

# Media Release

Contact: **Immacolata Bollella**  
Phone: 8204 9512



**Government of South Australia**

Office of Consumer and  
Business Affairs

**Education and  
Information Services**

Ground Floor  
Chesser House  
91-97 Grenfell Street  
Adelaide SA 5000

GPO Box 1719  
Adelaide SA 5001  
DX 225

Tel 08 8204 9516  
Fax 08 8204 9509

[www.ocba.sa.gov.au](http://www.ocba.sa.gov.au)

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## Builder who breached assurance fined

Today in the Adelaide Magistrates Court, Gary Steven Arsie of Thebarton was convicted of 5 counts of breaching the *Building Work Contractors Act, 1995*, 1 count of breaching the *Fair Trading Act, 1987* and 1 count of breaching the *Plumbers, Gas Fitters and Electricians Act, 1995*. He pleaded guilty on all counts and was fined \$2500 plus costs.

Arsie held himself out as being entitled to carry on business as a building work contractor when he was not entitled to do so. He carried on business as a building work contractor whilst not being licensed and breached an assurance that he provided in 2001 to the Commissioner for Consumer Affairs pursuant to the Fair Trading Act, 1987. Arsie failed to comply with the requirements of the Building Work Contractors Act, 1995, in relation to domestic building work contracts. He also performed electrical work whilst not being registered to perform electrical work.

In September 2001 Mr Arsie, who was a licensed building work contractor at this time, provided an assurance to the Commissioner in which he promised he would refrain from demanding or accepting payment for domestic building work in excess of that authorised by regulations.

The Commissioner for Consumer Affairs, Mark Bodycoat said that this case was a warning to those who have signed assurances and do not abide by their legal promise.

“Do not blatantly disregard the assurance you have signed or you will be prosecuted for breaching it. Mr Arsie is an example that we will take action for the interests of consumers.”

In May 2004 Arsie’s building work contractors licence was cancelled.

OCBA investigations found that after his building work contractors licence was cancelled, Arsie placed a number of classified advertisements in his local newspaper for a period of six months. The advertisement stated his previous building work contractor’s licence number. The investigation found Arsie continued to carry on business as a building work contractor despite not being licensed to do so. Arsie sought payment for a deposit for building work, which exceeded the amount permitted by the Building Work Contractors Act, 1995, and in doing so breached the assurance he provided in 2001. Mr Arsie also acted as an electrical worker even though he was not authorised to do so. He did not have the appropriate registration to do electrical work.

Even after his licence was cancelled Arsie still carried on business as a building work contractor. He performed electrical without ever having held the appropriate registration. His actions put other people’s safety at risk.”

The Commissioner said it was important for consumers to check the licensing register.

“Consumers should check the Licensing Public Register to check whether a person is appropriately licensed or to find a licensed tradesperson in their local area. They should also ask to see a licence card and read any conditions shown on the register or on the card.”

“The licensing system is designed to protect consumers.”

Members of the public can contact the Office of Consumer and Business Affairs on (08) 8204 9777 or visit the Licensing Public Register at [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au).