



Queensland
Government

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

Complaint file number

C-12 07972

Work unit

Investigations

Investigation file number

I-12 00755

Inspector

S. Capell

Complainant name

Sch4/3/3

Allocated 18/7/2012

Trader's details

Name: Kar Land Pty Ltd

Address: 1339 Logan Rd

Mount Gravatt QLD 4122

Phone: 1300592422

Result due date:

1-JUL-12

Completion date:

Destruction date:

COMPLAINT FILE

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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:	

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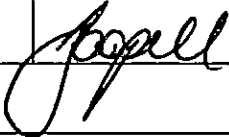
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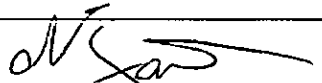
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INVESTIGATION SUMMARY**OFFICE OF FAIR TRADING**

FILE DETAILS	
File No:	<u>I-2012-07972-(Investigation)</u> <u>C-2012-00755-(Complaint)</u>
Trader Details:	<u>KAR LAND PTY LTD</u> 1339 Logan Road Mt Gravatt Qld 4122
Complainant Details:	Sch4/3/3
ASSESSMENT	
Category:	Category: Complexity: Priority:
Issue/Allegation:	<u>Property Agents and Motor Dealers Act 2000-(PAMDA)</u> <u>The Australian Consumer Law-(ACL)</u>
Identified Breach:	Breach 1 - refer to details in <u>Complaint Background</u> Act: **** <u>Not applicable in this instance</u> Section: Breach: Infringement Code: Infringement Desc: Breach 2 Act: Section: Breach: Infringement Code: Infringement Desc:
INVESTIGATION	
Complaint Background:	Complaints received from a large number of complainants (currently approximately 34) relating to possible false and misleading representations relating to the following:- (1) price of vehicle vendors who sell vehicles to car yard can expect to receive and (2) length of time consumers expect to receive payment from motor dealer
Avenues of Inquiry:	(1) Compliance and Enforcement Framework for Investigations (2) Trader history (3) Previous Compliance and Enforcement action relating to the company and (4) Complainants

Trader's Response:	<u>Breach 1</u> • • <u>Breach 2</u> • •
Findings and Supporting Reasons:	This complaint relates to the issue of not receiving the refund of \$500 paid by the purchasers to the company. The purchasers have subsequently provided information that they have now had these moneys refunded and as a consequence they now want this matter to be finalised and the file closed .
<u>Recommendation/s:</u>	It is recommended that this complaint file be closed at this time.

INVESTIGATION OFFICER			
<u>Name</u>	Scott Capell Senior Compliance Officer-FTU	Region	Brisbane-Fair Trading Unit General
Signature		Date	18/7/2012

MANAGERS REVIEW OF INVESTIGATION			
Approved Outcome:	<input checked="" type="radio"/> Yes / No	Signature	



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

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				
C-2012-08044	05-JUL-12				
C-2012-08053	05-JUL-12				
C-2012-08079	06-JUL-12				
C-2012-08125	09-JUL-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 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



Related Notes

Complaint: C-2012-07972

Note Ref	Note Subject	Created On	Created By
001	FILE NOTE email rcvd from Tui Gabriel requesting file be returned to Brisbane OFT as T is now subject to investigation. Telecom Tui on 3115 1755 to confirm transfer File remarked to Tui Gabriel	16-JUL-2012	WARREN SMITH


16/7/12.

Smith, Warren

From: Gabriel, Tui
Sent: Monday, 16 July 2012 11:33 AM
To: Smith, Warren
Subject: FW: C-2012-07972 - We Buy Any Cars - C-2012-07972

Importance: High

Hi Warren,

I just left a phone message for you to return my call. Please note below, could you kindly return C-2012-07972 to our office as this matter is currently under investigation as confirmed by Scott Capell.

Thanks,

Tui Gabriel
Conciliation Officer
Case Assessment and Conciliation Fair Trading Operations
Department of Justice and Attorney-General
Ph: 07 3115 1755
Fax: 07 3115 1759
Email: tui.gabriel@deedi.qld.gov.au

Customer Call Centre 13 QGOV (13 74 68)
www.deedi.qld.gov.au

From: Gabriel, Tui
Sent: Monday, 16 July 2012 11:32 AM
To: Rose, Lynette; Lawrence, Jason; McKenzie, Kylie
Subject: FW: C-2012-07972 - We Buy Any Cars - C-2012-07972

FYI below. I have asked Warren Smith to re-direct the complaint file back to us.

Cheers,
Tui

From: Capell, Scott
Sent: Monday, 16 July 2012 8:09 AM
To: Gabriel, Tui
Subject: RE: C-2012-07972 - We Buy Any Cars - C-2012-07972

Hi Tui,
Yes I am responsible for looking into the activities of the abovenamed.
Please link file to head file.

Regards
Scott

From: Gabriel, Tui
Sent: Friday, 13 July 2012 9:49 AM
To: Capell, Scott
Cc: Leishman, Norman; Rose, Lynette; McKenzie, Kylie
Subject: C-2012-07972 - We Buy Any Cars - C-2012-07972

Hi Scott,

I refer to C-2012-07972 and this was allocated to Warren Smith, Southport on 11 July 2012.

Just clarifying the description of the complaint **Consumer paid for a deposit for a vehicle with Trader. C stated that T was fully aware that C was financing this and it was agreed that if C could not get finance then she**

would get a refund. T has not refunded C yet.

Are you investigating the nature of this matter, if so, would you like the complaint linked to I-2012-00755. Please confirm and I will contact Warren to send the file back our way.

Thanks,

Tui Gabriel
Conciliation Officer
Case Assessment and Conciliation Fair Trading Operations
Department of Justice and Attorney-General
Ph: 07 3115 1755
Fax: 07 3115 1759
Email: tui.gabriel@deedi.qld.gov.au

Customer Call Centre 13 QGOV (13 74 68)
www.deedi.qld.gov.au

referred to another authority for their appropriate action should the matter fall outside this Office's jurisdiction.

C File Timeframes

Day 1

Date Rec'd: 3/7/12

Day 3

Logged MACS: 10/7/12

Assessed: 11/7/12

Allocated Office: 11/7/12

Allocated Officer: _____

Day 10

Complainant Acknowledged _____

Day 30

Aim to Finalise _____

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

- 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

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:

MACS: Exist / New

ABN:

Status:

ACN:

Status:

ASIC BN:

Status:

STATE BN:

State:

Status:

I - 2012 - 00755

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 [Signature]

Date 10/7/12