



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:

Craig John Smith (ABN 76 442 945 928) trading as Your Area Plumbing

1. PERSONS GIVING THIS ASSURANCE

- 1.1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Craig John Smith of 3 Longbridge Avenue, Davoren Park in the State of South Australia, for the purposes of section 79 of the *Fair Trading Act 1987*.

2. BACKGROUND

- 2.1. Craig John Smith is a natural person.
- 2.2. Craig John Smith holds the sole trader ABN 76 442 945 928 and the registered business name Your Area Plumbing.
- 2.3. At the relevant times Craig John Smith held a plumbing contractor's licence and plumbing worker's registration number PGE 232918, authorising him to contract for plumbing work and act as a plumbing worker, within South Australia.
- 2.4. At the relevant times Craig John Smith did not hold a licence authorising him to contract for gas fitting work within South Australia.
- 2.5. At the relevant times Craig John Smith did not hold a worker's registration authorising him to act as a gas fitting worker within South Australia.
- 2.6. At the relevant times Craig John Smith did not hold a licence authorising him to advertise, or contract for building work (excavation) within South Australia.

3. CONDUCT OF CONCERN

- 3.1. On 11 February 2018 Craig John Smith contracted for, and acted as a gas fitting worker at 2 Dame Pattie Court, West Lakes, South Australia, without authorisation by licence or worker registration.
- 3.2. On a number of occasions between 2 February 2018 and 14 April 2019 Craig John Smith carried on business as a gas fitting contractor, and acted as a gas fitting worker for Selecta Homes & Building Co. Pty Ltd at a number of locations within South Australia without authorisation by licence or worker registration.
- 3.3. During 2019 Craig John Smith advertised on Gumtree.com for building work, namely "block levelling", "all excavations" and "footings", without authorisation by licence.

4. CONTRAVENTIONS

As a result of the matters outlined above, the Commissioner considers, and Craig John Smith acknowledges it is likely that he has:

- 4.1. Carried on business as a gas fitting contractor without authorisation by licence in contravention of section 6(1)(a) of the PGE Act.
- 4.2. Acted as a gas fitting worker without authorisation by registration in contravention of section 13 of the PGE Act.
- 4.3. Advertised as being entitled to carry on business as a building work contractor, in contravention of section 6(1)(b) of the BWC Act.

5. COMMENCEMENT OF ASSURANCE

This Assurance comes into effect when:

- 5.1 The Assurance is executed by Craig John Smith; and
- 5.2 The Commissioner accepts the assurance so executed.

6. ASSURANCE BY CRAIG JOHN SMITH 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, Craig John Smith hereby provides an Assurance to the Commissioner that:

- 6.1 He will not carry on the business of a gas fitting contractor except as authorised by licence.
- 6.2 He will not act as a gas fitting worker except as authorised by worker registration.
- 6.3 He will not advertise or otherwise hold out as being entitled to carry on business as a gas fitting or building work contractor except as authorised by licence.

7. ACKNOWLEDGMENTS

Craig John Smith 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 Mr Craig John Smith



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Mr Craig John Smith

Date: 19/8/2019



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Signature of Witness

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: 27/8/19