



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 Danish Sharief

PERSONS GIVING THIS ASSURANCE

1. This Assurance is given to the Commissioner for Consumer Affairs (Commissioner) by Mr Danish Sharief in the state of South Australia for the purposes of section 79 of the *Fair Trading Act 1987* (SA).

BACKGROUND

2. Mr Danish Sharief is a natural person.
3. Section 7 of the Act prohibits a person from carrying on business as a dealer unless licenced under the Act.
4. Between 1 October 2021 and 1 October 2022, Mr Sharief bought, advertised and/or sold 24 second-hand vehicles in South Australia without holding a second-hand vehicle dealer licence under the *Second-hand Vehicle Dealers Act 1995* (the Act).
5. Mr Sharief did not hold a second-hand vehicle dealer licence pursuant to the Act until 7 October 2022.

SECOND-HAND VEHICLE DEALERS ACT 1995

6. Section 50 of the Act relevantly provides:
 - 6.1. For the purpose of this Act
 - 6.1.1. if a person buys or offers to buy, or sells or offers for sale, at least 4 second-hand vehicles during a period of 12 months, the person will in absence of proof to the contrary, be presumed to have been a dealer during that period; and
 - 6.1.2. if a person and 1 other person who is a close associate of the person buy or offer to buy, or sell or offer for sale, an aggregate of at least 6 second-hand vehicles during a period of 12 months, the person and that close associate will, in the absence of proof to the contrary, both be presumed to have been dealers during that period; and
 - 6.1.3. if the registration of a second-hand vehicle is transferred from 1 person to another –

6.1.3.1. the transferor will be presumed, in the absence of proof to the contrary, to have sold the vehicle to the transferee; and

6.1.3.2. the transferee will be presumed, in the absence of proof to the contrary, to have bought the vehicle from the transferor.

CONDUCT OF CONCERN

7. Between 1 October 2021 and 1 October 2022 (relevant period), Mr Sharief bought, advertised and/or sold 24 second-hand vehicles in South Australia.
8. At no time during the relevant period was Mr Sharief authorised by licence under the Act to carry on business as a dealer.

CONTRAVENTIONS

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

ASSURANCE BY MR DANISH SHARIEF FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987

10. In response to the concerns raised by CBS on behalf of the Commissioner for Consumer Affairs, Mr Sharief hereby 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 and will comply with all obligations under the Act

COMMENCEMENT OF ASSURANCE

11. This Assurance comes into effect when:
 - 11.1. The Assurance is executed by Mr Sharief; and
 - 11.2. The Commissioner for Consumer Affairs accepts the Assurance so executed.

ACKNOWLEDGMENTS

12. Mr Sharief acknowledges that:
 - 12.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
 - 12.2. It is an offence to breach the requirements set out in the *Second-Hand Vehicle Regulations 2010*, specifically in relation to the provision of contracts and warranty.

12.3. CBS will make this assurance publicly available including it in CBS' public register of Assurances & Undertakings and publishing it on its website.

12.4. CBS may from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and

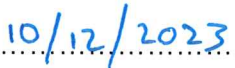
12.5. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

12.6. 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 Danish Sharief in his personal capacity for the purposes of this Assurance

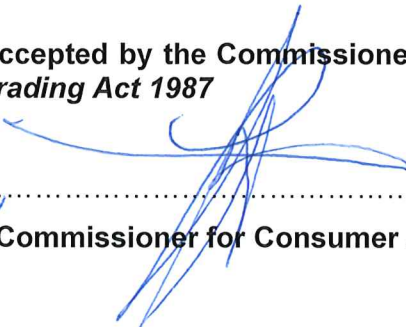

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Mr Danish Sharief


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Date

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


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A/ Commissioner for Consumer Affairs (SA)


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Date