



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:

Kym Stephen COWMEADOW

1. PERSONS GIVING THIS ASSURANCE

1.1. This Assurance is given to the Commissioner for Consumer Affairs by Kym Stephen COWMEADOW of 22 Cutter Circuit, ENCOUNTER BAY in the State of South Australia for the purposes of section 79 of the *Fair Trading Act 1987*.

2. BACKGROUND

- 2.1. Kym Stephen COWMEADOW is a natural person.
- 2.2. Kym Stephen COWMEADOW does not hold a licence pursuant to Section 7(1) of the *Second-hand Vehicle Dealers Act 1995 (SHVD)*.

3. CONDUCT OF CONCERN

- 3.1. Consumer and Business Services (CBS) obtained records from the Department of Transport, Planning and Infrastructure (DPTI). These records show that during the period February 2015 to February 2016 a total of 16 vehicles were registered to Kym Stephen COWMEADOW with 11 of those vehicles subsequently transferred to other people in the same period.
- 3.2. As a result of the investigation conducted by CBS in relation to the matter, CBS considers that:
- 3.2.1 there is cause for prosecution action against Kym Stephen COWMEADOW for a breach of Section 7(1) of the *Second-hand Vehicle Dealers Act 1995* by carrying on business as a second-hand vehicle dealer without being authorised to do so by licence.
- 3.3. Mr Kym Stephen COWMEADOW acknowledges that he was not authorised by licence issued pursuant to SHVD.

4. COMMENCEMENT OF ASSURANCE

- 4.1. This Assurance comes into effect when:
- 4.1.1. the Assurance is executed by Kym Stephen COWMEADOW; and
- 4.1.2. the Commissioner for Consumer Affairs accepts the Assurance so executed.

5. ASSURANCE BY KYM STEPHEN COWMEADOW FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987

5.1. In response to the concerns raised by CBS on behalf of the Commissioner for Consumer Affairs, Kym Stephen COWMEADOW hereby provides an Assurance to the Commissioner that:

5.1.1 he will not engage in the business of a second-hand vehicle dealer whilst not being authorised to do so by licence under the SHVD Act.

6. ACKNOWLEDGMENTS

Kym Stephen COWMEADOW acknowledges that:

- 6.1. CBS will make this Assurance publicly available including by publishing it on CBS' public register of Assurances on its website;
- 6.2. CBS will, from time to time, make public reference to the Assurance including in news media statements and in CBS publications;
- 6.3. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct; and
- 6.4. 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 Kym Stephen COWMEADOW




Kym Stephen COWMEADOW



Signature of Witness

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


A/ Commissioner for Consumer Affairs (SA)

Date: 7/10/16