



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:

Talal Abdul-Samad

PERSONS GIVING THIS ASSURANCE

1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Talal Abdul-Samad of Para Hills in the State of South Australia for the purposes of section 79 of the *Fair Trading Act 1987*.

BACKGROUND

2. Talal Abdul-Samad is a natural person.
3. Mr Abdul-Samad does not currently hold a second hand vehicle dealer's licence.
4. Mr Abdul-Samad previously held second hand vehicle dealer's licence MVD261417 which expired on 31 May 2015.
5. 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 unlicensed.

CONDUCT OF CONCERN

6. Between 4 February 2019 and 10 July 2019 Mr Abdul-Samad advertised for sale and sold six vehicles priced between \$5,100 and \$19,999 via his profile page on the website 'Facebook'.
7. At no time was Mr Abdul-Samad authorised by licence under the Act to carry on business as a dealer.

CONTRAVENTIONS

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

ASSURANCE BY TALAL ABDUL-SAMAD FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987

9. In response to the concerns raised by CBS on behalf of the Commissioner, Mr Abdul-Samad 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

10. This Assurance comes into effect when:


- 10.1. the Assurance is executed by Talal-Abdul-Samad; and
- 10.2. the Commissioner accepts the Assurance so executed.

ACKNOWLEDGMENTS

11. Talal Abdul-Samad acknowledges that:

- 11.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
- 11.2. CBS will make this assurance publicly available including by publishing it on CBS' public register of Assurances & Undertakings on its website;
- 11.3. CBS may from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and
- 11.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
- 11.5. 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.

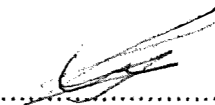
EXECUTED BY Talal Abdul-Samad


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Talal Abdul-Samad

Name: Talal Abdul-Samad

Date: 28/5/20


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Signature of Witness

Name: Wael Samad

Date: 28/5/20

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

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a long horizontal line extending to the right.

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Commissioner for Consumer Affairs (SA)

Date: 29/5/20.....