



ASSURANCE

Fair Trading Act 1987
Section 79, and

UNDERTAKING

Australian Consumer Law (SA)
Section 218

Assurance/Undertaking to the Commissioner for Consumer Affairs given for the purposes of s79 of the *Fair Trading Act 1987* and section 218 of the *Australian Consumer Law (SA)* by:

Mr Ali Mohammed Razaee Ghavamabadi

1. PERSONS GIVING THIS ASSURANCE & UNDERTAKING

1.1 This Assurance/Undertaking is given to the Commissioner for Consumer Affairs ("the Commissioner") by Mr Ali Mohammed Razaee Ghavamabadi of Para Hills West in the state of South Australia for the purposes of Section 79 of the *Fair Trading Act 1987* and section 218 of the *Australian Consumer Law (SA)*.

2. BACKGROUND

2.1 Mr Ali Mohammed Razaee Ghavamabadi is a natural person.

2.2 Mr Ghavamabadi does not hold (and has never held) a second hand vehicle dealer's licence.

2.3 Section 7(1) of the *Second Hand Vehicle Dealers Act 1995* (SHVD Act) requires a person who carries on business as a dealer to be licensed. 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, exchanged, 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

2.4 Section 34(1) of the SHVD Act prohibits a person from interfering with the odometer of a second-hand vehicle.

2.5 It is an offence under section 151(1)(a) of the *Australian Consumer Law (SA)* for a person, acting in trade or commerce in connection with the supply or possible supply of goods or services, to make a false or misleading representation that goods are of a particular standard, quality, value, grade, composition, style or model or have had a particular history or particular previous use.

3. CONDUCT OF CONCERN

3.1 Between 17 January 2018 and 11 December 2018 Mr Ghavamabadi bought, sold, advertised for sale or exchanged six vehicles priced between \$800 and \$10,000 via the website 'Gumtree'.

3.2 At no time was Mr Ghavamabadi authorised by licence under the SHVD Act to carry on business as a dealer.

3.3 On 19 June 2017, Mr Ghavamabadi purchased a Subaru, registration S080 BRF for approximately \$2,000 from Graysonline.com. The odometer reading at the time of purchase was 299,657 kilometres.

3.4 Between 19 June 2017 and 24 June 2017, Mr Ghavamabadi performed repair work on the vehicle, replaced the odometer without the written approval of the Commissioner and registered the vehicle as having travelled 127,800 kilometres.

3.5 On 24 June 2017, Mr Ghavamabadi sold the vehicle to another party for approximately \$5,500 and misled the purchaser by failing to disclose the previous odometer reading.

4. CONTRAVENTIONS

4.1 As a result of the matters outlined above, the Commissioner considers, and Mr Ghavamabadi acknowledges, it is likely that Mr Ghavamabadi has:

- 4.1.1 Carried on business as a second-hand vehicle dealer without a licence contrary to section 7(1) of the SHVD Act.
- 4.1.2 Interfered with the odometer of the Subaru contrary to section 34(1) of the SHVD Act.
- 4.1.3 Made a false or misleading representation that the Subaru had a particular history or previous use contrary to section 151(1)(a) of the *Australian Consumer Law*.

5. ASSURANCE/UNDERTAKING GIVEN BY ALI MOHAMMED RAZAEE GHAVAMABADI FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987 AND SECTION 218 OF THE AUSTRALIAN CONSUMER LAW (SA)

5.1 In response to the concerns raised by CBS on behalf of the Commissioner, Mr Ghavamabadi provides an Assurance/Undertaking to the Commissioner that he will not:

- 5.1.1 Carry on business as a second-hand vehicle dealer unless authorised by licence under the SHVD Act.
- 5.1.2 Interfere with the odometer of a second-hand vehicle without gaining the written approval of the Commissioner.
- 5.1.3 Make a false or misleading representation that goods are of a particular standard, quality, value, grade, composition, style or model or have had a particular history or particular previous use.

6. COMMENCEMENT OF ASSURANCE/UNDERTAKING

6.1 This Assurance/Undertaking comes into effect when:

- 6.1.1 the Assurance/Undertaking is executed by Ali Mohammed Razaee Ghavamabadi; and
- 6.1.2 the Commissioner accepts the Assurance/Undertaking so executed.

7. ACKNOWLEDGMENTS

7.1 Ali Mohammed Razaee Ghavamabadi acknowledges that:

- 7.1.1 It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987* and the Commissioner may take action for breach of an Undertaking given under the *Australian Consumer Law*;
- 7.1.2 CBS will make this Assurance/Undertaking publicly available including by publishing it on CBS' public register of Assurances & Undertakings on its website;
- 7.1.3 CBS will, from time to time, make public reference to the Assurance/Undertaking including in news media statements and in CBS publications;
- 7.1.4 This Assurance/Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct; and
- 7.1.5 This Assurance/Undertaking may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987*, a related Act or the *Australian Consumer Law* (SA).

EXECUTED BY Ali Mohammed Razaee Ghavamabadi



Ali Mohammed Razaee Ghavamabadi



Signature of Witness

Name: Gray Johnson

Date: 13/6/2019

Date: 13/6/2019

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to s79 of the *Fair Trading Act 1987* and section 218 of the *Australian Consumer Law* (SA).



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Commissioner for Consumer Affairs (SA)

Date: 19/6/19