



Queensland
Government

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

Complaint file number

C-12 09604

Work unit

Investigations

Investigation file number

I-12 00755

Inspector

N. Garrett.

Complainant name

Sch4/3/3

COMPLAINT FILE

Trader's details

Name: Kav Land Pty Ltd

Address: 1339 Logan Rd

Mount Gravatt QLD 4122

Phone: 1300 592 422

Result due date: 1-JUL-12

Completion date:

Destruction date:

4

0

6

9

0

12

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:	

12

0

9

6

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4



Investigation Detail

Investigation No: I-2012-00755

Complaint Ref.	Received Date	Complainant	Dispute Outcome	Compliance Outcome	Redress Obtained
C-2012-08716	27-JUL-12	Sch4/3/3	REF'D TO OTHER AGENCY		\$0.00
C-2012-08739	23-JUL-12				
C-2012-08750	23-JUL-12				
C-2012-08758	23-JUL-12				
C-2012-08764	23-JUL-12				
C-2012-08768	23-JUL-12				
C-2012-08840	25-JUL-12				
C-2012-08841	31-JUL-12				
C-2012-08842	25-JUL-12				
C-2012-08850	25-JUL-12				
C-2012-08852	25-JUL-12				
C-2012-08883	26-JUL-12				
C-2012-08889	26-JUL-12				
C-2012-08948	26-JUL-12				
C-2012-08957	27-JUL-12				
C-2012-08958	26-JUL-12				
C-2012-08999	27-JUL-12				
C-2012-09027	27-JUL-12				
C-2012-09029	27-JUL-12				
C-2012-09087	30-JUL-12				
C-2012-09090	30-JUL-12				
C-2012-09091	30-JUL-12				
C-2012-09177	31-JUL-12				
C-2012-09256	02-AUG-12				
C-2012-09280	02-AUG-12				
C-2012-09318	03-AUG-12				
C-2012-09323	03-AUG-12				
C-2012-09395	07-AUG-12				
C-2012-09403	07-AUG-12				
C-2012-09419	07-AUG-12				
C-2012-09421	07-AUG-12				
C-2012-09422	07-AUG-12				
C-2012-09423	07-AUG-12				
C-2012-09452	09-AUG-12				
C-2012-09477	08-AUG-12				
C-2012-09503	09-AUG-12				
C-2012-09515	08-AUG-12				
C-2012-09604	13-AUG-12				

Complainant/s

Entity Name	Contact Name	B/H Phone	Business Name	Corr.
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Linked Matters

Source Compliance Check:

Master Investigation:

Created Compliance Check:

Merged Investigations:

Investigation Details



Queensland Government

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			
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				

Friday August 24 2012 9:38 AM

Report Ref:m_rp_investigation.rdf

User Ref MCKENZK



Investigation Detail		Investigation No: I-2012-00755			
Prod/Ind/Cond					
Product					
Category: DISTRIBUTIVE TRADE SERVICES; FOOD/BEV. SERVING; TRANSPORT; UTILITIES; LODGING					
Sub-Category: RETAIL TRADE SERVICES					
Type					
MOTOR VEHICLE SALES					
Industry Group					
Category: RETAIL TRADE					
Sub-Category: MOTOR VEHICLE RETAILING AND SERVICES					
Type					
MOTOR VEHICLES SALES					
Conduct					
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

1. Insert date of court order in winding up by court, or date of resolution to wind up, if a voluntary winding up.
2. Insert full name and address of the creditor and, if applicable the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor.
3. Under "Consideration" state how the debt arose, for example "goods sold and delivered to the company between the dates of", "moneys advanced in respect of the Bill of Exchange".
- 4.. Under "Remarks" include details of vouchers substantiating payment.
5. Insert particulars of all securities held. Where the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, specify them in a schedule in the following form:-

Date	Drawer	Acceptor	Amount \$ c	Due Date
------	--------	----------	----------------	----------

6. If proof is made by creditor personally, strike out the 2 paragraphs numbered "3".

DIRECTIONS

- (1) Where the space provided for a particular purpose is insufficient to contain all the required information in relation to a particular item, that information shall be set out in an annexure.
- (2) An annexure to form shall have an identifying mark and be endorsed with the words:-

This is the annexure of pages marked referred to in the
(insert description of form) signed by me and dated

.....
Signature(s)

.....
Name of Signatory IN BLOCK LETTERS

and signed by each person signing the form to which the document is annexed.

- (3) The pages in the annexure shall be numbered consecutively.
- (4) Where a document, copy of a document or other matter is annexed to a form, reference made in the form to the annexure shall be by its identifying mark, the number of pages in it, and a brief description of the nature of the document and its contents.
- (5) A reference to an annexure includes a document, copy of a document or any other matter accompanying, attached to or annexed to a form.

1 August 2012

File Number: 6579

Ryan Nixon

(07) 3225 4381

ryan.nixon@worrells.net.au

To all affected customers and trade creditors



WORRELLS
SOLVENCY • FORENSIC ACCOUNTANTS

Kar Land Pty Ltd (In Liquidation) ("the Company")
ACN 151 433 528
Trading as webuyanycar.com.au

I refer to your recent email received by my office. You have now been registered on our files.

I confirm that Morgan Lane and I were appointed liquidators of Kar Land Pty Ltd on 27 July 2012 under Part 5.5 of the *Corporations Act*.

By virtue of my appointment, Section 506 of the *Corporations Act* empowers me to realise any company property (including motor vehicles stock) for the benefit of creditors. At present, my office is working to the following matters;

- Securing and realisation of any physical assets
- Collections of records of the company

In these early stages of the liquidation, my office has been inundated with telephone calls and electronic mail type communications. My staff is making a concerted effort to return all communications in a timely fashion, however given the large quantum of enquiries received, I apologise if there is a delay in returning contact.

I understand at this time that you, and the majority of other customers, have experienced the following;

10 days

- An agreement was entered into with the Company to sell a motor vehicle(s).
- The agreed monetary settlement terms were ten (10) days from the date of settlement.
- Payment has not been made to date.

The sale document expressly states 'I/We have this day sold the vehicle described above to the Motor Dealer together with all accessories (as listed), tyres, radio, tools, etc for the sum of \$.....(inclusive of GST)'.

?

The sale documents executed by you have the effect of transferring title of your motor vehicle to the Company as at the date the document was signed. The terms of payment also have the effect of you becoming a creditor of the company in relation to the amount still owed to you.

Unfortunately you do not have any right to repossess or take back the vehicle you sold as the sale

Brisbane

ABN 40 151 214 174

8th Floor 102 Adelaide St Brisbane Qld 4000
GPO Box 2228 Brisbane Qld 4001

P (07) 3225 4334

F (07) 3225 4311

E lee.crosthwaite@worrells.net.au

worrells.net.au

PLAIN TALK.
STRAIGHT ANSWERS.
FAST RESULTS.

Webuyanycar.com.au is a scheme approved under Professional Standards Legislation

agreement executed does not provide you with any security or terms of retention of title (in fact the agreement expressly states the vehicle is sold on the date the document is signed). ?

Further, registrations under the new *Personal Property Securities Act* (PPS) are also generally not valid in these circumstances. The sale agreement does not provide for any security or terms of retention of title. Further, a seller's interest would ordinarily need to be registered on the PPS Register prior to the sale in order for it to be valid. Any registrations recorded after the sale date would be considered null and void, and therefore not enforceable

Now that the company is in liquidation, you will be ranked as a non-priority unsecured creditor in the liquidation. Unfortunately your recourse against the company in this regard is limited to lodging a Formal Proof of Debt Form (Corporations Act Form 535) with my office and receiving a dividend in the event that sufficient recoveries are made. We will provide further details on timing and the likely distribution (if any) as soon as the position is clear. *

With above in mind, I strongly recommend that you submit the attached formal proof of debt, and await for the report to creditors that is scheduled for release by post on or around 7 August 2012. This report will enclose a notice of meeting for which all creditors are invited.

I would appreciate your patience in this matter. My staff will respond to the enquiries received as soon as practicable.

Yours faithfully



Raj Khatri
Liquidator

KAR LAND PTY LTD TRADING AS 'WE BUY ANY CAR' - IN LIQUIDATION

Released: 30.07.2012

[Back to](#)

URGENT NOTICE - ALL CREDITORS AND INTERESTED PARTIES

Worrells Solvency & Forensic Accountants have been appointed as liquidators to 'Kar Land Pty Ltd tra

The matter is in its infancy and we are process of collating all relevant information.

We ask for your patience during this period. Our office is currently being inundated with calls, we o
time.

Information regarding this business will be posted on our website as and when it becomes available.

Please refer to this section 'Press Releases' for full information.

1. Customers - who have sold cars to the company

We understand that there are a number of people who have sold cars to the company and have not be
your claim will be a 'unsecured debt' in the company. Please note that regrettably you do not have the
to a dividend in the liquidation. This process will take some time, therefore we request your patience ir
asked to provide us details of their claim, so that they can be added to our reporting database. You wil
homepage shortly.

2. Employees

With the cessation of the business, prior to our appointment, again regrettably employment arrangeme
that there would be entitlements owing to you. Unfortunately the company doesn't have funds to pay ti
inform you that your entitlements do have full priority (except for superannuation) and would be paid u
Employee Entitlement Redundancy Scheme). We are in the process of getting all the employee detail
your claims.

3.Creditors

Please note that the company has ceased trading, therefore you should not be making any supplies tc
asked to provide us details of their claim, so that they can be added to our reporting database. You wil
homepage shortly.

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[QUEENSLAND \(/CONTACTUS.ASPX#BRISBANE\)](#)

[NEW SOUTH WALES \(/CONTACTUS./](#)

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The enclosed information is of necessity a brief overview and it is not intended that readers should rely wholly on information cont
respect of information provided and accordingly no responsibility is taken by Worrells or any member of the firm for any loss res
website.

Brisbane

07 3225 4300

Ivor Worrell

Raj Khatri

Morgan Lane

Michael Griffin

Michael Peldan

Chris Cook

Ipswich

07 3280 6200

Adam Ward

Michael Griffin

Gold Coast

07 5553 3444

Jason Bettles

Maroochydore

07 5459 1000

Paul Nogueira

John Cunningham

Sydney

02 9249 1200

Nick Malanos

Chris Darin

Noosa

07 5447 3766

Paul Nogueira

John Cunningham

Erina

02 4365 7525

Nick Malanos

Subject: FW: Kar Land Pty Ltd trading as 'We Buy Cars Now' - In Liquidation

Does not look promising Do you know anything about PPS act – I know not life threatening but needed the \$\$\$ - that's life!!! -m

From: <Ryan.Nixon@worrells.net.au>

Date: Thu, 2 Aug 2012 15:51:17 +1000

To: Sch4/3/3

Subject: Kar Land Pty Ltd trading as 'We Buy Cars Now' - In Liquidation

Dear Sir/Madam,

I refer to your email below and confirm receipt of same. You have now been registered on our files in relation to this matter.

Please find attached a letter from the liquidator explaining your current position in the liquidation.

Regards,

RYAN NIXON

File Accountant

WORRELLS
SOLVENCY & FORENSIC ACCOUNTANTS



BRISBANE

Level 8, 102 Adelaide Street
Brisbane QLD 4000
GPO Box 2228
Brisbane QLD 4001

D 07 3225 4334

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A BRW Top 100 Accounting Firm

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From: [REDACTED]

Sent: Thursday, 2 August 2012 11:22 AM

To: Worrells Brisbane

Subject: Our car

Importance: High

Dear Sir,

Subject: FW: MUST READ - FW: ANSWERS FOR CUSTOMER QUERIES

Date: Monday, 23 July 2012 1:29:19 PM AEST

From: [REDACTED]

To: Sch4/3/3 [REDACTED]

[REDACTED]
Webuyanycar
704 Nicklin Way
Currimundi QLD 4551
07-54376454
[REDACTED]@webuyanycar.com.au



Australia's No. 1 Car Buying Company
Australia's National Car Buying Company

The following is a message and directive from Patrick Turner.

- 1> All incoming enquiries regarding outstanding payments ARE NOT to be transferred to Customer Payments or the Call Centre. You are to advise the following word for word:

"The webuyanycar Group is a company that puts the interests of its customers first.

As we have previously advised, we are currently experiencing some difficulties with our Dealer Management System and to assist us, Our Managing Director has ordered a full stock take over our operations in three states, so decisions, as to payments, can be made no later than Monday the 30th of July.

Our relationship with our customers means everything to us."

TEMPLATE FOR 'SEARCHES' *No need to print*

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:

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

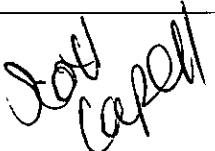
Signed S. Balle

Date 22.08.2012

C File Timeframes

Day 1	Date Rec'd: <u>13-08-2012</u>	ASSESSMENT CHECKLIST <ul style="list-style-type: none"> • Correct T Organisation? • Data Integrity <ul style="list-style-type: none"> ▪ 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 <ul style="list-style-type: none"> ○ ACL: <ul style="list-style-type: none"> ○ False or misleading representations <ul style="list-style-type: none"> ○ goods or services ○ employment ○ rebates, gifts, prizes ○ bait advertising ○ country of origin ○ Unsolicited supplies <ul style="list-style-type: none"> ○ cards ○ goods/services ○ blowers ○ Pyramid schemes/Referral selling ○ Pricing ○ Harassment and coercion ○ Consumer guarantees <ul style="list-style-type: none"> ○ Goods and Services ○ Repairs, spare parts ○ Unsolicited Consumer Agreements <ul style="list-style-type: none"> ○ In person ○ By phone ○ Shopping centre ○ Competition ○ Lay-by ○ Proof of transaction/itemised bill ○ Repair notices ○ Safety standards ○ Is C a Consumer? <ul style="list-style-type: none"> ○ Is it relevant? ○ PAMDA – Real Estate <ul style="list-style-type: none"> ○ 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
Day 3	Logged MACS: <u>23.08.12</u> Assessed: _____ Allocated Office: _____ Allocated Officer: _____	
Day 10	Complainant Acknowledged _____	
Day 30	Aim to Finalise _____	

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

CONCIL <input type="checkbox"/>	Consumer:	
CALLI <input type="checkbox"/>	Trader:	PER FORM/LETTER: OTHER:
REF <input type="checkbox"/>	Description:	<p>Ⓒ sold car to Ⓙ but has not rec'd money.</p> <p>Ⓙ does not intend to</p> <p>Ⓒ wants car of refund.</p>
INV <input checked="" type="checkbox"/>	Key Words	
OTHER <input type="checkbox"/>	<input type="checkbox"/> SOLAR PANELS <input type="checkbox"/> SOLAR HOT WATER <input type="checkbox"/> INSULATION <input type="checkbox"/> ICAN <input type="checkbox"/> THONGS <input type="checkbox"/> MY REEF <input type="checkbox"/> GROUP BUY <input type="checkbox"/> FEED IN TARIFF <input type="checkbox"/> Refer by EWOQ	
Reg Office:	Product:	
	Industry Group:	
	Conduct:	NON SUPPLY / PARTIAL: <input type="checkbox"/> MISREP: <input type="checkbox"/> WARRANTIES: <input type="checkbox"/> REFUNDS: <input type="checkbox"/> NON PERFORM: <input type="checkbox"/> UNSAT PERFORM GOOD / SERVICE: <input type="checkbox"/> FAILURE to ACT: <input type="checkbox"/>
	Intitials:	Action