



**ASSURANCE**  
*Fair Trading Act 1987*  
Section 79

Assurance to the Commissioner for Consumer Affairs given for the purposes of s79 of the *Fair Trading Act 1987* by:

**Melissa Ann Brooksby**

**PERSONS GIVING THIS ASSURANCE**

1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Melissa Ann Brooksby of 88B St Kilda Road, Waterloo Corner in the State of South Australia for the purposes of section 79 of the *Fair Trading Act 1987*.

**BACKGROUND**

2. Melissa Ann Brooksby is a natural person.
3. Ms Brooksby does not hold (and has never held) a second hand vehicle dealer's licence.
4. Section 7(1) of the *Second Hand Vehicle Dealers Act 1995* ("the Act") requires a person who carries on business as a dealer to be licensed under the Act. A dealer is a person who carries on the business of buying and selling second hand vehicles. A person is deemed to be a dealer if that person has sold, offered to sell, bought or offered to buy at least 4 vehicles within a 12 month period. It is an offence to carry on business as a dealer unlicensed.

**CONDUCT OF CONCERN**

5. Between 11 July 2016 to 11 July 2017 Ms Brooksby bought and/or sold five vehicles. The vehicles ranged in value between \$400 and \$6,500.
6. At no time was Ms Brooksby authorised by licence under the Act to carry on business as a dealer.

**CONTRVENTIONS**

7. The Commissioner considers, and Ms Brooksby acknowledges, it is likely that Ms Brooksby carried on business as a second-hand vehicle dealer without a licence contrary to section 7(1) of the Act.

**ASSURANCE BY MELISSA ANN BROOKSBY FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987**

8. In response to the concerns raised by CBS on behalf of the Commissioner, Ms Brooksby provides an Assurance to the Commissioner that she will not carry on business as a second-hand vehicle dealer unless authorised by licence under the Act.

## COMMENCEMENT OF ASSURANCE

9. This Assurance comes into effect when:
  - 9.1. the Assurance is executed by Melissa Ann Brooksby; and
  - 9.2. the Commissioner accepts the Assurance so executed.

## ACKNOWLEDGMENTS

10. Melissa Ann Brooksby acknowledges that:
  - 10.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
  - 10.2. CBS will make this assurance publicly available including by publishing it on CBS' public register of Assurances & Undertakings on its website;
  - 10.3. CBS will, from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and
  - 10.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
  - 10.5. This Assurance may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987* or a related Act.

## EXECUTED BY Melissa Ann Brooksby



Melissa Ann Brooksby



Signature of Witness

Name: Melissa Brooksby

Name: Jackie Holman

Date: 18/4/18

Date: 18/4/2018

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to s79 of the *Fair Trading Act 1987*



Commissioner for Consumer Affairs (SA)

Date: 10/10/18