



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:

City Builders Pty Ltd (ACN 104 734 198)

1. PERSONS GIVING THIS ASSURANCE

1.1 This Assurance is given to the Commissioner for Consumer Affairs (the Commissioner) by City Builders Pty Ltd (ACN: 104 734 198) in the state of South Australia for the purposes of section 79 of the *Fair Trading Act 1987*.

2. BACKGROUND

2.1 City Builders Pty Ltd (City Builders) is a building work contractor (BLD 179889) licensed under the *Building Work Contractors Act 1995* (the Act). City Builders' building work contractor's licence was granted on 3 November 2003.

2.2 Section 34(a) of the Act requires that in the case of domestic building work, that is not minor domestic building work, and for which development approval is required, a building work contractor must ensure a policy of insurance complying with Division 3 of the Act, is in force prior to performing the building work.

3. CONDUCT OF CONCERN

3.1 In 2018, City Builders contracted for and performed domestic building work that required development approval, namely construction of seventeen residential properties without obtaining a policy of insurance as required under Division 3 of the Act.

As a result of the Commissioner's concerns to the conduct referred to in paragraph 3.1, policies of insurance were obtained for each property.

4. CONTRAVENTIONS

As a result of the matters outlined above, the Commissioner considers and City Builders acknowledges that it has:

4.1 Performed domestic building work within South Australia, without a policy of insurance complying with Division 3 of the Act in force, in contravention of section 34(a) of the Act.

5. ASSURANCE 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, City Builders provides an Assurance to the Commissioner that:

5.1 It 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.

6. COMMENCEMENT OF ASSURANCE/UNDERTAKING

This Assurance comes into effect when:

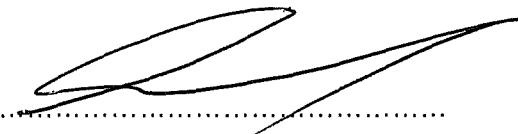
- 6.1 the Assurance is executed by City Builders; and
- 6.2 the Commissioner accepts the Assurance so executed.

7. ACKNOWLEDGMENTS

City Builders acknowledge that:

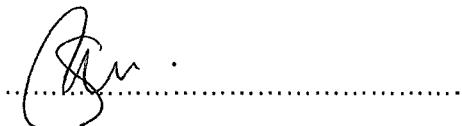
- 7.1 It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
- 7.2 CBS will make this Assurance publicly available including by publishing it on CBS' public register of Assurances & Undertakings on its website;
- 7.3 CBS will, from time to time, make public reference to the Assurance including in news media statements and in CBS publications;
- 7.4 This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct; and
- 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 related Act.

EXECUTED BY City Builders Pty Ltd pursuant to section 127(1) of the *Corporations Act 2001 (Cth)*



Mr Ameen Farah

Director of City Builders Pty Ltd



Signature of Witness

Name: ...CARLY RICHARDSON...

Date: ...17/10/2019...

Date: ...17/10/2019...

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



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Commissioner for Consumer Affairs (SA)

Date: 25/01/19.....