



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:

**David Anthony Crisanti t/a
David Crisanti Home Services (ABN 33 497 624 953)**

1. PERSONS GIVING THIS ASSURANCE

- 1.1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Mr David Anthony Crisanti trading as David Crisanti Home Services, Banksia Park in the state of South Australia for the purposes of Section 79 of the *Fair Trading Act (SA) 1987*.

2. BACKGROUND

- 2.1. Mr David Anthony Crisanti is a natural person and sole trader, ABN 33 497 624 953.
- 2.2. Mr Crisanti is a licensed builder in South Australia.
- 2.3. Between 28 September 2019 and 12 November 2019 Mr Crisanti did not hold a building work contractor's licence issued under the *Building Work Contractor's Act 1995* ("the Act").
- 2.4. Section 6 of the Act prohibits a person from carrying on business as a building work contractor except as authorised by a licence under that Part.
- 2.5. Section 28 of the Act sets out the requirements to be complied with in relation to building work contracts and the *Building Work Contractors Regulations 2011*.

3. CONDUCT OF CONCERN

- 3.1. Between 28 September 2019 and 12 November 2019 Mr Crisanti carried on business as a building work contractor by contracting for paving work by providing and carrying out paving work at the consumer's address.
- 3.2. At all relevant times Mr Crisanti did not hold a licence authorising him to contract for building work.
- 3.3. Between 28 September 2019 and 12 November 2019 Mr Crisanti provided the consumer with a written quote that did not comply with the requirements of the Act, specifically, the quote was devoid of contractual terms and was not signed by either party.

3.4. As a result of the Commissioner's concerns to the conduct referred to in paragraph 3.2, Mr Crisanti has since obtained a building work contractor's licence issued under the *Building Work Contractors Act 1995*.

4. CONTRAVENTIONS

4.1. The Commissioner considers, and Mr Crisanti acknowledges that by engaging in the conduct described in paragraph 3 above, it is likely that Mr Crisanti has:

- 4.1.1. carried on business as a building work contractor whilst not authorised to do so by licence, in contravention of section 6(1)(a) of the *Building Work Contractors Act 1995*.
- 4.1.2. provided the consumer with a written quote that did not comply with the requirements of the Act in contravention of section 28 of the *Building Work Contractors Act 1995*.

5. ASSURANCE GIVEN BY DAVID ANTHONY CRISANTI FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987

5.1. In response to the concerns raised by Consumer and Business Services (CBS) on behalf of the Commissioner, Mr David Anthony Crisanti provides an Assurance to the Commissioner that he:

- 5.1.1. Will not carry on a business as a building work contractor unless authorised by licence under the *Building Work Contractors Act 1995*;
- 5.1.2. Will ensure that building work contracts entered into with consumers meet the formal requirements in relation to domestic building work contracts under the *Building Work Contractors Act 1995*.

6. COMMENCEMENT OF ASSURANCE/UNDERTAKING

6.1. This Assurance comes into effect when:

- 6.1.1. the Assurance is executed by Mr Crisanti
- 6.1.2. the Commissioner accepts the Assurance so executed.

7. ACKNOWLEDGMENTS

7.1. Mr David Anthony Crisanti acknowledges that:

- 7.1.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*;
- 7.1.2. CBS will make this Assurance publicly available including by publishing it on CBS' public register of Assurances on its website;
- 7.1.3. CBS will, from time to time, make public reference to the Assurance including in news media statements and in CBS publications;

7.1.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct; and

7.1.5. This Assurance may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987*.

EXECUTED BY MR DAVID ANTHONY CRISANTI



David Anthony Crisanti



Signature of Witness

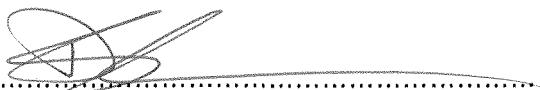
KATHLEEN BENNETT

Name:

Date: 17 - 3 - 21

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Accepted by the Commissioner for Consumer Affairs (SA) pursuant to s79 of the *Fair Trading Act 1987* and section 218 of the *Australian Consumer Law* (SA).



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Commissioner for Consumer Affairs (SA)

Date: 17/3/21