



Government of South Australia

Attorney-General's Department

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:

**Centina Group Pty Ltd (ACN 124 637 967) trading as Centina Modular and
Mr Paul Nardinocchi**

1. PERSONS GIVING THIS ASSURANCE

- 1.1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Centina Group Pty Ltd trading as Centina Modular and Mr Paul Nardinocchi of Hope Valley in the State of South Australia for the purposes of Section 79 of the *Fair Trading Act (SA) 1987*.

2. BACKGROUND

- 2.1. Centina Group Pty Ltd (ACN 124 637 967) is a proprietary company limited by shares.
- 2.2. Centina Group Pty Ltd is a licensed building work contractor in South Australia.
- 2.3. Mr Paul Nardinocchi (Mr Nardinocchi) is the director of Centina Group Pty Ltd.
- 2.4. On or around 28 August 2018 Centina Group Pty Ltd engaged JM & CO Landscaping Pty Ltd to complete building works on a sub-contract basis on behalf of Centina Group Pty Ltd.
- 2.5. At all relevant time(s) JM & CO Landscaping Pty Ltd did not hold a building work contractor's licence issued under the *Building Work Contractor's Act 1995* ("the Act").
- 2.6. 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.
- 2.7. Section 21 of the Act provides that there is proper cause for disciplinary action against a building work contractor if the contractor or another person has acted improperly or negligently in the course of conducting, or being employed or otherwise engaged in, the business of the contractor.

3. CONDUCT OF CONCERN

- 3.1. On or around December 2018 Centina Group Pty Ltd instructed JM & CO Landscaping Pty Ltd to complete building works, namely paving and the

construction of a pool fence at a consumers address. JM & CO Landscaping Pty Ltd did not hold a building work contractor's licence at the relevant time.

4. CONTRAVENTIONS

- 4.1. The Commissioner considers that it is likely there is proper cause for disciplinary action against Centina Group Pty Ltd and Mr Nardinocchi in that by engaging in the conduct described in paragraph 3.1 Centina Group Pty Ltd and Mr Nardinocchi acted improperly or negligently in engaging JM & CO Landscaping Pty Ltd, an unlicensed builder, to complete building works, namely paving and the construction of a pool fence at a consumer's address.

5. ASSURANCE GIVEN BY CENTINA GROUP PTY LTD AND MR PAUL NARDINOCCHI 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, Centina Group Pty Ltd and Mr Nardinocchi provide an Assurance to the Commissioner that they will:
 - 5.1.1. Ensure that any sub-contractor performing building work on behalf of Centina Group Pty Ltd is the holder of an appropriate building work contractor's licence.

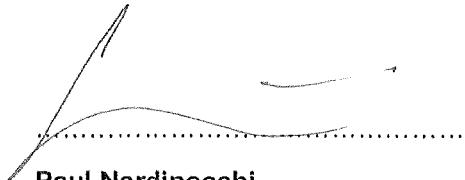
6. COMMENCEMENT OF ASSURANCE/UNDERTAKING

- 6.1. This Assurance comes into effect when:
 - 6.1.1. the Assurance is executed by Centina Group Pty Ltd
 - 6.1.2. the Assurance is executed by Mr Nardinocchi; and
 - 6.1.3. the Commissioner accepts the Assurance so executed.

7. ACKNOWLEDGMENTS

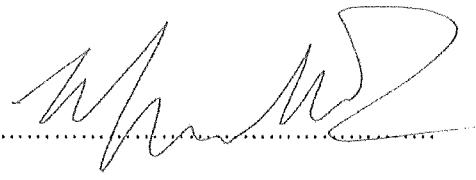
- 7.1. Centina Group Pty Ltd and Mr Nardinocchi acknowledge that:
 - 7.1.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*;
 - 7.1.2. CBS will make this Assurance publicly available including by publishing it on CBS' public register of Assurances on its 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 Centina Group Pty Ltd pursuant to *section 127(1) of the Corporations Act 2001 (Cth)* and Mr Paul Nardinocchi in his personal capacity for the purposes of this assurance.



Paul Nardinocchi

Director of Centina Group Pty Ltd



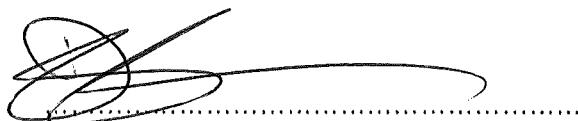
Signature of Witness

Name: Michael Peck

Date: 12/6/20

Date: 12/6/20

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: 16/6/20