



Queensland  
Government

Office of Fair Trading  
Department of Employment,  
Economic Development and  
Innovation

C-12 08840

Work unit

Investigations

Investigation file number

1-12 00755

Inspector

S. Capell

Complainant name

Sch4/3/3

COMPLAINT FILE

### Trader's details

Name: Kar Land Pty Ltd

Address: 3475 Pacific Hwy

Springwood QLD 4127

Phone: 1300 592 422

Result due date: 1-JUL-12

Completion date:

Destruction date:

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BAR CODE

| COMPLIANCE AND ENFORCEMENT FRAMEWORK REVIEW |  |                    |  |
|---|--|--------------------|--|
| Compliance Officer                          | Section 5 - Review C & E Framework   | Approving Officer: |  |
| Yes / No / NA                               | Complainant has been contacted to confirm allegations                              | Yes / No / NA      |  |
| Yes / No / NA                               | All breaches & entities have been identified and entered on MACS                   | Yes / No / NA      |  |
| Yes / No / NA                               | Significant factors (eg: media interest) been identified & reported                | Yes / No / NA      |  |
| Yes / No / NA                               | All avenues of investigation have been undertaken                                  | Yes / No / NA      |  |
| Yes / No / NA                               | File notes have been maintained, signed where appropriate and attached to the file | Yes / No / NA      |  |
| Yes / No / NA                               | Appropriate investigation methodology was applied                                  | Yes / No / NA      |  |
| Yes / No / NA                               | Sufficient evidence exists to support the recommendations                          | Yes / No / NA      |  |
| Yes / No / NA                               | Documents exhibits have been recorded and stored appropriately                     | Yes / No / NA      |  |
| Yes / No / NA                               | Emerging issues or trends been identified and reported                             | Yes / No / NA      |  |
| Yes / No / NA                               | Policy decisions or public interest factors (eg: legal opinion) are filed          | Yes / No / NA      |  |
| Yes / No / NA                               | Complainant has been notified of the outcome<br>Phone / EMAIL / Letter             | Yes / No / NA      |  |
| Yes / No / NA                               | Any redress has been confirmed and details included on MACS                        | Yes / No / NA      |  |
| Yes / No / NA                               | Trader letter in support of enforcement action is attached                         | Yes / No / NA      |  |
| Yes / No / NA                               | MPS timeframes have been met   | Yes / No / NA      |  |
| Yes / No / NA                               | Investigation has been finalised on MACS   | Yes / No / NA      |  |
| Yes / No / NA                               | Matter need to be referred to a higher authority for info/action                   | Yes / No / NA      |  |
| CLOSURE                                     |  |                    |  |
| Compliance Officer:                         |  | Approving Officer: |  |
| Date:                                       |  | Date:              |  |
| Signature:                                  |  | Signature:         |  |

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## Investigation Detail

Investigation No: I-2012-00755

### Trader

| Entity Name      | B/H Phone    | Business Name | B/H Phone  |
|------------------|--------------|---------------|------------|
| KAR LAND PTY LTD | 07 3347 2222 | WEBUYANYCAR   | 1300592422 |



## Investigation Detail

Investigation No: I-2012-00755

### Complaints

| Complaint Ref. | Received Date | Complainant | Dispute Outcome                                   | Compliance Outcome  | Redress Obtained |
|----------------|---------------|-------------|---|---------------------|------------------|
| C-2012-03715   | 20-MAR-12     | Sch4/3/3    | COMPLAINT WITHDRAWN                               |                     | \$0.00           |
| C-2012-04210   | 30-MAR-12     |             |   |                     |                  |
| C-2012-04728   | 16-APR-12     |             |   |                     |                  |
| C-2012-04940   | 19-APR-12     |             |   |                     |                  |
| C-2012-04975   | 20-APR-12     |             |   |                     |                  |
| C-2012-05057   | 23-APR-12     |             |   |                     |                  |
| C-2012-05062   | 23-APR-12     |             |   |                     |                  |
| C-2012-05138   | 24-APR-12     |             |   |                     |                  |
| C-2012-05207   | 26-APR-12     |             |   |                     |                  |
| C-2012-05285   | 27-APR-12     |             |   |                     |                  |
| C-2012-05343   | 29-APR-12     |             |   |                     |                  |
| C-2012-05346   | 01-MAY-12     |             |   |                     |                  |
| C-2012-05495   | 08-MAY-12     |             |   |                     |                  |
| C-2012-05803   | 11-MAY-12     |             |   |                     |                  |
| C-2012-06041   | 10-MAY-12     |             |   |                     |                  |
| C-2012-06307   | 23-MAY-12     |             |   |                     |                  |
| C-2012-06367   | 24-MAY-12     |             |   |                     |                  |
| C-2012-06541   | 30-MAY-12     |             |   |                     |                  |
| C-2012-06617   | 31-MAY-12     |             |   |                     |                  |
| C-2012-06915   | 07-JUN-12     |             |   |                     |                  |
| C-2012-07172   | 12-JUN-12     |             |   |                     |                  |
| C-2012-07481   | 20-JUN-12     |             |   |                     |                  |
| C-2012-07515   | 21-JUN-12     |             |   |                     |                  |
| C-2012-07605   | 26-JUN-12     |             |   |                     |                  |
| C-2012-07634   | 26-JUN-12     |             |   |                     |                  |
| C-2012-07776   | 28-JUN-12     |             |   |                     |                  |
| C-2012-07824   | 29-JUN-12     |             |   |                     |                  |
| C-2012-07859   | 02-JUL-12     |             |   |                     |                  |
| C-2012-07903   | 02-JUL-12     |             |   |                     |                  |
| C-2012-07972   | 03-JUL-12     |             |   |                     |                  |
| C-2012-07974   | 03-JUL-12     |             |   |                     |                  |
| C-2012-07985   | 02-JUL-12     |             | REF'D TO OTHER AGENCY                             |                     | \$0.00           |
| C-2012-08044   | 05-JUL-12     |             |   |                     |                  |
| C-2012-08053   | 05-JUL-12     |             |   |                     |                  |
| C-2012-08079   | 06-JUL-12     |             |   |                     |                  |
| C-2012-08125   | 09-JUL-12     |             |   |                     |                  |
| C-2012-08180   | 07-JUL-12     |             |   |                     |                  |
| C-2012-08209   | 10-JUL-12     |             |   |                     |                  |
| C-2012-08251   | 11-JUL-12     |             |   |                     |                  |
| C-2012-08265   | 11-JUL-12     |             |   |                     |                  |
| C-2012-08289   | 12-JUL-12     |             |   |                     |                  |
| C-2012-08303   | 12-JUL-12     |             | COMPLAINANT SATISFIED COMPLIANCE ACTION COMMENCED | COMPLAINT WITHDRAWN | \$400.00         |
| C-2012-08356   | 13-JUL-12     |             |   |                     |                  |
| C-2012-08489   | 16-JUL-12     |             |   |                     |                  |
| C-2012-08502   | 16-JUL-12     |             | REF'D TO OTHER AGENCY                             |                     | \$0.00           |
| C-2012-08568   | 18-JUL-12     |             |   |                     |                  |
| C-2012-08652   | 19-JUL-12     |             |   |                     |                  |
| C-2012-08694   | 20-JUL-12     |             |   |                     |                  |
| C-2012-08714   | 27-JUL-12     |             |   |                     |                  |

Thursday August 2 2012 12:15 PM

Report Ref:cm\_rp\_investigation.rdf

User Ref: MCKENZK

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| Investigation Detail  |  |                   |  | Investigation No: I-2012-00755 |               |
|---|--|-------------------|--|--------------------------------|---------------|
| <b>Breaches</b>   |  |                   |  |                                |               |
| Legislation   | Section  | Other             | From   | To                             | Subst. Breach |
| AUSTRALIAN CONSUMER LAW (QLD)   | Section 29(1)(a)                                   |                   | .....  |                                | Y             |
|   |  |                   |  | Statute Barred Date: 20-MAR-15 |               |
| Outcome:  |  |                   | Total Amount Sought 237670                         |                                |               |
| Outcome Date:   |  |                   | Total Amount Obtained: 400                         |                                |               |
| <b>Prod/Ind/Cond</b>  |  |                   |  |                                |               |
| <b>Product</b>  |  |                   |  |                                |               |
| Category: DISTRIBUTIVE TRADE SERVICES; FOOD/BEV. SERVING; TRANSPORT; UTILITIES; LODGING |  |                   |  |                                |               |
| Sub-Category: RETAIL TRADE SERVICES   |  |                   |  |                                |               |
| Type  |  |                   |  |                                |               |
| MOTOR VEHICLE SALES   |  |                   |  |                                |               |
| <b>Industry Group</b>   |  |                   |  |                                |               |
| Category: RETAIL TRADE  |  |                   |  |                                |               |
| Sub-Category: MOTOR VEHICLE RETAILING AND SERVICES                                      |  |                   |  |                                |               |
| Type  |  |                   |  |                                |               |
| MOTOR VEHICLES SALES  |  |                   |  |                                |               |
| <b>Conduct</b>  |  |                   |  |                                |               |
| Category  | Sub-Category                                       |                   | Type   |                                |               |
| CONDUCT   | MISLEADING/DECEPTIVE CONDUCT NEC                   |                   | MISLEADING/DECEPTIVE CONDUCT NEC                   |                                |               |
| CONDUCT   | FAILURE TO ACT HONESTLY, FAIRLY AND PROFESSIONALLY |                   | FAILURE TO ACT HONESTLY, FAIRLY AND PROFESSIONALLY |                                |               |
| <b>Evidence</b>   |  |                   |  |                                |               |
| Ref   | Type   | Collection Method | Date Collected                                     | Storage Location               |               |
| <b>Witnesses</b>  |  |                   |  |                                |               |
| Name Type   | Witness Name                                       | Type              | Status   | Outcome                        |               |
| <b>Legal Action</b>   |  |                   |  |                                |               |
| Ref   | Type   | Date Initiated    | Status   | Status Date                    | Trader        |



## Complaint Detail

Complaint No.: C-2012-08840

### Marketplace Data

|   |   |   |
|---|---|---|
| <b>Product Category</b><br>DISTRIBUTIVE TRADE SERVICES;<br>FOOD/BEV. SERVING;<br>TRANSPORT; UTILITIES;<br>LODGING | <b>Product Sub-Category</b><br>RETAIL TRADE SERVICES                          | <b>Product Type</b><br>MOTOR VEHICLE SALES                                |
| <b>Industry Group Category</b><br>RETAIL TRADE  | <b>Industry Group Sub-Category</b><br>MOTOR VEHICLE RETAILING AND<br>SERVICES | <b>Industry Group Type</b><br>MOTOR VEHICLES SALES                        |
| <b>Conduct Category</b><br>WARRANTIES, QUALITY AND<br>SUPPLY  | <b>Conduct Sub-Category</b><br>NON/PARTIAL SUPPLY, DELAY IN<br>SUPPLY         | <b>Conduct Type</b><br><del>NON/PARTIAL SUPPLY, DELAY<br/>IN SUPPLY</del> |

### Demographics

**Gender:** MALE

**Age Group:** 35 - 44

**Employment Status:** Self Employed (business owner): N      Full Time Employed: Y      Part Time Employed: N  
Student: N      Unemployed: N      Care-giver / Home Maker: N      Retired: N  
Employment Status Not Provided: N

**Vulnerable Group:** Indigenous / South Sea Islander: N      Non-English speaking background: N      Disability: N  
Vulnerable Group Not Provided: Y

**Language Spoken:**

**Income Group:** MORE THAN \$78,000 PER YEAR

**CONTRACT NON-AD**



## PAYMENT TERMS

- E.F.T. will be processed after 10 working days from purchase date.
- Payout figures will be paid by EFT made out to **finance company**
- All purchases have a **\$50.00 admin fee.**

# TEMPLATE FOR 'SEARCHES'

*This is a mandatory form that requires each search box ticked as part of the Office of Fair Trading quality assurance.*



## 1. MACS

### 1<sup>st</sup> Step – Check if complaint already exists

- MACS > compliance > complaint > complaint SEARCH
- Key in surname and first initial (in case keyed on incorrectly)

### 2<sup>nd</sup> Step – Trader details

- **NB: all Occupational Licensing (by OFT) should be licensed with details already on MACS**
- MACS > compliance > complaint > complaint DETAILS
- Type in first name of the trader only (eg; Harvey Norman; Samsung; or Ray White (with no suburbs/towns/added
- Scroll down to the appropriate business name/trader entity with the correct address. If the business name is registered, the trader should have their BN listed against their name. Write BN number on checklist (when applicable)
- ACN numbers not shown – when a company name is found on an existing complaint in MACS, search ASIC to find the ACN number. (eg. Samsung search would bring up Samsung Electronics Australia Pty Ltd.) Write ACN number on checklist at right, print details of company per instructions at Point 2
- **If the trader is a Real Estate Agent/Motor Dealer/Other Occ Lic;**
- Choose the correct trader listed in MACS, use the right return arrow to bring details 'around', then the license numbers should appear on the screen. Write number on checklist at right and print details
- Search > Entity Search >
- If individual, leave 'TYPE' as individual, key in license number of **first initial** and surname
- If company, 'TYPE' field change to 'ALL ENTITY TYPES'

**ALL PRINTOUTS SHOULD BE TRADER PROFILE FORMAT.**



## 2. ORGANISATION SEARCHES

### 1<sup>st</sup> Step – Log into ASIC Portal

- Select drop down box under 'Search Within' > Select option (eg. 'Business Name Index') > Type in name of trader > Click 'GO'

### 2<sup>nd</sup> Step – Select Appropriate ASIC BN

- Choose appropriate ASIC BN, check tick box for current extract or historical extract > Select 'Add to Cart' > Go to Check out and follow process to retrieve Extract > Click on 'Online Retrieval Status' or wait for extract link to be emailed through > retrieve PDF and print
- **NB: BACHCO Printouts can be used if ASIC BN is cancelled pre 28/05; if searching for Incorporated Association; or if ASIC BN cannot be found (input file note on MACS if BACHCO BN Extract is printed for post 28/05 trader)**

### 3<sup>rd</sup> Step – ASIC BN / STATE BN

- Write ASIC BN number and/or STATE BN number etc on checklist



## 3. OTHER SEARCHES TO CONSIDER

- ABN
- Other authority licensing
- White/Yellow pages
- Geek Tools
- Web search
- Reverse Australia

**TRADER:** Investigation

**MACS:** Exist / New

**ABN:** .....

**Status:** .....

**ACN:** .....

**Status:** .....

**ASIC BN:** .....

**Status:** .....

**STATE BN:** .....

**State:** .....

**Status:** .....

### LICENCE:

**OFT**

**#:** .....

**Type:** .....

**Status:** .....

### OTHER AUTHORITY

**#:** .....

**Type:** .....

**Status:** .....

### LICENSE TYPES:

- RE – Real Estate
- MD – Motor Dealer
- PD – Property Developer
- RL – Resident Letting
- AU – Auctioneer
- PH – Pastoral House
- BG – Bodyguard
- CA – Commercial Agent
- CC – Crowd Controller
- SEC – Security Provider/Firm
- SF – Security Firm
- PI – Private Investigator
- RS – Restricted Security
- SHD – Second Hand Dealer & Pawnbroker
- INT – Introduction Agent
- ITO – Inbound Tour Operator
- TA – Travel Agent
- TAG – Travel Agent



Documents  
Uploaded



Documents  
Deleted from  
Folder

Signed EB

Date 1/8/12



## C File Timeframes

|        |  |  |
|--------|--|--|
| Day 1  | Date Rec'd: <u>25/7/12</u>   | <b>ASSESSMENT CHECKLIST</b> <ul style="list-style-type: none"> <li>• Correct T Organisation?</li> <li>• Data Integrity <ul style="list-style-type: none"> <li>▪ C details</li> <li>▪ T details</li> <li>▪ Description (incl keywords)</li> <li>▪ Dates</li> <li>▪ Codes</li> </ul> </li> <li>• QLD Matter?</li> <li>• Checked printouts / intel. gathered</li> <li>• Do we need evidence / further documentation?</li> <li>• Does this need to be referred?</li> </ul><br><b>Legislation</b> <ul style="list-style-type: none"> <li>○ ACL: <ul style="list-style-type: none"> <li>○ False or misleading representations <ul style="list-style-type: none"> <li>○ goods or services</li> <li>○ employment</li> <li>○ rebates, gifts, prizes</li> <li>○ bait advertising</li> <li>○ country of origin</li> </ul> </li> <li>○ Unsolicited supplies <ul style="list-style-type: none"> <li>○ cards</li> <li>○ goods/services</li> <li>○ blowers</li> </ul> </li> <li>○ Pyramid schemes/Referral selling</li> <li>○ Pricing</li> <li>○ Harassment and coercion</li> <li>○ Consumer guarantees <ul style="list-style-type: none"> <li>○ Goods and Services</li> <li>○ Repairs, spare parts</li> </ul> </li> <li>○ Unsolicited Consumer Agreements <ul style="list-style-type: none"> <li>○ In person</li> <li>○ By phone</li> <li>○ Shopping centre</li> <li>○ Competition</li> </ul> </li> <li>○ Lay-by</li> <li>○ Proof of transaction/itemised bill</li> <li>○ Repair notices</li> <li>○ Safety standards</li> <li>○ Is C a Consumer? <ul style="list-style-type: none"> <li>○ Is it relevant?</li> </ul> </li> </ul> </li> <li>○ PAMDA – Real Estate <ul style="list-style-type: none"> <li>○ Motor Dealing</li> <li>○ Auctioneering</li> <li>○ Property Developers</li> <li>○ Commercial Agents</li> <li>○ Pastoral Houses</li> <li>○ Trust Accounts</li> <li>○ Code of Conduct</li> </ul> </li> <li>○ ASSOC</li> <li>○ Charities</li> <li>○ Sec. Provider</li> <li>○ SHD &amp; Pawnbrokers</li> <li>○ Introduction Agents</li> <li>○ Fitness Industry COC</li> </ul><br>* Update MACS changes<br>* Update MACS allocations<br>* Check AA complaints folder |
| Day 3  | Logged MACS: <u>1/8/12</u><br><br>Assessed: <u>2/8/12</u><br><br>Allocated Office: _____<br><br>Allocated Officer: _____ |  |
| Day 10 | Complainant Acknowledged _____   |  |
| Day 30 | Aim to Finalise _____  |  |