

3



Queensland
Government

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

2

Complaint file number

G2012-04940.

Work unit

BRIS-INV

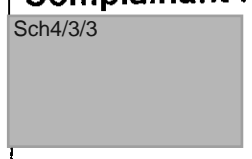
Investigation file number

1-2012-00755

Inspector

S. Allen / 9/5/2012

Complainant name



COMPLAINT FILE

KAR Trader's details T/A.

Name: WEBUANYOR.

Address: 3475 PACIFIC HWY, SPRINGWOOD

QLD 427

Phone: 1300592422.

Withdrawn

Result due date: 01-JUL-12

Completion date:

Destruction date:

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BAR CODE

Compliance And Enforcement Framework Review

Compliance Officer	Section 5 - Review C & Framework	Approving
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 (e.g: media Interest) have been identified and 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 have been identified and reported	Yes / No / NA
Yes / No / NA	Policy decisions or public interest factors (e.g: legal opinion) are filed	Yes / No / NA
Yes / No / NA	Complainant had 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	Trade 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	Investigations 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:		Compliance Officer:	
Date:		Date:	
Signature:		Signature:	

12

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FILE INDEX AND **EVIDENCE MATRIX**

OFFICE OF FAIR TRADING

INVESTIGATION FILE INDEX

KARLAND PTY LTD T/AS WEBUYANYCAR
Directors-Richard David Burbage & Armand Daiga

	Date	Description	From	To	Criminal Discovery
		Folder 1			
1.		REPORTS			
1		File Index			Y
2					
2		INFORMATION SOURCE			
A		Source 1 (Complaint #)			
1		Complaints referred to Investigations Branch by CALLI for further investigations relating to business activities of the motor dealer. The dealer has 2 car yards situated at (1) <u>3475 Pacific Highway Springwood</u> and (2) <u>63 Ferry Rd Southport</u> respectively.			
2					
3					
4					
5					
6					
7					
8					
9					

B.		Source 2 (Complaint #)			
1					
2					
3					
4					
5					
6					
7					
8					
9					
3		PARTIES – UNDER INVESTIGATION			
A		Investigated Party 1			
1					
2					
3					
4					
5					
6					
7					
8					
9					
9.1					
9.2					
9.3					
10					
B		Investigated Party 2			
1)			
2					
3					
4					
5					
6					
7					
8					
9					
4		PARTIES - OTHER			
A		Other Party 1			
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3					
4					
5					
B		Other Party 2			

1					
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3					
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5		INTERNAL ADMINISTRATION			
1					
2					
3					
4					
5					



OFFICE OF FAIR TRADING

INVESTIGATION FILE INDEX

KARLAND PTY LTD
t/as WEBUYANYCAR-3475 PACIFIC HWY
SPRINGWOOD QLD 4127

	Date	Description	From	To	Disclose?
1.	29/4/2012 (MINI SERIAL)	<u>I-2012-00755-Head File-</u> <u>C-2012-05343-Complainant</u> Sch4/3/3			Y
2.		<u>C-2012-04940-</u>			Y
3.		<u>C-2012-05285</u>			Y
4.		<u>C-2012-05346</u>			Y
5.		<u>C-2012-00755</u>			Y
6.		<u>C-2012-04728-</u>			Y
7.		<u>C-2012-05057-</u>			Y
8.		<u>C-2012-00755-</u>			Y
9.		<u>C-2012-04975-</u>			Y
10.		<u>C-2012-05207</u>			Y
11.		<u>C-2012-05062</u>			Y
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					

OFFICE OF FAIR TRADING

INVESTIGATION FILE INDEX

KARLAND PTY LTD T/AS WEBUYANYCAR
Directors-Richard David Burbage & Armand Daiga

	Date	Description	From	To	Criminal Discovery
		Folder 1			
1.		REPORTS			
1		File Index			Y
2					
2		INFORMATION SOURCE			
A		Source 1 (Complaint #)			
1		<p>Complaints referred to Investigations Branch by <u>CALLI</u> for further investigations relating to business activities of the motor dealer. The dealer has 2 car yards situated at (1) <u>3475 Pacific Highway Springwood</u> and (2) <u>63 Ferry Rd Southport</u> respectively.</p> <p style="text-align: center;">***HEAD FILE***</p> <p><u>Complaint No--C-2012-05343-</u> <small>Sch4/3/3</small></p>			
2		<p><u>Complaint No. C-2012-04975</u></p>			
3		<p><u>Complaint No.C-2012-04940-</u></p>			

4		<u>Complaint No. C-2012-05138</u> Sch4/3/3 [REDACTED]			
5		<u>Complaint No. C-2012-05062</u> [REDACTED]			
6		<u>Complaint No. C-2012-03715</u> [REDACTED]			
7		<u>Complaint No. C-2012-05285</u> [REDACTED]			
8		<u>Complaint No. C-2012-05285</u> [REDACTED]			
9		<u>Complaint No. C-2012-05285</u> [REDACTED]			
10		<u>Complaint No. C-2012-04728</u> [REDACTED]			
11		<u>Complaint No. C-2012-00755</u> [REDACTED]			
12		<u>Complaint No. C-2012-05495</u> [REDACTED]			
13		<u>Complaint No. C-2012-05803</u> [REDACTED]			
B.		Source 2 (Complaint #)			
1					
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9					
3		PARTIES – UNDER INVESTIGATION			
A		Investigated Party 1			
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B		Investigated Party 2			
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4		PARTIES - OTHER			
A		Other Party 1			
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B		Other Party 2			
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INVESTIGATION PLAN

1. Complaint/allegation(s)	
2. Issue(s) for investigation	
3. Standards/tests to apply (What are the standards/tests required to be met by the agency? e.g. legal, policy, etc)	
4. Avenues of investigation	
5. List of documents to be obtained	Date
6. Persons to be interviewed and/or sites to be inspected, resources required	Date
7. Expert opinion required (e.g. medical, legal, accounting, etc)	
8. Steps taken to ensure procedural fairness – e.g. report to complainants on adverse comment/give opportunity to respond to facts	
9. Other	
10. Estimated completion	Date

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Investigation Detail

Investigation No: I-2012-00755

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 51550

Outcome Date:

Total Amount Obtained: 0

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
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Witnesses

Name Type	Witness Name	Type	Status	Outcome
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Legal Action

Ref	Type	Date Initiated	Status	Status Date	Trader
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Queensland Government

Investigation Detail				Investigation No: I-2012-00755	
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 14950		
Outcome Date:			Total Amount Obtained:		
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