



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:

Mr Wayne Scott Harvey

PERSONS GIVING THIS ASSURANCE

1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Mr Wayne Scott Harvey of 18 Beverley Court, Craigmore in the State of South Australia for the purposes of section 79 of the *Fair Trading Act 1987*.

BACKGROUND

2. Mr Wayne Scott Harvey is a natural person.
3. Mr Harvey 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. The definition of "sell" under the Act includes exchange. It is an offence to carry on business as a dealer unlicensed.

CONDUCT OF CONCERN

5. Between 1 July 2016 and 31 May 2017, Mr Harvey bought or sold (through monetary payment or by way of vehicle exchange) a total of 12 vehicles.
6. At no time was Mr Harvey authorised by licence under the Act to carry on business as a dealer.

CONTRAVENTIONS

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

ASSURANCE BY WAYNE SCOTT HARVEY 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 Harvey 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 Wayne Scott Harvey; and

9.2 the Commissioner accepts the Assurance so executed.

ACKNOWLEDGMENTS

10. Wayne Scott Harvey 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 MR WAYNE SCOTT HARVEY



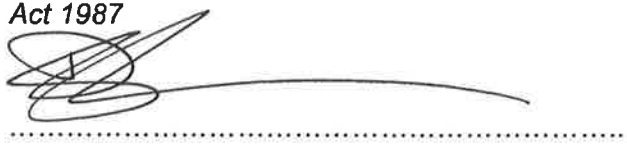
Mr Wayne Scott Harvey



Signature of Witness

Witness name: Billie-kaye Stubbs

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



Commissioner for Consumer Affairs (SA)

Date: 25/4/18