



Queensland  
Government

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

Complaint file number

C-12 08850

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:



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 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
<b>CLOSURE</b>		
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		COMPLAINANT SATISFIED COMPLAINT WITHDRAWN COMPLIANCE ACTION COMMENCED		\$400.00
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				
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				



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 250855		
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

# 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:

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 S. Lanton

Date ...../...../.....

## C File Timeframes

### ASSESSMENT CHECKLIST

Day 1

Date Rec'd: 25-7-2012

Day 3

Logged MACS: 0.08.12

Assessed: \_\_\_\_\_

Allocated Office: \_\_\_\_\_

Allocated Officer: \_\_\_\_\_

- Correct T Organisation?
- Data Integrity
  - C details
  - T details
  - Description (incl keywords)
  - Dates
  - Codes
- QLD Matter?
- Checked printouts / intel. gathered
- Do we need evidence / further documentation?
- Does this need to be referred?

#### Legislation

- ACL:
  - False or misleading representations
    - goods or services
    - employment
    - rebates, gifts, prizes
    - bait advertising
    - country of origin
  - Unsolicited supplies
    - cards
    - goods/services
    - blowers
  - Pyramid schemes/Referral selling
  - Pricing
  - Harassment and coercion
  - Consumer guarantees
    - Goods and Services
    - Repairs, spare parts
  - Unsolicited Consumer Agreements
    - In person
    - By phone
    - Shopping centre
    - Competition
  - Lay-by
  - Proof of transaction/itemised bill
  - Repair notices
  - Safety standards
  - Is C a Consumer?
    - Is it relevant?
- PAMDA – Real Estate
  - Motor Dealing
  - Auctioneering
  - Property Developers
  - Commercial Agents
  - Pastoral Houses
  - Trust Accounts
  - Code of Conduct
- ASSOC
- Charities
- Sec. Provider
- SHD & Pawnbrokers
- Introduction Agents
- Fitness Industry COC

- \* Update MACS changes
- \* Update MACS allocations
- \* Check AA complaints folder

Day 10

Complainant Acknowledged \_\_\_\_\_

Day 30

Aim to Finalise \_\_\_\_\_