop Inspections website. In particular, the complainant claimed that between March 2017 and May 2017 One Stop Inspections had:
 - 6.1.1. Published a representation on its website that the business was a member of the Housing Industry Association, when no such membership was current at the time; and
 - 6.1.2. That this representation remained on the website from December 2017 to April 2018, whilst the business was being operated by Mr Robert Davey, as trustee for the Davey Family Trust.

RELEVANT PROVISIONS

7. Under section 151(1)(h) of the ACL, a person commits an offence if the person, in trade or commerce, in connection with the supply or possible supply of goods or services or in connection with the promotion by any means of the supply or use of goods or

services(h)makes a false or misleading representation that goods or services have sponsorship, approval or affiliation.

CONTRAVENTIONS

8. The Commissioner considers, and Robert Davey, as trustee for the Davey Family Trust acknowledges, that by engaging in the conduct described at paragraph 6 above, it is likely that Mr Robert Davey has, acting in trade or commerce:
 - 8.1. Made a false or misleading representation that the person making the representation has a sponsorship, approval or affiliation.

COMMENCEMENT OF UNDERTAKING

9. This Undertaking comes into effect when:
 - 9.1. The Undertaking is executed by Mr Robert Davey; and
 - 9.2. The Commissioner for Consumer Affairs accepts the Undertaking so executed.


UNDERTAKING BY MR ROBERT DAVEY FOR THE PURPOSES OF SECTION 218 OF THE ACL

10. Mr Robert Davey gives the following undertaking to the Commissioner for the purposes of section 218 of the ACL:
 - 10.1. Mr Robert Davey undertake to ensure that that he will not make false or misleading representations concerning the business One Stop Inspections or any other name it may trade under.

ACKNOWLEDGEMENTS

11. Mr Robert Davey acknowledges that:
 - 11.1. CBS will make this Undertaking publicly available including by publishing it on CBS' public register of Undertakings on its website;
 - 11.2. CBS may, from time to time, make public reference to the Undertaking including in news media statements and in CBS publications;
 - 11.3. This Undertaking in no way detracts from the rights and remedies available to any other person arising from the alleged conduct; and
 - 11.4. This Undertaking may be produced to any Court in respect of any proceedings alleging any future contraventions of the ACL.

EXECUTED BY Mr Robert Davey


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Signature
(As Trustee for Davey Family Trust)


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Signature of Witness

Date: 7/4/19

Name: Brendan Mayne

Print name: Rob Davey

Position: DIRECTOR

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to Section 218 of the Australian Consumer Law (SA).


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Commissioner for Consumer Affairs (SA)

Date: 9/4/19