



Fair
Trading

NSW Fair Trading

Corporate Plan 2015-2018



Commissioner's foreword

I am pleased to present the NSW Fair Trading Corporate Plan for 2015-18.

The new Plan has drawn on feedback and consultation across the agency and sets the direction for achieving our objectives over the next few years.

A feature of the new Corporate Plan is its facilitation of industry sector plans for the key business areas we regulate. These plans identify key marketplace risks and the strategies to address them.

I am very much aware that this Corporate Plan has been prepared at a time of significant change both within and outside of Government, the consequences of which cannot be fully anticipated.

Accordingly, as a living document, it will be our task to adjust the Plan over time to account for these impacts.

In the meantime, I am confident that every Fair Trading officer will be able to identify where their own efforts contribute to the achievement of the Plan's goals and our collective endeavours to have "One customer focus, One team, and One integrated solution".

Rod Stowe

Commissioner for Fair Trading

About the Corporate Plan

The Fair Trading executive undertook an environmental scan in late 2014, analysed internal and external data about key issues and incorporated feedback from across the agency to review our existing Plan and consider it in terms of our current goals and activities. This document identifies our renewed corporate goals and the outcomes we aim to achieve to ensure an ethical, fair and efficient marketplace for all and support the NSW Government’s goals.

This Plan highlights Fair Trading’s continued leadership as the regulator for market sectors such as Property (including Real Estate & Strata), Building & Construction, Motor Vehicles, and other areas affecting consumers and traders. These are enduring aims for NSW Fair Trading.

In addition to identifying Fair Trading’s continuing goals, this Plan confirms our role as the pre-eminent consumer protection regulator in NSW.

Customer service is one of our highest priorities and you will see that the plan reflects this. We have added lead actions to provide more cohesive and integrated services to our customers and we are committing to finding opportunities to improve the customer experience.

The Corporate Plan is a dynamic document that adapts and responds to our changing priorities. It is informed by the NSW State Plan as well as the Department of Finance, Services & Innovation Corporate Plan and, in turn, influences our internal planning from divisional plans through to individual performance and development plans.



About NSW Fair Trading

Our vision

NSW Fair Trading serves the consumers and traders of NSW. Our vision is an ethical, fair and efficient marketplace for all.

Our goals

Fair Trading has a set of robust goals backed by legislation and in our role as both a market regulator and a consumer protection agency. Fair Trading's goals are as follows:

- Provide for a safe and fair marketplace;
- Enhance compliance in the marketplace;
- Help consumers and traders to understand their marketplace rights and obligations;
- Be an effective, integrated and innovative agency.

Our functions - what we do

NSW Fair Trading safeguards consumer rights, regulates specific industries and occupations, and advises traders on fair and ethical business practices. The laws we administer set the guidelines for fairness in the countless daily transactions between consumers and traders.

We are also responsible for the regulation and supervision in NSW of incorporated associations, co-operatives, contributory and prepaid funeral funds, and co-operative housing and Starr-Bowkett societies.

We mediate consumer complaints and enforce compliance through licensing, inspections, investigations, prosecution and other disciplinary actions.

Both consumers and traders can access our website or phone the Fair Trading Contact Centre on 13 32 20 to obtain information on their rights and responsibilities, or seek assistance with resolving disputes.

Selected Fair Trading services are also provided through Service NSW Service Centres.

Our approach to quality regulatory services

Government uses regulation to control risks that affect the economy, consumers, society and the environment. Effective regulation and controls can lead to economic, social and environmental benefits.

Outcomes and risk-based regulation provides regulators with a consistent and transparent framework to proactively respond to that challenge, while also increasing their effectiveness in achieving regulatory outcomes.

The purpose of the quality regulatory services framework in NSW is to:

- use a risk-based approach to prioritise effort in assisting compliance, and identifying and enforcing instances of non-compliance; and
- use an outcomes-based approach to assess both the efficiency and effectiveness of regulatory actions and outcomes respectively.

The key elements of the framework, which are incorporated in this plan, are:

- defining regulatory outcomes;
- identifying risks;
- assessing risks;
- linking work to outcomes;
- identifying measures;
- allocating resources;
- tailoring the enforcement response;
- monitoring, reporting and continual improvement.

Goal 1 - Provide for a safe and fair marketplace

We will provide for a safe and fair marketplace through continuous regulatory review and reform, reducing existing red tape and removing unnecessary regulation.

Our key priorities for 2015-18 under this goal are to implement the Government's better regulation initiatives and key law reform priorities.

OUTCOMES

Implement the Government's better regulation initiatives

Integrate new regulatory responsibilities

As part of the new Innovation and Better Regulation portfolio, Fair Trading has taken responsibility for a range of new industries and issues (eg building certifiers and charitable fundraising). A key priority is to integrate this into our existing work without any adverse impact on stakeholders.

Transition to the new commerce regulator

As part of the new Innovation and Better Regulation portfolio, Fair Trading will become part of the Government's "Regulator NSW" consolidated commerce regulator. A major priority is to transition to this more modern and integrated approach to regulation without any adverse impact on stakeholders.

Introduce "Easy to do business" initiative

A whole of government key priority is to ensure that regulators and agencies are as easy as possible to deal with for both consumers and industry.

Implement the Government's law reform priorities

Implement underquoting reforms

Implement the Government's election commitment to introduce stronger laws on underquoting.

Implement of Strata reforms

Undertake a major review and rewrite of the NSW strata and community schemes legislative framework.

Ensure the ongoing viability of the Home Building, Property Services and Motor Dealers and Repairers compensation funds.

Undertake a legislative reform program to ensure the ongoing viability of the Home Building Compensation Fund, the Property Services Compensation Fund and the Motor Dealers and Repairers Compensation Fund.

Work with SICorp to reduce expense ratios and the number and severity of claims for the Home Building Compensation Fund.

Improve the conduct of real estate agents (See Goal 2) to reduce the claims against the property services fund.

Goal 2 - Enhance compliance in the marketplace

We will ensure compliance with fair trading laws, safeguarding the rights of consumers and advising businesses and traders on fair and ethical practices.

Our key priority for 2015-18 under this goal is to focus our compliance and regulatory resources on the areas of greatest risk of consumer detriment in the market and intervene as efficiently and effectively as possible.

OUTCOMES

Focus our compliance and regulatory resources on the areas of greatest risk of consumer detriment in the market and intervene as efficiently & effectively as possible.

Improve the conduct of real estate agents and improve the experience of consumers

Improve the conduct of real estate agents and improve the experience of consumers, in particular reducing the frequency of fraudulent use of Trust Account monies, and the frequency and significance of misrepresentation and underquoting.

Improve the conduct of builders and the experiences of consumers

Consumers and traders undertaking building and construction work in NSW are confident that the work is undertaken by competent and reputable builders and constructors, work is compliant, traders are held responsible for their conduct and all parties are promptly paid for the work they perform. Gas and electrical appliances and articles supplied in NSW are safe for use.

Improve conduct of used car dealers and repairers to improve consumer experience

Implement a Fair Trading Complaints Register to inform consumers and encourage businesses and traders to improve their conduct

Following a law reform and consultation process, design and publish a new register of the most complained about traders from 1 January 2016.

Goal 3 - Help consumers and traders to understand their marketplace rights and obligations

We will support consumers and traders to understand their rights and meet their obligations by providing comprehensive information and advice.

We will make it easy for customers to find fair trading information and services in a variety of community languages.

OUTCOMES

Support consumers and traders to understand their marketplace rights and to meet their obligations.

Make it easy for customers to find fair trading information and services

Make it easy for customers to find fair trading information and services in a variety of community languages and on a variety of platforms and channels.

Increase awareness by the NSW community of their rights and obligations in the marketplace

Implement a Fair Trading Complaints Register to inform consumers and encourage businesses and traders to improve their conduct

Following a law reform and consultation process, design and publish a new register of the most complained about traders from 1 January 2016.

Goal 4 – Be an effective, integrated and innovative agency

We will work to become a more effective regulator by improving our planning processes, finding innovative ways of doing business and increasing staff capability.

Our key priority for 2015-18 under this goal is to continue to build a more effective, integrated and innovative agency.

OUTCOMES

Become a more effective regulator by improving our planning processes, finding innovative ways of doing business and increasing staff capability.

An integrated “One Fair Trading”

As an organisation, we will have common goals and will work collectively across the divisional divide to achieve them using three key principles: One Customer Focus; One Team; One Integrated Solution.

Encourage and foster a strong culture of innovation

Increase use of technology to do our job

Invest in new technologies and capabilities that provide for digitisation of services and improved knowledge management.

Enable electronic transactions

Allow for electronic transactions with business including enabling businesses to lodge or renew applications and update their details electronically, accepting electronic payments and accessing reporting templates and lodging reports electronically.

Provide clarity in processing timeframes

Set, communicate and report on maximum timeframes for the processing of all licence, authorisation and permit applications.

Ensure that our People Capability Framework drives the enhancement of our staff’s regulatory capabilities

Develop our regulatory culture through effective recruitment, change management, staff engagement and performance management

Market sector plans

Overview

NSW Fair Trading serves the consumers and traders of NSW, and aims to achieve an ethical, fair and efficient marketplace for all.

Fair Trading considers that consumers and traders are best served by competitive markets where businesses compete fairly for custom in compliance with the law and where customers are able to make informed choices. We also consider that most businesses work hard to treat customers fairly and comply with the law.

NSW Fair Trading is a regulatory agency that administers a wide variety of NSW legislation across a range of industries and markets. Our Market Sector Plans outline our approach, our priorities and strategies for each major market.

We safeguard consumer rights and we investigate potential breaches of the laws we administer. Fair Trading has a range of tools and powers available to support and enforce compliance. More details are available in our Compliance & Enforcement Framework.

Our compliance efforts include a commitment to working with business, industry groups and other government agencies to promote voluntary compliance.

To make the best use of our resources, and to maximise the public benefit, our compliance activities take account of the level of risk and consequence of matters and the specific circumstances of each case. Our responses are based on intelligence-led initiatives that inform marketplace practices.

Prevention is better than cure. We make comprehensive use of educational campaigns to inform consumers and businesses on their rights and obligations under the law and seek to ensure that it is as simple as possible for consumers and traders to understand and comply with those rights and obligations.

Fair Trading's front-line customer services seek to ensure that information and services are available to businesses and consumers so that all parties are informed and supported to meet their obligations.

We offer dispute resolution services to encourage and assist the parties to a complaint or a dispute to understand and meet their obligations and to resolve matters between themselves as quickly and simply as possible.

We have a range of administrative, civil and criminal enforcement remedies available under NSW legislation. We use enforcement as a key tool for addressing conduct which involves potential for significant consumer detriment or shows a blatant or persistent disregard for the law.

NSW Fair Trading

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A division of the Department of Finance, Services and Innovation

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