



## **ASSURANCE**

*Fair Trading Act, 1987*  
Section 79, and

Assurance to the Commissioner for Consumer Affairs given for the purposes of section 79 of the *Fair Trading Act, 1987*:

**Matt-C Holdings Pty Ltd ACN 113 215 302 and Vincent Caridi**

### **COMPANY GIVING THIS ASSURANCE**

1. This Assurance is given to the Commissioner for Consumer Affairs ("the Commissioner") by Matt-C Holdings Pty Ltd ACN 113 215 302 trading as 'Matti's Towing' in the State of South Australia and its former director Vincent Caridi for the purposes of Section 79 of the *Fair Trading Act 1987*.

### **BACKGROUND**

2. Matt-C Holdings Pty Ltd ACN 113 215 302 ("the Company") is a proprietary company limited by shares.
3. At all material times, Mr Vincent Caridi was the sole director of the Company.
4. The Company trades as 'Matti's Towing', and operates a tow truck business and mechanical workshop.
5. The Company does not hold (and has never held) a second-hand vehicle dealer's licence.
6. 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. It is an offence to carry on business as a dealer unlicensed.

### **CONDUCT OF CONCERN**

7. Between 3 February 2016 and 20 January 2017 the Company sold 7 vehicles. The vehicles ranged in value between \$250 and \$900.
8. At no time was the Company, nor Vincent Caridi, authorised by licence under the Act to carry on business as a dealer.

### **CONTRAVENTIONS**

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

10. The Commissioner also considers, and Mr Vincent Caridi acknowledges, that as sole director of the Company, it is likely that Mr Vincent Caridi also contravened section 7(1) of the Act, pursuant to s 47 of the Act.

**ASSURANCE GIVEN FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987**

11. In response to the concerns raised by CBS on behalf of the Commissioner for Consumer Affairs, the Company provides an Assurance to the Commissioner that the Company will not carry on business as a second-hand vehicle dealer, unless authorised by licence under the Act.
12. Mr Vincent Caridi also provides an Assurance to the Commissioner that he will ensure that any company engaging in the business of buying and selling second-hand vehicles in South Australia, of which he is a director, will be appropriately licensed under the Act.

**COMMENCEMENT OF ASSURANCE**

13. This Assurance comes into effect when:
- 13.1. The Assurance is executed by the Company;
  - 13.2. The Assurance is executed by Mr Vincent Caridi; and
  - 13.3. The Commissioner accepts the Assurance so executed.

**ACKNOWLEDGMENTS**

14. The Company and Mr Caridi acknowledges that:
- 14.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
  - 14.2. CBS will make this Assurance publicly available including by publishing it on CBS' public register of Assurances & Undertakings on its website;
  - 14.3. CBS may, from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and
  - 14.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
  - 14.5. This Assurance may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987*.

**EXECUTED BY MATT-C HOLDINGS PTY LTD**

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Mcaridi

**Mr Mathew Caridi**

**Director, Matt-C Holdings Pty Ltd**

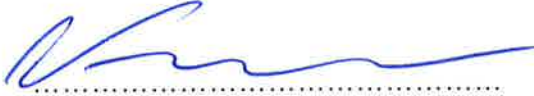
Date: 18-5-18



**Signature of Witness**

Witness name: Shaou Caridi

**EXECUTED BY VINCENT CARIDI**



**Vincent Caridi**

Date: 18-5-18



**Signature of Witness**

Witness name: Shaou Caridi

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to section 79 of the *Fair Trading Act 1987*.



**Dini Soulio**

**Commissioner for Consumer Affairs (SA)**

Date: 28 May 2018