



Queensland
Government

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

Complaint file number

C-12 09256

Work unit

Investigations

Investigation file number

I-12 00755

Inspector

S. Capell

Complainant name

Sch4/3/3

COMPLAINT FILE

Trader's details

Name: Kar Land Pty Ltd

Address: 63 Ferry St

Southport QLD 4215

Phone: 1300 592 422

Result due date: 1-JUL-12

Completion date:

Destruction date:

6

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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 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

Complaints

Complaint Ref.	Received Date	Complainant	Dispute Outcome	Compliance Outcome	Redress Obtained
C-2012-03715	20-MAR-12	Sch4/3/3			
C-2012-04210	30-MAR-12		COMPLAINT WITHDRAWN		\$0.00
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				
C-2012-08568	18-JUL-12		REF'D TO OTHER AGENCY		\$0.00
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

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	
Auzshare: YES		Recfind No:		To Be Merged: N	
MACS Category: 1		Existing Complaints: YES			
Assessed Category: 1		Risk to Disadvantaged: NO			
Priority: LOW		Broad Consumer Base: NO			
Complexity: LOW		Emerging Trend: NO			
Assess. Officer: TREVOR COOK		Enforcement History: NO			
Assess. Date: 02-APR-12					
Assessment Clarification:					
Breaches					
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 316255		
Outcome Date:			Total Amount Obtained: 400		
Prod/Ind/Cond					
<u>Product</u>					
Category: DISTRIBUTIVE TRADE SERVICES; FOOD/BEV. SERVING; TRANSPORT; UTILITIES; LODGING					
Sub-Category: RETAIL TRADE SERVICES					
Type					
MOTOR VEHICLE SALES					
<u>Industry Group</u>					
Category: RETAIL TRADE					
Sub-Category: MOTOR VEHICLE RETAILING AND SERVICES					
Type					
MOTOR VEHICLES SALES					
<u>Conduct</u>					
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			
Evidence					
Ref	Type	Collection Method	Date Collected	Storage Location	
Witnesses					
Name	Type	Witness Name	Type	Status	Outcome
Legal Action					
Ref	Type	Date Initiated	Status	Status Date	Trader

Consumer	Sch4/3/3
Trader	We buy angel
Product	CAR
Industry Group	
Conduct	NON PARTIAL SUPPLY.
Description	⊙ sold car to ⊕. ⊕ has not paid ⊙. ⊙ chasing money owed to them.

CR

Scott Caprell
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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

1st Step – Check if complaint already exists

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

2nd 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

1st 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'

2nd 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)**

3rd 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: *no need for searches.*
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. rellie*

Date *13/06/2012*

C File Timeframes

Day 1	Date Rec'd: <u>1 Aug 2012</u>	ASSESSMENT CHECKLIST • 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 - o ACL: - o False or misleading representations - o goods or services - o employment - o rebates, gifts, prizes - o bait advertising - o country of origin - o Unsolicited supplies - o cards - o goods/services - o blowers - o Pyramid schemes/Referral selling - o Pricing - o Harassment and coercion - o Consumer guarantees - o Goods and Services - o Repairs, spare parts - o Unsolicited Consumer Agreements - o In person - o By phone - o Shopping centre - o Competition - o Lay-by - o Proof of transaction/itemised bill - o Repair notices - o Safety standards - o Is C a Consumer? - o Is it relevant? - o PAMDA – Real Estate - o Motor Dealing - o Auctioneering - o Property Developers - o Commercial Agents - o Pastoral Houses - o Trust Accounts - o Code of Conduct - o ASSOC - o Charities - o Sec. Provider - o SHD & Pawnbrokers - o Introduction Agents - o Fitness Industry COC
Day 3	Logged MACS: <u>13 Aug 2012</u> Assessed: <u>14-08-12</u> Allocated Office: _____ Allocated Officer: _____	
Day 10	Complainant Acknowledged _____	
Day 30	Aim to Finalise _____	

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