



**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:

**Rodney Keith Burton**

**PERSONS GIVING THIS ASSURANCE**

1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Rodney Keith Burton of 37 The Terrace, Gawler South in the State of South Australia for the purposes of section 79 of the *Fair Trading Act 1987*.

**BACKGROUND**

2. Rodney Keith Burton is a natural person.
3. Mr Burton does not hold a second hand vehicle dealer's licence ("SHVD 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. In the absence of proof to the contrary, a person is presumed 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 without an SHVD licence.

**CONDUCT OF CONCERN**

5. Between 1 January 2019 and 30 April 2019 Mr Burton bought, sold or offered for sale 18 vehicles priced between \$400 and \$14,500.
6. At no time was Mr Burton authorised by licence under the Act to carry on business as a dealer.

**CONTRAVENTIONS**

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

**ASSURANCE BY RODNEY KEITH BURTON 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, Mr Burton provides an Assurance to the Commissioner that he will not carry on business as a second-hand vehicle dealer unless authorised by licence under the Act.

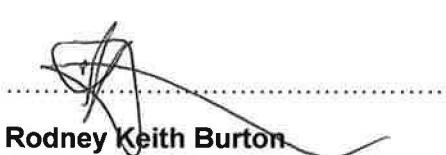
## COMMENCEMENT OF ASSURANCE

9. This Assurance comes into effect when:
  - 9.1. the Assurance is executed by Rodney Keith Burton; and
  - 9.2. the Commissioner accepts the Assurance so executed.

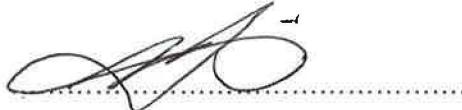
## ACKNOWLEDGMENTS

10. Rodney Keith Burton 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 may 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 Rodney Keith Burton



Rodney Keith Burton



Signature of Witness

Name: RODNEY BURTON

Name: NICOLE NEWSTEAD

Date: 12 July 2019

Date: 12 July 2019

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



Commissioner for Consumer Affairs (SA)

Date: 12/7/19