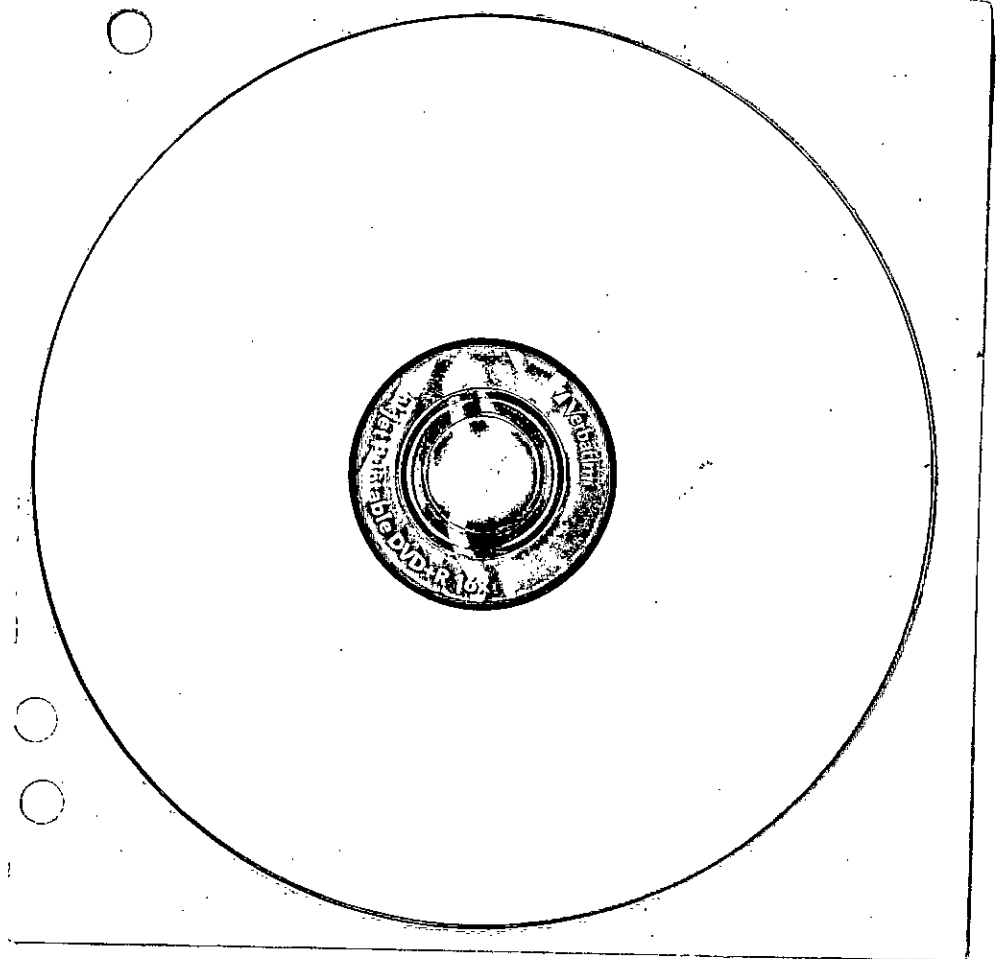


File 2

KAR LAND PTY LTD
HEAD FILE NO.

I-2012-00755

C/-MOBILITY ACCOUNTING
SOLUTIONS U/2 43-49
BUTTERFIELD ST HERSTON
QLD 4006-(REGD OFFICE)
3463-3465 PACIFIC HWY
SLACKS CREEK QLD 4127
(PRINCIPAL PLACE OF
BUSINESS)



Norm,

I found this on my
desk under other
old documents.

- GOLF 4/6/13

WORRELLS
SOLVENCY + FORENSIC ACCOUNTANTS



Advice to Creditors

9 May 2013

RECEIVED BY
REGISTRATION SERVICES BRANCH
10 MAY 2013

Kar Land Pty Ltd (In Liquidation)
A.C.N. 151 433 528
Trading Name: WEBUYANYCAR.COM.AU

10 MAY 2013
SSA/101

Summary of Liquidation

The directors and members of Kar Land Pty Ltd A.C.N 151 433 528 (trading as We Buy Any Car) resolved to wind up the company on 27 July 2012 and appoint Morgan Lane and Raj Khatri, partners of Worrells Solvency & Forensic Accountants, as liquidators of the company. The appointment was made under Part 5.5 of the *Corporations Act 2001* and was due to the insolvency of the company.

Liquidation is a process for the orderly dismantling of a company's affairs, the undertaking of appropriate investigations, realising the company's assets and distributing the proceeds to creditors in accordance with the priorities set out in the *Corporations Act 2001*.

To date the liquidators have been dealing with encumbered vehicles and secured creditors, sales of unencumbered vehicles, debtor collections and payment of employee entitlements from funding by the federal government's Fair Entitlements Guarantee scheme.

In addition, the liquidators and their staff have been conducting very detailed investigations into the company's affairs, including:

1. Complete reconstruction of the company's trading;
2. Tracing of car purchases and sales, and verifying current inventory;
3. Potential actions against director and offences;

These investigations have been particularly difficult principally as a result of the abysmal state of the company's books and records. The liquidators were unable to obtain or extract basic financial reports and information from the company's records such as complete vehicle stock lists, reliable vehicle encumbrances list, complete creditor ledgers (both trade creditors and customer vehicle payments), debtors' ledger (including stock sale proceeds receivable by the company from the external vehicle wholesalers) and asset registers.

It has proved necessary, albeit time-consuming and tedious, for the liquidators to totally rewrite the books to get any understanding and insight into just what happened. The rewrite has just been completed.

As a result of the information gathered from the abovementioned investigations, the liquidators are of the view that a public examination of certain key people is essential and also the most economical way to collect information which has not been forthcoming to date.

Brisbane

File Number: 6579

ABN 40 151 214 174

Liquidators: Raj Khatri & Morgan Lane
8th Floor 102 Adelaide St Brisbane Qld 4000
GPO Box 2228 Brisbane Qld 4001

Ryan Nixon
P (07) 3225 4334
F (07) 3225 4311
E ryan.nixon@worrells.net.au

worrells.net.au

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Notice of Public Examination

Sections 596A and 596B of the *Corporations Act 2001* ("the Act") authorises a Liquidator to apply to the Court for orders for the examination of directors of the company and other people, if they have information on the examinable affairs of the company.

Examinable affairs in relation to a company means:

- The promotion, formation, management, administration or winding up of the corporation.
- Any other affairs of the corporation.
- The business affairs of a connected entity of the corporation, in so far as they are, or appear to be, relevant to the corporation.

There are a number of reasons to conduct a public examination, including:

- Obtaining detailed explanations on difficult matters in the liquidation.
- Obtaining information from uncooperative parties.
- Obtaining documentation that would otherwise be unavailable.
- Uncovering offences.
- Identify a range of transactions or activities in relation to which it appears specific breaches of duty may have occurred,
- Identify other claims and causes of action that may be available to the liquidators
- Generally gathering information.

The Examination will be conducted in the Brisbane Registry of Federal Court of Australia from 20 May 2013 to 23 May 2013.

Anyone can attend and watch a public examination, but the general public cannot take part in the examination process.

Further information on public examinations is available from the Facts Sheet page of our website (www.worrells.net.au).

Section 596E of the Corporations Act 2001 requires the person who issues a summons under the Act, in this case the Liquidators, to give notice to "as many of the corporation's creditors as practicable". This advice is being provided under that obligation of the Act.

Further Reports to Creditors

The liquidators are preparing to provide an in-depth Report to Creditors after the public examination has been conducted and relevant investigations arising from same are completed. This report will outline details of our findings and will include information on the likelihood of any dividend that may be paid to the to creditors.





Section 508 of the Corporations Act requires a liquidator to either convene an annual meeting of creditors of the company, or prepare an annual report to lodge with AISC, within three months of each anniversary of liquidator's appointment. Accordingly the liquidators propose their in-depth report to coincide with these statutory obligations. That is the liquidators will report to creditors by no later than 27 October 2013.



Raj Khatri
Liquidator

***** Liquidator's Accounts are lodged with the ASIC on a six monthly basis *****

worrells.net.au

FILE INFORMATION 	THE FILE INFORMATION PAGE Contains the latest information on this file, updated daily. This page has been password protected for privacy reasons. YOUR PASSWORD To access this file is: wp6579 .
EMAIL UPDATES 	SUBSCRIBE FOR EMAIL UPDATES Subscribe via the File Information page. Email updates on this file will be delivered direct to your inbox every Monday morning or on the first day of each month.
LODGE ONLINE 	LODGE YOUR CLAIM ONLINE In most cases, it is not necessary to lodge a formal Proof of debt form with all of the supporting documents to have your claim recognised in the estate. You can now lodge your proof of debt online from the File Information page – and receive a confirmation email with a copy of your proof of debt so that you are sure that we have received your claim.
WORRELLS.NET.AU 	QUESTIONS AND ANSWERS ONLINE Questions can be asked and answered online directly from our File Information page.
<p style="text-align: center;">GLOSSARY OF TERMS</p> <p>A full glossary of terms can be found in the 'Dictionary' link on the Worrells website.</p>	

PROOF AND ELEMENTS**Offence 1.
ACL s158 (1)**

ELEMENTS	FACTS	LOCATION
A person	Burbage Sch4/3/3 Kar Land Pty Ltd	Real person Real person ASIC Search
In trade or commerce	Operated as a MD from several addresses in QLD between, ??/??/??, & ??/??/??	Witness Statements Burbage interview Agreements
Accepts payment OR other consideration	Accepted possession of vehicles and sold vehicles to Highway Auto group Pty Ltd	Witness statements Worrell's evidence Agreements
And at the time of acceptance intends not to supply the goods OR services	Failed to carry through on and agreement to pay for the vehicles within a specified time. Following Burbage interview no specific timeframe given, phase changed to after 10 days.	Witness statements Worrell's evidence Agreements
Penalty S158 (2) Strict liability applies to subsection (1)(a).	(a) if the person is a body corporate-- \$1,100,000; or (b) if the person is not a body corporate-- \$220,000.	

**Offence 2.
ACL s158 (7)**

ELEMENTS	FACTS	LOCATION
A person	Burbage Kar Land Pty Ltd	Real person Real person ASIC Search
In trade or commerce	Operated as a MD from several addresses in QLD between, ??/??/??, & ??/??/??	Witness Statements Burbage interview
Accepts payment OR other consideration	Accepted possession of vehicles and sold vehicles to Highway Auto group Pty Ltd	Witness Statements Worrell's evidence
And fails to supply all the goods OR services	Failed to carry through on and agreement to pay for the vehicles within a specified time.	Witness statements Worrell's evidence Agreements
Within the period specified	Periods of 7 and 10 days on some agreements	Agreements
Penalty S158 (10) Strict liability applies to subsection (7)	(a) if the person is a body corporate-- \$1,100,000; or (b) if the person is not a body corporate-- \$220,000.	

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Penalty S158 (10) Strict liability applies to subsection (7)	(a) if the person is a body corporate-- \$1,100,000; or (b) if the person is not a body corporate-- \$220,000.	

**Offence 3.
S573**

ELEMENTS	FACTS	LOCATION
A licensee;	Burbage	Real person Real person

	Kar Land Pty Ltd	ASIC Search s587 Certificates
In the performance of the activities as a licensee;	Buying motor vehicles	Agreements and statements from witnesses
Receives an amount belonging to someone else	Wholesaled the vehicles to Highway Auto Group Pty Ltd, a portion of those funds belonging to the client.	To be proven
(2) (a) Dishonestly converts the amount to the licensee's or someone else's use	Some clients not paid for their vehicles and no explanation where those funds went.	Witness statements.

158 Wrongly accepting payment

(1) A person commits an offence if:

(a) the person, in trade or commerce, accepts payment or other consideration for goods or services; and

(b) at the time of the acceptance, the person intends not to supply the goods or services.

Penalty:

(a) if the person is a body corporate--\$1,100,000; or

(b) if the person is not a body corporate--\$220,000.

(2) Strict liability applies to subsection (1)(a).

(3) A person commits an offence if:

(a) the person, in trade or commerce, accepts payment or other consideration for goods or services; and

(b) at the time of the acceptance, the person intends to supply goods or services materially different from the goods or services in respect of which the payment or other consideration is accepted.

Penalty:

(a) if the person is a body corporate--\$1,100,000; or

(b) if the person is not a body corporate--\$220,000.

(4) Strict liability applies to subsection (3)(a).

(5) A person commits an offence if:

(a) the person, in trade or commerce, accepts payment or other consideration for goods or services; and

(b) at the time of the acceptance, the person was reckless as to whether he or she would be able to supply the goods or services:

(i) within the period specified by or on behalf of the person at or before the time the payment or other consideration was accepted; or

(ii) if no period is specified at or before that time--within a reasonable time.

Penalty:

(a) if the person is a body corporate--\$1,100,000; or

(b) if the person is not a body corporate--\$220,000.

(6) Strict liability applies to subsection (5)(a).

(7) A person commits an offence if:

(a) the person, in trade or commerce, accepts payment or other consideration for goods or services; and

(b) the person fails to supply all the goods or services:

(i) within the period specified by or on behalf of the person at or before the time the payment or other consideration was accepted; or

(ii) if no period is specified at or before that time--within a reasonable time.

Penalty:

(a) if the person is a body corporate--\$1,100,000; or

(b) if the person is not a body corporate--\$220,000.

(8) Subsection (7) does not apply if:

(a) the person's failure to supply all the goods or services within the period, or within a reasonable time, was due to the act or omission of another person, or to some other cause beyond the person's control; and

(b) the person took reasonable precautions and exercised due diligence to avoid the failure.

(9) Subsection (7) does not apply if:

(a) the person offers to supply different goods or services as a replacement to the person (the *customer*) to whom the original supply was to be made; and

(b) the customer agrees to receive the different goods or services.

(10) Subsection (7) is an offence of strict liability.

(11) Subsections (1), (3), (5) and (7) apply whether or not the payment or other consideration that the person accepted represents the whole or a part of the payment or other consideration for the supply of the goods or services.

159 Misleading representations about certain business activities

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PROOF AND ELEMENTS

Offence 1. s 158 ACL Wrongly accepting payment

95 Breaches between 23/03/2012 and 31/08/2012

ELEMENTS	FACTS	LOCATION
<p>(7) A person commits an offence if:</p> <p>(a) the person, in trade or commerce, accepts payment or other consideration for goods or services; and</p> <p>(b) the person fails to supply all the goods or services:</p> <p>(i) within the period specified by or on behalf of the person at or before the time the payment or other consideration was accepted; or</p> <p>(ii) if no period is specified at or before that time, within a reasonable time.</p> <p>Penalty:</p> <p>(a) if the person is a body corporate--\$1,100,000; or</p> <p>(b) if the</p>	<p>(Former Directors of Kar Land Pty Ltd); Richard David John Burbage; Sch4/3/3 Both Licensed Motor Car Dealers;</p> <p>Karland Pty Ltd T/ as Webuyanycar</p> <p>"Note: - other consideration = the value of the motor vehicles. (individual values as included in the agreements provided by witnesses)"</p> <p>"Note: - the service being provided is the buying of motor vehicles";</p> <p>Within 7 days; Within 10 days;</p> <p>After 10 days;</p>	<p>ASIC Search of Corp: - Kar Land Pty Ltd ACN 151 433 528 S587 Certificates on both.</p> <p>Business names search extract BN22308428; 95 Complaints from consumers; 20+ statements from affected consumers</p> <p>Worrell's website shows purchases were previous completed and substantiates the existence of the service;</p> <p>Witness statements;</p> <p>Witness statements;</p>

person is not a body corporate--\$220,000.

(8)
Subsection (7) does not apply if

(a) the person's failure to supply all the goods or services within the period, or within a reasonable time, was due to the act or omission of another person, or to some other cause beyond the person's control; and

(b) the person took reasonable precautions and exercised due diligence to avoid the failure.

(9)
Subsection (7) does not apply if

(a) the person offers to supply different goods or services as a replacement to the person (the *customer*) to whom the original supply was to be made; and

(b) the customer agrees to receive the different goods or services.

(10)
Subsection (7) is an offence of strict liability.

(11)

Negated during interview of Sch4/3/3

Negated during interview of

No alternatives offers made;
Negative during interview of

Witness statements

<p>Subsections (1), (3), (5) and (7) apply whether or not the payment or other consideration that the person accepted represents the whole or a part of the payment or other consideration for the supply of the goods or services.</p>		
<p>"services" includes:</p>	<p>(a) any rights (including rights in relation to, and interests in, real or personal property), benefits, privileges or facilities that are, or are to be, provided, granted or conferred in trade or commerce; and</p> <p>(b) without limiting paragraph (a), the rights, benefits, privileges or facilities that are, or are to be, provided, granted or conferred under:</p> <p>(i) a contract for or in relation to the performance of work (including work of a professional nature), whether with or without the supply of goods; or</p> <p>(ii) a contract for or in relation to the provision of, or the use or enjoyment of facilities for, amusement, entertainment, recreation or instruction; or</p> <p>(iii) a contract for or in relation to the conferring of rights, benefits or privileges for which remuneration is payable in the form of a royalty, tribute, levy or similar exaction; or</p> <p>(iv) a contract of insurance; or</p> <p>(v) a contract between a banker and a customer of the banker entered into in the course of the carrying</p>	

	<p>on by the banker of the business of banking; or</p> <p>(vi) any contract for or in relation to the lending of money;</p> <p>but does not include rights or benefits being the supply of goods or the performance of work under a contract of service.</p>	
<p>PROPERTY AGENTS AND MOTOR DEALERS ACT 2000 - SECT 574</p> <p>574 False representations about property</p> <p>(1) A licensee or registered employee</p> <p>must not represent in any way to someone else</p> <p>anything that is false or misleading in relation to the letting, exchange or sale of property.</p> <p>Maximum penalty— 540 penalty units.</p> <p>(3) Without limiting subsection (1) or (2), a representation is taken, for the subsection, to be false or misleading if it would reasonably tend to lead to a belief in the existence of a state of affairs that does not in fact exist, whether or</p>	<p>(Former Directors of Kar Land Pty Ltd); Richard David John Burbage; Sch4/3/3 Both Licensed Motor Car Dealers;</p> <p>Provided a written agreement indicating payment for the goods would be made within 7 or 10 days</p> <p>Knowing the promise of payment was false and payments would not be made.</p> <p>Agreements before Burbage was interviewed said firstly 'payment within 7 days' and then 'payment within 10 days'.</p> <p>Witnesses had a reasonable belief they would be paid within these time frames.</p> <p>Agreements after Burbage was interviewed changed to include the clause 'Payment</p>	<p>S587 Certificates X 3 (2 Directors and 1 Corp)</p>

<p>not the representation indicates that that state of affairs does exist.</p> <p>(4) Also, if a person makes a representation in relation to a matter and the person does not have reasonable grounds for making the representation, the representation is taken to be misleading.</p> <p>(5) The onus of establishing that the person had reasonable grounds for making the representation is on the person.</p> <p>(6) It is not a defence to a prosecution under subsection (1) or (2) for the defendant to prove that an agreement with the person was terminated or that the person did not enter into an agreement because of the representation.</p> <p>(7) This section does not limit another Act or law about false or misleading representations.</p> <p><i>Example— Australian Consumer Law (Queensland), section 30 (False or misleading representations about sale etc. of land)</i></p> <p>(8) In this section—</p> <p>false or misleading, in relation to a representation includes</p>	<p>after 10 days”;</p> <p>At this point there existed a clear intention by the corporation to remove the existence of a specific time for payment;</p>	
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<p>the wilful concealment of a material fact in the representation.</p> <p>licensee includes a person acting as a licensee, but does not include a commercial agent.</p> <p>registered employee includes a person acting as a registered employee, but does not include a commercial subagent.</p>		

PROOF AND ELEMENTS

Offence 1. s 158 ACL Wrongly accepting payment

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	<p>on by the banker of the business of banking; or</p> <p>(vi) any contract for or in relation to the lending of money;</p> <p>but does not include rights or benefits being the supply of goods or the performance of work under a contract of service.</p>	
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The Courier-Mail

Queensland Ink - weekly column

Queensland Ink: Automotive group goes belly up as boss skips country

- by: Anthony Marx
- From: The Courier-Mail
- August 27, 2012 12:00AM



Source: The Courier-Mail

RICHARD Burbage has left the country. No one knows for certain where he is but plenty of people would like to find out.

The Lamborghini-driving businessman is believed to have departed to his native United Kingdom last month, just weeks before his nationwide used car empire came crashing down with debts of about \$12 million.

His wife, Lorraine, and their three children have also gone, leaving behind a Fig Tree Pocket home the couple only bought in February for \$1.05 million and which is now back on the market. Her \$200,000 Bentley, complete with personalised licence plates, was sold at a slight loss before the hurried exit.

The collapse of Brisbane-based Kar Land Pty Ltd, trading as We Buy Any Car, has left about 1200 consumers across the country unable to retrieve their vehicles, which had been given to the company to on sell.

They are collectively owed more than \$3.6 million but have been barred from retrieving their automobiles by insolvency firm Worrells, which was appointed liquidator on July 27 by company directors. Trade creditors are chasing another \$2.6 million.

The biggest single loser in the disaster has been the privately-owned Highway Auto Group based at Springwood, which ploughed \$6 million in seed capital in to the start-up business ahead of its launch in June last year.

The outlook for all parties trying to claw back money is exceedingly grim. The best case scenario would see them recover just a few cents in the dollar but it is more likely they will walk away with nothing.

Worrells managing partner Raj Khatri said the failure of Kar Land was one of the most substantial auto-related collapses he had seen recently.

His firm has been inundated by calls and emails from distressed creditors, customers and employees.

Mr Khatri said his job had been made far more difficult because the inventory and records of the company were not kept up to date.

"We don't know how reliable they are," he said.

Having secured about 550 cars as the company's only real asset, Mr Khatri said his priority now was to sell them so the proceeds could be returned to those owed money.

But with many vehicles likely to be subject to capital finance, he may only end up having about 230 cars to dispose of and they may only be worth around \$1.2 million before selling costs.

Even then, about 50 former employees must be paid first and they are owed about \$350,000 in entitlements. There is also no record of any superannuation payments made for employees, Mr Khatri said.

The inability to contact Mr Burbage - who signed the authority appointing Worrells from overseas - has been "a big concern," Mr Khatri said.

"I'm just struggling to get information about the company's affairs," he said.

Burbage, 39, served as the firm's managing director and was one of just two directors of Kar Land. The other director was Armand Daiga, whose family has operated the Highway Auto Group for more than 30 years. The Burbages and an entity controlled by Mr Daiga were the sole joint owners.

Mr Daiga said he was merely an investor, had no daily control of the business and had not been in contact with Mr Burbage since his departure. He declined to say why the business went awry.

"It's very long and involved. I'm finding out things along the way and I'm trying to sort through all this," he said.

Bolstered by an expensive advertising campaign, We Buy Any Car opened for business in mid-2011 with auto yards in Brisbane and the Gold and Sunshine coasts. With nearly 100 employees at its peak, the company also operated three centres in NSW and two in Victoria.

After getting an online valuation, prospective clients were enticed with the promise they could unload "any make, any model, any age" vehicle and get paid within 10 days.

A lavish launch party was held at Suncorp Stadium last September, with plans for rapid national

expansion over the following two years.

Mr Burbage's CV suggested he had the track record and financial success to make it work.

With a background in the automotive business in England, Mr Burbage worked as a sales manager for Caloundra City Autos before moving across to become general manager with Mr Daiga's Highway Auto Group.

Property records show he and his wife still own a Sunshine Coast property bought for \$535,000 in 2008 and a Brisbane home picked up for \$700,000 in 2010, both of which are rented out. Another \$100,000 in upgrades was lavished on their near-new Fig Tree Pocket home.

Mr Burbage drove a leased Lamborghini to show off his apparent success but signs emerged earlier this year that We Buy Any Car was unravelling.

Consumers started complaining that they had not been paid after waiting weeks and could not get any answers from the company. Complaints were lodged with Fair Trading offices in several states and angry consumers posted their stories on product review websites.

"I sold my car to these guys on 1 July and they assured me I would get my \$14,000 in four days," one client wrote.

"They kept on delaying and eventually stopped answering calls and emails. I called again 7 August and got the message to call the liquidators."

Television show A Current Affair interviewed clients in Queensland, NSW and Victoria last month and filmed them demanding payment from hapless executives who offered profuse apologies.

In a letter posted on the show's website, Mr Burbage apologised for the payment delays and said the company had been a victim of its own success.

"With more than 110,000 people utilising our services since October last year, our existing infrastructure could not handle the sheer volume of work," Mr Burbage wrote.

He also said problems with the government's Personal Property Securities Register checking system had cost about \$500,000 to address but an expensive new upgrade of an accounting system would rectify the matter.

"We believe we are an honourable company, and our strong record of community service bears that out.

"The good thing is that everyone either has been or will be paid in full," he wrote.

"We are now in a position to say that, starting from Monday, August 20, we will guarantee that if payment is not received within 10 working days then we will pay an extra 10 per cent of the valuation to the customer."

That policy should have come into effect last week but, of course, by then We Buy Any Car had ceased to exist.



Queensland Government

Department of Tourism, Fair Trading and
Wine Industry Development

**QUEENSLAND
PROPERTY AGENTS AND MOTOR DEALERS ACT 2000**

Section 556

Requirement to produce documents

TO: Mr Armand Daiga (Director)
Karland Pty Ltd
t/as WEBUYANYCAR
3475 Pacific Hwy
SPRINGWOOD QLD 4127

Section 556 of the *Property Agents and Motor Dealers Act 2000* (the Act) allows an inspector to require a licensee or other person, who has possession, custody or control of documents or things relating to the licensee's business to produce the documents or things and to give information about a produced document immediately or at a stated reasonable place at a stated reasonable time.

Pursuant to the powers vested in me by Section 556 of the Act, I, **SCOTT JEFFREY CAPELL** appointed under the provisions of that Act, require you to provide the following documents and information in relation to the operation of a motor dealing business situated at **Karland Pty Ltd t/as WEBUYANYCAR, 1339 Logan Road, Mt Gravatt Qld 4122**.

- (1) Full particulars of all used motor vehicles purchased by you from or on behalf of **WEBUYANYCAR** for the period 1 January, 2012 to the present;
- (2) Full particulars of the names, residential addresses and contact telephone numbers of persons (vendors) who sold used motor vehicles to you at **Karland Pty Ltd t/as WEBUYANYCAR** or **Highway Auto Mart Pty Ltd t/as HIGHWAY AUTO GROUP** on behalf of **WEBUYANYCAR** for the period 1 January, 2012 to the present;
- (3) Full copies of all vendors statements, issued to purchasers on behalf of **WEBUYANYCAR** pursuant to *Regulation 24 of the Property Agents and Motor Dealers Regulation 2001* obtained by the abovenamed companies from vendors of used motor vehicles;
- (4) Full particulars of the agreed sale price all used motor vehicles purchased by you on behalf of **WEBUYANYCAR** for the period 1 January 2012 to the present;
- (5) Full particulars of any fees, charges or commissions which you charged in relation to each of these transactions and full details of whether these fees, charges and commissions were discussed or disclosed to the vendor prior to the signing of the vendors statement to dealer;
- (6) Full particulars of where all vehicles acquired by you are entered into stock ie **Karland Pty Ltd** or **Highway Auto Mart Pty Ltd** and how you distinguish where details of such vehicles are entered;
- (7) Full particulars of the abovenamed corporation on behalf of **WEBUYANYCAR'S** account details ie bank, branch and full account details;

(8) Full particulars of all persons who have provided a testimonial relating to the service provided by WEBUYANYCAR of purchasing used motor vehicles from them including their latest contact details; and

(9) Any other information which you consider may assist me with the investigation of this matter. _____

Please note that the documents listed above are to be provided to me at the Investigations Branch of the Office of Fair Trading, Metrology House, Cnr Boundary and Water Streets Spring Hill Qld 4001 at 2.00 pm Friday 27 July, 2012.

Notice dated at Brisbane this 20th day of July, 2012.


SCOTT JEFFREY CAPELL
Senior Compliance Officer
Investigations Branch
Compliance Division
Office of Fair Trading
Telephone Number (07) 31151712
Facsimile Number (07) 31151729

TAKE NOTE: The licensee or other person must comply with a requirement under subsection (1) or (2) of the *Property Agents and Motor Dealers Act 2000* unless the person has a reasonable excuse.

TAKE NOTE: Under the provisions of Section 556(4) of the *Property Agents and Motor Dealers Act 2000*, it is a reasonable excuse for an individual to fail to give information if giving the information might tend to incriminate the individual.

MAXIMUM PENALTY-200 PENALTY UNITS
EACH PENALTY UNIT = \$100.00

I hereby acknowledge receipt of this Section 556 notice issued pursuant to the requirements of the *Property Agents and Motor Dealers Act 2000*, and served on me by **Scott Jeffrey Capell** of the Brisbane Office of the Office of Fair Trading.

Dated at _____ this _____ day of **July, 2012.**

Signature



Queensland Government

Department of Tourism, Fair Trading and
Wine Industry Development

QUEENSLAND
PROPERTY AGENTS AND MOTOR DEALERS ACT 2000
Section 556
Requirement to produce documents

TO: The Director
Karland Pty Ltd
t/as WEBUYANYCAR
3475 Pacific Hwy
SPRINGWOOD Qld 4127

Section 556 of the *Property Agents and Motor Dealers Act 2000* (the Act) allows an inspector to require a licensee or other person, who has possession, custody or control of documents or things relating to the licensee's business to produce the documents or things and to give information about a produced document immediately or at a stated reasonable place at a stated reasonable time.

Pursuant to the powers vested in me by Section 556 of the Act, I, **SCOTT JEFFREY CAPELL** appointed under the provisions of that Act, require you to provide the following documents and information in relation to the operation of a motor dealing business situated at **Karland Pty Ltd t/as WEBUYANYCAR linked to or associated with the company:-**

- (1) Full particulars and copies of all searches conducted with PPSR for the period 30/1/2012 (date of commencement of PPSR) to the present;**
- (2) Full particulars of all the entities who conduct PPSR searches or searches that are conducted by or on behalf of the abovenamed company;**
- (3) Full copies of your stock book or "Police Book" operated by the abovenamed company for the period 1/1/2012 to the present;**
- (4) Any other information which you consider may assist me with the investigation of this matter.**

Please note that the documents listed above are to be provided to me at the Investigations Branch of the Office of Fair Trading, Metrology House, Cnr Boundary and Water Streets Spring Hill Qld 4001 at **10.00 am Monday 6 August 2012.**

Notice dated at Brisbane this **19th** day of **July 2012.**

SCOTT JEFFREY CAPELL
Senior Compliance Officer
Investigations Branch
Compliance Division
Office of Fair Trading
Telephone Number (07) 31151712
Facsimile Number (07) 31151729

TAKE NOTE: The licensee or other person must comply with a requirement under subsection (1) or (2) of the *Property Agents and Motor Dealers Act 2000* unless the person has a reasonable excuse.

TAKE NOTE: Under the provisions of Section 556(4) of the *Property Agents and Motor Dealers Act 2000*, it is a reasonable excuse for an individual to fail to give information if giving the information might tend to incriminate the individual.

MAXIMUM PENALTY-200 PENALTY UNITS
EACH PENALTY UNIT=\$100.00

I hereby acknowledge receipt of this Section 556 notice issued pursuant to the requirements of the *Property Agents and Motor Dealers Act 2000*, and served on me by **Scott Jeffrey Capell** of the Brisbane Office of the Office of Fair Trading.

Dated at _____ this _____ day of **July 2012**.

Signature

*Scott Capell***Senior Compliance Officer**

Fair Trading Investigations

Department of Justice and Attorney General

GPO Box 3111 Brisbane Qld 4001

t: +61 7 3115 1712

f: +61 7 3115 1729

e: scott.capell@justice.qld.gov.au

Customer Call Centre 13 QGOV (13 74 68)

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5/07/2012



OFFICE OF FAIR TRADING

INVESTIGATION FILE INDEX

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

	Date	Description	From	To	Paid	Not Paid
		Folder 1				
1.		REPORTS				
1		<u>File Index</u>				Y
2						
2		INFORMATION SOURCE				
A		Source 1-(Complaint as detailed below)				
1		Complaints referred to Investigations Branch by <u>CALLI</u> for further investigations relating to business activities of the motor dealer. The dealer has 3 car yards situated at (1) <u>3475 Pacific Highway Springwood</u> and (2) <u>63 Ferry Rd Southport</u> and (3) <u>704 Nicklin Way Currimundi Qld 4551</u> respectively. <u>***HEAD FILE***</u> <u>Complaint No--C-2012-05343-</u> Sch4/3/3	31/3/2012	(7 business days)	10/5/2012	
2		<u>Complaint No. C-2012-04975</u> 	26/2/2012	(7 business days)	17/5/2012	

3		<u>Complaint No.C-2012-04940-</u> Sch4/3/3 [REDACTED]	31/3/2012	(7 business days)	9/5/2012	
4		<u>Complaint No. C-2012-05138</u> [REDACTED]	17/4/2012	(7 business days)	9/5/2012	
5		<u>Complaint No. C-2012-05062</u> [REDACTED]	3/4/2012	(7 business days)	9/5/2012	
6		<u>Complaint No. C-2012-03715</u> [REDACTED]	29/1/2012	(7 business days)	**No Transaction- For Information only	
7		<u>Complaint No. C-2012-05285</u> [REDACTED]	22/4/2012	(7 business days)	9/5/2012	●
8		<u>Complaint No. C-2012-05285</u> [REDACTED]	31/3/2012	(7 business days)	4/5/2012	●
9		<u>Complaint No. C-2012-05285</u> [REDACTED]	4/4/2012	(7 business days)	4/5/2012	
10		<u>Complaint No. C-2012-04728</u> [REDACTED]	20/4/2012	(7 business days)	23/5/2012	
11		<u>Complaint No. C-2012-00755</u> [REDACTED]	17/3/2012	(7) business days)	23/5/2012	● ●
12		<u>Complaint No. C-2012-05495</u> [REDACTED]	12/4/2012	(7 business days)	23/5/2012	
13		<u>Complaint No. C-2012-05803</u> [REDACTED]	14/4/2012	(7 business days)	***No-- Not heard from (c)	
14		<u>Complaint No. C-2012-06041</u> [REDACTED]	23/4/2012	(7 business days)	**No Transaction- For Information only	

15		<u>Complaint No. C-2012-06307</u> Sch4/3/3 [REDACTED]	14/5/2012	(7 business days)	27/5/2012	
16		<u>Complaint No. C-2012-06367</u> [REDACTED]	2/5/2012	(7 business days)	1/6/2012	
17		<u>Complaint No. C-2012-06541</u> [REDACTED]	30/4/2012	(7 business days)	***No-- Not heard from (c)	
18		<u>Complaint No. C-2012-06617</u> [REDACTED]		(10 business days)	10/6/2012	
19		<u>Complaint No. C-2012-06915</u> [REDACTED]	30/4/2012	(7 business days)	13/6/2012	
20		<u>Complaint No. C-2012-07172</u> [REDACTED]	25/5/2012	10 business days	19/6/2012	
21		<u>Complaint No. C-2012-07481</u> [REDACTED]	17/5/2012	7-10 business days	29/6/2012	
22		<u>Complaint No. C-2012-07515</u> [REDACTED]	24/5/2012	7-10 business days	28/6/2012	
23		<u>Complaint No. C-2012-07605</u> [REDACTED]	2/6/2012	10 business days	29/6/2012	
<u>24</u>		<u>Complaint No. C-2012-07634</u> [REDACTED]	19/5/2012	10 business days	1/7/2012	

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				
1						
2						
3						
4						
5						

B		Other Party 2				
1						
2						
3						
4						
5						
6						
7						
8						
9						
5		INTERNAL ADMINISTRATION				
1						
2						
3						
4						
5						

Leishman, Norman

From: Sch4/3/3 [mlm@reiq.com.au]
Sent: Friday, 23 March 2012 11:50 AM
To: Leishman, Norman
Subject: RE: E-mail address
Attachments: emailsig-socialnetworks-3.gif

Hi Norm,

Here's the list

thanks

Western	2 May
Caboolture/Northern	17 May
Redcliffe	31 May
Toowoomba	7 June
Ipswich	14 June
Cairns	19 June
Townsville	21 June
Fraser Coast	27 June
Southern/Eastern	12 July
Gold Coast	26 July
Sunshine Coast	22 August
Rockhampton	4 September
Gladstone	6 September
Mackay	18 September
Cairns	16 October
Townsville	18 October



REIQ

Member Liaison Manager
 T 07 3249 7305 | F 07 32496205 | E mlm@reiq.com.au
 The Real Estate Institute of Queensland | reiq.com

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15/06/2012

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From: Leishman, Norman [mailto:Norman.Leishman@deedi.qld.gov.au]

Sent: Friday, 23 March 2012 11:48 AM

To: Sch4/3/3

Subject: E-mail address

FYI

Norm Leishman

Office of Fair Trading

(DJAG) department of Justice and Attorney General

383 Boundary Street

SPRING HILL QLD 4000

PH: - 07 31151725

Fax: - 07 31151729

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MEMORANDUM



TO: Steve L'Barrow, Director Major Investigations, Compliance
THROUGH: Grant Rasmussen, Manager Investigations, Compliance
FROM: Norm Leishman, Principal Compliance Officer, Compliance
SUBJECT: I-2012-00755 Kar Land Pty Ltd t/as Webuyanycar
DATE: 13 March 2013

PURPOSE

To seek an urgent legal opinion as to the application of s158 (7) of the *Australian Consumer Law*.

BACKGROUND

Corporation: - Kar Land Pty Ltd (ACN 151 433 528) T/as Webuyanycar.
 Directors: - Richard David John Burbage
 Sch4/3/3

On 10th June 2011, the above corporation was formed primarily to conduct a buying/selling business within the used car industry. [REDACTED] alleges approximately 2 months after the formation of the above corporation Mr. Burbage proposed a new venture based on a model successfully operating in the UK and the USA.

The business model as described by [REDACTED] was simple in structure and operated as follows -

- Karland Pty Ltd would acquire a business name (Webuyanycar)
- A website would be set up to entice consumers who were wishing to sell their car to contact the business through the website
- Consumers were able to input the details of the vehicle they wished to sell and would receive an estimate of the amount the business would be prepared to offer to purchase the vehicle
- The web based offers were made pending an inspection of the vehicle by Kar Land staff
- At the completion of the enquiry the consumer were given a specific time frame or date on which they could present their vehicle for inspection
- Upon inspection the consumers were often offered a lesser amount and given the opportunity to sell or retain their vehicle
- Once the consumers agreed to sell the vehicle, Kar Land staff would completed an agreement to purchase (3 copies attached as **Annexure B**)
- The agreements recorded the consumers would be paid within a specific time frame. E.g. within seven or ten days

In practice it appears the business model functioned as above for a period of time but eventually the corporation began to experience cash flow problems and was placed in

Sch3/7 LPP



Norm Leishman
Principal Compliance Officer
Compliance

☐ Noted ☐ Approved ☐ Not Approved

Signed:
Steve L'Barrow
Director Major Investigations

Date:

Annexure A

TRADE PRACTICES AMENDMENT (AUSTRALIAN CONSUMER LAW) ACT (NO. 2) 2010 - SCHEDULE 1**The Australian Consumer Law****158 Wrongly accepting payment**

(1) *A person commits an offence if:*

(a) *the person, in trade or commerce, accepts payment or other consideration for goods or services; and*

(b) *at the time of the acceptance, the person intends not to supply the goods or services.*

Penalty:

(a) *if the person is a body corporate--\$1,100,000; or*

(b) *if the person is not a body corporate--\$220,000.*

(2) *Strict liability applies to subsection (1)(a).*

(3) *A person commits an offence if:*

(a) *the person, in trade or commerce, accepts payment or other consideration for goods or services; and*

(b) *at the time of the acceptance, the person intends to supply goods or services materially different from the goods or services in respect of which the payment or other consideration is accepted.*

Penalty:

(a) *if the person is a body corporate--\$1,100,000; or*

(b) *if the person is not a body corporate--\$220,000.*

(4) *Strict liability applies to subsection (3)(a).*

(5) *A person commits an offence if:*

(a) *the person, in trade or commerce, accepts payment or other consideration for goods or services; and*

(b) *at the time of the acceptance, the person was reckless as to whether he or she would be able to supply the goods or services:*

(i) *within the period specified by or on behalf of the person at or before the time the payment or other consideration was accepted; or*

(ii) *if no period is specified at or before that time--within a reasonable time.*

Penalty:

(a) if the person is a body corporate--\$1,100,000; or

(b) if the person is not a body corporate--\$220,000.

(6) Strict liability applies to subsection (5)(a).

(7) A person commits an offence if:

(a) the person, in trade or commerce, accepts payment or other consideration for goods or services; and

(b) the person fails to supply all the goods or services:

(i) within the period specified by or on behalf of the person at or before the time the payment or other consideration was accepted; or

(ii) if no period is specified at or before that time--within a reasonable time.

Penalty:

(a) if the person is a body corporate--\$1,100,000; or

(b) if the person is not a body corporate--\$220,000.

(8) Subsection (7) does not apply if:

(a) the person's failure to supply all the goods or services within the period, or within a reasonable time, was due to the act or omission of another person, or to some other cause beyond the person's control; and

(b) the person took reasonable precautions and exercised due diligence to avoid the failure.

(9) Subsection (7) does not apply if:

(a) the person offers to supply different goods or services as a replacement to the person (the customer) to whom the original supply was to be made; and

(b) the customer agrees to receive the different goods or services.

(10) Subsection (7) is an offence of strict liability.

(11) Subsections (1), (3), (5) and (7) apply whether or not the payment or other consideration that the person accepted represents the whole or a part of the payment or other consideration for the supply of the goods or services

Annexure B

Annexure C

MEMORANDUM



Queensland Government
Department of Justice and Attorney-General

TO: Steve L'Barrow, Director Major Investigations, Compliance
THROUGH: Grant Rasmussen, Manager Investigations, Compliance
FROM: Norm Leishman, Principal Compliance Officer, Compliance
SUBJECT: I-2012-00755 Kar Land Pty Ltd t/as Webuyanycar
DATE: 13 March 2013

PURPOSE

To seek urgent legal opinion as to the application of s158 (7) of the *Australian Consumer Law*.

BACKGROUND

Corporation: - Kar Land Pty Ltd (ACN 151 433 528) T/as Webuyanycar.
 Directors: - ^{long form} Richard David John Burbage
 Sch4/3/3

On 10/06/2011, the above corporation was formed primarily to conduct a buying/selling business within the used car industry. [redacted] alleges approximately 2 months after the formation of the above corporation Mr. Burbage proposed a new venture based on a model successfully operating in the UK and the USA.

The business model was simple in structure and operated as follows -

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- Upon inspection the consumers were often offered a lesser amount and given the opportunity to sell or retain their vehicle
- Once it was agreed the consumer would sell the vehicle, Kar Land staff completed an agreement to purchase the vehicle (3 copies attached as **Annexure B**)
- The agreements recorded the consumers would be paid within a specific time frame. E.g. within seven or ten days

In practice it appears the business model functioned as above for a period of time but eventually the corporation began to experience cash flow problems and was placed in voluntary liquidation. [redacted] alleges there was resistance from Mr. Burbage who

Is this still part of [redacted] allegations?

Sentence could be rewritten - confusing.

Sch3/7 LPP



Norm Leishman
Norm Leishman
Principal Compliance Officer
Compliance

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed: _____ Steve L'Barrow Director Major Investigations		
Date: _____		

- Add to the annexes in the memo.
- Consider attaching witness/complainant statements.

PROOF AND ELEMENTS**Offence 1.
ACL s158 (1)**

ELEMENTS	FACTS	LOCATION
A person	Burbage Sch4/3/3 Kar Land Pty Ltd	Real person Real person ASIC Search
In trade or commerce	Operated as a MD from several addresses in QLD between, ??/??/??, & ??/??/??	Witness Statements Burbage interview Agreements
Accepts payment OR other consideration	Accepted possession of vehicles and sold vehicles to Highway Auto group Pty Ltd	Witness statements Worrell's evidence Agreements
And at the time of acceptance intends not to supply the goods OR services	Failed to carry through on an agreement to pay for the vehicles within a specified time. Following Burbage interview no specific timeframe given, phrase changed to after 10 days.	Witness statements Worrell's evidence Agreements
Penalty S158 (2) Strict liability applies to subsection (1)(a).	(a) if the person is a body corporate-- \$1,100,000; or (b) if the person is not a body corporate-- \$220,000.	

**Offence 2.
ACL s158 (7)**

ELEMENTS	FACTS	LOCATION
A person	Burbage Kar Land Pty Ltd	Real person Real person ASIC Search
In trade or commerce	Operated as a MD from several addresses in QLD between, ??/??/??, & ??/??/??	Witness Statements Burbage interview
Accepts payment OR other consideration	Accepted possession of vehicles and sold vehicles to Highway Auto group Pty Ltd	Witness Statements Worrell's evidence
And fails to supply all the goods OR services	Failed to carry through on and agreement to pay for the vehicles within a specified time.	Witness statements Worrell's evidence Agreements
Within the period specified	Periods of 7 and 10 days on some agreements	Agreements
Penalty S158 (10) Strict liability applies to subsection (7)	(a) if the person is a body corporate-- \$1,100,000; or (b) if the person is not a body corporate-- \$220,000.	

**Offence 3.
S573**

ELEMENTS	FACTS	LOCATION
A licensee;	Burbage	Real person Real person

	Kar Land Pty Ltd	ASIC Search s587 Certificates
In the performance of the activities as a licensee;	Buying motor vehicles	Agreements and statements from witnesses
Receives an amount belonging to someone else	Wholesaled the vehicles to Highway Auto Group Pty Ltd, a portion of those funds belonging to the client.	To be proven
(2) (a) Dishonestly converts the amount to the licensee's or someone else's use	Some clients not paid for their vehicles and no explanation where those funds went.	Witness statements.



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



Queensland Government

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	01-JUL-12				
C-2012-07824	01-JUL-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				

Wednesday March 6 2013 9:30 AM

Report Ref:cm_rp_investigation.rdf

User Ref: LEISHMN



Queensland Government

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			
C-2012-08739	23-JUL-12				
C-2012-08750	23-JUL-12				
C-2012-08758	23-JUL-12		REF'D TO OTHER AGENCY		\$0.00
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				
C-2012-09683	14-AUG-12				
C-2012-10096	24-AUG-12				
C-2012-10337	30-AUG-12				
C-2012-10406	02-SEP-12				
C-2012-10876	14-SEP-12				
C-2012-11085	20-SEP-12				
C-2012-11276	26-SEP-12				
C-2012-12705	09-NOV-12				



Queensland Government

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



SCAMMERS BACK

Brazen door-to-door scammers are back in Brisbane's inner north, police warn. Scammers used a variety of approaches, from fixing driveways to clearing guttering and drains. Phone Hendra Crime Prevention Unit on 3632 2380.

Part 1—Claimant details continued	
Claimant 1 Solicitor or legal representative contact details	Name Address Suburb State <input type="text"/> <input type="text"/> <input type="text"/> Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Phone Fax Mobile Email Please tick address to which all correspondence should be sent: <input type="checkbox"/> Home <input type="checkbox"/> Company <input type="checkbox"/> Solicitor
Claimant 2 details Party making the claim, usually yourself. A post office box is not acceptable. If acting for another person, or a company, please attach a document in writing which authorises you to do so.	Preferred title <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss Other (specify) First name Last name Home address Suburb State <input type="text"/> <input type="text"/> <input type="text"/> Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Phone Fax Mobile Email
Claimant 2 principal place of business Fill out this section if a company or business is the claimant.	Company (if applicable) ACN: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> ABN: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Company/business address Suburb State <input type="text"/> <input type="text"/> <input type="text"/> Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Phone Fax Mobile Email
Claimant 2 Solicitor or legal representative contact details	Name Address Suburb State <input type="text"/> <input type="text"/> <input type="text"/> Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Phone Fax Mobile Email Please tick address to which all correspondence should be sent: <input type="checkbox"/> Home <input type="checkbox"/> Company <input type="checkbox"/> Solicitor



WORRELLS

SOLVENCY + FORENSIC ACCOUNTANTS

Initial Report to Creditors

7 August 2012

RECEIVED
09 AUG 2012

BY:.....

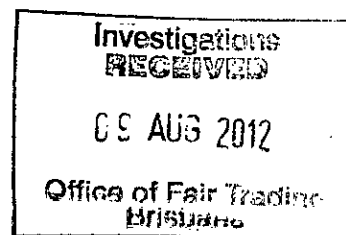
Kar Land Pty Ltd

(In Liquidation)

A.C.N. 151 433 528

Trading Name

We Buy Any Car



Meeting of Creditors:

16 August 2012

Brisbane

ABN 40 151 214 174

Liquidators: Sch4/3/3

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





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E brisbane@worrells.net.au

worrells.net.au

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FILE INFORMATION 	THE FILE INFORMATION PAGE Contains the latest information on this file, updated daily. This page has been password protected for privacy reasons. YOUR PASSWORD To access this file is: wp6579 .
EMAIL UPDATES 	SUBSCRIBE FOR EMAIL UPDATES Subscribe via the File Information page. Email updates on this file will be delivered direct to your inbox every Monday morning or on the first day of each month.
LODGE ONLINE 	LODGE YOUR CLAIM ONLINE In most cases, it is not necessary to lodge a formal Proof of debt form with all of the supporting documents to have your claim recognised in the estate. You can now lodge your proof of debt online from the File Information page – and receive a confirmation email with a copy of your proof of debt so that you are sure that we have received your claim.
WORRELLS.NET.AU 	QUESTIONS AND ANSWERS ONLINE Questions can be asked and answered online directly from our File Information page.
ASIC AND IPA GUIDES ASIC and the Insolvency Practitioners Association have released several guides to assist directors, shareholders, creditors and employees of companies in external administration. The details of these guides are set out on the following page. We suggest creditors review the information contained in these guides (and our fact sheets) when considering any resolutions for the approval of any remuneration. They are located within the 'IPA & ASIC Guides' link on our website. GLOSSARY OF TERMS A full glossary of terms can be found in the 'Dictionary' link on the Worrells website.	



Car owners left in lurch

ANGRY car owners have been told they won't be able to reclaim their vehicles and jobs have been terminated following the liquidation of We Buy Any Car.

The company, which operated at Springwood and traded in various locations across Queensland, New South Wales, Victoria and Western Australia, has come under fire for allegedly contravening Australian Consumer Law.

We Buy Any Car has been accused of obtaining motor vehicles from private customers but not paying for them until after they had been on-sold.

Customers have been told they do not have the right to

reclaim their cars but are entitled to lodge a proof of debt with the liquidators.

Employees have been informed the company does not have funds to pay out their entitlements.

Worrells Solvency and Forensic Accountants (Worrells Brisbane) were appointed as liquidators of Kar Land Pty Ltd which trade as We Buy Any Car on Friday.

Worrells Raj Khatri said the administration was still in its early stages and their current emphasis was on securing possession of all cars owned by the company.

"The inventory and other records of the company do not

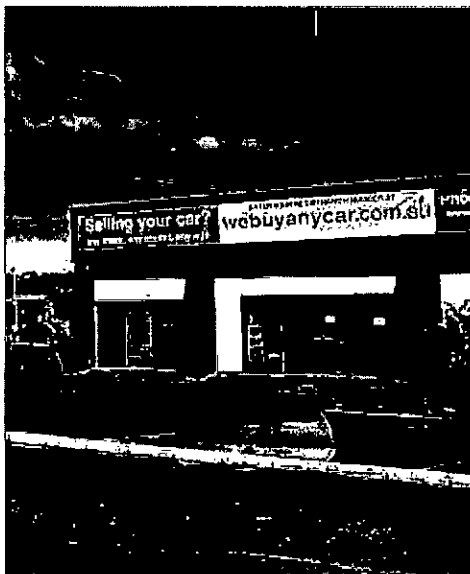
appear to have been kept up to date," he said.

"This, and the absence of the company's managing director Mr Richard Burbage, who appears to have left the country, has hampered the process."

"Worrells preliminary estimation is that there may be in excess of 1000 customers and other unsecured creditors affected by this liquidation to a value in excess of \$10 million.

"We are extremely sympathetic to those parties who have been affected both financially and emotionally by the company's failure.

The liquidator has been inundated with phone calls.



GONE: We Buy Any Car at Springwood has gone into liquidation.
INGA WILLIAMS / 5030812BUYANYCAR2

WORRELLS
SOLVENCY + FORENSIC ACCOUNTANTS



GEERS Distribution

Client Details

Client Name: Kar Land Pty Ltd

Client Code: 6579

Office: Brisbane

Appointee 1: Sch4/3/3

Appointee 2: [REDACTED]

Manager: [REDACTED]

Supervisor: [REDACTED]

File Accountant: [REDACTED]

GEERS Distribution Details

GEERS Money Received: Sch4/3/2

Date commenced: 23/08/2012

Date of payment: 13/11/2012

respect of information provided and accordingly no responsibility is taken by Worrells or any member of the firm for any loss resulting from any error or omission contained within this website.

Brisbane	Ipswich	Gold Coast	Maroochydore	Sydney	Melbourne	Canberra
07 3225 4300	07 3260 6200	07 5553 3444	07 5459 1000	02 9249 1200	03 9613 5500	02 6287 6000
Ivor Worrell	Adam Ward	Jason Bettles	Paul Nogueira	Nick Melanos	Paul Burness	Stephen Hundy
Raj Khatri	Michael Griffin		John Cunningham	Chris Darin	Matthew Jess	
Morgan Lane					Con Kokinos	
Michael Griffin	Toowoomba		Noosa			
Michael Peldan	Adam Ward		07 5447 3766	Erina	Ballarat	
Chris Cook	Morgan Lane		Paul Nogueira	02 4365 7525	03 5364 2936	
			John Cunningham	Nick Melanos	Nathan Deppeler	
					Bendigo	
					03 5444 3783	
					Nathan Deppeler	

Website design by prodigy+

File Accountants

Financial Assistants

Support Staff

Client Documents

Date	Name
01/08/2012	<u>Letter to Customers</u>
07/08/2012	<u>Report to creditors</u>
16/08/2012	<u>Minutes of Meeting (Formal Agenda Items)</u>
18/10/2012	<u>Report to creditors - List of Creditors</u>
13/11/2012	<u>GEERS Distribution Report</u>

Documents that are in Adobe PDF format can be viewed using Adobe Acrobat Reader.

**Disclaimer**

The information on this File Information page is an overview of certain areas of the complete file. Whilst this information should rely wholly on this information. No warranty express or implied is given in respect of the information provided and accordingly of the firm for any loss resulting from any error or omission contained on this

COMPLAINANTS/VENDORS-"ATTACHMENT 1"

(1)	Sch4/3/3
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QUEENSLAND
PROPERTY AGENTS AND MOTOR DEALERS ACT 2000
Section 556
Requirement to produce documents

TO: sch.4/3/3 [redacted] Director)
Karland Pty Ltd
t/as WEBUYANYCAR
3475 Pacific Hwy
SPRINGWOOD QLD 4127

Section 556 of the *Property Agents and Motor Dealers Act 2000* (the Act) allows an inspector to require a licensee or other person, who has possession, custody or control of documents or things relating to the licensee's business to produce the documents or things and to give information about a produced document immediately or at a stated reasonable place at a stated reasonable time.

Pursuant to the powers vested in me by Section 556 of the Act, I, **SCOTT JEFFREY CAPELL** appointed under the provisions of that Act, require you to provide the following documents and information in relation to the operation of a motor dealing business situated at **Karland Pty Ltd t/as WEBUYANYCAR, 1339 Logan Road, Mt Gravatt Qld 4122**.

(1) Full particulars of all used motor vehicles purchased by you from or on behalf of **WEBUYANYCAR** for the complainants whose names are attached to this notice and marked "Attachment 1" for the period 1 January, 2012 to the present;

(2) Full particulars of the names, residential addresses and contact telephone numbers of persons (vendors) referred to in "Attachment 1" who sold used motor vehicles to you at **Karland Pty Ltd t/as WEBUYANYCAR or Highway Auto Mart Pty Ltd t/as HIGHWAY AUTO GROUP** on behalf of **WEBUYANYCAR** for the period 1 January, 2012 to the present;

(3) Full copies of all vendors statements, issued to persons/vendors referred to in "Attachment 1" on behalf of **WEBUYANYCAR** pursuant to *Regulation 24 of the Property Agents and Motor Dealers Regulation 2001* obtained by the abovenamed companies from vendors of used motor vehicles;

(4) Full particulars of the agreed sale price all used motor vehicles purchased by you from vendors mentioned in "Attachment 1" on behalf of **WEBUYANYCAR** for the period 1 January 2012 to the present;

(5) Full particulars of any fees, charges or commissions which you charged to vendors mentioned in "Attachment 1" in relation to each of these transactions and full details of whether these fees, charges and commissions were discussed or disclosed to the vendor prior to the signing of the vendors statement to dealer;

(6) Full particulars of where all vehicles acquired by you are entered into stock ie Karland Pty Ltd or Highway Auto Mart Pty Ltd and how you distinguish where details of such vehicles are entered;

(7) Full particulars of the abovenamed corporation on behalf of **WEBUYANYCAR'S** account details ie bank, branch and full account details;

(8) Full particulars of all persons who have provided a testimonial relating to the service provided by WEBUYANYCAR of purchasing used motor vehicles from them including their latest contact details; and

(9) Any other information which you consider may assist me with the investigation of this matter.

Please note that the documents listed above are to be provided to me at the Investigations Branch of the Office of Fair Trading, Metrology House, Cnr Boundary and Water Streets Spring Hill Qld 4001 at **2.00 pm Friday 27 July, 2012.**

Notice dated at Brisbane this **24th day of July, 2012.**

SCOTT JEFFREY CAPELL

Senior Compliance Officer
Investigations Branch
Compliance Division
Office of Fair Trading
Telephone Number (07) 31151712
Facsimile Number (07) 31151729

TAKE NOTE: The licensee or other person must comply with a requirement under subsection (1) or (2) of the *Property Agents and Motor Dealers Act 2000* unless the person has a reasonable excuse.

TAKE NOTE: Under the provisions of Section 556(4) of the *Property Agents and Motor Dealers Act 2000*, it is a reasonable excuse for an individual to fail to give information if giving the information might tend to incriminate the individual.

MAXIMUM PENALTY-200 PENALTY UNITS
EACH PENALTY UNIT =\$100.00

I hereby acknowledge receipt of this Section 556 notice issued pursuant to the requirements of the *Property Agents and Motor Dealers Act 2000*, and served on me by **Scott Jeffrey Capell** of the Brisbane Office of the Office of Fair Trading.

Dated at _____ this _____ day of **July, 2012.**

Signature

COMPLAINANTS/VENDORS-"ATTACHMENT 1"

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OFFICE OF FAIR TRADING

INVESTIGATION FILE INDEX

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

	Date	Description	From	To		
		<u>Folder 1</u>				
1.		REPORTS				
1		<u>File Index</u>				Y
2		Investigation Plan				
3		Investigation MATRIX				
2		INFORMATION SOURCE				
A	29/4/2012	<u>Source 1</u> -(Complaint as detailed below)				
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 4 car yards in QLD situated at (1) <u>3475 Pacific Highway Springwood</u> (2) <u>1339 Logan Rd Mt Gravatt</u>, (3) <u>63 Ferry Rd Southport</u> and (4) <u>704 Nicklin Way Currimundi</u> respectively.</p> <p>***HEAD FILE***</p> <p>Complaint No--C-2012-05343-</p> <p>Sch4/3/3</p>				
2A2	9/8/2012	Details of Spot Check/Compliance visit conducted by OFT on 9/8/2011				

2A3	10/5/2012	Website search conducted on KAR LAND Pty Ltd				
2A4	14/5/2012	Email from Richard Burbage (director of company) to Scott Capell-(SCO)				
2A5	14/5/2012	Section 556 Notice dated 14/5/2012 served on Richard Burbage (director) of KAR LAND Pty Ltd				
2A6	21/5/2012	Investigation File Review (Norm Leishman-A/PIO)				
2A7	29/5/2012	Information received from Andrew Marshall from ITSA (PPSR)				
2A8	29/5/2012	Information relating to record of interview conducted on 29/5/2012 with Richard Burbage (Director of KAR LAND Pty Ltd)				
2A9	29/5/2012	Copies of DVD Disc and transcript of record of interview conducted with Richard Burbage Director of KAR LAND Pty Ltd				
2A10	30/5/2012	Email to PPSR requesting information relating to PPSR and the activities of KAR LAND Pty Ltd				
2A11	30/5/2012	Email dated 30/5/2012 from Andrew Marshall of PPSR providing information requested				
2A12	31/5/2012	File Review dated 31/5/2012 conducted by Nanette Garrett A/PIO				
2A13	31/5/2012	Email dated 31/5/2012 from Andrew Marshall of PPSR				
2A14	5/6/2012	Section 557 Notice dated 5/6/2012 sent to PPSR seeking information regarding KAR LAND Pty Ltd				
2A15	5/6/2012	Email from PPSR regarding new requirements relating to PPSR				
2A16	19/6/2012	Email dated 19/6/2012 from Grant Rasmussen, Manager Investigations re: contact with Tracie Weller of OFT NSW.				
2A17	13/6/2012	Email from PPSR regarding Section 557 Notice dated 5/6/2012				
2A18	17/6/2012	Email dated 17/6/2012 from Sch4/3/3 (PA to Director) of KARLAND Pty Ltd providing information requested during record of interview conducted on				

		29/5/2012				
2A19	17/6/2012 ??	File Review (undated) conducted by Nanette Garrett (A/PIO)				
2A20	5/7/2012	Industry Licensing Searches conducted re KAR LAND Pty Ltd Highway Auto Pty Ltd, Richard Burbage and Sch4/3/3				
2A21	5/7/2012	Email details from OFT NSW-Ms Tracie Weller re: Teleconference scheduled for 9.30 am Friday, 6 July 2012				
2A22	6/7/2012	Information from OFT NSW re: sample contract being used in NSW				
2A23	6/7/2012	Notes/information re meeting held with Grant Rasmussen,(Manager Investigations) Norm Leishman, Nan Garrett and myself regarding updated position relating to investigation.				
2A24	6/7/2012	Section 556 Notice sent to Pickles Auctions for a reply by 13/7/2012				
2A25	6/7/2012	Section 556 Notice sent to Manheim Auctions for a reply by 13/7/2012				
2A26	9/7/2012	Reply dated 9/7/2012 from Pickles Auction in response to Section 556 Notice				
2A27	9/7/2012	Pro-Forma letters dated 9/7/2012 sent to complainants requesting information to obtain witness statements for future court proceedings				
2A 28	16/7/2012	Information received from complainants/consumers after receiving pro-forma letters				
2A29	17/7/2012	Information on KARLAND PTY LTD'S website regarding disclaimers				
2A30	17/7/2012	Business Name search for WEBUYANYCAR-BN 22308428				
2A31	17/7/2012	Business Name Search for HIGHWAY AUTO GROUP-BN 17015467				
2A32	17/7/2012	ASIC search for KAR LAND PTY LTD (A C N 151 433 528)				
2A33	17/7/2012	ASIC search for business name KAR LAND				
2A34	17/7/2012	Requests for company and				

		business name searches				
2A35	18/7/2012	Information dated 18/7/2012 from Sch4/3/3 of Manheim relating to the business activities of KARLAND Pty Ltd t/as WEBUYANYCAR				
2A36	18/7/2012	Information regarding teleconference between OFT NSW, VIC and Qld held on 18/7/2012				
2A37	18/7/2012	Email from [REDACTED] Pickles Auctions confirming that there is nothing in their system relating to KARLAND Pty Ltd t/as WEBUYANYCAR				
2A38	18/7/2012	Information received from PPSR with respect to the activities/operations of KARLAND Pty Ltd t/as WEBUYANYCAR				
2A39	19/7/2012	Instructions dated 19/7/2012 from Norm Leishman-PIO				
2A40	19/7/2012	Section 556 Notice served on Richard Burbage on 19 July 2012 as director of Karland Pty Ltd for a reply by 10.00 Friday 27 July 2012				
2A41	19/7/2012	Information received by [REDACTED] from Manheim dated 19 July 2012 in response to Section 556 Notice dated 6/7/2012				
2A42	19/7/2012	Email dated 19/7/2012 from Richard Burbage, Director and Principal Licensee of KAR LAND Pty Ltd t/as WEBUYANYCAR stating that he is presently overseas and will return at beginning of August 2012 and he requested an EOT until 6/8/2012 to provide the information and documentation requested				
2A43	19/7/2012	Section 556 Notice dated 19/7/2012 served by email on Richard Burbage (director of KAR LAND Pty Ltd)				
2A44	20/7/2012	Trader Profile searches for Highway Auto Group and [REDACTED]				

2A45	20/7/2012	Asic and BN searches for <u>Highway Auto Group</u> and associated businesses				
2A46	20/7/2012	ASIC and BN searches for Karland Pty Ltd and associated businesses				
2A47	20/7/2012	Section 556 Notice dated 20/7/2012 served by email on Sch4/3/3 (director of KAR LAND Pty Ltd)				
2A48	23/7/2012	Email from Charles Cumming of Manheim where he provided the updated position relating to his dealings with Karland P/L				
2A49	24/7/2012	Section 556 Notice 24/7/2012 served on [REDACTED] as director of <u>Karland Pty Ltd</u> for a reply by 2.00 Friday 27 July 2012				
2A50	24/7/2012	Section 556 Notice 24/7/2012 served on Richard Burbage as director of <u>Karland Pty Ltd</u> for a reply by 10.00am, 6 August 2012				
2A51	26/7/2012	Asic and Business Name Searches dated 26 July 2012 relating to Highway Auto Group				
2A52	27/7/2012	Information obtained on Friday, 27/7/2012 while visiting premises of <u>KAR LAND Pty Ltd t/as WEBUYANYCAR</u> (established that both car yards were closed and Liquidators appointed)				
2A53	30/7/2012	Information provided by Mathew Smith, Marketplace Analyst, OFT				
2A54	30/7/2012	Information obtained from <u>ACLINK ON 30/7/2012</u>				
2A55	30/7/2012	Updated information from Grant Rasmussen, Manager Investigations relating to discussions with [REDACTED] (Worrells Insolvency)				
2A56	31/7/2012	Information obtained from OFT Victoria relating to Karland Pty Ltd	<u>END FILE</u> <u>1</u>			

			NOTE:*** START*** FILE 2			
2A57	31/7/2012	ASIC and Business Name Searches on KARLAND PTY LTD				
2A58	31/7/2012	Current Title Searches conducted on properties owned by Richard David John Burbage and [REDACTED] Sch4/3/3				
2A59	31/7/2012	Information sent to Tamika Millmore, Manager, Industry Licensing				
2A60	31/7/2012	Section 556 Notice sent to [REDACTED] for 10.00am 7/8/2012				
2A61	1/8/2010	Email from [REDACTED] of Birch & Co Solicitors on behalf of [REDACTED] requesting an extension of time until 10.00am on 7/8/2012 to provide information and documents requested in S 556 Notice				
2A62	2/8/2012	Email reply to [REDACTED] Solicitor from Birch & Co Solicitors for [REDACTED] /Karland Pty Ltd approving his request for extension of time (EOT) until 10.00, 7/8/2012				
2A63	2/8/2012	Copy of Public Warning from NSW Office of Fair Trading				
2A64	2/8/2012	Copy Of Briefing Note re current position of Voluntary external administration of KAR LAND Pty Ltd.				
2A65	3/8/2012	Information received from complainants who have sold their cars to KARLAND Pty Ltd t/as WEBUYANYCAR				
B.						
1	29/5/2012	Record of interview conducted with Richard Burbage (KARLAND PTY LTD) at Investigations Branch Met Hse.				
2						
3						

4						
5						
6						
7						
8						
9						
3		PARTIES – UNDER INVESTIGATION				
A		Investigated Party 1				
1		**<u>KARLAND PTY LTD-</u> (COMPANY) <u>RICHARD BURBAGE</u> (DIRECTOR)				
2						
3						
4						
5						
6						
7						
8						
9						
9.1						
9.2						
9.3						
10						
B		Investigated Party 2				
1		Sch4/3/3 DIRECTOR				
2		Highway Auto Group				
3						
4						
5						
6						
7						
8						
9						
4		PARTIES - OTHER				
A		Other Party 1				
1						
2						
3						
4						
5						
B		Other Party 2				
1						

2						
3						
4						
5						
6						
7						
8						
9						
5		INTERNAL ADMINISTRATION				
1						
2						
3						
4						
5						



HOME WHY WORRELLS? OUR TEAM THRESHOLDS CAREERS CC
FEEDBACK

MEETINGS OF CREDITORS

Why are meetings of creditors called?

Meetings are held so that creditors can find out what is happening in an estate, ask questions about the file is handled, and approved the appointee's remuneration. Both the Corporations Act and the Bankruptcy Act provide that meetings are to be called and run, and how issues are to be decided at the meeting.

What are the basic steps?

The meeting process is similar to most other organized meetings of clubs, associations or corporation surrounding the meeting and certain things must be done before, during and after the meeting.

1. Creditors should receive adequate notice of the time and place of the meeting. They should be given the information needed for them to make informed decisions of matters to be discussed and resolutions to be put to the meeting.
2. The meeting should be run according to a formal agenda set out in the notice of meeting.
3. The meeting will be chaired either by a person nominated by those attending (in the case of meetings of creditors, limited exceptions the person required by the provisions of the Corporations Act).
4. Resolutions will be decided by a vote of those creditors attending the meeting and who are entitled to vote of the prescribed majority. What constitutes a majority may differ according to the type of meeting or the nature of the matter.
5. The participants may adjourn the meeting by putting forward a motion to that effect and having the motion carried.
6. All matters during a meeting will be recorded as minutes of the meeting within the prescribed time.

Who may call a meeting of creditors?

External administrators must call meetings of creditors. Creditors cannot organize meetings that have creditors and other interested parties having informal meetings themselves. External administrators must call meetings when either:

- (a) the Act dictates they do so; or
- (b) when the prescribed number of creditors request that they do so.

For example section 64 of the Bankruptcy Act provides that a meeting must be called when requested when creditors have lodged sufficient security for the costs of the meeting.

What period of notice must be given?

The period of notice is prescribed by the Acts and varies dependent upon the type of meeting being called. Meetings, particularly voluntary administration meetings, have shorter notice periods.

What should be sent to creditors when a meeting is called?

The following should be sent to creditors:

- (i) a notice calling the meeting and setting out the agenda for the meeting;
- (ii) particulars of any resolutions that are to be dealt with at that meeting and sufficient information in order to make an informed decision;
- (iii) a proof of debt form; and
- (iv) a proxy form and possibly a voting slip.

Creditors should obtain any missing documents from the external administrator who is calling the mee

Will a report to creditors be issued?

A report from the external administrator will generally accompany the notice of meeting and the other documents referred to in the notice of meeting. The report will contain details about the current position of the estate and the investigations that have been undertaken, contain details about the proposed course of action to be taken by the external administrator, and information and recommendations on any decisions that the creditors are required to make.

Do creditors need to attend meetings?

No. Creditors do not lose any rights to prove for dividends if they do not attend meetings. However the estate nor on any resolution. We also encourage creditors to at least attend by proxy to ensure that a proceed without adjournment.

Where and when are meetings held?

Meetings should be held at a time and place convenient to the majority of the creditors. A convenient time is on a weekday, not a holiday, and not on a normal business day. A convenient place is generally in the town or city where a majority in number of

Who runs the meeting?

A chairperson or a president runs the meeting. The chairperson for most meetings under the Corporat
insolvency practitioner) or someone delegated to that role.

A president must be chosen to control meetings called under the Bankruptcy Act. The president can be a trustee or some person associated with the trustee as they have experience in conducting meetings. § 542(c) made may not be enforceable if they are not handled in the technically correct manner, so it is beneficial to have a meeting.

Is there an agenda?

Yes. Only the matters on the agenda can be decided upon at the meeting. The agenda is generally set by the directors. The agenda should be set out in the notice of meeting issued to creditors.

When should creditors lodge their claims?

Creditors should lodge a claim at or before the meeting otherwise creditors will not be able to vote at the meeting. Creditors who have not proved that they are creditors may vote and this is the best way of doing so. Creditors should follow the instructions in the notice of the meeting.

- (i) attach copies of invoices or other documentation detailing the amount owed and how it arose, or indicate that these records are .
- (ii) submit a claim before or at the commencement of a meeting and have it noted on the register of attendance; and
- (iii) if the claim is not admitted for any reason, make sure an objection is noted in the minutes.

Do creditors have to lodge a proof of debt to be able to vote?

For meetings under the Bankruptcy Act: No - section 64D provides that a written statement setting out

of debt to be lodged. For meetings under the Corporations Act: Not necessarily. Unless required, a sta

To eliminate all doubt, it is recommended that creditors lodge proofs of debt.

How is a proof of debt admitted?

The external administrator will decide whether or not to admit the proofs of debt or claim for voting by
of debt and comparing it to the information in the company records. The decision is final at the meeting

meeting has been held. If such a challenge is successful, the outcome of the meeting itself may be changed, which would have definitely changed the outcome of the meeting.

If a claim is rejected, the creditor should have a statement read into the Minutes disagreeing with the decision. The decision is not an appropriate forum. At this point however, there is no requirement that the creditor remain in attendance until the meeting is closed.

Can creditors ask questions?

Disclaimer

The enclosed information is of necessity a brief overview and it is not intended that readers should rely wholly on information contained herein. A meeting of creditors is a forum for creditors to ask questions. Questions should always be addressed to the relevant person if required. Alternatively, creditors may ask questions of the liquidator directly.

How can creditors attend the meeting?

Brisbane	Ipswich	Gold Coast	Maroochydore	Sydney
07 3225 4300	07 3280 6200	07 5553 3444	07 5459 1000	02 9249 1200
Ivor Worrell	Adam Ward	Jason Bettles	Paul Nogueira	Nick Malanos
Raj Khatri	Michael Griffin	John Cunningham	John Cunningham	John Cunningham
Morgan Lane				
Michael Griffin	Toowoomba		Noosa	
Michael Perdan	Adam Ward		07 5447 3766	Erina
Chris Cook	Morgan Lane		Paul Nogueira	02 4365 7525
			John Cunningham	Nick Malanos

Who can be a proxy?

Almost anyone over the age of 18 can act as a proxy.

How are resolutions decided?

A vote of creditors is called a resolution - the creditors resolving a proposal or motion. Most resolutions are decided by a simple majority.

The Corporations Act provides for a resolution to be firstly taken "on the voices", which is a simple majority. If a creditor requests one, the resolution will be taken by a poll. Similar voting provisions in the Bankruptcy Act requires a simple majority in value - not number.

The required majority for an ordinary resolution by a poll is more than 50% in number and 50% in value. There are also provisions for some proposals at meetings to require a "special resolution", being more than 75% in number and 75% in value. Resolutions are usually done in writing on voting slips.

Can resolutions be passed without a physical meeting?

Bankruptcy Act allows single resolutions to be passed by creditors without a meeting being called. This can be done through the mail with creditors indicating their acceptance or rejection of the motion, or they can require a meeting to be called to decide the matter. There is no corresponding provision in the Corporations Act.

Though there are no corresponding virtual meeting provisions in the Corporations Act, effectively meetings can be held by special proxies being held in the name of the chairman, and with no creditor physically attending the meeting. Resolutions can be passed without a 'physical' meeting of people.

Can meetings be adjourned?

Yes. Anyone may propose a resolution for an adjournment of the meeting, and at times the chairperson better consider proofs of debt and voting rights. The type of meeting will determine the maximum time

Who will keep the minutes?

Minutes are kept by a minutes secretary. The Corporations Regulations provide that the chairperson determine who will be the minutes secretary. The Bankruptcy Act requires creditors to appoint the member of the trustee.

Minutes of the meeting called under the Corporations Act will be lodged with the ASIC within the appropriate minutes on the estate's File Information page on this website. Meetings under the Bankruptcy Act also be lodged on the estate's File Information page.

For more detailed information:

[Insolvency Resource Page: Meeting of Creditors - Bankruptcy Act](#)

[Insolvency Resource Page: Meeting of Creditors - Corporations Act](#)

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Last Updated: 01.03.2011

[Back to Factsheets](#)

WORRELLS
SOLVENCY + FORENSIC ACCOUNTANTS



GEERS Distribution

Client Details

Client Name: Kar Land Pty Ltd

Client Code: 6579

Office: Brisbane

Appointee 1: Sch4/3/3

Appointee 2: [REDACTED]

Manager: [REDACTED]

Supervisor: [REDACTED]

File Accountant: [REDACTED]

GEERS Distribution Details

GEERS Money Received: Sch4/3/2

Date commenced: 23/08/2012

Date of payment: 13/11/2012

Employee Breakdown Summary

Entitlement	Amount
Wages	\$81,554.83
Annual Leave	\$59,191.60
PILN	\$46,837.69
Redundancy	\$20,582.24
Long Service	\$6,915.07

Cheque Listing

Name	Distribution
Sch4/3/3	\$2,650.82
	\$2,409.69
	\$3,190.30
	\$3,166.55
	\$3,114.74
	\$2,526.07
	\$3,465.95
	\$4,561.39
	\$2,399.50
	\$5,417.12
	\$4,806.46
	\$4,882.18
	\$5,899.76
	\$5,975.49
	\$5,872.96
	\$13,865.74
	\$5,521.31
	\$1,407.65
	\$1,456.79
	\$1,177.45

Name	Distribution
Sch4/3/3	\$825.69
	\$1,031.12
	\$1,139.30
	\$1,121.02
	\$1,271.80
	\$1,325.23
	\$638.61
	\$1,360.97
	\$1,458.48
	\$1,403.82
	\$1,405.48
	\$1,583.18
	\$1,454.91
	\$1,715.88
	\$1,760.24
	\$1,760.24
	\$1,784.72
	\$2,436.49
	\$1,859.37
	\$1,828.69
	\$1,888.15
	\$1,085.99
	\$23,677.91
	\$1,965.05
	\$2,015.63
	\$2,221.91
	\$2,190.39
	\$2,437.11
	\$2,399.08

A : On present indications the deficiency looks to be in the order of \$12mill. This appears to be trading losses rather than capital losses, in that the business was a "start up" rather than a going concern. As the company traded for only about 12 months the level of the deficiency is very significant.



Creditor Information

	Rece
No. of Creditors Recorded:	
No. of Proofs of Debt:	
Value of Proofs of Debt:	\$11,465,20
Value of Secured Creditors:	\$
Value of Employee claims:	\$368,37
Value of Non-priority claims:	\$11,096,82

Receipts**Code**

Collection of Cash Balances
Fees from GEERS
GEERS - Employee Monies
GST Collected/Refunds
Interest Earned
Receipt - Debtors
Refunds and Sundry Receipts
Sale of Assets

Total Receipts**Payments****Code**

Advertising Costs
Appointees Remuneration
Collection Costs; Commissions, Legals etc
Freight & Cartage
GEERS - Employee Distribution
GST Paid
Insurance
Legal Costs & Outlays

B1

A
B1

B1
A

Meeting Costs	B2
Motor Vehicle Expenses	B1
Printing, Stationery & Postage	B2
Repairs & Maintenance	B1
Searches	B1
Storage Costs	B2
Sundry Expenses	B2
Trading Payments (Trade On)	B1
Travel Expenses	B1
Wages (Trade On)	B1
Total Payments	

Assets**Code**

Cash at Bank
Suspense





Total Assets





Managers

Supervisors

Senior File Accountants

File Accountants

File Accountants

Financial Assistants

Support Staff

Client Documents

Date	Name
01/08/2012	<u>Letter to Customers</u>
07/08/2012	<u>Report to creditors</u>
16/08/2012	<u>Minutes of Meeting (Formal Agenda Items)</u>
18/10/2012	<u>Report to creditors - List of Creditors</u>
13/11/2012	<u>GEERS Distribution Report</u>

Documents that are in Adobe PDF format can be viewed using Adobe Acrobat Reader.

**Disclaimer**

The information on this File Information page is an overview of certain areas of the complete file. Whilst this information should rely wholly on this information. No warranty express or implied is given in respect of the information provided and accordingly of the firm for any loss resulting from any error or omission contained on this



Queensland Government

Home | Justice and Attorney-General Home | Site map | Contact us | Help |

Office of Fair Trading

Home Consumers Businesses Property agents and managers Motor industry
Security industry Associations and non-profits About us

[+] Make a complaint

Home > Consumers > Consumer alerts > Kar Land Pty Ltd trading as webuyanycars in voluntary liquidation

[+] Consumer rights and responsibilities

Kar Land Pty Ltd trading as webuyanycars in voluntary liquidation

[Printable view](#)



[+] Indigenous consumers

[+] Property

Kar Land Pty Ltd trading as 'webuyanycars' went into voluntary liquidation on Monday 30 July 2012.

[+] Motor vehicles

The company has appointed [Worrells Solvency and Forensic Accountants](#) as liquidator.

[+] Scams and fraud

[+] Products and services

In a statement, the liquidator has advised customers who have sold cars to the company and have not been paid, are able to claim an unsecured debt in the company. They do not have the right to reclaim their car, only an entitlement to a dividend in the liquidation.

[+] **Consumer alerts**

Solagex
Australia Pty
Ltd

If a consumer has sold their car to 'webuyanycars' and are yet to receive payment, they should lodge a claim with [Worrells Solvency and Forensic Accountants](#) on their website. Customers should type in the name of the administration 'Kar Land' and enter the password wp6579, then follow the system to lodge their claim.

George
Sekuloski and
Bulk Imports
and Exports

Customers may also lodge a complaint with the [Office of Fair Trading](#) as investigations are currently being conducted into possible breaches of consumer protection legislation.

**Kar Land Pty
Ltd trading as
webuyanycars
in voluntary
liquidation**

The company also operates in New South Wales and Victoria and the Office of Fair Trading is working closely with these jurisdictions.

Car boot
traders spotted

How useful did you find this information?

OFT warning of
phone call
scam

- select -

Carbon price
claims

Type your comments here. If you would like a response, please include your name and email address.

Derek Smith
Photography

Please only use this box if you wish to give us feedback about the website and the information available on this page. There are alternate methods if you wish to make a [general enquiry](#) or [lodge a complaint](#).

Beyond
Building Energy

in liquidation

Submit

U-nited
Warranties in
external
administration

Last reviewed 16/08/2012



Wow Sight and
Sound in
receivership

Flood phone
scam

Air Australia
grounding

'Bling' baby
dummies

Denmac Ford
Pty Ltd

Phil and Ted's
strollers

ASK Homes
Enterprises Pty
Ltd, ISK Homes
Pty Ltd and
Global Home
Solutions

Recall: Wisdom
Brands Digital
Pacifier
Thermometer

Scammers
posing as Fair
Trading officers

Computer-
based tutoring

Door-to-door
traders

All QLD Tree
Services

Itinerant
bitumen layers

[+] Product safety and
recalls

[+] Real life stories

Great state. Great opportunity.