Queensland Government

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

7

Complaint file number	
C-12	06367

Work unit	Investigation file number	
INVESTIGATIONS	I-12	00755
Inspector	Complainant name	
S. Capell	Sch4/3/3	

ALLOCATED 31/5/2012

COMPLAINT FILE

Trader's details

Name: KAR LAND PTY LTD

Address: 63 FERRY RD

SOUTHPORT QLD 4215

Phone: 1800 592 422

Result due date:	1-JUL-12
Completion date:	
Destruction date:	

Statements Referred

7 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:**	

Investigations
RECEIVED
21 AUG 2012
Office of Fair Trading
Brisbane

Norm Leishman

Office of FAIR TRADING

PO Box 3111,

BRISBANE, QLD 4000

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Norm Leishman
Office of Fair Trading
(DJAG) department of Justice and Attorney General
383 Boundary Street
SPRING HILL QLD 4000
PH: - 07 31151725
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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 84750
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

Witnesses

Name Type	Witness Name	Type	Status	Outcome

Legal Action

Ref	Type	Date Initiated	Status	Status Date	Trader

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Macs checklist for searches.

Details	Exist/New (Macs)		
Trader: **BN/ACN:** **Licence:** **Comments:**	BN..223 0B428 Reg'd/Expired/D'reg'd Removed/Unreg'd Using own name ..... OFT #..... Type..... Status..... OTHER AUTHORITY ..... #..... Status.....	ACN #...151433528 REG'd..Qld EXAD.....	
Complainant: **BN/ACN:** **Licence:** **Comments:**	BN..... Reg'd/Expired/D'reg'd Removed/Unreg'd Using own name ..... OFT #..... Type..... Status..... OTHER AUTHORITY ..... #..... Status.....	ACN #..... EXAD	
Region	.....		

Signed..... Date: 28/5/12

Refer to: .....

Licence types:

REA Real Estate
MD Motor Dealer
PD Property Developer
SHD Second Hand Dealer & Pawnbroker
CA Commercial Agent
INT Introduction Agent
TA Travel Agent
RL Restricted Letting
AUCT Auctioneer
SEC Security Provider/Firm

QUICK 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 – Start keying in the complaint.**
- **NB: all Real Estate Agents and Motor Dealers should be licensed with details already on MACS;**
- MACS>compliance>complaint>complaint **DETAILS;**
- Type in consumer details, then next tab:
- 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;
- 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, print details of company from BACHCO.
- **If the trader is a Real Estate Agent/Motor Dealer;**
- 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 and print details.
- Search>entity search>
- If individual, leave 'TYPE' as individual, key in license number or **first initial** and surname.
- If company, the 'TYPE' field should be changed to 'CORPORATION'.
- **ALL PRINTOUTS SHOULD BE TRADER PROFILE.**

uploaded

2. ASIC

- Go to National Names Index, type in the correct Company name, highlight the number, then go to BACHCO. If trader has not been registered on MACS, do searches on ASIC and BACHCO.

3. BACHCO

- TO PRINT:
- Go to 'Extracts' and type in the Business Number and print out the extract.
- If proprietor of the business name is a company, write down the ACN number on the checklist and print company details.
- Go to 'Retrieve Company Details', type in the ACN number and print details.