

e: anthony.johnson@deedi.qld.gov.au
Customer call centre: 13 QGOV (13 74 68)

1,
Leishman, Norman

From: Sch4/3/3 [redacted]@tuckercowen.com.au] on behalf of [redacted]
[redacted]@tuckercowen.com.au]
Sent: Tuesday, 11 December 2012 11:11 AM
To: Leishman, Norman
Subject: Kar Land Pty Ltd - Section 90 Notice
Attachments: Email to Office of Fair Trading.pdf

Dear Mr Leishman

Please see **attached** correspondence.

Regards

[redacted]
Personal Assistant

E: [redacted]@tuckercowen.com.au
D: 07 3210 3512 | T: 07 300 300 00 | F: 07 300 300 33
Level 15, 15 Adelaide Street, Brisbane | GPO Box 345, Brisbane Qld 4001

Tucker&CowenSolicitors.

Member of MSI Global Alliance



Liability limited by a scheme approved under Professional Standards Legislation

Season's Greetings. Please note our office will be closed from 5pm on Friday, 21 December 2012 and will re-open on Wednesday, 2 January 2013.

This e-mail (including all attachments) is only intended for its addressee/s and may contain privileged or confidential information. Unauthorised use, copying or distribution of this document or any part of its contents, is prohibited. If you receive this document in error please telephone us and destroy this document and any copies made. We will reimburse you for any reasonable expenses incurred in meeting this request.

269.12

9. Am

called

Sch4/3/3

Approved out of order
by all. Any new
©. USW have supply
an excel of S. Gokul
if we could open
N. L. Kupprow for
Cedex to prepare



QUEENSLAND
FAIR TRADING ACT 1989

Section 90 Notice
Power to obtain information

TO: Sch4/3/3 (LIQUIDATOR FOR KAR LAND PTY LTD)
WORRELLS SOLVENCY AND FORENSIC ACCOUNTANTS
LEVEL 8, 102 ADELAIDE ST.,
BRISBANE QLD 4000

The Office of Fair Trading Queensland is investigating potential breaches including Sections 151(1) (i), 151(1) (f) and 158(7) of the *Australian Consumer Law* applied in Queensland through the *Fair Trading Act 1989* (Qld).

Section 11(1) (c) and (d) of the *Fair Trading Act 1989* outlines the functions of the Commissioner for Fair Trading, providing:

11 (1) *The functions of the commissioner shall be:*

(c) *to collect, examine and disseminate information in respect of matters affecting or likely to affect the interests of consumers or persons negotiating or considering the acquisition of goods or services as consumers; and*

(d) *to receive and consider complaints concerning matters affecting or likely to affect the interests of consumers or persons negotiating or considering the acquisition of goods or services as consumers and, if the commissioner is of the opinion that such action is warranted, to investigate the complaints and take such action in respect of the matter as seems proper to the commissioner; ...*

Section 90 of the *Fair Trading Act 1989* allows for an inspector to require a person, by oral or written requisition, to furnish information and records, in relation to any matter relevant to the operation or enforcement of the Act.

Pursuant to the power vested in me by Section 90 of the *Fair Trading Act 1989*, I, Norman Wayne Leishman, an Inspector duly appointed under the provisions of the *Fair Trading Act 1989*, HEREBY REQUIRE YOU TO FURNISH TO ME THE FOLLOWING INFORMATION AND RECORDS:

(1) Copies of all documents relating to all of the attached consumers who sold used motor vehicles to KAR LAND PTY LTD including documents showing when the vehicles were purchased and onsold by KAR LAND PTY LTD and the dates when the consumers/vendors were paid for the sale of the vehicles;

(2) Particulars of all vehicles purchased and sold by KAR LAND PTY LTD including dates consumers were paid by KAR LAND PTY LTD;

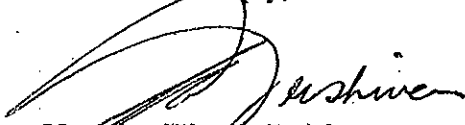
(3) Copies of all bank account statements relating to KARLAND PTY LTD for the period 1 June 2011 to the present;

(4) Copies of all searches conducted on the vehicles contained on the spreadsheet and the Personal and Property Security Register (PPSR) together with any correspondence between KARLAND PTY LTD and Insolvency and Trustee Service Australia (ITSA);

(5) Any other information relevant to this investigation under the ACL.

The above records and information are required to be furnished to me no later than **4pm on Friday, 24 August, 2012.**

Your written reply, records and information may be forwarded as follows:



Norman Wayne Leishman
A/Principal Compliance Officer
Investigations, Compliance
Office of Fair Trading

Postal address: GPO Box 3111, Brisbane, QLD 4001

Email: - norman.leishman@deedi.qld.gov.au

Phone: (07) 3115 1725

Fax: (07) 3115 1729

DATED AT BRISBANE THIS 9th DAY OF AUGUST 2012

TAKE NOTE: Under the provisions of Section 90(9) of the *Fair Trading Act 1989*, any such records furnished are liable to be retained by myself for so long as it is necessary to do so for the purposes of the Act. Upon request, you are entitled to be furnished with a copy of any such records as soon as is practicable.

TAKE NOTE: Under the provisions of Section 90(4) of the *Fair Trading Act 1989*, a person must not, (without reasonable excuse) refuse or fail to furnish any information, (whether orally or in writing) records or a copy of them as required under Section 90, (or) in response to this requisition, furnish information, records or copies that is or are false or misleading in a material particular.

MAXIMUM PENALTY \$10,000

TAKE NOTE: Under the provisions of Section 90(5) of the *Fair Trading Act 1989*, it is not a reasonable excuse (having regard to section 90(4) for a person to refuse or fail to furnish information (whether orally or in writing), records or copy of a record, on the grounds that the information, record or copy might tend to incriminate the person.

TAKE NOTE HOWEVER: that under the provisions of Section 90(6) of the *Fair Trading Act 1989*, information as mentioned in Section 90(5) as above is not admissible in evidence against you as an individual in any criminal proceedings, or against you as a Corporation in any criminal proceedings other than in proceedings under the *Fair Trading Act 1989*.

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS SECTION 90 NOTICE

UNDER THE *FAIR TRADING ACT 1989*, SERVED ON ME BY

SCOTT JEFFREY CAPELL

Inspectors Full Name

OF THE **BRISBANE, OFFICE OF FAIR TRADING.**

DATED AT _____ THIS _____ DAY OF **AUGUST 2012.**

Print Name

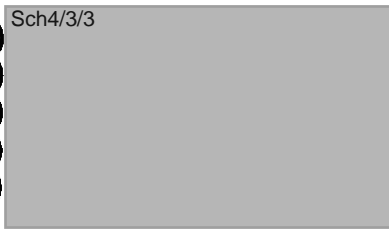
Signature

COMPLAINANTS/VENDORS-"ATTACHMENT 1"

Sch4/3/3

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CORPORATIONS ACT 2001 - SECT 545

Expenses of winding up where property insufficient

(1) Subject to this section, a liquidator is not liable to incur any expense in relation to the winding up of a company unless there is sufficient available property.

(2) The Court or ASIC may, on the application of a creditor or a contributory, direct a liquidator to incur a particular expense on condition that the creditor or contributory indemnifies the liquidator in respect of the recovery of the amount expended and, if the Court or ASIC so directs, gives such security to secure the amount of the indemnity as the Court or ASIC thinks reasonable.

(3) Nothing in this section is taken to relieve a liquidator of any obligation to lodge a document (including a report) with ASIC under any provision of this Act by reason only that he or she would be required to incur expense in order to perform that obligation.

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Norman Wayne Leishman
A/Principal Compliance Officer
Investigations, Compliance
Office of Fair Trading

Postal address:GPO Box 3111, Brisbane, QLD 4001

Email: - norman.leishman@deedi.qld.gov.au

Phone:(07)31151725

Fax: (07) 3115 1729

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Certificate

Property Agents and Motor Dealers Act 2000
Section 587(4)(b)(i)

I, Marjolein Riddel, Principal Business Services Officer, and a delegate of the Chief Executive, have searched the licensing records held by the Department of Justice and Attorney-General pursuant to the *Property Agents and Motor Dealers Act 2000* (the Act) and certify that:-

Richard David John BURBAGE holds a property agents and motor dealers (motor dealer) licence, licence number 3410638. The licence was first issued on 3 December 2010 and expires on 3 December 2013.

Dated at Brisbane this 2nd day of October 2012.



Marjolein Riddel
Principal Business Services Officer
Industry Licensing Unit
Department of Justice and Attorney-General

Certificate

Property Agents and Motor Dealers Act 2000
Section 587(4)(b)(i)

I, Marjolein Riddel, Principal Business Services Officer, and a delegate of the Chief Executive, have searched the licensing records held by the Department of Justice and Attorney-General pursuant to the *Property Agents and Motor Dealers Act 2000* (the Act) and certify that:-

Sch4/3/3 holds a property agents and motor dealers (motor dealer) licence, licence number 1003452. The licence was first issued on 10 October 1978 and expires on 12 April 2014.

Dated at Brisbane this 2nd day of October 2012.

M. Riddel

Marjolein Riddel
Principal Business Services Officer
Industry Licensing Unit
Department of Justice and Attorney-General

Certificate

Property Agents and Motor Dealers Act 2000
Section 587(4)(b)(i)

I, Marjolein Riddel, Principal Business Services Officer, and a delegate of the Chief Executive, have searched the licensing records held by the Department of Justice and Attorney-General pursuant to the *Property Agents and Motor Dealers Act 2000* (the Act) and certify that:-

KAR LAND PTY LTD holds a property agents and motor dealers (motor dealer) licence, licence number 3477716. The licence was first issued on 20 July 2011 and expires on 20 July 2014.

Dated at Brisbane this 2nd day of October 2012.



Marjolein Riddel
Principal Business Services Officer
Industry Licensing Unit
Department of Justice and Attorney-General

File: Karland

Review Date: 8/08/2012

Officer: Scott Capell

Reviewer: Norm Leishman / Nanette Garrett

(These emailed instructions are to attached to manual review forms completed due review process)

No	Instruction	Date to be Completed	Date Completed
1	Discussed with Scott – Investigation handed over to Nanette Garrett (will work in conjunction with Norm)		
2	Amend s. 90 notice and send out to Worrells		
3	Prepare questions in preparation for consumers statements		
4			

File: Karland
Review Date: 23/07/2012
Officer: Scott Capell
Reviewer: Nanette Garrett

(These emailed instructions are to be attached to manual review forms completed due review process)

No	Instruction	Date to be Completed	Date Completed
1	Update Matrix	30/07/12	
2	Collate file, update file index and tag accordingly	30/07/12	
3	Complete TRAILS searches on vehicles sold. Track the veh's and complete table to find links between entities. Compare dates to what Consumers have provided. Once doc's have been supplied from s.556 notice (due 27/7/12) compare info with what has been detected from TRAILS.	2/08/12	
4	Prepare new set of interview questions. Possibly 2 separate interviews will be required. One for each director (Burbage - Karland & Sch4/3/3 Highway). Discuss questions with PCO.	9/08/12	

Subsequent Investigation File Review

File Number:

12/00755 (Kan Land)

Date of Review:

23.7.12

Original target completion date:

1/7/12

New target completion date (if app):

discuss with aben

Legislation applicable: PAMD & ACH Section/s: _____

This document is a record of a review of an investigation file in accordance with section 5.3 of the OFT Compliance and Enforcement Policy and Standards.

Complainant management

- all have nec. resources*
1. Can we assist the complainant/s further? ☐ Yes ☐ No ☒ N/A
If no, has a finalisation letter been sent? ☐ Yes ☐ No ☐ N/A
2. Has the complainant been contacted in last month? ☐ Yes ☐ No ☒ N/A

Due date or reason no contact is required: _____

Investigation management

- To be updated*
3. Is an investigation plan on file? ☒ Yes ☐ No
Has an Evidence Matrix been completed? ☒ Yes ☐ No
If no, is a draft plan or matrix required? ☐ Yes ☐ No
- Due date for plan/matrix: Matrix to be updated
4. Is a suitable investigation methodology still being applied? ☒ Yes ☐ No ☐ N/A
5. Is the evidence obtained to date sufficient? ☐ Yes ☒ No ☐ N/A
Was it lawfully obtained? *to date* ☒ Yes ☐ No ☐ N/A
6. Is evidence kept in accordance with internal policy? ☒ Yes ☐ No ☐ N/A

If no, corrective action (if any): _____

7. Have all critical decisions been recorded? ☐ Yes ☐ No ☐ N/A

If no, corrective action (if any):

Update latest notes onto
Macos.

8. What enforcement action is being considered?

To be decided
Pros / Injunct / Undertaking
ACH & PAMD

9. Has natural justice been afforded to the trader: ie: opportunity to respond to allegations, offer of interview etc.? ☒ Yes ☐ No ☐ N/A

10. Investigation instructions (if any): *2nd interview req.*

Due dates:

① 5556 to 2 Dir (Burbages
Sch4/3/3) - (Kaland P/L &
Highway Customat P/L).

Docs due - Friday

27.7.12.

② Complete TRAMS on SOLD
Veh's - check tracking &
complete table to send
links to all relevant entities
Compare these dates with ③

information - intent to supply

③ Review Docs for 556 & compare to table.

④ Prepare new set of Ques for interviews.
File management

⑤ update sheet.

11. Has all relevant material been included in the index?

☐ Yes ☒ No *in progress - complete 27/7/12*

If no, what is required?

12. Is the officer recording activity notes on MACS (either direct or uploaded from Word)?

☒ Yes ☐ No

If no, due date:

update

13. Are all documents saved in INVWP under industry file?

☒ Yes ☐ No

Keep head file
Reviewer (print name):

*update
J. Connell*

Signature:

[Signature]

Position title:

A/Asst.

Investigator (print name):

Scott Allen

Investigator (sign):

Joquiel SCO. 28/7/12



Related Notes

Investigation: I-2012-00755 KAR LAND PTY LTD

Note Ref	Note Subject	Severity	Created On	Created By	Description
21	NOTE TO FILE	LOW	06-AUG-2012	SCOTT CAPELL	Phone call from Sch4/3/3 from Worrells Liquidators stating that [REDACTED] is unable to provide the information requested under the Section 556 Notice as the information and documentation is now under the control of the Liquidators.
22	NOTE TO FILE	LOW	06-AUG-2012	SCOTT CAPELL	Phone call from [REDACTED] who confirmed information contained in 21
23	NOTE TO FILE	LOW	06-AUG-2012	SCOTT CAPELL	***PLEASE NOTE CHANGE IN DIRECTION***INVESTIGATION HAS CHANGED FROM INVESTIGATIONS UNDER THE PROPERTY AGENTS AND MOTOR DEALERS ACT 2000 (PAMDA) TO THE AUSTRALIA CONSUMER LAW (ACL) DUE TO LIQUIDATOR (WORRELLS) BEING APPOINTED BY THE COMPANY ie KARLAND PTY LTD T/AS WEBUYANYCAR.
20	FILE NOTE	LOW	01-AUG-2012	SCOTT CAPELL	12.00 PM-Phone call from [REDACTED] (Solicitor) who indicated that he has received my Section 556 Notice and that his client is in the process of complying with the requisitions. He requested that these requirements together with the ones requested for 7 August 2012 be supplied together. I indicated that I would have to check with the Manager Investigations and advise.
19	PHONE CALL	LOW	31-JUL-2012	SCOTT CAPELL	Phone call to [REDACTED] of Birch and Co Solicitors-I explained that to date we have not received information and documentation requested under Section 556 of PAMDA. [REDACTED] indicated that he would check with his client and advise.
18	FILE NOTE	LOW	27-JUL-2012	SCOTT CAPELL	2.00pm-Phone call from [REDACTED] from Birch and Co. Solicitors)who indicated that the company Karland Pty Ltd t/as WEBUYANYCAR was appointing a liquidator asap and the company is being placed into voluntary liquidation. I requested a letter confirming this from him asap. He also requested an EOT until 5.00pm today to lodge the documentation requested today.
17	FILE NOTE	LOW	27-JUL-2012	SCOTT CAPELL	Sent section 556 Notices to Richard Burbage of Karland Pty Ltd to provide information and documentation by 6 August 2012 and 27 July 2012.
16	NOTE TO FILE	LOW	10-JUL-2012	SCOTT CAPELL	Sent letters to 27 complainants seeking information to be used to prepare



Related Notes

Note Ref	Note Subject	Severity	Created On	Created By	Description
					I also indicated that he may wish to obtain legal advice in respect of this matter.(with SCO Sue Robinson)
5	FILE NOTE	LOW	04-MAY-2012	CASSANDRA MCMANUS	4/05/2012 - Due to the large number of complaints being received about the entity Webuyanycar, matter to be referred for further investigation by Brisbane Investigations.
4	T CALLED	LOW	04-MAY-2012	CASSANDRA MCMANUS	23/04/2012 - T called - I spoke with the director's personal assistant who said she would have the director respond to OFT as soon as possible. END CALL.LL
3	CALLED T	LOW	04-MAY-2012	CASSANDRA MCMANUS	20/04/2012 4:30pm - Called T and left a message for the manager to return my call. END CALL.
2	C CALLED	LOW	04-MAY-2012	CASSANDRA MCMANUS	19/04/2012 - 4:00pm Received a call from the C Sch4/3/3 I explained that the T's website stated the price quote given was an indicator and not an exact price. C stated he was unhappy that the price difference was so high. C stated T worked out the price they would buy C's vehicle for through calling other car yards and not using an appropriate price index. I advised C I would contact T and C would be notified of an outcome. END CALL.
1	CALLED C	LOW	19-APR-2012	CASSANDRA MCMANUS	19/04/2012 -*****NOTE***** HEAD FILE*****Read the investigation. Linked complaint c-2012-04210. Ascertained that T's website has terms and conditions that state the instant quote given is not a definitive quote and the condition of the vehicle may alter the price provided. 3:20pm - Called C - no answer, no message bank. END CALL.



o Spreadsheet

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The above records and information are required to be furnished to me no later than 4pm on 10 August, 2012.

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SCOTT JEFFREY CAPELL

Senior Compliance Officer
Investigations, Compliance
Office of Fair Trading

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Inspector's Full Name

OF THE **BRISBANE, OFFICE OF FAIR TRADING.**

Office

DATED AT _____ THIS _____ DAY OF AUGUST 2012.

Print Name

Signature



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Pursuant to the power vested in me by Section 90 of the *Fair Trading Act 1989*, I, **SCOTT JEFFREY CAPELL**, an Inspector duly appointed under the provisions of the *Fair Trading Act 1989*, **HEREBY REQUIRE YOU TO FURNISH TO ME THE FOLLOWING INFORMATION AND RECORDS:**

(1) Copies of all documents relating to all of the attached consumers who sold used motor vehicles to KAR LAND PTY LTD including documents showing when the vehicles were purchased and sold by KAR LAND PTY LTD and when the consumers/vendors were paid for the sale of the vehicles;

(2) Particulars of all vehicles purchased and sold by KAR LAND PTY LTD including dates consumers were paid by KAR LAND PTY LTD;

(3) Copies of all bank account statements relating to KARLAND PTY LTD for the period 1 June 2011 to the present;

(4) Copies of all correspondence between KARLAND PTY LTD and Insolvency and Trustee Service Australia (ITSA) with respect to PPSR;

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

The above records and information are required to be furnished to me no later than **4pm on 10 August, 2012.**

Your written reply, records and information may be forwarded as follows:

SCOTT JEFFREY CAPELL

Senior Compliance Officer
Investigations, Compliance
Office of Fair Trading

Postal address: GPO Box 3111, Brisbane, QLD 4001

Email: scott.capell@deedi.qld.gov.au

Phone: (07)31151712

Fax: (07) 3115 1729

DATED AT BRISBANE THIS DAY OF AUGUST 2012

TAKE NOTE: Under the provisions of Section 90(9) of the *Fair Trading Act 1989*, any such records furnished are liable to be retained by myself for so long as it is necessary to do so for the purposes of the Act. Upon request, you are entitled to be furnished with a copy of any such records as soon as is practicable.

TAKE NOTE: Under the provisions of Section 90(4) of the *Fair Trading Act 1989*, a person must not, (without reasonable excuse) refuse or fail to furnish any information, (whether orally or in writing) records or a copy of them as required under Section 90, (or) in response to this requisition, furnish information, records or copies that is or are false or misleading in a material particular.

MAXIMUM PENALTY \$10,000

TAKE NOTE: Under the provisions of Section 90(5) of the *Fair Trading Act 1989*, it is not a reasonable excuse (having regard to section 90(4) for a person to refuse or fail to furnish information (whether orally or in writing), records or copy of a record, on the grounds that the information, record or copy might tend to incriminate the person.

TAKE NOTE HOWEVER: that under the provisions of Section 90(6) of the *Fair Trading Act 1989*, information as mentioned in Section 90(5) as above is not admissible in evidence against you as an individual in any criminal proceedings, or against you as a Corporation in any criminal proceedings other than in proceedings under the *Fair Trading Act 1989*.

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS SECTION 90 NOTICE

UNDER THE *FAIR TRADING ACT 1989*, SERVED ON ME BY SCOTT JEFFREY CAPELL

Inspectors Full Name

OF THE **BRISBANE, OFFICE OF FAIR TRADING.**

Office

DATED AT _____ THIS _____ DAY OF AUGUST 2012.

Print Name

Signature

DRAFT SECTION 90 TO BE SERVED ON

Sch4/3/3

Future

§ 90 → banks.

Karland

1. Copies of all documents relating to all of the attached consumers who sold vehicles to Karland Plc including documents showing when the vehicles were ^{purchased by Karland} sold and when the consumer vendor's were paid for the sale of the vehicles.
2. Particulars of all vehicles purchased and disposed of by Karland, including dates consumers were paid by Karland from June 11 to current.
3. Copies of all bank a/c statements relating to ~~the~~ Karland Plc from June 11 to current.



Queensland Government

ALL →

Italics →

QUEENSLAND

FAIR TRADING ACT 1989

Section 90 Notice

Power to obtain information

TO: **THE DIRECTOR**
KAR LAND PTY LTD
3463-3465 PACIFIC HIGHWAY
SLACKS CREEK QLD 4127

o person

→ time to

pay

- all paid

= when paid

date sale reg

effect

date paid

The Office of Fair Trading Queensland is investigating potential breaches including Sections 151(1) (i), 151(1) (f) and 158(7) of the *Fair Trading Act 1989* (Australian Consumer Law (Queensland)).

Section 11(1) (c) & (d) of the *Fair Trading Act 1989* outlines the functions of the Commissioner for Fair Trading, providing:

11 (1) The functions of the commissioner shall be:

(c) to collect, examine and disseminate information in respect of matters affecting or likely to affect the interests of consumers or persons negotiating or considering the acquisition of goods or services as consumers; and

(d) to receive and consider complaints concerning matters affecting or likely to affect the interests of consumers or persons negotiating or considering the acquisition of goods or services as consumers and, if the commissioner is of the opinion that such action is warranted, to investigate the complaints and take such action in respect of the matter as seems proper to the commissioner; ...

Section 90 of the *Fair Trading Act 1989* allows for an inspector to require a person, by oral or written requisition, to furnish information and records, in relation to any matter relevant to the operation or enforcement of the Act.

Pursuant to the power vested in me by Section 90 of the *Fair Trading Act 1989*, I, **SCOTT JEFFREY CAPELL**, an Inspector duly appointed under the provisions of the *Fair Trading Act 1989*, HEREBY REQUIRE YOU TO FURNISH TO ME THE FOLLOWING INFORMATION AND RECORDS:

(1) Copies 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;

June 11 - all -

(Carson) HSR

dox - our @

(3) Full copies of all documentation issued to vendors of used motor vehicles to KAR LAND PTY LTD including 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 your company policy with respect to the agreed sale price of used motor vehicles purchased by you on behalf of WEBUYANYCAR for the period 1 January 2012 to the present;

(6) 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;

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

(8) Full particulars as to where all used motor vehicles were stored by KAR LAND PTY LTD after being purchased by the company and whether any vehicles were stored on premises operated by Highway Auto Mart Pty Ltd or you;

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

(10) The following records in relation to any bank accounts in the name of KAR LAND PTY LTD or sch.4/3/3 as a signatory to any bank accounts operated by the company sch.4/3/3, including the details requested below:

- Identifying particulars and documents for the account holder;
- Contact details for the account holder;
- Bank account statements for the period covering 1 January 2012 to 30 July 2012

The above records and information are required to be furnished to me no later than **4pm on 10 August, 2012.**

Your written reply, records and information may be forwarded as follows:

SCOTT JEFFREY CAPELL

Senior Compliance Officer
Investigations, Compliance
Office of Fair Trading

Postal address: GPO Box 3111, Brisbane, QLD 4001

Email: scott.capell@deedi.qld.gov.au

Phone: (07)31151712

Fax: (07) 3115 1729

DATED AT BRISBANE THIS 1ST DAY OF AUGUST 2012

SCOTT JEFFREY CAPELL
Compliance Officer
Investigations, Compliance
Office of Fair Trading

TAKE NOTE: Under the provisions of Section 90(9) of the *Fair Trading Act 1989*, any such records furnished are liable to be retained by myself for so long as it is necessary to do so for the purposes of the Act. Upon request, you are entitled to be furnished with a copy of any such records as soon as is practicable.

TAKE NOTE: Under the provisions of Section 90(4) of the *Fair Trading Act 1989*, a person must not, (without reasonable excuse) refuse or fail to furnish any information, (whether orally or in writing) records or a copy of them as required under Section 90, (or) in response to this requisition, furnish information, records or copies that is or are false or misleading in a material particular.

MAXIMUM PENALTY \$10,000

TAKE NOTE: Under the provisions of Section 90(5) of the *Fair Trading Act 1989*, it is not a reasonable excuse (having regard to section 90(4) for a person to refuse or fail to furnish information (whether orally or in writing), records or copy of a record, on the grounds that the information, record or copy might tend to incriminate the person.

TAKE NOTE HOWEVER: that under the provisions of Section 90(6) of the *Fair Trading Act 1989*, information as mentioned in Section 90(5) as above is not admissible in evidence against you as an individual in any criminal proceedings, or against you as a Corporation in any criminal proceedings other than in proceedings under the *Fair Trading Act 1989*.

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS SECTION 90 NOTICE

UNDER THE *FAIR TRADING ACT 1989*, SERVED ON ME BY **SCOTT JEFFREY CAPELL**

Inspectors Full Name

OF THE BRISBANE, OFFICE OF FAIR TRADING.

Office

DATED AT _____ THIS ____ DAY OF AUGUST 2012.

Print Name

Signature



Queensland Government

QUEENSLAND
FAIR TRADING ACT 1989

Section 90 Notice
Power to obtain information

TO: THE DIRECTOR Sch4/3/3
KAR LAND PTY LTD
3463-3465 PACIFIC HIGHWAY
SLACKS CREEK QLD 4127

The Office of Fair Trading Queensland is investigating potential breaches including Sections 151(1) (i), 151(1) (f) and 158(7) of the *Fair Trading Act 1989 (Australian Consumer Law Queensland)*.

Section 11(1) (c) & (d) of the *Fair Trading Act 1989* outlines the functions of the Commissioner for Fair Trading, providing:

11 (1) The functions of the commissioner shall be:

(c) to collect, examine and disseminate information in respect of matters affecting or likely to affect the interests of consumers or persons negotiating or considering the acquisition of goods or services as consumers; and

(d) to receive and consider complaints concerning matters affecting or likely to affect the interests of consumers or persons negotiating or considering the acquisition of goods or services as consumers and, if the commissioner is of the opinion that such action is warranted, to investigate the complaints and take such action in respect of the matter as seems proper to the commissioner; ...

Section 90 of the *Fair Trading Act 1989* allows for an inspector to require a person, by oral or written requisition, to furnish information and records, in relation to any matter relevant to the operation or enforcement of the Act.

Pursuant to the power vested in me by Section 90 of the *Fair Trading Act 1989*, I, **SCOTT JEFFREY CAPELL**, an Inspector duly appointed under the provisions of the *Fair Trading Act 1989*, **HEREBY REQUIRE YOU TO FURNISH TO ME THE FOLLOWING INFORMATION AND RECORDS:**

(1) Copies 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 documentation issued to vendors of used motor vehicles to KAR LAND PTY LTD including 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 your company policy with respect to the agreed sale price of used motor vehicles purchased by you on behalf of WEBUYANYCAR for the period 1 January 2012 to the present;

(6) 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;

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

(8) Full particulars as to where all used motor vehicles were stored by KAR LAND PTY LTD after being purchased by the company and whether any vehicles were stored on premises operated by Highway Auto Mart Pty Ltd or you;

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

(10) The following records in relation to any bank accounts in the name of KAR LAND PTY LTD of ^{sch.4/3/3} [redacted] as a signatory to any bank accounts operated by the company [redacted] including the details requested below:

- Identifying particulars and documents for the account holder;
- Contact details for the account holder;
- Bank account statements for the period covering 1 January 2012 to 30 July 2012

The above records and information are required to be furnished to me no later than **4pm on 10 August, 2012.**

Your written reply, records and information may be forwarded as follows:

SCOTT JEFFREY CAPELL

Senior Compliance Officer
Investigations, Compliance
Office of Fair Trading

Postal address: GPO Box 3111, Brisbane, QLD 4001

Email: scott.capell@deedi.qld.gov.au

Phone: (07)31151712

Fax: (07) 3115 1729

DATED AT BRISBANE THIS 1ST DAY OF AUGUST 2012

SCOTT JEFFREY CAPELL
Compliance Officer
Investigations, Compliance
Office of Fair Trading

TAKE NOTE: Under the provisions of Section 90(9) of the *Fair Trading Act 1989*, any such records furnished are liable to be retained by myself for so long as it is necessary to do so for the purposes of the Act. Upon request, you are entitled to be furnished with a copy of any such records as soon as is practicable.

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MAXIMUM PENALTY \$10,000

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I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS SECTION 90 NOTICE

UNDER THE *FAIR TRADING ACT 1989*, SERVED ON ME BY **SCOTT JEFFREY CAPELL**

Inspectors Full Name

OF THE **BRISBANE, OFFICE OF FAIR TRADING.**

Office

DATED AT _____ THIS _____ DAY OF AUGUST 2012.

Print Name

Signature

Capell, Scott

From: Capell, Scott
Sent: Wednesday, 8 August 2012 10:32 AM
To: 'Tracie Weller'; 'Rita.Teloglou@justice.vic.gov.au'
Cc: Garrett, Nanette; Leishman, Norman
Subject: Re: Request for approval of rescheduling of teleconference to 9.30 am Monday 20 August 2012

Hi Tracie and Rita,

Following our discussions this morning with respect KAR LAND Pty Ltd t/as WEBUYANYCAR I would like to confirm the rescheduling of the teleconference between the 3 states to 9.30 am Monday, 20/8/2012.

As I indicated to you both during these discussions I am currently preparing a Section 90 Notice pursuant to the *Australian Consumer Law* (ACL) requesting various information and documentation from Sch4/3/3 from Worrells Solvency and Forensic Accountants and in this regard I intend to liaise with you to obtain your input and to ensure a consistent approach to the Liquidator of the Company from the 3 agencies.

If you require any additional information or clarification with respect to this matter please contact me on telephone number (07) 31151712.

Kind regards

Scott Capell
Senior Compliance Officer
Compliance Division
Fair Trading Operations
Department of Justice and Attorney-General
Level 1 Metrology House
383 Boundary Street Spring Hill Qld 4001
GPO Box 3111, BRISBANE QLD 4001

P: +61 7 3115 1712
F: +61 7 3115 1729
Scott.capell@deedi.qld.gov.au

Capell, Scott

From: Maxwell, Lena
Sent: Thursday, 2 August 2012 10:52 AM
To: Capell, Scott
Cc: Garrett, Nanette
Subject: RE: Kar Land Pty Ltd

No worries. Can you please make sure you print out all the emails I have sent and put them on file.

Ta,
L

Lena Maxwell
Principal Compliance Officer
Compliance Division
Office of Fair Trading

Telephone: (07) 3115 1776
www.fairtrading.qld.gov.au

From: Capell, Scott
Sent: Thursday, 2 August 2012 10:51 AM
To: Maxwell, Lena
Subject: RE: Kar Land Pty Ltd

Thanks very much Lena.....

From: Maxwell, Lena
Sent: Thursday, 2 August 2012 10:50 AM
To: 'Rita.Teloglou@justice.vic.gov.au'; 'tracie.weller@services.nsw.gov.au'
Cc: Rasmussen, Grant; Capell, Scott; Garrett, Nanette; Leishman, Norman
Subject: Kar Land Pty Ltd

Hi Rita and Tracey,

Sch4/3/3



Thank you,

Lena Maxwell
Principal Compliance Officer
Compliance Division
Office of Fair Trading

Telephone: (07) 3115 1776
www.fairtrading.qld.gov.au

.qld.gov.au [mailto:52315@daff.qld.gov.au]
August 2012 12:19 AM

je from KMBT_420

*****DISCLAIMER*****

The information contained in the above e-mail message or messages (which includes any attachments) is confidential and may be legally privileged. It is intended only for the use of the person or entity to which it is addressed. If you are not the addressee any form of disclosure, copying, modification, distribution or any action taken or omitted in reliance on the information is unauthorised. Opinions contained in the message(s) do not necessarily reflect the opinions of the Queensland Government and its authorities. If you received this communication in error, please notify the sender immediately and delete it from your computer system network.

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(07) 3808 1111

At Highway Auto Group we strive to help you drive away in the perfect new or used car, at the right price!

Welcome to Highway Auto Group

Highway Auto Group, a family owned company that was started over 32 years ago by the Daiga family.

Our dealership network is dedicated to developing lasting relationships with our customers by providing them with the **first class customer service** that they deserve and **premium after sales support**.

We strive to make your new or used car purchase from Highway Auto Group in Brisbane, an enjoyable experience.

Make sure to check our franchised dealerships:



S

348



Enc

Pl

Na

Em

Ph

Comments *

Coming soon..

© 2012 Highway Auto Group. Site by Phase New Media



Investigation Detail

Investigation No: I-2012-00755

Trader

Entity Name

KAR LAND PTY LTD

B/H Phone

07 3347 2222

Business Name

WEBUYANYCAR

B/H Phone

1300592422

Complaints
as at 4/10/12



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	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	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		COMPLAINANT SATISFIED COMPLIANCE ACTION COMMENCED	COMPLAINT WITHDRAWN	\$400.00
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				
C-2012-08356	13-JUL-12				
C-2012-08489	16-JUL-12				
C-2012-08502	16-JUL-12		REF'D TO OTHER AGENCY		\$0.00
C-2012-08568	18-JUL-12				
C-2012-08652	19-JUL-12				
C-2012-08694	20-JUL-12				
C-2012-08714	27-JUL-12				

Thursday October 4 2012 8:40 AM

Report Ref:cm_rp_investigation.rdf

User Ref PLATTC



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				

Complainant/s

Entity Name	Contact Name	B/H Phone	Business Name	Corr.
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Investigation Detail		Investigation No: I-2012-00755			
Prod/Ind/Cond					
Product					
Category: DISTRIBUTIVE TRADE SERVICES; FOOD/BEV. SERVING; TRANSPORT; UTILITIES; LODGING					
Sub-Category: RETAIL TRADE SERVICES					
Type					
MOTOR VEHICLE SALES					
Industry Group					
Category: RETAIL TRADE					
Sub-Category: MOTOR VEHICLE RETAILING AND SERVICES					
Type					
MOTOR VEHICLES SALES					
Conduct					
Category	Sub-Category	Type			
CONDUCT	MISLEADING/DECEPTIVE CONDUCT NEC	MISLEADING/DECEPTIVE CONDUCT NEC			
CONDUCT	FAILURE TO ACT HONESTLY, FAIRLY AND PROFESSIONALLY	FAILURE TO ACT HONESTLY, FAIRLY AND PROFESSIONALLY			
Evidence					
Ref	Type	Collection Method	Date Collected	Storage Location	
Witnesses					
Name	Type	Witness Name	Type	Status	Outcome
Legal Action					
Ref	Type	Date Initiated	Status	Status Date	Trader

1-Complaint Withdrawn
or Ref'd to other
Agency.

- name added to S/Sheet.
provided
- Details entered to S/Sheet
- no details to enter to S/Sheet



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	no Rego or VIN provided.		
C-2012-04210	30-MAR-12		COMPLAINT WITHDRAWN		\$0.00
C-2012-04728	16-APR-12		no Rego or VIN provided.		
C-2012-04940	19-APR-12		COMPLAINT WITHDRAWN		
C-2012-04975	20-APR-12				
C-2012-05057	23-APR-12				
C-2012-05062	23-APR-12		COMPLAINT WITHDRAWN	No Rego or VIN provided	
C-2012-05138	24-APR-12				
C-2012-05207	26-APR-12		no VIN provided.		
C-2012-05285	27-APR-12		COMPLAINT WITHDRAWN	No VIN provided.	
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		COMPLAINT WITHDRAWN		
C-2012-06915	07-JUN-12		COMPLAINT WITHDRAWN		
C-2012-07172	12-JUN-12				
C-2012-07481	20-JUN-12		COMPLAINT WITHDRAWN		
C-2012-07515	21-JUN-12		no VIN or Year provided.		
C-2012-07605	26-JUN-12		unable to read VIN on Document	No Rego provided	
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		Vehicle PURCHASE		
C-2012-07974	03-JUL-12		no VIN provided.		
C-2012-07985	02-JUL-12		REF'D TO OTHER AGENCY		\$0.00
C-2012-08044	05-JUL-12		no VIN or Year provided.		
C-2012-08053	05-JUL-12				
C-2012-08079	06-JUL-12				
C-2012-08125	09-JUL-12		no Vehicle details or VIN provided.		
C-2012-08180	07-JUL-12				
C-2012-08209	10-JUL-12				
C-2012-08251	11-JUL-12				
C-2012-08265	11-JUL-12		no VIN, Year or Rego provided.		
C-2012-08289	12-JUL-12		no VIN or Year provided.		
C-2012-08303	12-JUL-12		COMPLAINANT SATISFIED COMPLAINT WITHDRAWN COMPLIANCE ACTION COMMENCED		\$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		TRADED IN VEHICLE + Vehicle PURCHASE		
C-2012-08714	27-JUL-12		no VIN provided.		



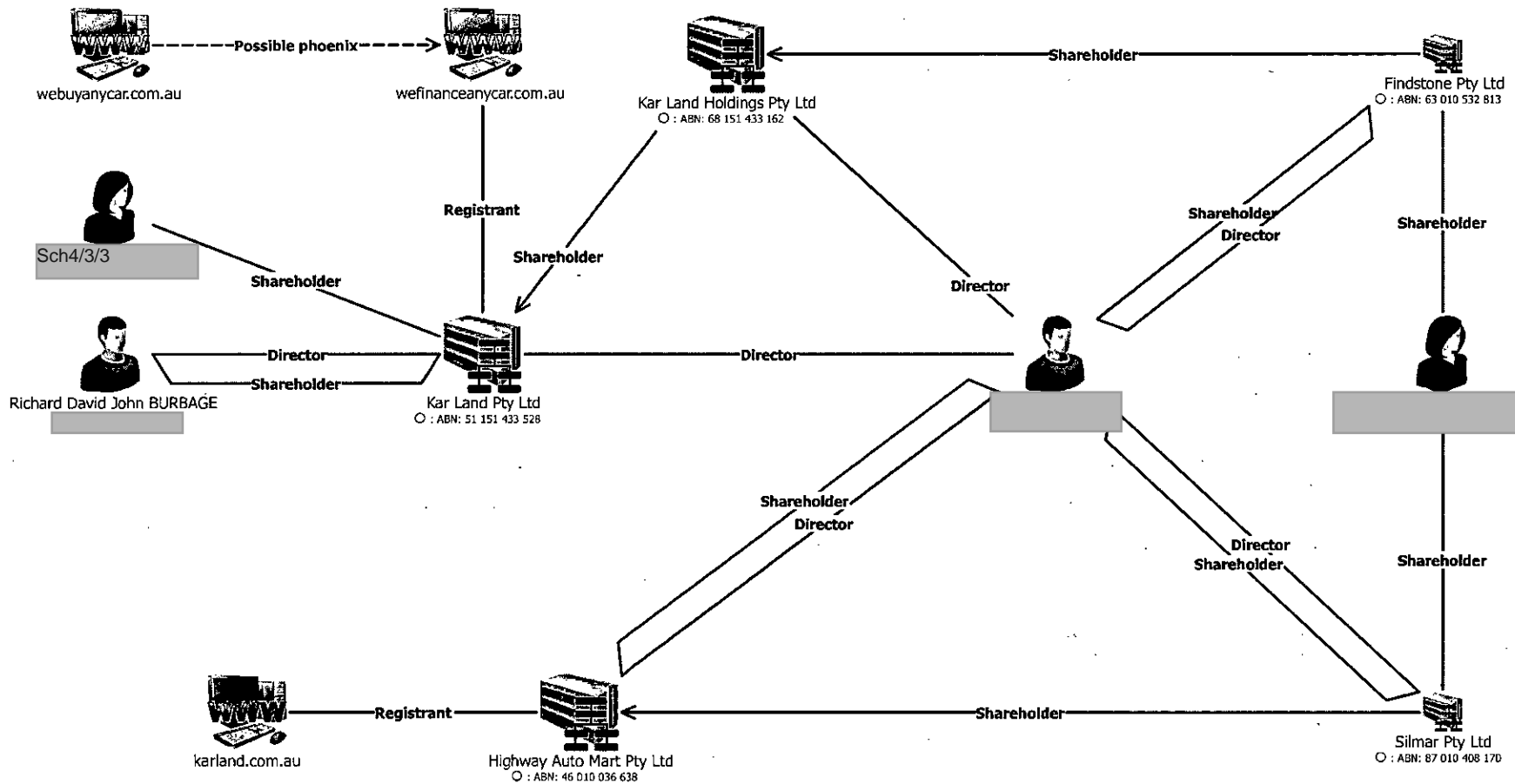
Investigation Detail

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	- no VIN provided.		
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		- no VIN provided.		
C-2012-08840	25-JUL-12				
C-2012-08841	31-JUL-12				
C-2012-08842	25-JUL-12				
C-2012-08850	25-JUL-12		- no VIN or Year provided.		
C-2012-08852	25-JUL-12		- no VIN or Year provided.		
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		- no VIN provided.		
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		PURCHASED VEHICLE		
C-2012-09403	07-AUG-12		- no Year, VIN or Rego provided.		
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		- no VIN or Rego provided.		
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		- no VIN provided.		
C-2012-10876	14-SEP-12				

Complainant/s

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

Complainant/s

Entity Name	Contact Name	B/H Phone	Business Name	Corr.
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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	COMPLAINT WITHDRAWN		
C-2012-04210	30-MAR-12				\$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		COMPLAINANT SATISFIED COMPLIANCE ACTION COMMENCED		
C-2012-08053	05-JUL-12				
C-2012-08079	06-JUL-12				
C-2012-08125	09-JUL-12		COMPLAINANT SATISFIED COMPLIANCE ACTION COMMENCED		
C-2012-08180	07-JUL-12				
C-2012-08209	10-JUL-12				
C-2012-08251	11-JUL-12		COMPLAINANT SATISFIED COMPLIANCE ACTION COMMENCED		
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		COMPLAINANT SATISFIED COMPLIANCE ACTION COMMENCED		
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		COMPLAINANT SATISFIED COMPLIANCE ACTION COMMENCED		
C-2012-08694	20-JUL-12				
C-2012-08714	27-JUL-12				



Investigation Detail

Investigation No: I-2012-00755

Trader

Entity Name

B/H Phone

Business Name

B/H Phone

KAR LAND PTY LTD

07 3347 2222

WEBUYANYCAR

1300592422



Investigation Detail

Investigation No: I-2012-00755

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

CONDUCT

CONDUCT

Sub-Category

MISLEADING/DECEPTIVE CONDUCT NEC

FAILURE TO ACT HONESTLY, FAIRLY AND
PROFESSIONALLY

Type

MISLEADING/DECEPTIVE CONDUCT NEC

FAILURE TO ACT HONESTLY, FAIRLY AND
PROFESSIONALLY

Evidence

Ref	Type	Collection Method	Date Collected	Storage Location
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Witnesses

Name	Type	Witness Name	Type	Status	Outcome
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Legal Action

Ref	Type	Date Initiated	Status	Status Date	Trader
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OFFICE OF FAIR TRADING

INVESTIGATION FILE INDEX

KARLAND PTY LTD T/AS WEBUYANYCAR

Directors-Richard David Burbage

Sch4/3/3

	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-(Complaint as detailed below)</u>				
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><u>Complaint No--C-2012-05343-</u></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				

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 [redacted] Sch4/3/3 (director of KAR LAND Pty Ltd)				
2A48	23/7/2012	Email from [redacted] 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</u> t/as <u>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</u> ON 30/7/2012				
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						

INFORMATION RECEIVED
FROM COMPLAINANTS WHO
HAVE SOLD THEIR CARS TO
KARLAND PTY LTD T/AS
WEBUYANYCAR

24
65

T: +61 7 3115 1712
F: +61 7 3115 1709

*****DISCLAIMER*****

The information contained in the above e-mail message or messages (which includes any attachments) is confidential and may be legally privileged. It is intended only for the use of the person or entity to which it is addressed. If you are not the addressee any form of disclosure, copying, modification, distribution or any action taken or omitted in reliance on the information is unauthorised. Opinions contained in the message(s) do not necessarily reflect the opinions of the Queensland Government and its authorities. If you received this communication in error, please notify the sender immediately and delete it from your computer system network.

disclosure, copying, modification, distribution or any action taken or omitted in reliance on the information is unauthorised. Opinions contained in the message(s) do not necessarily reflect the opinions of the Queensland Government and its authorities. If you received this communication in error, please notify the sender immediately and delete it from your computer system network.

INFORMATION REQUIRED FOR A WITNESS
STATEMENT TO BE COMPLETED--9/7/201

- (1) Full name;
- (2) Date of birth;
- (3) Place of birth;
- (4) Residential Address;
- (5) Business Address;
- (6) Contact phone number/s ie home, mobile or business numbers;
- (7) Please prove full particulars including precise dates regarding your dealings with Karland Pty Ltd (name of salesperson or "buyer");
- (8) What was your understanding of this deal ie was it a consignment deal or were you just selling your vehicle to the dealer?-If so what documentation was completed?.
- (9) Have you had any previous dealings with Karland trading as Webuyanycay at any of their locations in Qld?;
- (10) Were there any instructions by the dealer in relation to your dealings with them;
- (11) Were there any instructions by you in relation to your dealings with them;
- (12) Please provide details of any fee or charge applicable when offering your second hand vehicle to them for sale i.e. administration fee;
- (13) Please state the date that you were told that you would receive payment or expect;
- (14) Please provide precise date that you actually received payment;
- (15) Please provide details relating to anything else that was discussed with you by the dealer;
- (16) Any other information which you consider may assist me with the investigation of this matter.

Capell, Scott

From: Sch4/3/3
Sent: Sunday, 29 July 2012 8:35 PM
To: Capell, Scott
Subject: Witness Statement - [REDACTED] re Karland Pty Ltd
Attachments: Witness Statement - [REDACTED] 29 July, 2012.pdf

Scott,

Please see attached Witness Statement as requested.

Regards,

[REDACTED]

RECOMMENDATION

1. That the Commissioner issue a public warning under section 223 of the ACL about Kar Land Pty Ltd T/a Webuyanycar.
2. That the public warning takes the form of the media release prepared for the Commissioner's approval in **Tab A**.

Contact: Alan Mathison, 02 98950416

DIRECTOR - MINISTERIAL AND EXECUTIVE SERVICES

COMMISSIONER

MEDIA RELEASE

Public Warning on We Buy Any Cars

NSW Fair Trading Commissioner, Rod Stowe, is urging people not to deal with the motor dealer We Buy Any Cars.


Mr Stowe said NSW Fair Trading today issued a public warning under Section 223 of the Australian Consumer Law (NSW).

The company Kar Land Pty Ltd, trading as We Buy Any Cars, operated 3 car yards in the Sydney metropolitan areas of Strathfield, Blacktown and Carlton.

The company's business model is based on obtaining cars from private customers but not paying for the cars until after the cars had been on sold. In many cases, customers were not paid for their cars until many weeks afterwards.

The company also operates in Victoria and Queensland and NSW Fair Trading is working closely with these other jurisdictions.

Fair Trading has received over 100 complaints against the company and is currently finalising a number of enforcement actions to be implemented shortly.



Customers who believe that they are owed money by this business, or who have handed over their cars to the business and have not yet lodged a complaint with Fair Trading, are urged to contact NSW Fair Trading on 13 32 20 as a matter of urgency.

Capell, Scott

From: Rasmussen, Grant
Sent: Friday, 27 July 2012 5:57 PM
To: 'Alan.Mathison@services.nsw.gov.au'
Cc: L'Barrow, Stephen; Johnson, Anthony; Capell, Scott; Garrett, Nanette; Leishman, Norman
Subject: FW: Kar Land T/A WeBuyAny Car
Importance: High
Attachments: 201207271541.pdf

Hi Alan.

QLD's assigned investigator, Scott Capell, has briefed Tracey from NSW and Rita from VIC today on the status of QLD's investigation. To date, the large majority of QLD complainants have been paid. OFT have received 43 complaints to date with 38 consumers receiving money for their vehicles. The remainder are recent complainants and it may be that more complaints are received.

Consumers placed their vehicles with **KAR LAND PTY LTD** t/a webuyanycars.com. From investigation to date it appears the directors of **KAR LAND Pty Ltd** are:

- Richard BURBAGE and
- Sch4/3/3

Beneficial shareholders are:

- Richard BURBAGE
- Kar Land Holdings Pty Ltd

The director of **KAR LAND HOLDING PTY LTD** are:

- [REDACTED]

Beneficial shareholder is:

- FINDSTONE PTY LTD



The attached relationship chart clearly demonstrates a substantive link between the business activities of BURBAGE and [REDACTED]. Further [REDACTED] is the sole director of **HIGHWAY AUTO MART PTY LTD** which is beneficially owned equally by

- SILMA PTY LTD
- Sch4/3/3

Vehicles purchased by KAR LAND, in the majority of cases, are sold at auction by HIGHWAY AUTO MART. TRAILS searches conducted so far on 8 complainants' vehicles indicate the vehicles passed from the complainant to HIGHWAY AUTO MART PTY LTD to MANHEIM (Auctions), then onto the new owner.



This indicates that [REDACTED] has 100% control and 75 % ownership of **HIGHWAY AUTO MART PTY LTD**

HIGHWAY AUTO MART PTY LTD is the owner of the *karland.com.au* web address as used by **KAR LAND PTY LTD**. This gives [REDACTED] full control of KAR LAND PTY LTD's online presence.

Today we were informed by lawyers acting for [REDACTED] that the directors and shareholders of KAR LAND have resolved to place it into a creditor's voluntary liquidation. Inspections on the Mt Gravatt yard confirm the yard has been vacated. QLD OFT's Sunshine Coast office advised on 24 July that the Sunshine Coast 'webuyanycar' yard had closed. The Slack's Creek yard is now under the control of Worrell's Insolvency and they have control of vehicles on site. We'll continue to liaise and provide details of the liquidator..

Grant Rasmussen

Manager Investigations
Compliance Division
Fair Trading Operations
Department of Justice and Attorney-General
Level 1 Metrology House
383 Boundary Street Spring Hill Qld 4001
GPO Box 3111, BRISBANE QLD 4001
P: +61 7 3115 1710
M: [REDACTED]
F: +61 7 3115 1729
Grant.Rasmussen@deedi.qld.gov.au

Customer Call Centre 13 QGOV (13 74 68)

From: Johnson, Anthony
Sent: Friday, 27 July 2012 2:43 PM
To: Rasmussen, Grant
Subject: FW: Kar Land T/A WeBuyAny Car



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DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

BRIEF FOR NOTING

Date 2 August 2012
To Attorney-General and Minister for Justice
From Office of Fair Trading – Liquor, Gaming and Fair Trading
Subject Voluntary external administration of Kar Land Pty Ltd
Requested by Internally generated

6/2

RECOMMENDATION

That you **note** the information in this brief.

BACKGROUND SUMMARY

1. Kar Land Pty Ltd (Kar Land) holds a Queensland motor dealers' license which was issued in July 2011 and expires in July 2014. Kar Land's principal place of business is 1339 Logan Road, Mount Gravatt. Kar Land's principal is Mr Richard David John Burbage. He is a director of Kar Land together with Sch4/3/3. Both reside within Queensland.
2. Kar Land is trading as 'webuyanycar', utilises the website 'webuyanycar.com.au' and operates four car yards in Queensland, three in New South Wales and two in Victoria. Kar Land advertises on its website seeking to purchase vehicles from consumers, promising payment within 7-10 business days. An expected value of the subject vehicle is provided when consumers enter the vehicle's particulars on the website.
3. If consumers are satisfied with the expected value of the vehicle and are seeking a quick sale, they then approach one of Kar Land's car yards to complete the sale process.

ISSUES

4. In April 2012, the Office of Fair Trading (OFT) received several consumer complaints about Kar Land and commenced an investigation. Complainants were concerned they had not received payment for their vehicle and that the eventual negotiated purchase price was always considerably lower than represented on Kar Land's website.
5. In June 2012, New South Wales (NSW) Fair Trading and Consumer Affairs Victoria advised they were both dealing with numerous complaints about Kar Land. Accordingly, a multi agency investigation was commenced.
6. To date 61 complaints have been received by OFT. 38 initial complainants have since received full restitution to the value of the negotiated sale price. The usual time period for payment to be made to consumers, was 4 – 6 weeks.

7. On 16 July 2012, 'A Current Affair' featured the company, listing a number of consumers who had not been paid for the sale of their vehicle. The report featured yards in NSW, VIC and QLD. Mr Burbage responded to the article stating that 5200 cars had been purchased with the majority of customers satisfied and any delays were due to the unexpected volume of consumer interest in his services. He further stated that from Monday 20 August 2012, any customer that had not received payment within 10 business days would receive a further 10% of the negotiated sale price.
8. On Friday 27 July 2012, Kar Land was placed into voluntary external administration and on 30 July 2012 a resolution to wind up the company was received by the Australian Securities and Investment Commission. Worrells Insolvency has been appointed liquidator. Subsequent inspections of all car yards have confirmed the yards are vacant and no longer trading. The company website has also been withdrawn.
9. Worrell's has advised OFT there appears to be in excess of 400 vehicles where title was transferred to Kar Land, however payment has not been made to the vendor. Worrells intends to list any consumers that have not received payment as unsecured creditors. Therefore affected consumers are required to contact the liquidator and lodge a claim. It is unlikely affected consumers will receive full restitution for their vehicles due to the estimated value of the company's assets.
10. The investigation has revealed that offences against either the Australian Consumer Law (ACL) or the Property Agents and Motor Dealers Act 2000 (PAMDA) are likely. Where offences against the ACL are prosecuted, OFT is able to make a compensation order application to the court on behalf of consumers. Such an application would only be effective against Mr Burbage and Sch4/3/3 as the company has few assets. The culpability of those individuals is still being assessed however OFT is aware that both hold several properties in Queensland.
11. PAMDA establishes a Claim Fund for consumers who suffer financial loss as a result of significant breaches within PAMDA. Preliminary advice indicates in this case payment from the fund is unlikely because of the difficulty in proving that at the time the contracts were entered into, the licensee was unable to complete the transaction. Even if this hurdle were overcome, due to the lawful processes undertaken by Worrells, the most a person is likely to obtain, upon proof of loss, is a negligible amount for lost opportunity such as interest charged on an outstanding loan or similar over the few days between payment being due to the vendor and the appointment of the receiver.
12. Therefore it is likely that charges will be taken pursuant to the ACL, with an accompanying compensation order application.

EMPLOYMENT IMPACT

13. N/A

CONSULTATION WITH STAKEHOLDERS

14. N/A

FINANCIAL IMPLICATIONS

15. N/A

POTENTIAL MEDIA

16. A Current Affair featured this matter in an article on 16 July 2012 and is likely to provide follow up reports. New South Wales Assistant Commissioner for Fair Trading, Mr Don Jones, was interviewed by A Current Affair on 31 July 2012, following the liquidation.

NOTED or APPROVED / NOT APPROVED
Attorney-General and Minister for Justice
Comments

Jarrold Bleijie MP
Attorney-General and Minister for Justice

Senior Policy Advisor

Policy Advisor

/ /

/ /

/ /

Contact Officer:	Name: Tony Johnson Position: Director Phone: 3115 1701 Date: 1 August 2012	Approved by:	Name: David Ford Position: Deputy Director-General Phone: 3872 0926 Date: XX April 2012
Approved by:	Name: Brian Bauer Position: Executive Director Date: August 2012	Endorsed: Terry Ryan A/Director-General	_____

/ /

☐ Election Commitment

☐ CBRC / Cabinet related

☐ ECM related

Company Information


BACHCO

Identifiers **Details** Addresses Officers


Organisation Number	151433528	Organisation Name	KAR LAND PTY LTD	More...
Previous State Type		State of Incorporation	QLD	
Registration Date	10/06/2011	Place of Incorporation		
ABN	51151433528	Heading Text	ACN	
		Formatted Organisation Number	151 433 528	

Previous Exit

Company Information



BACHCO



Details
Addresses
Officers

Start Date	End Date	Name	Name	Start Date	Status	Type	Clas	Deregistered Date	Reason
10/06/2011		KAR LAND PTY LTD		10/06/2011	REG	APT	LMS		

Company Information

BACHCO

Details Details Addresses Officers

Detail	Address	Address	Address
Type	Start Date	End Date	Type
C	10/06/2011		RG
CA	05/07/2011		PA

MOBILITY ACCOUNTING SOLUTIONS, U 2, 43-49 BUTTERFLY
3463-3465 PACIFIC HWY, SLACKS CREEK, QLD, 4127

Company Information

BACHCO

Identifiers
Details
Addresses
Officers

Detail	Appointment		Cease	Officer Name	Officer	Officer	
Type	Role	Date	Date	(Person)	Birth Details	Org Num	Address
C	DR	10/06/2011		BURBAGE RICHARD DAVID	Sch4/3/3		
C	DR	10/06/2011		DAIGA' ARMAND			

Capell, Scott

From: Capell, Scott
Sent: Thursday, 2 August 2012 9:36 AM
To: Sch4/3/3
Cc: Leishman, Norman; Garrett, Nanette
Subject: RE: Section 556 Requirement to Produce [REDACTED] / Kar Land Pty Ltd

Hi [REDACTED]

I refer to your email of Wednesday, 1 August 2012, the contents of which have been noted.
You are advised that your request for an extension of time until **10.00 am Tuesday 7 August 2012** to comply with the requirements of the s556 notice pursuant to the *Property Agents and Motor Dealers Act 2000* has been approved.

Regards

Scott Capell

Senior Compliance Officer

Investigations Unit

Office of Fair Trading

Department of Justice and Attorney General

Level 1 Metrology House.

383 Boundary Street, Spring Hill, Queensland, 4004.

G.P.O. Box. 3111

Brisbane, Queensland, 4001.

t: 07 3115 1712

f: 07 3115 1729

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

w: www.fairtrading.qld.gov.au

From: [REDACTED]@birchandco.com.au]
Sent: Wednesday, 1 August 2012 4:40 PM
To: Capell, Scott
Subject: FW: Section 556 Requirement to Produce - [REDACTED] / Kar Land Pty Ltd
Importance: High

Scott,

I refer to our telephone discussion earlier today.

At the outset, I note that you have now served an additional notice ("the Second Notice") to Sch4/3/3 dated 31 July 2012 pursuant s556 of the *Property Agents and Motor Dealers Act 2000* ("the Act"). That notice requires compliance by 10am on 7 August 2012.

In the meantime, I note your advice that your office was expecting a response to your earlier s556 notice, dated 24 July 2012, by 5:00pm last Monday, 30 July 2012 ("the Earlier Notice").

As discussed with you, on 30 July 2012 Messrs [REDACTED] of Worrells, Solvency & Forensic Accountants, accepted their appointment as liquidators of Kar Land Pty Ltd pursuant to a creditors' voluntary liquidation. The effect of that appointment is that our clients' powers as a director, including its power to access and give copies of any documents forming part of Kar Land's books and records have ceased: see *Corporations Act 2001*, ss499(4), 530B; see also s506 and 474. In the circumstances, we submit that it is now beyond [REDACTED] power to respond to your s556 notices as he no longer has power to access Kar Land's books and records or to deliver extracts of same or to provide any information in relation thereto. We also submit that the circumstances and consequences of Kar Land's liquidation provides a reasonable excuse for any non-compliance by [REDACTED] with your s556 notices for the purposes of s556(3) of the Act.

Notwithstanding the above, in the interests of full cooperation and transparency with the Office of Fair Trading, I confirm that our client has requested the liquidators' consent to [REDACTED] delivering copies of the documents set out in your Earlier Notice. I had understood, it appears incorrectly, that the liquidators had already granted that consent. I now understand from [REDACTED] however, that a representative of the liquidators had in fact informed him yesterday that the liquidators intended to respond to your s556 notices themselves. That would seem to imply that [REDACTED] is not authorised to deal with Kar Land's books and records to respond to the s556 notices himself.

I understand that [REDACTED] is now seeking clarification as to whether he is in fact authorised by the liquidators to release the documentation and information specified in both of your s556 notices. I will revert to you as soon as practicable in that regard. In the meantime, notwithstanding my comments in relation to s556(3) of the Act above, on [REDACTED] behalf I would formally request an extension of the time for compliance with your Earlier Notice to coincide with the time for compliance under your Second Notice, ie 10 am on 7 August 2012. For clarity, please confirm any extension granted by return email.

Regards

[REDACTED]
Solicitor and Migration Agent (MARN 0532158)

BIRCH & CO Solicitors and Migration Agents
Building 17A, 107 Miles Platting Road, Eight Mile Plains Qld 4113
PO Box 6089, Upper Mt Gravatt Qld 4122
P +61 7 3251 6777 | F +61 7 3251 6778 | www.birchandco.com.au

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From: Sch4/3/3
Sent: Friday, 27 July 2012 5:25 PM
To: scott.capell@deedi.qld.gov.au
Subject: FW: Section 556 Requirement to Produce [REDACTED] / Kar Land Pty Ltd
Importance: High

Scott,

Further to my email earlier today, we have been advised that the proposed liquidators will not be in a position to formally accept their appointment to Kar Land Pty Ltd until Monday.

In the circumstances, we request that the deadline stated in your s556 letter be formally extended to 5:00pm on Monday 30 July 2012 instead.

Regards

[REDACTED]
 Solicitor and Migration Agent (MARN 0532158)

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From: [REDACTED]
Sent: Friday, 27 July 2012 2:08 PM
To: 'scott.capell@deedi.qld.gov.au'
Subject: Section 556 Requirement to Produce [REDACTED] / Kar Land Pty Ltd
Importance: High

Scott,

I refer to our telephone discussion a short while ago.

I confirm that our firm acts for [REDACTED]

We have to hand a copy of the notice which you have previously served on [REDACTED] pursuant to s556 of the *Property Agents and Motor Dealers Act 2000* ("the s556 notice"). I note that the time for compliance with

that notice expires at 2:00pm today.

As discussed, the directors and shareholders of Kar Land have resolved to place Kar Land Pty Ltd into a creditors voluntary liquidation. At this stage, we are still in the process of collating the required documentation for submission to the proposed liquidators. Accordingly, we have not yet received a consent to act from the proposed liquidators. However, we expect the appointment to be accepted in due course by close of business today.

So as to avoid a default by Sch4/3/3 in responding to the s556 notice, we are instructed to formally request that you extend the period for compliance until 5:00pm today.

As to your enquiry regarding the relationship between Kar Land Pty Ltd and Highway Auto Mart Pty Ltd ("Highway"), I confirm that on our instructions Highway has no interest in Kar Land Pty Ltd or that company's businesses. If you have any further specific enquiries in that regard, I invite you to put them to [redacted] in writing so that we can assist him to respond in due course.

Regards

[redacted]
Solicitor and Migration Agent (MARN 0532158)

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Capell, Scott

From: Sch4/3/3 [redacted]@birchandco.com.au]
Sent: Wednesday, 1 August 2012 4:40 PM
To: Capell, Scott
Subject: FW: Section 556 Requirement to Produce [redacted] / Kar Land Pty Ltd
Importance: High

Scott,

I refer to our telephone discussion earlier today.

At the outset, I note that you have now served an additional notice ("the Second Notice") to [redacted] dated 31 July 2012 pursuant s556 of the *Property Agents and Motor Dealers Act 2000* ("the Act"). That notice requires compliance by 10am on 7 August 2012.

In the meantime, I note your advice that your office was expecting a response to your earlier s556 notice, dated 24 July 2012, by 5:00pm last Monday, 30 July 2012 ("the Earlier Notice").

As discussed with you, on 30 July 2012 Messrs [redacted] of Worrells, Solvency & Forensic Accountants, accepted their appointment as liquidators of Kar Land Pty Ltd pursuant to a creditors' voluntary liquidation. The effect of that appointment is that our clients' powers as a director, including its power to access and give copies of any documents forming part of Kar Land's books and records have ceased: see *Corporations Act 2001*, ss499(4), 530B; see also s506 and 474. In the circumstances, we submit that it is now beyond [redacted] power to respond to your s556 notices as he no longer has power to access Kar Land's books and records or to deliver extracts of same or to provide any information in relation thereto. We also submit that the circumstances and consequences of Kar Land's liquidation provides a reasonable excuse for any non-compliance by [redacted] with your s556 notices for the purposes of s556(3) of the Act.

Notwithstanding the above, in the interests of full cooperation and transparency with the Office of Fair Trading, I confirm that our client has requested the liquidators' consent to [redacted] delivering copies of the documents set out in your Earlier Notice. I had understood, it appears incorrectly, that the liquidators had already granted that consent. I now understand from [redacted] however, that a representative of the liquidators had in fact informed him yesterday that the liquidators intended to respond to your s556 notices themselves. That would seem to imply that [redacted] is not authorised to deal with Kar Land's books and records to respond to the s556 notices himself.

I understand that [redacted] is now seeking clarification as to whether he is in fact authorised by the liquidators to release the documentation and information specified in both of your s556 notices. I will revert to you as soon as practicable in that regard. In the meantime, notwithstanding my comments in relation to s556(3) of the Act above, on [redacted] behalf I would formally request an extension of the time for compliance with your Earlier Notice to coincide with the time for compliance under your Second Notice, ie 10 am on 7 August 2012. For clarity, please confirm any extension granted by return email.

Regards

[redacted]
 Solicitor and Migration Agent (MARN 0532158)

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From: Sch4/3/3
Sent: Friday, 27 July 2012 5:25 PM
To: scott.capell@deedi.qld.gov.au
Subject: FW: Section 556 Requirement to Produce - Armand Daiga / Kar Land Pty Ltd
Importance: High

Scott,

Further to my email earlier today, we have been advised that the proposed liquidators will not be in a position to formally accept their appointment to Kar Land Pty Ltd until Monday.

In the circumstances, we request that the deadline stated in your s556 letter be formally extended to 5:00pm on Monday 30 July 2012 instead.

Regards

[Redacted]
 Solicitor and Migration Agent (MARN 0532158)

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From: [Redacted]
Sent: Friday, 27 July 2012 2:08 PM

To: 'scott.capell@deedi.qld.gov.au'

Subject: Section 556 Requirement to Produce - Sch4/3/3 / Kar Land Pty Ltd

Importance: High

Scott,

I refer to our telephone discussion a short while ago.

I confirm that our firm acts for [REDACTED]

We have to hand a copy of the notice which you have previously served on [REDACTED] pursuant to s556 of the *Property Agents and Motor Dealers Act 2000* ("the s556 notice"). I note that the time for compliance with that notice expires at 2:00pm today.

As discussed, the directors and shareholders of Kar Land have resolved to place Kar Land Pty Ltd into a creditors voluntary liquidation. At this stage, we are still in the process of collating the required documentation for submission to the proposed liquidators. Accordingly, we have not yet received a consent to act from the proposed liquidators. However, we expect the appointment to be accepted in due course by close of business today.

So as to avoid a default by [REDACTED] in responding to the s556 notice, we are instructed to formally request that you extend the period for compliance until 5:00pm today.

As to your enquiry regarding the relationship between Kar Land Pty Ltd and Highway Auto Mart Pty Ltd ("Highway"), I confirm that on our instructions Highway has no interest in Kar Land Pty Ltd or that company's businesses. If you have any further specific enquiries in that regard, I invite you to put them to [REDACTED] in writing so that we can assist him to respond in due course.

Regards

[REDACTED]
Solicitor and Migration Agent (MARN 0532158)

BIRCH & CO Solicitors and Migration Agents

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

TO: Sch4/3/3 (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) Copies of all documentation issued by you for or on behalf of Karland t/as WEBUYANYCAR for the complainants who sold their used motor vehicles and whose names are attached to this notice and marked "Attachment 1" for the period 1 January, 2012 to the present;

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 Tuesday 7 August, 2012**.

Notice dated at Brisbane this **31st 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"

(1) Sch4/3/3

(2)

(3)

(4)

(5)

(6)

(7)

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(44)

Capell, Scott

From: Capell, Scott
Sent: Tuesday, 31 July 2012 2:47 PM
To: Sch4/3/3
Subject: FW: Message from KMBT_420
Attachments: SKMBT_42012073112581.pdf

Hi Tamika,

I am presently investigating the activities of **Karland Pty Ltd t/as WEBUYANYCAR** which carried on business in Brisbane and the Gold and Sunshine Coasts. You may have noticed that the activities of this car yard appeared recently on A Current Affair (on the Channel 9 Network) and it also carried on business in NSW and Victoria.

Please find attached a copy of an **ASIC** search with respect to **Kar Land Pty Ltd t/as WEBUYANYCAR**.

This company has appointed a liquidator on **27 July 2012, Worrells Solvency and Forensic Accountants** at Level 8, 102 Adelaide St Brisbane Qld 4000.

Karland Pty Ltd and Richard David John Burbage and [REDACTED] currently hold motor dealers licences under the *Property Agents and Motor Dealers Act 2000* (PAMDA)

Please feel free to contact me on telephone number (07) 31151712 if you would like to discuss this matter further.

Kind Regards

Scott Capell
Senior Compliance Officer, Office of Fair Trading
Department of Employment, Economic Development and Innovation
383 Boundary St (entry via Water St), Spring Hill QLD 4000
GPO Box 3111 Brisbane Qld 4001

Phone (07) 31151712

Fax: 31151729

From: 52315@daff.qld.gov.au [mailto:52315@daff.qld.gov.au]
Sent: Tuesday, 31 July 2012 10:59 PM
To: Capell, Scott
Subject: Message from KMBT_420



SKMBT_420120731
12581.pdf (94 K...

ASIC & Business Names
ORGANISATIONAL SEARCH ON KAR LAND PTY LTD

Historical Extract

This information was extracted from ASIC database on 31 July 2012 at 01:50PM

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

151 433 528	KAR LAND PTY LTD	DOCUMENT NO.
	151 433 528	
ABN	51 151 433 528	
Registered in	QLD	
Date Registered	10-Jun-2011	
Review Date	10-Jun-2013	

Current Organisation Details

Name	KAR LAND PTY LTD	7E4620236
Name Start	10-Jun-2011	
Status	EXTERNALLY ADMINISTERED	
	For information about this status refer to the documents listed under the heading "External Administration and/or Appointment of Controller", below.	
Type	AUSTRALIAN PROPRIETARY COMPANY	
Class	LIMITED BY SHARES	
Subclass	PROPRIETARY COMPANY	
Disclosing Entity	NO	

Ceased/Former Organisation Details

Details Start	10-Jun-2011	1E7464463
Details End	26-Jul-2012	
Name	KAR LAND PTY LTD	
Name Start	10-Jun-2011	
Status	REGISTERED	
Type	AUSTRALIAN PROPRIETARY COMPANY	
Class	LIMITED BY SHARES	
Subclass	PROPRIETARY COMPANY	
Disclosing Entity	NO	

Current Registered Office

Address	MOBILITY ACCOUNTING SOLUTIONS, UNIT 2, 43-49 BUTTERFIELD STREET, HERSTON, QLD, 4006	1E7464463
Start Date	10-Jun-2011	

ABN 68 151 433 162
 Address UNIT 2, 43-49 BUTTERFIELD STREET, HERSTON, QLD, 4006
 Joint Holding NO

Documents Relating to External Administration and/or Appointment

This extract may not list all documents relating to this status. State and territory records should be searched.

Received	Form Type	Processed	No. Pages	Effective	
30-Jul-2012 205M	205 NOTIFICATION OF RESOLUTION WINDING UP THE COMPANY	30-Jul-2012	3	27-Jul-2012	7E4620241
30-Jul-2012 505J	505 NOTIFICATION OF APPOINTMENT OF LIQUIDATOR (CREDITORS' VOLUNTARY WINDING UP)	30-Jul-2012	2	27-Jul-2012	7E4620236

Document Details

Received	Form Type	Processed	No. Pages	Effective	
29-Feb-2012 484	484 Change to Company Details	29-Feb-2012	2	21-Feb-2012	1E8149011
484O	Changes to Share Structure				
484N	Changes to (Members) Share Holdings				
29-Feb-2012 484	484 Change to Company Details	29-Feb-2012	2	21-Feb-2012	1E8149012
484O	Changes to Share Structure				
484N	Changes to (Members) Share Holdings				
30-Jan-2012 CL02	CL02 Copy of Credit Licence	30-Jan-2012	3	30-Jan-2012	0C8003616
26-Sep-2011 309A	309 Notification of Details of a Charge	27-Sep-2011	53	09-Sep-2011	027766368
25-Jul-2011 484C	484 Change to Company Details Change of Principal Place Of Business (Address)	25-Jul-2011	2	05-Jul-2011	1E7598576
10-Jun-2011 201C	201 Application For Registration as a Proprietary Company	10-Jun-2011	4	10-Jun-2011	1E7464463

Section 146A of the *Corporations Act 2001* states 'A contact address is the address to which communications and notices are sent from ASIC to the company.'

Address 'ROYAL BRISBANE HOSPITAL' PO BOX 155, HERSTON, QLD, 4006
 Start Date 13-Jul-2011

*** End of Extract ***



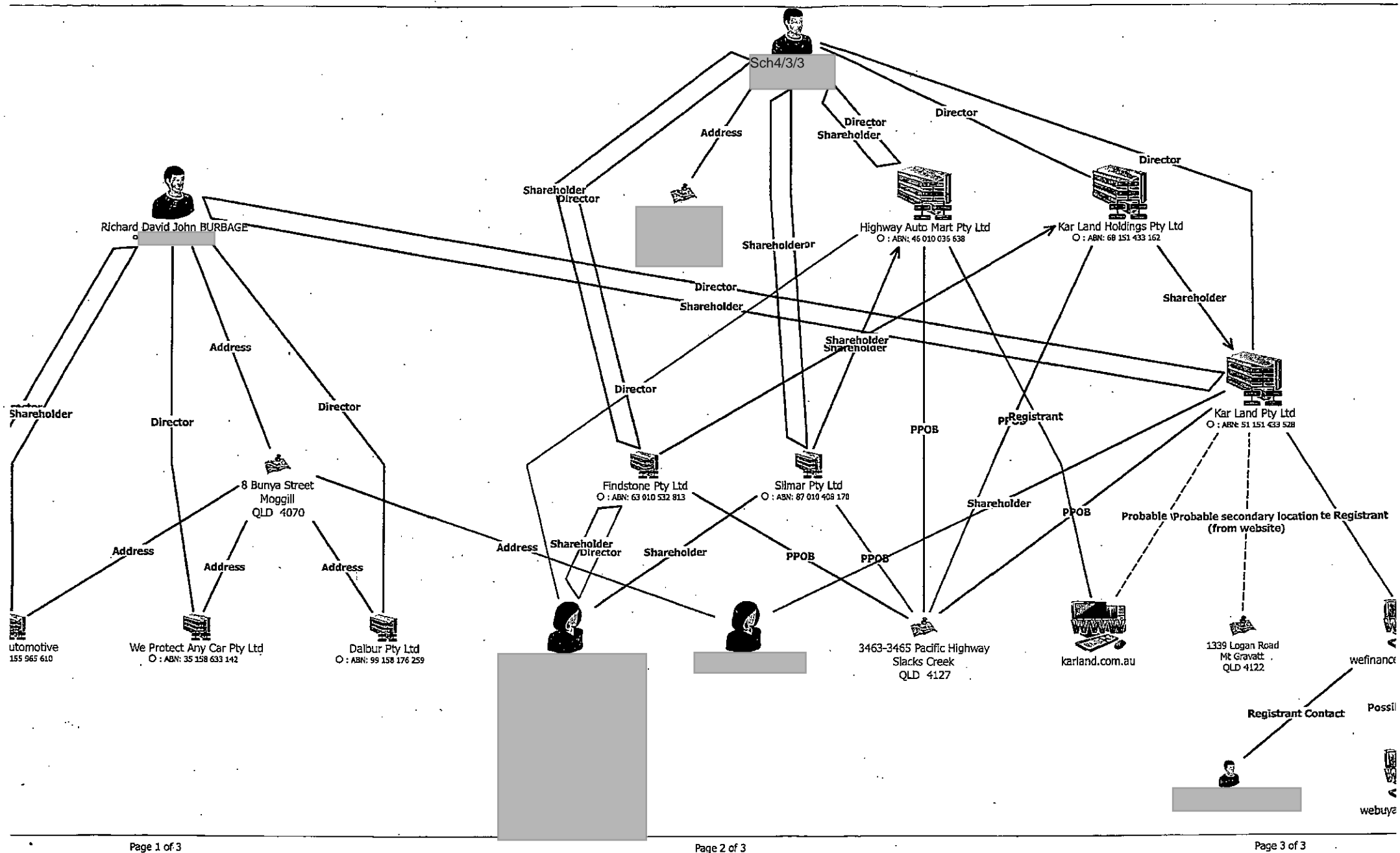
Search Receipt

Date/Time (AEST)	31-Jul-2012 01:47:31 PM
Account	QGOV-TRF0
User Name	
Your Reference	I2012-00755 (Maxwell)
CONFIRM Reference	58660447
Transaction	QLD Land Title Search
Value	\$16.70
GST	\$1.67
Price	\$18.37



Search Receipt

Date/Time (AEST)	31-Jul-2012 01:46:10 PM
Account	QGOV-TRF0
User Name	
Your Reference	I2012-00755 (Maxwell)
CONFIRM Reference	58660173
Transaction	QLD Land Title Search
Value	\$16.70
GST	\$1.67
Price	\$18.37



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Date Registered	10-Jun-2011	
Review Date	10-Jun-2013	

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Details End	26-Jul-2012	
Name	KAR LAND PTY LTD	
Name Start	10-Jun-2011	
Status	REGISTERED	
Type	AUSTRALIAN PROPRIETARY COMPANY	
Class	LIMITED BY SHARES	
Subclass	PROPRIETARY COMPANY	
Disclosing Entity	NO	

Current Registered Office

Address	MOBILITY ACCOUNTING SOLUTIONS, UNIT 2, 43-49 BUTTERFIELD STREET, HERSTON, QLD, 4006	1E7464463
Start Date	10-Jun-2011	

ABN 68 151 433 162
Address UNIT 2, 43-49 BUTTERFIELD STREET, HERSTON, QLD, 4006
Joint Holding NO

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