

# Community awareness and access



## Objective 3: Community aware of and able to access information and services

**Strategy:** *Effective education, information and services*

Fair Trading's greatest efforts are directed towards providing services to the public. Information for consumers and traders allows individuals and businesses to understand their rights and obligations and to function effectively in the marketplace. Business licensing and registration services protect consumers and assist traders by maintaining and improving the integrity of industries that are vital to the NSW marketplace. Rental bonds custodial services provide tenants, landlords and property owners with confidence that bonds are used for their rightful purpose and are quickly available when required. Tribunal services provide a quick and simple method of resolving marketplace disputes. This suite of services contributes to fairness and equity for individuals and growing prosperity across NSW.

Snapshot: service-level statistics	2007-2008
Customer enquiries	4,273,100
REVS checks	1,918,481
Rental bond transactions	525,653

## Highlights 2007-2008

- Improved website that includes case studies, e-newsletters, surveys & blogs with continuing growth in visitor sessions
- Home building licensing renewals now available online
- Motor vehicle repairers' licensing, compliance and dispute resolution service integrated into Fair Trading's services

Marketplace indicators	03-04	04-05	05-06	06-07	07-08	Target
Percentage of public who know where to go to get help on consumer protection issues *	73%	73%	70%	66%	63%	65-70%

*\*Survey results valid to ± 5% @ 95% level of confidence*

### Comment/interpretation

The community is unable to access services unless they know where to go. The percentage of the public who know where to go to get help is measured through an annual survey conducted by independent contractors. It shows the proportion of the general public who knows which government agency to approach for information about, or help

with, consumer protection issues. It would be unrealistic to expect 100% community knowledge of Fair Trading services and the target has been set at 65-70%. The 2007-2008 result is close to target. We are working on a communication strategy to increase awareness.

Performance measure	03-04	04-05	05-06	06-07	07-08	Target
Customer satisfaction meets or exceeds the benchmark*	89%	87%	90%	90%	85%	≥90%
Community take-up rate: average number of services requested per 1000 people in NSW	509	557	653	734	797	Est. ≥700
% of accuracy of information provided*	99%	83%	93%	89%	90%	≥95% **
% of complaints finalised within 30 days	95%	95%	95%	96%	96%	≥80%
% of complaints resolved to satisfaction of both parties	67%	74%	81%	85%	87%	≥70%
% of telephone enquiries answered where published standards met	79%	81%	79%	83%	100%	≥85%
% of licensing and registration services where published standards are met	100%	100%	100%	100%	100%	100%
% of bond refunds where published standards met	100%	100%	100%	100%	100%	100%
% of Consumer Trader and Tenancy Tribunal matters finalised prior to or at first hearing	78%	77%	77%	78%	75%	75%

\* Survey results valid to ± 5% @ 95% level of confidence

\*\* The target was increased during 2007-2008 from 90% to 95%.

### Comment/interpretation

We evaluate a range of performance measures to help ensure customers receive the Fair Trading services they expect and are entitled to.

Customer satisfaction is a key quality performance measure which we survey to directly measure the satisfaction levels of customers contacting Fair Trading by phone or counter to obtain a service. We also use a Shadow Shopping Survey to test the accuracy of the information we provide to consumers/traders approaching Fair Trading by phone or counter to get information on their rights and obligations under more than 40 pieces of legislation. In 2007-2008 we raised the target from 90% to 95% and efforts are continuing to improve performance to meet the new target.

Complaint handling is an important aspect of Fair Trading's operations. We measure the percentage of complaints finalised within 30 days to determine the efficiency of the informal complaint-handling service. The results show 87% of complaint files closed within 30 days of receipt are resolved to the satisfaction of both parties, or by withdrawal by the complainant, clarification of issues raised, or referral to the Tribunal or another appropriate jurisdiction for resolution. This is well over the target of 70%. The percentage of complaints resolved to the satisfaction of both parties demonstrates the effectiveness of the informal complaint-handling service. It shows the large proportion of complaints that are handled informally by customer service officers where an outcome acceptable to both consumer and trader has been agreed - without the involvement of formal Tribunal intervention. Where complaints do need to progress to the Consumer, Trader and

Tenancy Tribunal, the results show that in a large percentage of cases issues are resolved quickly and simply - helping reduce costs that would arise from increased numbers of disputes being otherwise handled through the Courts.

The community take-up rate is also measured. It shows the number of people who voluntarily access Fair Trading services. A high take-up rate which is constant or slightly increasing indicates both an ongoing community demand for the service (not in Fair Trading's control) and that the service is accessible to the community (more directly in Fair Trading's control). A significant drop in take-up rate would trigger a strategic review of the need for the service or the accessibility of the service.

The percentage of licensing and registration services where published Guarantee of Service standards are met is a direct timing measure that demonstrates that our licensing and registration functions are being handled promptly and efficiently. Turnaround times for these functions are of major concern to individual licensees and applicants, as well as industry bodies. The results speak for themselves. The percentage of bond refunds where published Guarantee of Service standards are met is a direct timing measure that clearly demonstrates that residential bond refunds due at the end of a tenancy to either tenants or landlords are being paid promptly and efficiently. There are Guarantee of Service standards for three different forms of payment (direct deposit, postal cheque and tenant/landlord notification situations). In each case, Fair Trading is able to ensure bond owners get access to their funds as quickly as possible.

## Customer service charter

We are committed to understanding our customers and strive to exceed our customer service standards. The development of a Customer Service Charter demonstrates this commitment and is in line with our Strategic Plan.

The purpose of the Customer Service Charter is to provide our customers with key information about how we will deliver our services to consumers and businesses in NSW and the relationship our customers can expect to have with us. It will set out information on the services we offer, including the standards of service customers can expect, how our customers can communicate with us, suggest improvements, or make complaints about our services.

The development of a Customer Service Charter progressed well during the year with a final version of the Charter being distributed to staff for their comment and feedback. It is expected the Customer Service Charter will be available on our website in the first quarter of next year.

## Customer profile survey

The Customer Profile Survey is conducted each year to gauge the makeup of our customers. It provides key data to assess the accessibility of our services to culturally and linguistically diverse (CALD) communities and indigenous Australians.

The survey compares the proportion of our customers who speak a language other than English at home and customers who self-identify as Aboriginal or Torres Strait Islanders (ATSI) with Australian Bureau of Statistics figures for their representation in the general NSW population.

Results have shown that CALD and ATSI customers have come to us at a greater rate than their representation in the NSW population. The survey sample of over 4,000 customers is weighted to reflect relative use of all Fair Trading service areas as well as metropolitan and regional population differences.

A service take up rate which matches or exceeds population representation indicates both an ongoing need for the service, and that CALD and ATSI customers are not experiencing systemic barriers in accessing these services.

## Education and information

### Consumer / trader enquiries

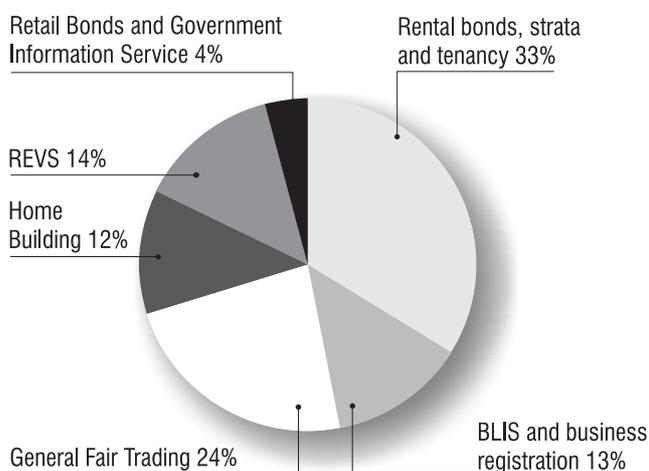
#### Fair Trading Information Centre

The Fair Trading Information Centre (FTIC) is now in its fourth year of operation. It is one of our main front line services, dealing with approximately 1 million customer telephone enquiries each year and providing a single, convenient point of access to us. FTIC handles enquiries across a range of services including:

- General fair trading matters
- Strata
- Tenancy
- Residential bonds
- Home building
- Business name registration
- Business Licence Information Service (BLIS)
- Register of Encumbered Vehicles (REVS)
- Retail bonds (on behalf of State and regional Development)
- Accredited electricity network service providers.

The technology employed by FTIC provides great flexibility and allows us to respond swiftly to issues arising in the marketplace. In 2007-2008 FTIC facilitated a number of hotlines at short notice to assist the public of NSW through particular issues. In February 2008, FTIC managed the

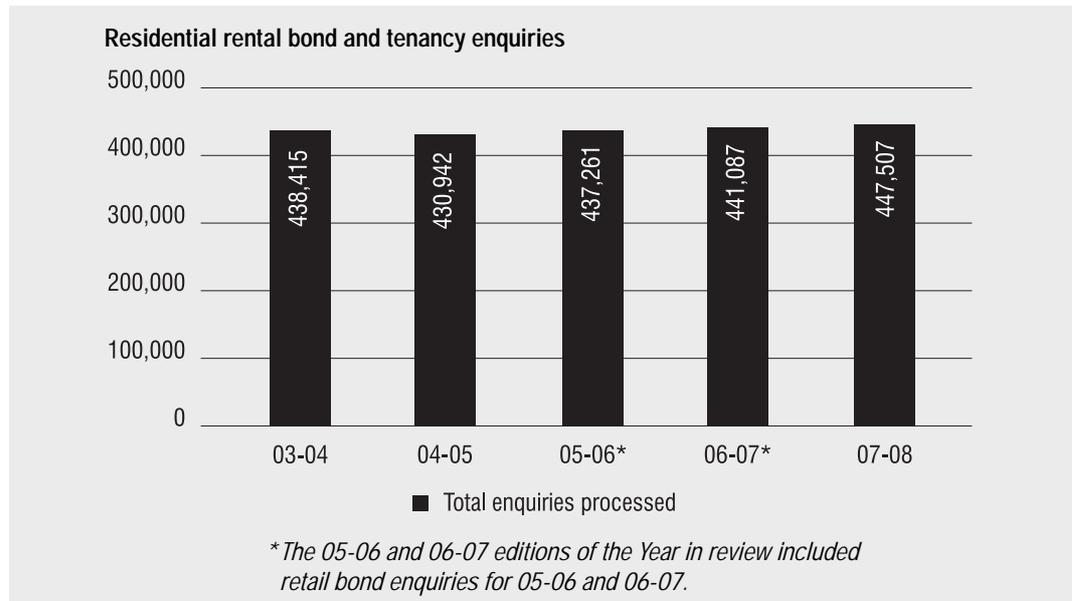
#### Fair Trading Information Centre enquiries



Customer profile	2005	2006	2007	2008	Target
Aboriginal or Torres Strait Islanders (ATSI)	2.0%	2.7%	2.3%	2.6%	≥ 2.1%*
Culturally and linguistically diverse (CALD)	29%	31%	32.1%	27.8%	≥ 26%*

\* Based on 2006 Census population representation

*We are committed to understanding our customers and strive to exceed our customer service standards.*



'Blacktown Hail Storm Hotline', which was established to take calls from distressed homeowners affected by the storm damage in December, as well as from tradespeople willing to assist with property repairs. It also managed calls and recorded relevant information relating to the Bindeez poison toy ban and recall and the Beechwood Homes collapse.

This year we have concentrated on quality, training and development, processes, systems, and customer service. Mentoring has been a key initiative to develop staff in a wide range of skills, give them experiences they otherwise may not have had, and a new insight into how we operate. This also assists with skill shortages, succession planning, staff retention and knowledge sharing.

A tailored induction program was introduced giving participants an understanding of what FTIC does, its role in Fair Trading and the Department of Commerce, and how we, as an organisation, contribute to the Government's priorities. In August 2007 our staff completed Certificate IV in Customer Contact training and received formal certificates of recognition. Certificate IV in Customer Contact is offered to all newly recruited staff.

As a result of the work undertaken in 2007-2008 relating to quality, staffing, training and development, and processes, there has been a significant improvement in business outcomes. Towards the end of the financial year, we consistently exceeded service level targets on a monthly basis. The rate of calls abandoned has steadily decreased and there has been a significant improvement in staff attendance.

#### **New website**

Our new look website was launched by the Minister in April. In revamping the website, we consulted widely with consumers, traders and

community groups, including indigenous communities, multicultural communities and young people with a view to improving the functionality of the site and, at the same time, bringing it into line with the NSW Government Website Style Directive.

The new site has real life case studies, both written and visual, which show how ordinary people have resolved consumer issues with our help. The case studies deal with issues such as buying a car, credit cards, faulty mobile phones and bait advertising.

Consumers and traders can subscribe to receive regular news updates from the website and can also have their say on a number of proposed changes to fair trading laws and consumer issues such as reverse mortgages and petrol availability. The website allows consumers to easily lodge a complaint or make an enquiry online.

A subsequent review of fact sheets available on our website has seen the development of a more accessible, print friendly option for users. The new HTML format fact sheets provide improved online viewing for readability and include navigation to the rest of the website.

#### **E-newsletters**

E-newsletters and online polls aim to engage subscribers and inform them of issues and updates that are relevant to them. There are four e-newsletters currently available through our website:

- *Fair Comment* is our online quarterly newsletter, offering up-to-date information about the latest investigations, changes to consumer laws and consumer protection issues in the marketplace
- *What's new* alerts subscribers to important new items or media releases as they are added to the website

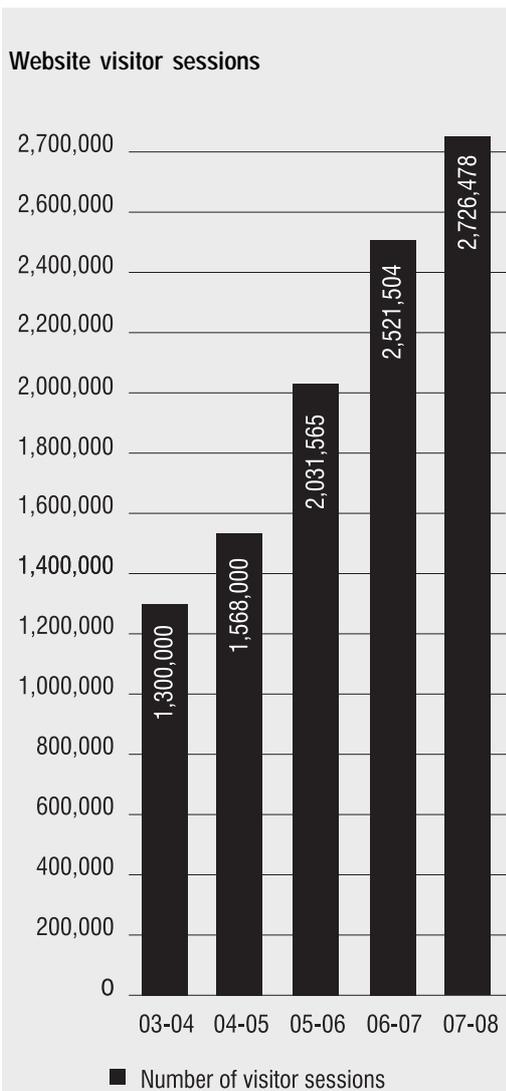
- *Property industry news* is designed for people working in the property industry and provides email news and information on continuing professional development, legislative reform and other topics to help them keep up-to-date with changes in the industry
- *Foundations* provides information on legislative reform, operational issues and key areas of complaint, as well as current and future developments relevant to the home building industry in NSW. Licensees can subscribe to receive email news and alerts on topics of interest to their licence category. Training providers can subscribe to receive email news and alerts on current training issues.

### Surveys

Online surveys were used extensively over the last year - some examples include surveys of the general public on interest-free deals, reverse mortgages and availability of premium petrol, as well as an in-house staff survey on volunteering. Online surveys have also been used to consult with the community and industry about proposed legislative reforms including proposed changes to residential tenancy laws and the *Property, Stock and Business Agents Act*.

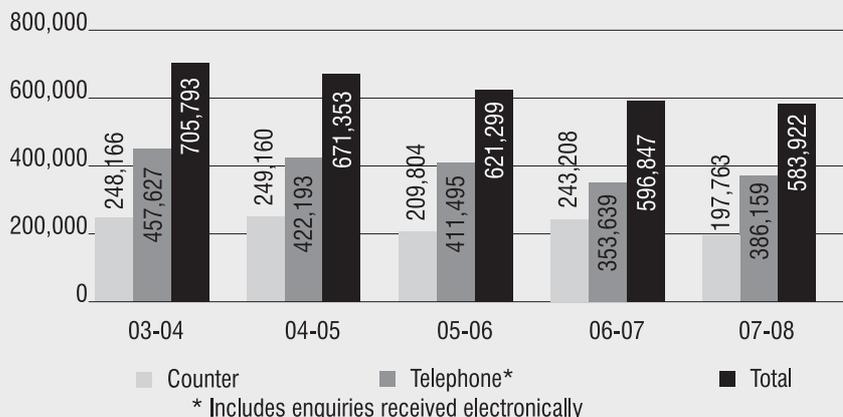
### Blogs

Blogs - or moderated online discussions - were used as part of the community consultation around residential tenancy law reforms in November 2007. These generated interesting discussions on key proposals and proved to be a successful way of gaining insight into the views of tenants and landlords.



*The increase in website visitor sessions reflects a growing community take-up rate of our expanding electronic information services. These services are supplementing and extending the traditional services provided - not only in the area of general fair trading information - but in accommodation, property and home building matters as well.*

### Fair trading enquiries



*Although there is some shifting from traditional channels such as phone and counter to website, the almost 600,000 general fair trading enquiries received in 2007-2008 demonstrate that demand through these traditional channels remains extremely high.*

*The increase in website visitor sessions reflects a growing community take-up rate of our expanding electronic information services.*

*The Think Smart program raises awareness of fair trading issues and our services...*

A youth blog was also run during Fair Trading Week to capture feedback from young people about their experiences in buying a car, mobile phones, buying online, obtaining refunds and dealing with credit issues.

## **Services delivered to culturally and linguistically diverse communities**

### **Think Smart program**

Since 2002, we have operated the Think Smart education program for culturally and linguistically diverse (CALD) communities. This program allows us to deliver information and education direct to CALD groups through community organisations and multilingual media partners. The Think Smart program raises awareness of fair trading issues and our services using a variety of information resources, public relations events and grass roots community activities.

Currently there are 35 partners consisting of 27 community organisations and 8 multilingual media organisations. Seven new partners were signed up during the year.

Translations of information on the website were made more accessible to users after a significant redesign of our website. Information is available in Arabic, Chinese, Greek, Italian, Macedonian, Spanish and Vietnamese. Translated publications are produced in 28 community languages (including both established and new and emerging community languages) on a range of subjects such as home building, renting a home, borrowing money, scams, buying a car, renting, buying a mobile phone and trading in NSW.

In addition, our staff deliver information sessions to CALD groups and attend a range of community events, including Chinese New Year, Vietnamese Tet Festival, and open days at Migrant Resource Centres.

### **Think Smart tenancy grants program**

The Think Smart tenancy grants program commenced on 31 August 2006. It was a one-off grant to community-focused organisations to deliver tenancy information and education to CALD groups and targeted the following languages: Assyrian, Dari, Dinka, Farsi, Pashto, Samoan, Tongan, Indonesian, Korean, Arabic, Chinese and Vietnamese.

In 2007-2008 grant recipients produced tenancy educational materials including audio CDs, booklets and DVDs. These were developed by the Auburn Migrant Resource Centre, Australia-Korean Welfare Association, Assyrian Australia Association, Chinese Australian Services Society, Immigrant Women's Speakout Association, and Fairfield Migrant Resource Centre.

Four new Think Smart partners were signed up during the launch of the tenancy materials:

- Fairfield Migrant Resource Centre
- Nepean Migrant Access Inc.
- The African newspaper
- The Association of El Bhanin El-Minieh (Australian Arabic Welfare Centre).

### **CALD education campaigns**

This year we ran an education campaign to encourage CALD consumers in NSW to use tradespeople and builders who are licensed and to warn them of the issues they may face if they use unlicensed traders. The campaign targeted advertising staff at newspapers (including multilingual press) across NSW, CALD consumers considering having trade or building work done, and builders and tradespeople. The campaign also included a compliance check of CALD newspapers. The target languages were Arabic, Cantonese, Mandarin, Italian, Greek, Vietnamese, Spanish, Hindi, Korean, Tagalog, Macedonian, Croatian, German, Punjabi, Serbian, Turkish and Indonesian.

At the African Cultural Awareness Forum held in Coffs Harbour the theme was 'Breaking Down the Barriers'. Over 150 participants, mainly new African refugees, heard about our services that can assist them. In Mullumbimby, on the far North Coast, we participated in an information day targeting multicultural job seekers.

Finding a place to live can be difficult at the best of times, however, if you are an international student with only basic English it can be daunting. For this reason our program of tenancy information sessions for international students attending Southern Cross University's Tweed Heads and Lismore campuses was well patronised and greatly appreciated by overseas students.

## **Significant campaigns and initiatives**

### **Fraud fortnight**

We are part of a taskforce comprising 19 Commonwealth, State and New Zealand regulatory agencies with responsibility for consumer protection in relation to fraud and scams. The taskforce ran a national consumer campaign from 24 February to 8 March called Fraud Fortnight. We chaired the working party which developed the campaign.

This year's campaign raised awareness about deceptive and seductive scams and the SCAMwatch website amongst the Australian public through a range of channels such as government, media, and private sector and community partners. The campaign was the most coordinated and extensive to date and included a national advertising campaign. A range of promotional material was also distributed throughout the campaign and an online scams survey conducted.

We participated in a number of ways through our Fair Trading Information Centre, Fair Trading Centres, website, publications, media coverage, community partners, and promotion of articles throughout the campaign.

### **Fair Trading Week**

Each November we run a special week-long promotion to focus attention on topical consumer issues and to engage the community through a mix of promotional, educational and media events across the State.

The theme for Fair Trading Week 2007 was 'Did you get what you paid for?'. During the week a range of consumer and trader issues was promoted, with a strong emphasis on shopping, warranties, refunds and repairs. Around 85 separate events were held across the State to raise awareness of these issues. A full program of events was listed on our website.

The launch of Fair Trading Week was the setting for the release of the findings of the 2007-2008 YouthSCAN survey, a national survey into the attitudes and behaviours of young people in Australia aged 10-17 years. As a major sponsor of YouthSCAN 2007, we secured the right to release the portions of the survey dealing with mobile phone use, shopping habits, computer and internet use, money and financial literacy, and youth employment. The research data is being used to help design and better target Fair Trading's educational programs for the youth market.

The survey highlighted a number of key findings, including the fact that the income of young people has risen markedly in the last decade. The average weekly earnings of 10-17 year olds has almost doubled from \$43.40 in 1997 to \$76.55 in 2007. As well as more money, young people own more 'toys' than ever before, with mobile phone ownership almost universal (98% of 16-17 year olds; 89% of 14-15 year olds). Of more concern, one in five young people admitted to being in some form of debt. For 13% of these, this debt was more than \$100.

During Fair Trading Week, 5,000 fridge magnets with attached shopping list pads that carried a consumer message were distributed. Staff nominated to distribute the material to letter-boxes in their own suburbs.

Fair Trading Centres across the State held open days and other activities during the Week, providing consumers and businesses with the opportunity to meet local staff and receive information. We delivered a variety of information sessions and seminars, including Savvy Seniors, Scam Smart, REVVED UP, Money Stuff! and business seminars.

### **2007 Money Stuff! Challenge**

Our competition for high school students, the Money Stuff Challenge, went from strength to strength in 2007, almost doubling the number of entries received in 2006. In all, 1,762 students from across the State entered the Challenge. The competition asked students to create an innovative way of promoting a consumer message. The aim of the competition was to raise awareness about consumer issues and to help young people become better informed and independent consumers.

The complete Money Stuff education resource concentrates on areas where young people are at risk of making ill-considered purchasing decisions such as buying a car, selecting a mobile phone, entering into credit contracts and moving into rental accommodation. The program includes a website, video and teacher books in English, maths and commerce. The winners of the Money Stuff competition were announced at a special Youth Forum at Parliament House during Fair Trading Week.

The 2007 winning entries included a colourful board game on money management, an information kit about scams, a DVD and kit on how to get your first job and a graphic comic strip on how to select the right internet provider.

### **Interactive shopping mall**

As part of our continuing commitment to provide innovative and engaging resources for young people and their teachers to help them improve their consumer and financial literacy, we commenced work on an interactive online game. Designed as a web-based resource in the form of a virtual shopping centre, young people will be introduced to the concepts of consumer and employment protection through a series of missions and quizzes. The interactive game is being developed in partnership with the Department of Education and Training, the Office of Industrial Relations, and WorkCover NSW.

### **Your home, your car, your money**

The audio CD *Your home, your car, your money* is consumer information for those with a print disability. The CD was launched in April 2008 during Seniors Week. Audio tracks from the CD can be downloaded and listened to from audio links on our website. A radio campaign to promote the CD was run in May 2008 on Radio 2RPH (Radio for the Print Handicapped). We received a highly commended award in Vision Australia's 'Making A Difference Awards' in 2008 for the audio CD.

*Around 85 separate events were held across the State to raise awareness of shopping, warranty, refund and repair issues.*

*We were committed to involving the community in the tenancy law reform process - we received around 1,500 responses to the proposed reforms.*

### **Home building education**

The role of our building inspectors is not only to provide mediation and compliance in dispute resolution matters, they are actively involved in the promotion of the home building sector through education programs, working with industry associations such as Master Builders Association, the Housing Industry Association, Master Plumbers Association, Master Painters Association, Swimming Pool & Spa Association, TAFEs and others. The building inspectors inform industry and community about our role and explain home building legislation. We provide direct access to inspectors for traders and consumers alike to seek information and guidance.

Our building inspectors also work closely with our Fair Trading Centres and other agencies in education and promotional activities. During 2007-2008 our building inspectors conducted 136 presentations and participated in the Regional Access Programs and Community Access Programs. Next year we intend to expand our involvement with TAFE and industry groups for trade apprentices and certificate 1V students. The feedback from builders, tradespeople, industry groups and the community regarding these activities has been very positive.

Information booklets were developed to explain the 1 January 2008 changes to Continuing Professional Development for builders and pool builders licensed under the *Home Building Act*. In January 2008, the booklets were distributed via direct mail to 26,000 builders and swimming pool builders. Availability of the booklets was promoted through an email alert to the target audience as well as by making copies available through industry bodies.

### **Home shows**

Information and assistance to consumers looking to build or renovate their homes was provided by a team of home building experts at the Sydney and Wollongong home building expos in 2008. A comprehensive range of home building publications was available and computers with internet access enabled visitors to conduct online licence checks. Fair Trading home building contracts were available for sale.

### **Tenancy reform consultations**

In September 2007, we released a report for public consultation proposing the first reforms, 102 in all, to NSW residential tenancy laws for 20 years. We were committed to involving the community in the tenancy law reform process. A comprehensive consultation process was implemented utilising innovative techniques such as an online feedback channel, blog technology and viral e-marketing to communicate with over 150,000 people about the reforms at negligible cost. More traditional techniques such as direct marketing and face-to-face presentations reached more than 50,000 and 900 people respectively.

This cost-effective consultation generated enormous interest in the proposed reforms. Almost 2,000 people requested a hard copy of the report and the online version was visited more than 2,000 times. The process resulted in around 1,500 responses to the proposed reforms.

## **Regional programs**

### **Community and regional access**

Community Access Programs (CAPs) highlight and provide greater access to our services for consumers and traders in identified areas. CAPs were held in Canterbury in 2007, and Mt Druitt and Auburn in 2008. Seminars targeted: youth, real estate and property agents, self-managing landlords, licensed builders, members of incorporated associations, senior citizens, culturally and linguistically diverse communities, and indigenous communities. Information stands were set up at shopping centres, local libraries and community centres.

A highlight of the 2008 CAPs was a Community Services Expo, held at the Lidcombe Catholic Club, specifically aimed at providing information to community development workers. Other agencies that also supported this event include the Office of Industrial Relations, Centrelink, Energy and Water Industry Ombudsman NSW, Law Access NSW, Australian Taxation Office and Disability Services Australia. The Expo provided an opportunity for community workers to access the services available in the local area and for participating agencies to network.

The Regional Access Program (RAP) provides consumers and traders in regional and remote centres with access to our services. The Program specifically targets seniors, youth, the disabled and indigenous communities through talks and information sessions at community clubs and associations, local schools, indigenous organisations, retirement villages and seniors expos.

Regional Access Programs are conducted in selected regional towns each year. Community, business and consumer groups are invited to attend seminars on specific aspects of fair trading legislation. Our inspectors conduct compliance inspections and our Aboriginal Liaison Officers attend and give seminars for their communities. To increase the effectiveness of these programs we introduced an expanded RAP whereby each of our business areas participate in these programs. Further information on the Super RAP program is on page 39.

### Outreaches to rural and remote areas

In addition to our Regional Access Programs, we continue to support the Government Access Program where local centres provide a range of Fair Trading services. Our officers regularly contact and visit a number of rural and regional centres across NSW. These services include the lodgement of applications for business name registration and home building licences and certificates. Our outreach programs ensure that rural and remote areas receive personalised services applicable to their needs.

### Regional tenancy youth strategy

The Regional Tenancy Youth Program is being presented in conjunction with the Regional Youth Support Service in Gosford. The program consists of six information sessions that address the major difficulties experienced by today's youth including tenancy, financial literacy and obtaining a drivers licence (information supplied by the RTA).

Information sessions are interactive, with students utilising the Youth Centre's computers to access information on our website, whilst participating in practical examples and demonstrations. The first program was conducted in June and feedback from the Youth Support Service has been very positive. The service has indicated that completion of the program will become a condition of accommodation.

### Aboriginal Action Plan

The Aboriginal Action Plan has been running for ten years. This program is regarded as a benchmark for other government organisations providing services to indigenous communities.

A major strategy within the Action Plan is the employment of Aboriginal staff across New South Wales. There are Aboriginal staff whose main role is to provide culturally appropriate face-to-face contact throughout indigenous communities to inform them of our services which they might not

#### Fair Trading Centre locations

Albury	Dubbo	Liverpool	Queanbeyan
Armidale	Gosford	Newcastle	Sydney
Bathurst	Grafton	Orange	Tamworth
Blacktown	Goulburn	Parramatta	Tweed Heads
Broken hill	Hurstville	Penrith	Wagga Wagga
Coffs Harbour	Lismore	Port Macquarie	Wollongong

#### Government Access Centres (GAC) and Outreach Sites

Fair Trading's services can be accessed through 47 Government Access Centres (GACs), 15 Outreach Centres and 6 Business Enterprise Centres across New South Wales.

#### Government Access Centres

Balranald	Forbes	Moree	Tenterfield
Boggabilla	Forster	Moruya	Tumbarumba
Bombala	Gilgandra	Mt Druitt (urban GAC)	Ulladulla
Bourke	Glen Innes	Nambucca Heads	Walgett
Brewarrina	Grenfell	Narooma	Warren
Cobar	Gundagai	Narrabri	Wentworth
Condobolin	Hay	Narrandera	West Wyalong
Cooma	Hillston	Nyngan	Wilcannia
Coonabarabran	Inverell	Oberon	
Coonamble	Kyogle	Peak Hill	
Dorrigo	Lightning Ridge	Quirindi	
Eden	Maclean	Scone	
Finley	Moama	Temora	

#### Outreach Centres

Ashford	Holbrook	Murrurundi
Barham	Lake Cargelligo	Rylstone
Crookwell	Lockhart	Walcha
Culcairn	Moulamein	Warialda
Dunedoo	Mungindi	Woodenbong

#### Business Enterprise Centres

Bega	Griffith	Mudgee
Deniliquin	Leeton	Nowra

*Aboriginal staff provide culturally appropriate face-to-face contact throughout indigenous communities.*

know about from other channels, particularly in the area of tenancy. These communities are widely distributed across New South Wales.

Fair Trading has developed a 'Do's and Don'ts' document that provides helpful cultural information for staff working with Aboriginal and Torres Strait Islander people. It is our objective that all our staff undertake cultural awareness training on commencement of employment.

Our website has a uniquely branded section containing information for indigenous communities.

#### *Joint Aboriginal Housing Services*

Fair Trading is a participant in the Joint Aboriginal Housing Service (JAHS) that promotes both regional partnerships and improved service delivery to indigenous communities. Primarily, the JAHS group, involving representatives from a range of NSW Government agencies, brings together avenues and alternate arrangements in providing relevant, up-to-date information via workshops or forums to the Aboriginal community housing sector in relation to property management strategies. There is also a major focus on tenant rights and responsibilities as well as Tribunal processes.

Whilst the respective member agencies have individual roles and responsibilities relating to the Aboriginal community housing sector this collaborative approach ensures that specific issues in relation to Aboriginal tenants/landlords are being addressed and resolved.

Since its formation the group has conducted a number of workshops from Tweed Heads in the north to Gosford in the south. Due to the success of this initiative it is now being considered for expansion to western NSW.

#### *Family fun days*

During Fair Trading Week in November 2007 we hosted the annual Indigenous Family Fun Day at Dubbo. Attracting over 550 participants, a full program of activities and entertainment was available for participants to enjoy whilst accessing fair trading information. Many government and not-for-profit organisations participated on the day. The event attracted positive attention from print, radio and television media with a live broadcast on site by Radio 2DU providing constant media interaction throughout the day.

As part of NAIDOC Week celebrations at Port Macquarie, a Family Fun Day was held on Town Green. A number of service providers had information stands there and children's activities were conducted. We also sponsored the youth 'hip hop' band Street Warriors. The band performed

throughout the day and later produced a song, with youth participation, from their activities. Over 2,500 people attended the event.

#### *Reconciliation art competition*

At the Central Coast Aboriginal Artists Art Exhibition and Competition in May the Minister presented awards to 29 recipients who won prizes across a variety of categories. Participation in the exhibition by a cross-section of the community continues to grow, as does the quality of work submitted. The exhibition is the main event that celebrates Reconciliation Week on the Central Coast. The exhibition provides an opportunity for organisations, both government and non-government, to demonstrate their commitment to reconciliation and provide information on their services.

#### *Funeral information sessions*

A series of information sessions were provided in regional and remote areas of NSW warning Aboriginal communities of predatory marketing and high pressure sales techniques promoting funeral fund products. The education campaign aimed to redress the insidious practice of targeting financially illiterate communities that did not understand contractual obligations, credit implications or available relief to remedy high pressure door-to-door sales. Following advice from the Crown Solicitor's Office and insistence of the Registry of Co-operatives and Associations, three products promoted by ACBF Funeral Plans Pty Ltd have now been registered with the Registry, affording increased transparency and consumer protection.

### **Information programs**

During 2007-2008 we delivered 966 information sessions, talks and seminars covering a range of topics for real estate and property agents, self managing landlords, tenants, licensed builders, members of incorporated associations, senior citizens, youth and high school students, business people, consumers and culturally and linguistically diverse communities and indigenous communities. These were attended by 29,986 people across the State.

Our financial literacy seminars have been well attended over the past 12 months. These seminars include information regarding contracts, credit cards, book-up, repossession, financial hardship and how to receive assistance from us and other organisations.

Real estate information sessions for agents and property managers are provided in conjunction with the Consumer, Trader and Tenancy Tribunal, NSW Fire Brigade, and the anti-Discrimination Board. The session includes information regarding rights and responsibilities as agents and property

*We delivered 966 information sessions that were attended by over 29,900 people across the State.*

managers within the *Residential Tenancies Act*, anti-discrimination issues covering residential tenancies and obligations of staff, smoke alarm laws, Consumer, Trader and Tenancy Tribunal (CTTT) information on the tribunal process and the most common issues that are referred to the Tribunal. All participants receive a tenancy information pack and licensed agents receive Continuing Professional Development points for attending. NSW Fire Brigades provide attendees with a smoke alarm tester. The information sessions generated much discussion, mainly focused on administrative processes, legislation and the cost of courses required to attain CPD points.

Our private landlords information sessions attendees receive information regarding rights and responsibilities as landlords within the *Residential Tenancies Act*, anti-discrimination issues, smoke alarm laws, the tribunal process and the most common issues that are referred to the Tribunal. All participants received a tenancy information pack.

#### **RYDA program**

Rotary is the central organiser of the Rotary Young Drivers Awareness (RYDA) program which is designed to give Year 11 students increased education about the reality of driving. We participate in the program, which includes presentations from other organisations such as local driving schools and the NSW Police. The course discusses drug and alcohol awareness training, common causes of accidents and how to avoid them, motor vehicle stopping distances and driving tests. It also includes crash survivors with acquired brain injuries discussing the effects on their and their families' lives, hospitalisation and rehabilitation. The information Fair Trading provides includes the financial and legal ramifications of buying a car, finance, warranties and insurance, how to inspect a vehicle and information about REVS. Hundreds of students across the State have attended RYDA presentations throughout the year.

#### **Your Rights columns**

Your Rights columns were sent to local western print media on a monthly basis. The columns often generated media attention either by asking for comments on fair trading issues or by placing columns in local newspapers.

#### **Radio talks**

Fair Trading was represented each fortnight on the popular 2GB evening radio program 'The Good Life' hosted by Murray Wilton. During a half hour segment, the Deputy Commissioner presented topical consumer information and answers 'open-line' calls from listeners. Participating in what was consistently the highest rating Sydney radio program in its time slot has provided an effective

way of communicating our message to a large, regular audience.

Regular segments on radio stations across the State provided regional and rural communities access to the most relevant and up-to-date information on Fair Trading's services and consumer protection issues.

#### **Sponsorship of 2CUZ FM**

We continue our sponsorship of 2CUZ FM, an Aboriginal owned radio station in Bourke, in the West Region of NSW. Fair trading messages are delivered on a daily basis to assist the indigenous community to be aware of their rights and responsibilities and how to access further information from Fair Trading Centres. An Aboriginal Customer Service Officer talks live on air once per fortnight, addressing fair trading issues.

## **Services**

### **Consumer complaints**

#### **Home building**

Our 27 building inspectors located across the State provide technical support, information and assistance to consumers and contractors to resolve disputes on-site. They have the power to issue rectification orders to builders, investigate complaints, identify breaches of the Home Building Act and recommend disciplinary action, including on-the-spot fines. Ninety per cent of disputes handled by inspectors are resolved at the mediation stage, which has resulted in a 30% reduction in disputes before the Consumer, Trader and Tenancy Tribunal. This year the time taken to resolve disputes averaged between 15 and 19 days, not including the time taken by the builder to rectify any defective work.

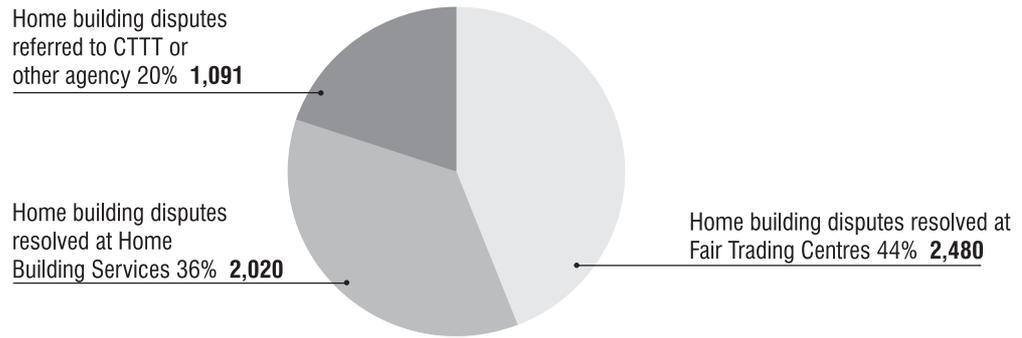
Strong evidence is emerging to suggest that the operation of the dispute resolution service has seen the home building industry lift its standards and deal with construction quality issues and customer complaints proactively. In some cases the industry is referring customers to our service to resolve difficult matters.

The level of complaints relating to defects in strata units and multistorey constructions has remained consistent for the last two years. Typical issues include:

- design and construction sourced failures in structural elements
- mechanical and electrical services
- alternative fire safety solutions
- external and internal waterproofing
- failure to address maintenance requirements by strata committees/managers.

*The dispute resolution service has seen the home building industry lift its standards and deal with construction quality issues.*

### Home building complaints handled



*We received over 34,830 consumer complaints - 87% were successfully resolved at an informal level.*

During the year 6,224 new complaints were received through the Fair Trading Centre network or directly by the Home Building Service. In 2007-2008 a total of 5,591 matters were handled in the following ways.

- 2,480 were resolved through intervention by Fair Trading Centre staff
- 2,020 were resolved through mediation and technical assessment by the Home Building Service's building inspectors
- 1,091 were assessed as appropriate for referral to the Consumer, Trader and Tenancy Tribunal or other relevant agency.

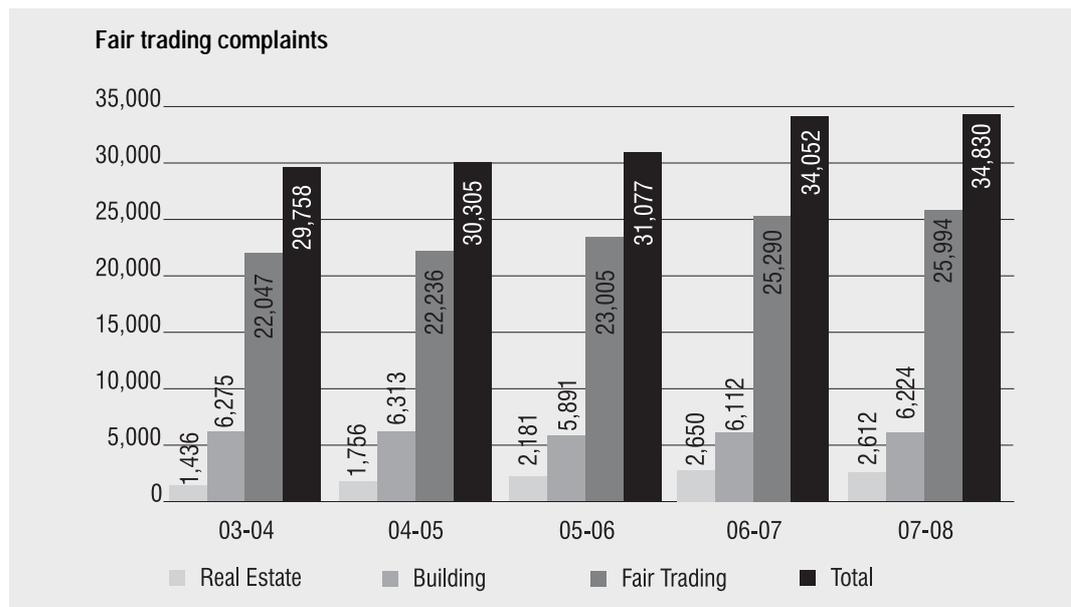
The balance of matters finalised (unresolved) were matters where OFT had no jurisdiction; were withdrawn during the process; or where the trader was insolvent, untraceable or deceased. In addition a further 307 matters were still undergoing the resolution process at the end of the 2007 - 2008 year.

### Fair trading

Information is provided to consumers and traders on their rights and responsibilities under the legislation through our network of 24 Fair Trading Centres and the Fair Trading Information Centre. The information provided assists both parties resolve issues in the marketplace.

Where parties cannot resolve an issue themselves, a complaint can be lodged and we negotiate between the parties to attempt to resolve the matter. Where negotiation is not successful, the parties are advised of options - including the option to take the matter to the Consumer, Trader and Tenancy Tribunal.

During 2007-2008, we received over 34,830 consumer complaints. Of these 87% were successfully resolved at an informal level.



### **Strata mediation**

Fair Trading officers conduct mediation to settle disputes within strata and community schemes. During the mediation process our officers provide information to clarify complex issues and ensure that the outcomes of negotiation are reached within the requirements of legislation. Mediation often also resolves many side issues and assists the parties to resolve their disputes without the need for formal adjudication on matters.

During 2007-2008 the Strata Mediation Unit received 1,380 applications for mediation with 69% of matters being successfully resolved.

### **Credit, real estate and retirement villages**

Credit, real estate and retirement village disputes can be quite complex. Our Specialist Support Unit provides information and negotiates between parties on real estate, consumer credit and retirement village disputes. During the year we handled 22,787 enquiries and negotiated between parties in 1,554 disputes. While negotiating these disputes, where officers detect any breaches of legislation, these breaches are referred for further investigation.

The Specialist Support Unit is also responsible for the administration of the Motor Dealers Compensation Fund, which includes the assessment and processing of claims for compensation to consumers who have suffered a loss in connection with a motor vehicle as a result of their dealings with a licensed motor dealer or a car market operator.

### **Motor vehicle repair disputes**

When an owner of a motor vehicle lodges a notice of dispute relating to a motor vehicle repair we assist the owner and the repairer to reach a mutually agreed settlement. This may either be by a face-to-face meeting or by a teleconference conducted by trained teleconferencing mediators. This is a free service and is entirely voluntary. When a settlement is agreed, the terms of the settlement are documented and signed by both parties.

This service is now provided through the Office of Fair Trading since the former Motor Vehicle Repair Industry Authority merged with us.

During the last year, 1,096 motor vehicle repair matters were mediated. Of these, 64% were successfully resolved, meaning those matters did not need to proceed to another forum such as a Court or the Consumer, Trader and Tenancy Tribunal.

### **Traveller HelpLine**

The Traveller Consumer Helpline has been operational since 2000 and assists overseas and interstate travellers who may have consumer related problems. Complaints and enquiries can be made by telephone, via the web page, or by a dedicated email address [travelhelp@oft.commerce.nsw.gov.au](mailto:travelhelp@oft.commerce.nsw.gov.au). Recently linkages have also been established with the Commonwealth Department of Resources, Energy and Tourism to receive NSW-related consumer complaints directly from their tourism complaint line. As a result of this liaison investigations are being held into inbound tour companies who are promoting the marketing of 'health products' for the Asian market.

### **Consumer, Trader and Tenancy Tribunal**

The Consumer, Trader and Tenancy Tribunal (CTTT) is an independent body which provides an accessible, efficient and affordable avenue for the resolution of disputes about the supply of goods and services and issues relating to residential property.

The CTTT's broad jurisdiction covers residential tenancies, retail transactions, home building or renovating, residential parks, strata and community schemes, motor vehicle purchase and repair, credit matters, agents' fees and retirement villages.

The Tribunal operates in an informal environment and wherever possible aims to bring parties to a mutually agreed settlement before hearing.

Nearly 65,000 applications were received in 2007-2008. The Tribunal is easily accessible to the public with:

- eight registries located in metropolitan and regional areas
- hearings taking place in 75 locations across New South Wales
- an online lodgement facility that is used by 43% of applicants
- a contemporary new website that meets the NSW Government standards for style and accessibility.

The Tribunal is supported by staff of the Office of Fair Trading. Fair Trading Centres provide information on the role of the Tribunal, options available to resolve disputes and help people in lodging an application.

The CTTT produces its own annual report, which is available on the Tribunal's website at: [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au).

*Our Specialist Support Unit provides information and negotiates between parties on real estate, consumer credit, and retirement village disputes.*

## REVS

	06-07	07-08
REVS checks	1,637,800	1,918,481
Finance industry commitments registered	\$8.45 B	\$9.47 B
Total encumbrances held	3.45 M	3.79 M

*635,490 residential rental bonds worth \$690.6 million are held in trust.*

## REVS

REVS (Register of Encumbered Vehicles) continued work aimed at improving the performance, integrity and availability of the REVS system. Part of the project was to provide a browser-based interface for operators in our Fair Trading Information Centre, and this was implemented in late June.

We have undertaken a number of activities as part of our on going commitment to providing information to the wider community and improving service delivery. Our officers participated at open days which have taken place at TAFE's and universities offering students valuable information about buying a car and the importance of a REVS check.

The NRMA continued to provide access to REVS through its CarWise product, and similar work is proceeding with a supplier of integrated software management systems to the motor dealer industry. This arrangement will enable motor dealers to easily undertake REVS checks via an internet link in their business software without the need to re-enter lengthy vehicle identification numbers.

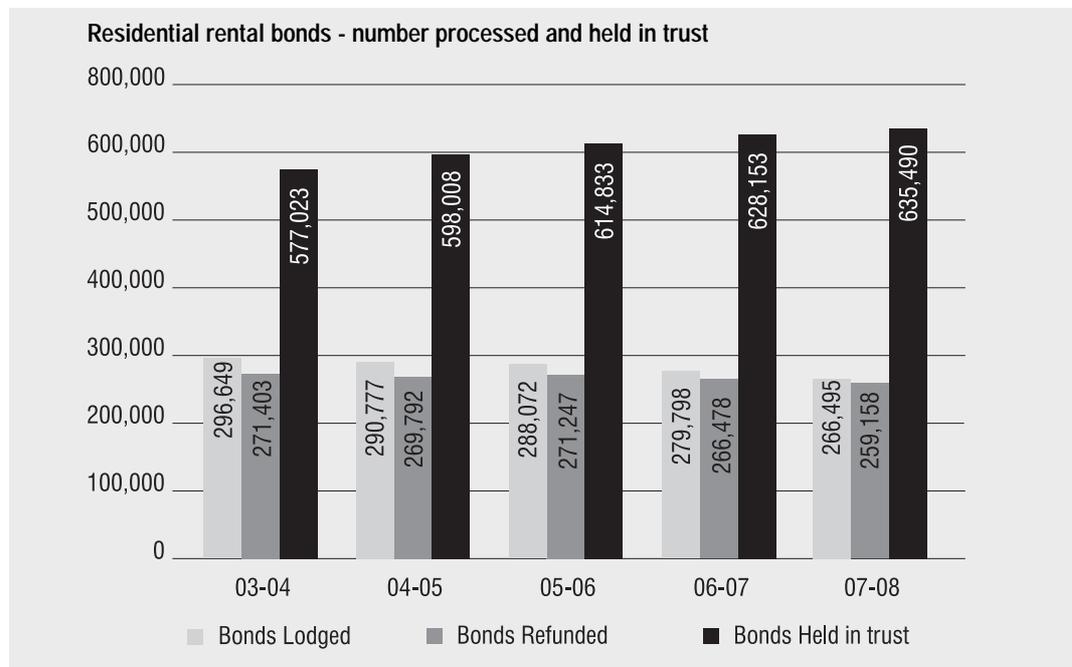
## Rental bonds custody

### Residential rental bonds

At 30 June 2008 there were 635,490 residential rental bonds held in trust. Rental bond funds held increased from \$690.6 million in 2006-2007 to \$741.8 million this year. There has been a gradual slowing in the rate of growth of bonds held in custody in recent years from 3.6% in 2004-2005 to 1.2% in 2007-2008. The number of new bonds lodged totalled 266,495, a decrease of 4.8% from the previous year, reflecting the general levelling-off in the size of the rental market. Rental bond refunds decreased slightly from last year with 259,158 bonds refunded through 370,320 individual payments.

### Renting Services Systems Upgrade Project

During the year funding was approved to upgrade systems supporting the operations of the Rental Bond Board. This two year project will refresh all of the information technology currently supporting rental bond operations and establish a platform that will allow extended rental bond internet services to be offered in the future, building on the success of the existing Rental Bond Internet Service (RBIS).



## Licensing and registration services

### Government Licensing Service (GLS)

The GLS is a whole of government project to create a single integrated Government Licensing System for business, professional and some personal licensing. NSW valuers registrations were the first licence type to be migrated to the GLS in November 2005 and online lodgement of applications was introduced in August 2006. Motor vehicle repairers licences and home building tradespersons certificates were successfully migrated to the GLS in December 2007.

Some of the benefits of the new system include the ability for licensees to renew licences online. The system is also undergoing development to provide the capacity for Fair Trading to automatically request checks on police criminal history of all applicants for home building licences. A further development scheduled to be introduced in late 2008 will enable licence holders to make changes to their licence details over the internet using GLS.

We now offer online services for renewals of business names, motor dealer, travel agent, second-hand dealer/pawnbroker, and home building licences. It is also possible to update particulars online for business names and licensed motor dealers, second-hand dealers/pawnbrokers and travel agents.

We will continue to work in partnership with the Government Licensing Service Project team to progressively migrate all of Fair Trading's licensing systems to the GLS.

### Business registration

Since 2003, we have offered traders the convenient option of renewing or restoring the registration of their business name online, with the added incentive of a discounted fee for the use of this service. The popularity of online renewal continues to grow - during 2007-2008 34,929 businesses took advantage of the service, an increase of 14.6% over the last year. This represents some 38% of all

renewals. In addition, 1,462 changes of address were recorded online during the year, a 13.6% increase over the last year.

### Business names details check

In September 2007, a business names details check facility was made available through our website. More than 500,000 business names are registered in NSW, and this service allows the public to see if a business name is already registered. It includes details of the registration number, date and status along with the nature of business and business addresses. The provision of this information, without charge, demonstrates our commitment to improving the availability of services by increasing online access.

### Conveyancers online check facility

The online Conveyancers Licence Check was introduced on our website in April 2008 to make licence checking quick and easy.

The purchase of a home, land or investment property requires conveyancing, the signing of a legal contract covering the sales contract, mortgage and other related documents. While it is possible to do one's own conveyancing, generally people use the services of a licensed conveyancer or solicitor. Most conveyancers hold an unrestricted licence, allowing them to perform the full scope of conveyancing work for residential, commercial and rural properties. Licensed conveyancers must have professional indemnity insurance to protect clients in case they make a mistake or are negligent in their work.

Consumers can search by licence number, business name or by the licensee's name, whether an individual or corporation.

### BLIS enhancements

The Business Licence Information Service (BLIS), our internet-based service, provides the business community and the public with detailed information on all NSW Government licences, permits and associated regulations. In addition, the service

## Licensing activity

Licence type	New 06-07	New 07-08	Currently Registered
Builders	12,056	11,965	166,683
Conveyancers	148	153	838
Motor Dealers	376	462	3,728
Motor Vehicle Repairs	1,412	1,463	n/a*
Pawnbrokers & Second-hand Dealers	175	127	882
Property, Stock & Business Agents	2,820	2,768	26,898
Public Weighbridge	9	2	77
Real Estate Certificates	5,076	5,379	17,495
Trade Measurement Services	21	12	206
Travel Agents	76	120	1,460
Valuers	159	217	3,166
<b>Total</b>	<b>22,328</b>	<b>22,668</b>	<b>221,433</b>

\* Data not available in 2007-2008

*We now offer online services for renewals of business names, motor dealer, travel agent, second-hand dealer/pawnbroker, and home building licences.*

gives customers a wide range of information regarding the general requirements for establishment or ongoing operation of a business in NSW.

In 2007-2008 we continued to identify enhancements to improve BLIS performance and usability for our customers. Audits of data quality were also conducted to ensure that BLIS information reflected the most up to date material from NSW and Commonwealth Government agencies.

**Home building**

We implemented a number of changes during 2007-08 to improve efficiency and make it easier for eligible contractors to apply for their home building licences or renewals. In line with the Government's direction of cutting red tape, we introduced the option of allowing home building licensees to renew their licence for three years instead of one from 1 July 2007. Licensees who take up the three year licence options can save 20% of their licence fee.

Also since 1 July 2007, we no longer require licence holders to provide proof of home warranty insurance eligibility. Instead we receive this information direct from insurers and immediately place this information onto the public register. Prior to the introduction of these new arrangements, insurance information would only be updated upon renewal. Having an up to date and accurate record of insurance eligibility improves consumer awareness and protection.

From 1 January 2008, Continuing Professional Development has operated more simply for builders and pool builders under a 12 point per year system, as opposed to the 25 point per year system. In 2008, builders and pool builders switch to the new 12 point CPD system on the date the licence is renewed. Those with a 3 year licence switch to the new system on the first anniversary

of the date the 3 year licence commenced. During 2008, we conducted 24 free CPD seminars in metropolitan and regional NSW locations. Builders and pool builders attending the seminar will earn 2 CPD points (or 4 points under the old CPD system).

**Incorporated limited partnerships**

As a commitment to investment in NSW we moved quickly to introduce legislation allowing the registration of a new type of Incorporated Limited Partnership. Early Stage Venture Capital Limited Partnerships registered in NSW result in significant investment in the State. Venture capital is an important source of funding for start-up companies, and expanding and restructuring businesses where the financial risk is usually quite high. This structure offers significant incentives to investors to encourage business and job opportunities. We took the opportunity to review the fee structure for Limited and Incorporated Limited Partnership transactions, removing a number of fees and greatly simplifying the process for business.

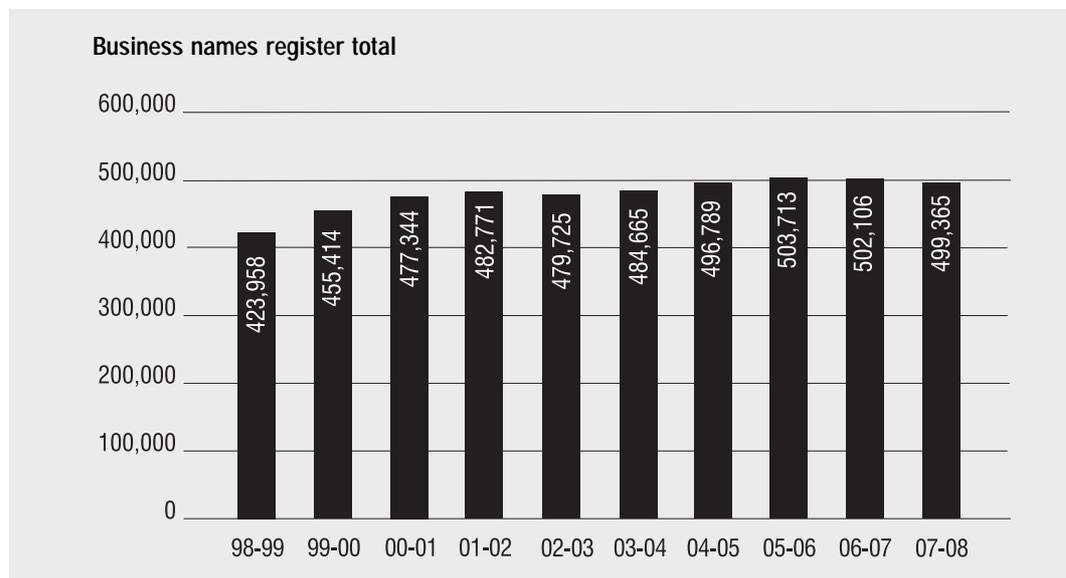
**Registration of Co-operatives and Associations**

**Incorporated associations that exceed assets/ income guidelines**

This year we undertook a review of incorporated association records to identify associations where continued incorporation under the *Associations Incorporation Act 1984* may not be appropriate.

The intention of the Act is to provide a limited legal liability for small community and non-commercial entities. Incorporation can be refused if the proposed incorporated association has significant assets or because of the nature of its activities. In addition the Act allows the Minister to direct an association to transfer its incorporation to that of a company or a co-operative where the association has become too large or complex.

*Home building licensees can renew their licence for three years instead of one and save 20% of their licence fee.*



Initially 60 associations with assets over \$5 million were identified, with the largest holding assets of \$260 million. All were contacted and asked to voluntarily transfer incorporation. To date 16 have transferred or are in the process of doing so. The next phase of the project identified 38 associations with assets over \$4M. All have been contacted and requested to voluntarily transfer incorporation.

#### **Incorporated associations cancellation project**

Changes to the *Associations Incorporation Act* were introduced on 20 October 2007, effectively simplifying the cancellation process where incorporated associations have failed to lodge annual returns or have become inactive.

We introduced a range of follow-up actions for those incorporated associations which have failed to lodge annual statements as required by the Act. Indications are, as a result of this and other notifications, that a significant number of incorporated associations may also meet the necessary grounds for cancellation. A number of our Registry officers have commenced the significant task of cancelling those incorporated associations. To date, the incorporation of 1,408 inactive incorporated associations has been cancelled utilising the amended provisions. This project is continuing on a staged basis.

#### **Awareness program**

The aim of this campaign is to broaden awareness and to build a better understanding among professional groups of the unique features of the co-operative structure. Last year we concluded our education program targeted at members of the legal profession after reaching over 23,000 legal practitioners across the State. The campaign is now focusing on the banking industry and accounting profession.

Co-operatives have proven their potential in assisting communities and business to achieve benefits that otherwise may not be possible through individual endeavours. These benefits include improved bargaining power, reduced costs, broader marketing and reach as well as local ownership and member control. However, if the co-operative sector is to grow and be viable then, like all industries, it requires strong professional support.

#### **Registration of co-operatives and associations**

Type of Entity	06-07	07-08
Associations	39,348	39,801
Co-operatives	744	728
Funeral funds	18	25
Co-operative housing societies	17	16
Associations of co-operative housing societies	11	11
Starr-Bowkett societies	18	17

Our tailored information sessions delivered in the field are targeting those professional groups which are most likely to be the principal points of contact for new and existing co-operative ventures. This program is ongoing and to date sessions have been delivered to over 60 CPA accounting groups across the State and more than 100 regional bank managers. New strategies are currently being developed to target chartered accountants and other representatives in the financial industry.

#### **Community and industry grants**

Community and industry grants are provided to not-for-profit organisations for the provision of community education, advice and advocacy services for tenants, retirement village residents and consumers who need assistance with dealing with personal financial difficulties. In line with the NSW Government's social justice objective, these grants promote the principles of access, equity and diversity.

Our partnership with funded not-for-profit groups ensures complementary service provision, in that we provide information, regulation and remedy, while the community sector specialises in the provision of consumer advice and advocacy services.

#### **Tenants Advice and Advocacy Program**

In 2007-2008, the 22 community organisations funded under the Tenants Advice and Advocacy Program (TAAP) assisted over 31,200 people.

There has been a significant increase in client contacts due to the rising number of instances of mortgagees taking possession of premises from tenants. The *Residential Tenancies Act* protects tenants from mortgagee possession until there is a court order. However, many tenants who are unaware of their rights are being pushed out of premises by mortgagees' demands.

This year, more than 4,400 tenants around the State received assistance in preparing for a Consumer, Trader and Tenancy Tribunal hearing or with representation at a hearing.

*In line with the NSW Government's social justice objective, these grants promote the principles of access, equity and diversity.*

*We provide information, regulation and remedy, while the community sector specialises in the provision of consumer advice and advocacy services.*

### Financial Counselling Services Program

The Financial Services Program funds organisations to provide free financial counselling services by accredited counsellors, legal casework and public education programs to assist consumers who are encountering financial hardship. We also provide funding for the training of financial counsellors. All financial counsellors must be trained and eligible for accreditation by the Financial Counsellors Association of NSW.

This year, almost 39,000 people sought assistance from these dedicated financial counselling services. During 2007-2008 there continued to be an increase in clients requiring these services for help and advice. This has been attributed to the continuing rise in interest rates, personal debt increases due to credit over-commitment and increased living costs. The issues reported by funded services revealed a significant increase in the number of people seeking advice about bankruptcy and sustained numbers of people caught out by high interest rates, as well as over-commitment in personal debt.

Issues relating to management of personal finances are also discussed at community education sessions provided by the 43 individual services and five outreach services that receive funding under the program. These sessions are very useful as a preventative strategy, enabling people to make more informed decisions about the use of credit and day-to-day financial management issues. In 2007-2008, 127 sessions were conducted, benefiting almost 2,000 participants.

We also worked to provide additional funding for the program to assist in meeting the increased demands for NSW consumers experiencing financial distress. From 1 July 2008 the program will see an 85% increase in funding to bring the total funding allocation up to \$3.8 million per annum.

### Property Services Grants Program

The Property Services Grants Program provides funding or loans to eligible organisations for educational, training or research projects relating

to the property services industry. The program funds organisations to raise consumer awareness and also to raise industry standards.

This year we funded six projects under the Property Services Grants Program. Funded projects included community education for migrants and refugees in finding accommodation, a property service support telephone service, online continuing professional development and training projects.

### Home Building Grants Program

The Home Building Grants Program targets elements of the home building industry licensed under fair trading legislation. Funds are provided for one-off projects to undertake research or provide consumer education or industry training which will enhance the professionalism of the industry and, in turn, enhance outcomes for their consumers.

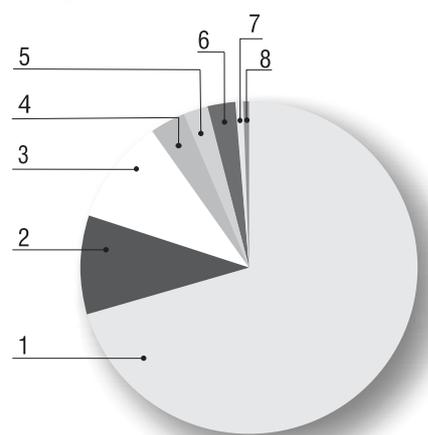
We funded eight projects under the Home Building Grants Program. Specific education and training programs were funded that focused on termite management, electrical safety, plumbing contractors and apprenticeships, home building contracts, home building construction and continuing professional development.

We also continued to fund the pilot Home Building Advisory Service that provides legal advice, home building and dispute resolution expertise to assist consumers that might otherwise be disadvantaged by a dispute with a home building contractor. This Service provided advice for 249 people and advocacy for 27 cases in 2007-2008.

### Website

The Fair Trading website is regularly updated to provide practical and useful information on our Community and Industry Grant Programs. This resource provides the public and business sector access to information on the projects or services that receive funding and the organisations contact details. Organisations and individuals have access to application forms, program guidelines and key dates for when programs are advertised.

### Total grant allocations



Funding allocated in 2007-2008		
1	Tenants Advice and Advocacy Program*	\$8,369,641
2	Credit Counselling Program**	\$1,136,029
3	Financial Counselling Trust Fund	\$1,214,360
4	Home Building Grants Program	\$446,666
5	Property Services Grants Program	\$237,018
6	The Aged - care Rights Service	\$375,000
7	Co-operatives Development Grants Program	\$48,380
8	Motor Vehicle Repair Industry Authority	\$50,000
<b>Total</b>		<b>\$11,877,094</b>

All figures are excluding GST, which is paid on all grants.

\*Includes \$290,552.45 provided from TAAP Special Purpose Funds

\*\*Includes \$45,500 provided from CCP Special Purpose Fund

## Motor vehicle repairs

A general grant of \$50,000 was again made to the Automotive Training Board of NSW (ATB). The ATB is the NSW automotive retail, service and repair Industry Training Advisory Board, which works with industry, registered training organisations, schools and government bodies to ensure that the training needs of the industry are being addressed. The grant is made to assist the ATB meet its primary objectives of developing, improving, encouraging, fostering and implementing systematic training initiatives for employment in the automotive repair industry.

## Co-operatives Development Grants Program

The Co-operatives Development Grants Program provides funding for research projects, education and feasibility studies that assist the NSW co-operative sector to grow and remain a viable sector of our economy. Grants are available for the formation and development of co-operatives, and for education and research projects. Funded projects aim to develop the Government's co-operatives policy objectives in the NSW economy and promote their formation by highlighting how these organisations can provide alternative means for economic development, social empowerment, equity and social justice in a competitive environment.

In 2007-2008 we funded four projects under the Co-operatives Development Grants Program. These included feasibility studies into the creation of a co-operative, website development, research into co-operative housing and the Living Co-operatively Symposium.

## Home warranty insurance

### Enhancements to scheme

The Home Warranty Insurance Scheme Board monitors the operation of the Home Warranty Insurance Scheme in NSW and has recommended enhancements to increase its coverage. The Government increased the minimum cover that must be provided by insurers under the home warranty insurance scheme to \$300,000.

The Board also recommended other initiatives to enhance consumer access to the Scheme's benefits. These include an agreed protocol with insurers, which commenced on 1 October 2007, whereby insurers will accept a letter from the Office of Fair Trading that a builder cannot be located as evidence of a homeowner's belief that a builder has disappeared and as evidence of the homeowner having made due search and enquiry to locate the builder.

The protocol means that while insurers may undertake their own search for the builder, the homeowner will not be asked to provide any additional documentation. This will reduce the time

it takes to have a claim accepted. Since March 2007, information about the scheme's operation based on data provided by insurers on a quarterly basis has been published on our website.

Further enhancements of the Scheme, when passed by the Parliament, will:

- allow consumers to lodge a claim if their builder fails to comply with a monetary order of the Consumer, Trader and Tenancy Tribunal
- provide the capacity for insurers to pursue these builders to recover any money paid out as part of the claim
- bring an additional penalty upon bad builders that fail to comply with a monetary order of the Tribunal, could see them facing disciplinary action and may result in their licence being suspended.

### Senate inquiry

On 19 March 2008, the Commonwealth Senate referred Australia's mandatory Last Resort Home Warranty Insurance Scheme to the Senate Standing Committee on Economics for report by May 2008.

The inquiry received a number of submissions and heard evidence from witnesses on the operation of private home warranty insurance schemes in Australia. The Committee held a public hearing of its inquiry in Sydney on 13 June 2008. The NSW Government accepted an invitation to be represented at the hearing and was represented by Fair Trading's Assistant Commissioner Home Building Service and the Chairperson of the Home Warranty Insurance Scheme Board.

Home warranty insurance was also covered in the report of the Productivity Commission of its Inquiry into Australia's Consumer Policy Framework.

### Beechwood Homes

When the Beechwood Homes group of companies collapsed in May 2008, Fair Trading took immediate action to identify and contact consumers who had signed contracts with Beechwood to advise them of their rights. Approximately 360 consumers had construction contracts and over 500 others had paid for pre-contract work to be carried out.

### Electrical certifications

The *Electricity (Consumer Safety) Act 2004* requires declared electrical appliances to be approved by a state or territory electrical regulator or an approved external approval scheme before they can be sold in NSW. Declared appliances include televisions, refrigerators and room heaters. In 2007-2008, 2,218 new, modified or renewed articles were approved which generated revenue of \$1,041,839.

*The motor vehicle repair grant's primary objectives are developing, improving, encouraging, fostering and implementing systematic training initiatives for employment...*



# Compliance

## Objective 4: Compliance with Fair Trading laws

### *Strategy: Effective enforcement*

Traders need to act in accordance with fair trading laws for a fair marketplace to be achieved. Out of a natural sense of fair play and in the interests of the reputation and integrity of their industries, the honest majority do so. Others may need assistance with clarifying their responsibilities. A relatively small but dangerous fringe element operates to a greater or lesser degree on both sides of the law. Our enforcement programs begin with targeted inspections and intelligence work, graduate to investigation work where required and in a proportion of cases, result in internal disciplinary action or prosecution through the courts. Our ability to enforce compliance depends on many factors including, increasingly these days, cross-agency and cross-jurisdictional co-operation as many scams originate interstate or overseas but affect NSW consumers.

Snapshot: service-level statistics	2007-2008
Successful prosecutions	557
Penalty notices issued	948
Investigations	3,217
Inspections	29,140

### Highlights 2007-2008

- Over 39,000 compliance related activities including more than 29,000 inspections
- 109 people prosecuted with \$1.2 million in penalties issued and 641 people issued with penalty notices amounting to \$796,000
- Fair Trading led the ban and national recall of Bindeez bead toys that left four Australian children hospitalised after ingesting them
- Builder sentenced for unlicensed building work and forged home warranty insurance certificates
- Conducted a management review and implemented a best practice Fair Trading Compliance Model to deliver targeted compliance programs and credible enforcement outcomes

Marketplace indicators	03-04	04-05	05-06	06-07	07-08	Target
Percentage of consumers confident in fair operation of marketplace	70%	71%	69%	73%	79%	68-74%

#### Comment/interpretation

Consumer confidence is a recognised proxy measure used in several jurisdictions to assess marketplace fairness, but it is impacted by the activities of many agencies across jurisdictions. Results can be affected by major events, including those interstate or overseas, during or just prior to the survey. The aim is to maintain levels in a target

range comparable to other similar jurisdictions (68-74%). It is highly unlikely that much higher results would ever be achieved given marketplace complexity but subject to the above qualifications, significant drops would trigger further marketplace analysis to examine whether the results reflect an issue of concern.

Performance measure	03-04	04-05	05-06	06-07	07-08	Target
% of inspections where compliance evident	-	96%	97%	98%	98%	≥90%
Proportion of prosecutions successful	91%	94%	86%	95%	92%	≥90%

#### Comment/interpretation

The percentage of inspections where compliance is evident is a quantity measure that demonstrates the effectiveness of our compliance programs. A high incidence of compliance during random and routine inspections shows that a combination of appropriate laws, business education and information programs, licensing requirements and the knowledge that regulatory infractions and offences will be detected and dealt with, all contribute to consumers experiencing a fairer marketplace. Publicity associated with disciplinary action reinforces the compliance message and reassures traders who behave fairly and ethically that Fair Trading is actively protecting the integrity of their industries.

The proportion of prosecutions that are successful is a quality measure of major interest to external stakeholders. It not only reflects on the effectiveness of our court actions but also on the quality of the investigative processes that precede them. The target must be set at a level which accommodates OFT case preparation (including scope to explore legal precedents) - offset by the independence of the Courts where results cannot be assumed. Unsuccessful prosecutions can still have a deterrent effect.

## Compliance related activities

The environment in which we operate is rapidly changing. Changes in communication and information technology mean that commercial activity often transcends state and national boundaries. The global economy, with its new products and services and innovative business and marketing methods often creates problems for consumers, and practical and jurisdictional difficulties for law enforcement agencies.

An essential part of our long-term compliance strategy involves participating in regulatory reviews at both state and national level, to ensure that legislation adequately addresses marketplace problems and provides practical enforcement options and remedies. Our regional office network plays an important part in implementing the compliance policy throughout the State. Compliance programs are strategically developed to ensure that they are informed by an analysis of the marketplace and follow consultation with regional officers. This includes specific programs and strategies developed to address regional and local issues. We also have an annual program in place where compliance inspections are conducted under all legislation we administer.

During the year, our inspectors carried out more than 28,000 inspections throughout New South Wales. These focused on real estate agents, builders and tradespeople, travel agents, motor dealers and repairers, auto dismantlers, second hand dealers, pawnbrokers, the safety of various products including electrical items, packaged items at supermarkets and other retail outlets,

liquor dispensing units and glassware at licensed premises and petrol, gas and LPG fuel pumps. Some of the larger programs involved 743 product safety inspections and 1,749 electrical safety inspections, 1,446 building industry inspections and 6,719 trade measurement inspections. In the home building area, operations Hard-hat, Wedge, AirCon, Phoenix and Owner Builder involved targeted visits to 2,031 building sites and interviews with 1,971 traders. Resulting fines for a range of offences totalled more than \$903,000.

#### Super RAPs

To increase the effectiveness of a range of programs we introduced an expanded Regional Access Program whereby each of our business areas participate, focusing on a single location at the same time. For example, our real estate investigators conduct inspections of real estate agents to ensure they are complying with relevant legislation and assist agents to clarify their roles and responsibilities under the Act. Similarly, our Measurement and Technical Services experts use our fleet of 5 compliance testing equipment vehicles to check the accuracy of measuring and weighing equipment used for business. The equipment we use includes the weighbridge test unit to check public and private weighbridges, the high-flow petrol test unit used to test fuel tankers and meters at fuel terminals, the LPG gas test unit used to check LPG fuel dispensers at petrol stations, the driveway flow meter test unit used to check service stations petrol pumps, and the reticulated gas test unit for domestic gas meters.

*The high percentage of inspections where compliance is evident is a quantity measure that demonstrates the effectiveness of our compliance programs.*

*Our product safety investigators are out across the State all year round targeting suppliers whose toys and other products fail to meet product safety standards.*

Product safety and electrical safety officers inspect relevant retail outlets and assist local inspectors in the field during the period. Our Home Building Service officers conduct inquiries about unlicensed contracting, failure to provide written contracts, excessive deposits and failure to provide home warranty insurance. Similarly our investigators also conduct inspections of pawnbrokers, second hand dealers and motor dealers to ensure compliance with relevant legislation as well as providing assistance where required to clarify roles and responsibilities. This year Super RAPs were conducted in Albury, Forster and Coffs Harbour.

#### **Christmas toy survey**

Each year in the lead up to Christmas, our inspectors carry out a product safety blitz to identify dangerous toys and other unsafe goods. This year the State-wide survey of 500 stores and market stalls identified 147 non-compliant general products and 27 non-approved electrical items. This included 133 potentially harmful toys. All dangerous items found during the safety blitz survey were tested by Fair Trading and then ordered to be removed from the shelves and the public alerted.

Our product safety investigators are out across the State all year round, in shopping centres, plazas and at markets, targeting suppliers whose products and toys fail to meet product safety standards. Most businesses do the right thing and make sure their products are safe. However retailers need to be aware that if they fail to comply with their legal obligations they face consequences. Successful prosecution action was taken against five retailers last year and they were fined a total of more than \$27,000 for breaches of product safety laws.

#### **Easter Show**

Our product safety inspectors inspected all 298 show bags on sale at the 2008 Royal Easter Show in their annual check of the show bags to ensure that the toys and novelties in them meet the strong product safety standards in NSW. Inspectors also conducted random checks during the Show to look out for any unsafe products being offered for sale.

#### **Children's toys**

Lead in toys is a serious issue and of concern at both a state and national level. In NSW a permanent ban on the supply and sale of toys containing lead has been in force since January 2008. This NSW State ban will remain until the Commonwealth completes a review and introduces a suitable mandatory safety standard. A number of toys were recalled over the past year by leading distributors of children's toys worldwide as they contained higher than acceptable lead levels.

In September an interim ban was imposed on the supply of children's toys with accessible materials with a lead migration level greater than 90 mg/kg. Since the interim ban, we have been actively monitoring the market and have independently tested 50 toys in accordance with the testing procedures specified in the Australian/New Zealand Standards.

#### **Real estate continuing professional development audit**

In February, 270 real estate agents and certificate holders were audited by our inspectors for compliance with their continuing professional development obligations. The audit resulted in disciplinary action against eleven agents and the surrender of nine licences and five certificates of registration for contravention of the licensing legislation. Official notices were sent to agents who did not complete their continuing professional development requirements asking them to explain why their licences should not be cancelled.

#### **Western Sydney hail storm hotline**

Following the December 2007 hailstorms Fair Trading issued warnings of rogue traders and issued some 1500 information kits advising on consumer and tenancy issues, delivered in co-operation with the Department of Community Services during a two day door knock of the Blacktown and Lalor Park areas.

In the first week of February, the hail storm hotline was established to capture the details of consumers affected by hailstorms in Western Sydney, together with the details of willing and available builders to assist speed repairs. This information was passed to the Insurance Council and shared with the Western Sydney Task Force. Fair Trading checked the licences of volunteering builders and continued to visit the affected area during the period of repairs to facilitate consumer protection and compliance with fair trading / building laws.

#### **Australasian Consumer Fraud Task Force**

Every year, the Australasian Consumer Fraud Taskforce holds a national campaign to help raise awareness about scams and how you can protect yourself. This year's fortnight long campaign educated consumers about seduction scams and deception scams.

The campaign also sought to bust some common scam myths such as the legitimacy of internet sites, short cuts to wealth and that scams only involve large amounts of money or are always about money.

The campaign urged consumers to not respond to a scam, not provide personal details to someone they don't know or trust and report scams to the SCAMwatch website or phone number.

Additionally, consumers were warned about the dangers of the online lover. Thousands of Australians are at risk from a relatively new scam targeting single people seeking a partner. Scammers spend a lot of time and effort to build elaborate online romances. Victims receive phone calls and photos from their fake lovers. When these scammers think they have their hooks in, the first sign of a scam will be a request for money - and the money will have to be sent in cash.

### **Rogue inbound tour operations**

We are a member of the Inbound Tourism Compliance Taskforce (recently renamed the Consumer Tourist Working Group) and chaired by the Department of Resources, Energy and Tourism. The Taskforce's major objective is to reduce the market power of unethical operators through better educated visitors exercising informed consumer choice. Consumer education content targeted to international visitors has been enhanced and is readily accessible through Tourism Australia's revamped, multilingual consumer site [www.australia.com](http://www.australia.com). Taskforce members have encouraged and assisted industry to develop voluntary Codes of Conduct.

The Taskforce analyses complaint information received through a national online tourist complaint form at [www.ret.gov.au/tourism](http://www.ret.gov.au/tourism). The complaint form will be available in Chinese and Korean. The Korean online complaint form became operational in November 2007 and has resulted in 32 complaints being received, translated and forwarded to us. NSW has funded the translation of all complaints. To date refunds have been achieved for nine tourists, whilst another five are in the process of receiving full refunds.

We also seek the co-operation of the Korean Consumer Agency to assist in communication difficulties with complainants and the gathering of intelligence and encourage members of the industry to report alleged unethical practices.

### **Enforcement**

By enforcing the law, we protect consumers from unscrupulous people and promote confidence in the market place. The reputation and integrity of industry groups is improved by removing fraudulent or sub-standard traders. Through inspections, investigations and by responding to complaints we take enforcement action against individuals or businesses that contravene the law. Enforcement action may include disciplinary action, fines, rectification orders, compensation payments, disqualification, restraining orders or imprisonment.

### **Associations Incorporation Act**

The *Associations Incorporation Act* provides non-profit community based groups with an easy and relatively inexpensive means of establishing and registering as a legal entity. It protects the individual members and allows the association to continue regardless of changes to membership.

#### **Significant prosecutions**

*Australian International Trade Association Incorporated*

Established in January 2001, the principal activities of this incorporated association were to 'introduce members to prospective partners'. However, subsequent investigations revealed the association had been operating guided tours between Australia and China and conducting English classes in China.

The association came to our attention as a complaint from a former employee who became involved with the association by providing English lessons in China. On four separate occasions our investigators served notices on Mr Guo, the public officer of the association, to produce registers of committee members and members as well as financial records. No records were ever produced. **Result:** On 20 February 2008, after successfully seeking an order for substituted service, Mr Guo was convicted of failing to produce records of the association and fined \$300. In addition to the fine Mr Guo was directed to pay court and professional costs of \$622.

### **Business Names Act**

Registering business names protects consumers and businesses by keeping a register of the details of the entity behind a trading name for the purposes of law enforcement or consumer redress. Registration also ensures that registered business names in NSW cannot be confused with each other or incorporated company names anywhere in Australia.

#### **Significant prosecutions**

*Jenni Marshall*

Jenni Marshall was trading as 'The Advocate for Tenants Rights' which is a registered NSW business name and she had a business card which was similar to those distributed by the Tenants Advice and Advocacy Program, an independent group funded by Fair Trading. Ms Marshall was observed on numerous occasions attempting to conduct business at the Hornsby Local Court which contains the Consumer, Trader and Tenancy Tribunal. Sheriff's officers ejected Ms Marshall from the confines of the building on a number of occasions. Her behaviour, conduct and appearance at courts and tribunals could lead consumers to assume she possesses legal qualifications to practice law competently. Ms Marshall ignored all requests for her to cease her

*The reputation and integrity within industry groups is improved by removing fraudulent or sub-standard traders.*

behaviour. **Result:** Ms Marshall was charged with offences under the *Fair Trading Act* and the *Business Names Act* and ordered to pay fines, compensation orders and costs amounting to \$9,506.

### Consumer Credit Administration Act

The *Consumer Credit Administration Act* protects consumers by regulating all finance brokers who negotiate with credit providers to obtain consumer credit for clients. Brokers must provide sufficient information for clients to make appropriate choices and enter into a written contract with a consumer before commencing finance broking. Finance brokers are prohibited from claiming commission in advance. The Act provides a disciplinary regime for finance brokers and credit providers with an ultimate sanction of prohibiting them from trading. It also sets out powers for conducting an inquiry into any credit-related matter.

### Significant prosecutions

#### *Save Finance (The Loan Enquiry Centre)*

Save Finance operates as a finance broker offering to negotiate home loans for consumers, especially those in financial difficulty. Fair Trading received complaints from consumers about Save Finance's business practices and its finance broking contracts. Fair Trading conducted an investigation into the activities of the company and its sole director, Mr Armond Shoostovian. The investigation revealed multiple breaches of the *Consumer Credit Administration Act*, especially regarding inadequate documentation and disclosure. **Result:** Save Finance is currently the subject of disciplinary action. Fair Trading has also commenced proceedings in the NSW Supreme Court against the Director.

### Conveyancers Licensing Act

The *Conveyancers Licensing Act* allows people who are appropriately qualified to undertake conveyancing work. Consumers who use licensed conveyancers to assist in the purchase of a property are protected by the consumer protection provisions in the Act. For example; conveyancers must have professional indemnity insurance to protect clients, their trust accounts are audited, they must tell clients of costs they charge and they are required to contribute to a compensation fund.

### Significant prosecutions

#### *Jennifer Louise McLean*

On 2 November 2007, following numerous consumer enquiries, we conducted an investigation into the operation of Lakes Conveyancing Services at Toukley and Gosford, operated by licensed conveyancer Jennifer McLean. The investigation disclosed that Mrs McLean failed to hold and disburse trust money, used trust money to pay the operating expenses and other debts of the licensed business, failed to observe the rules of conduct prescribed for a conveyancing business or exercise of functions under a licence, and was an undischarged bankrupt which disqualified her from holding a licence. On 9 November 2007 the Commissioner for Fair Trading suspended Mrs McLean's conveyancer's licence and appointed a manager to the business. The manager identified a possible trust account deficiency of \$540,144.10. A trustee was appointed to take over all responsibilities for running the business. There are 15 compensation claims of which \$346,402.68 has been paid in addition to the manager's cost of \$95,970.69

**Result:** On 1 July 2008 Ms McLean's licence was cancelled and she was declared to be a

### Successful prosecutions

Act	Defendants	Offences	Penalties
Associations Incorporation Act	1	1	\$922
Business Names Act	3	6	\$2,474
Consumer, Trader & Tenancy Tribunal Act	2	20	\$30,700
Crimes Act	6	16	\$12,800
Electricity (Consumer Safety) Act	2	10	\$22,050
Electricity Safety Act	1	12	\$9,304
Fair Trading Act	21	60	\$130,322
Home Building Act	37	173	\$269,561
Motor Dealers Act	21	200	\$769421
Motor Vehicle Repairs Act	6	13	\$13,818
Property, Stock and Business Agents Act	4	32	\$7,737
Trade Measurement Act	3	14	\$6,520
<b>Total</b>	<b>107</b>	<b>557</b>	<b>\$1,275,629</b>
Total Prosecutions:	605		
Total Successful Prosecutions:	557		
% Successful:	92%		

*Offences under an Act include offences under a regulation made pursuant to that Act.*

*Total Prosecutions refers to offences subject of prosecutions commenced by Office of Fair Trading*

*Successful prosecutions means prosecutions resulting in conviction as well as prosecutions where the offender is found guilty of an offence but a conviction is not recorded.*

*Consumers who use licensed conveyancers to assist in the purchase of a property are protected by the consumer protection provisions in the Act.*

disqualified person for the purposes of the Act for a period of five years and disqualified from being involved in the direction, management or conduct of the conveyancing business.

## Co-operatives

The *Co-operatives Act* provides for the registration of organisations that are owned, controlled and used by their members to deliver benefits to their members and can be structured so that the profits are put back into the co-operative or distributed to members. The extent of the operations of a co-operative depends on the support given to it by its members.

### Compliance programs

#### *Fishing industry co-operatives*

In 2006 the Seafood Industry Council raised concerns with us about the financial viability of a number of fishing co-operatives in NSW. At that time, although we advised that our role was to ensure compliance with the Act and did not extend to intervening in internal governance of co-operatives or ensuring that co-operatives remain profitable. Our staff attended a meeting of the NSW Fishermen's Co-operatives Association (NSWFCA) at the Sydney Fish Markets, giving a presentation on the roles, responsibilities and potential liabilities of individual co-operative board directors.

There are some 19 active fishing co-operatives currently registered in NSW under the Act. As a result of this issue we inspected three fishing co-operatives to assess compliance with the Act during the year.

These inspections have generally confirmed that the boards are well aware of their co-operatives' financial positions and, where necessary, have implemented plans to address them.

#### *Housing co-operatives*

During the year we continued monitoring housing co-operatives in conjunction with the NSW Department of Housing's Office of Community Housing (OCH) using their Performance Based Registration System. We had previously undertaken a number of inspections of housing co-operatives where compliance issues were identified. We worked closely with the OCH to resolve these issues and achieve satisfactory outcomes for all stakeholders.

Also during the year, the Department of Justice in Tasmania contacted us to seek the assistance of an officer to conduct an investigation into a co-operative on behalf of Tasmanian Fair Trading and Consumer Affairs. The opportunity to assist the Department of Justice in this compliance initiative was welcomed and was seen as an ideal opportunity for regulators from different jurisdictions to share knowledge and expertise.

One of our financial analyst/inspectors was appointed as an investigator under the Tasmanian *Co-operatives Act* to hold a full and proper inquiry into the co-operative concerned and to report to the Tasmanian Commissioner for Corporate Affairs.

## Crimes Act

Fair Trading also uses certain aspects of the *Crimes Act* to protect consumers. Under this Act it is illegal to create forgeries or false instruments such as documents, credit cards or information recorded electronically, dishonestly obtain money, valuables, or financial advantage, or provide false or misleading information.

### Significant prosecutions

#### *David Ronald Harper*

As reported last year, Mr Harper was fined \$90,400 in June 2007 for issues relating to unlicensed home building work and a failure to provide home warranty insurance. However, Mr Harper was prosecuted further for four offences under the *Crimes Act* relating to obtaining money by false or misleading statements. **Result:** In May 2008 Mr Harper was fined over \$2,070, including costs, and sentenced to a 12 month suspended sentence.

#### *Benjamin Nuele Akari*

Mr Akari conducted building work while unlicensed and forged home warranty insurance certificates. **Result:** In March 2008, Mr Akari was sentenced to 14 months home detention and ordered to pay \$9,060 for a string of serious offences under the *Home Building Act* and the *Crimes Act*.

## Electricity (Consumer Safety) Act

The *Electricity (Consumer Safety) Act* regulates electrical safety by requiring that electrical articles meet minimum standards before they are made available to the public, and that work on electrical installations is at least done to a minimum standard. A compliance certificate is to be completed by an electrical contractor every time the contractor adds, alters, disconnects, reconnects or replaces an electrical installation. The Act also requires the reporting of all electrical accidents.

### Significant prosecutions

#### *Asmit Kumar aka Rajneil Prasad*

AAKA Pty Ltd and its director, Ashmit Kumar, undertook illegal air conditioning and electrical work across Sydney suburbs including Clovelly, Mosman and Wattle Grove. He posed a serious danger to himself, his customers and to other electrical contractors who may have to work on the same installations later. The illegal activities included unqualified air conditioning work, carrying out a test on an electrical installation without being qualified and carrying out electrical installation work that was not in accordance with Australian/New Zealand wiring rules. **Result:** AAKA Pty Ltd

*Fair Trading also uses certain aspects of the Crimes Act to protect consumers.*

and its director were convicted on three counts of contracting to do residential building work (electrical work) while unlicensed and breaches of the home building and electricity consumer safety laws. He was ordered to pay a total of \$128,660 in fines and costs.

Breaches of these laws are taken extremely seriously and as this case shows, contractors who do not comply can expect a heavy penalty.

#### *Pre-Winter Compliance Survey*

The Pre-Winter Compliance Survey was conducted during April and May 2008 with variety and discount stores targeted as sources of potentially dangerous consumer products. Over 160 stores were visited throughout New South Wales, with 60 of these stores in 12 regional centres. The survey revealed high compliance in regional centres. This has been a trend in recent times as small independent retailers have been replaced by franchises or large buying groups with centralised buying and distribution.

During the survey, our officers issued two breach advice notices involving articles which did not comply with either the *Electricity (Consumer Safety) Act* or the *Electricity (Consumer Safety) Regulation*. Of these, five articles were electric blankets and two were room heaters. Retailers and suppliers have removed from sale all identified articles which did not comply. The survey confirms that our regular planned inspections of retail outlets, including markets, ensures continued compliance by traders. This compliance is achieved by utilising both educational and enforcement activities.

## Fair Trading Act

The *Fair Trading Act* protects consumers and traders by prohibiting misleading, deceptive and unconscionable conduct in trade or commerce, providing for statutory conditions and warranties in consumer sales, prescribing product information and safety standards, regulating trading practices such as direct commerce and lay-by sales, prohibiting unfair practices such as pyramid selling and providing for redress and enforcement of fair trading laws.

### Significant prosecutions

#### *Paul John Perrett*

Paul John Perrett operated a business in Newcastle called the 'Rutherford Health Clinic' and claimed he could relieve or delay the symptoms of diseases including cancer, multiple sclerosis and Huntington's disease with his products. The case against Perrett was strong as we had obtained evidence from a number of his former clients all of whom suffered from terminal illnesses. Mr Perrett falsely represented his background and offered his clients false hope of being cured or extending and improving the quality of their lives. Among other

things, he falsely claimed he had lectured at universities and had the qualifications and experience to treat the serious conditions suffered by his clients. **Result:** Mr Perrett failed to attend court for the hearing of his case and was found to have breached the misleading and deceptive provisions of the *Fair Trading Act*. The Supreme Court issued orders on 12 October 2007 permanently banning Paul John Perrett from engaging in misleading conduct and exploiting people with serious illnesses under the guise of an alternative health practitioner.

#### *Cashback*

Cashback Australia Limited promoted a deferred cash back redemption program initially claiming that consumers could receive 'up to 100% of the purchase price of their goods' in the future from monies held in an 'independently' operated trust fund. The program was promoted Australia wide and we joined with the South Australian Office of Consumer and Business Affairs to investigate Cashback. The investigation found serious concerns with the way the company was operating. The redemption scheme relied on what Cashback called 'slippage', the assumption being that not all consumers would make a claim against the pool of contributions. Additionally there were strict conditions associated with registering and claiming monies which, if not fully complied with, automatically disqualify the claimant. The trust fund was not independent as claimed and consumers were unable to obtain the advertised 100% rebate. The overall financial viability of the company led to concerns that it would inevitably collapse.

South Australia prohibited the Cashback scheme in 2006 and an external administrator was appointed. Cashback Australia Limited was deregistered on 21 March 2007 but its activities were taken over by Chiron Pacific Pty Ltd trading as Cashback Australia. Our investigators met with Cashback representatives, the Australian Taxation Office and the Australian Government Actuary in relation to forensically analysing the financial viability of the Cashback program. **Result:** On 2 July 2007 the directors of Chiron Pacific, Mark Skelton and Deborah Lancaster, provided undertakings to the Commissioner for Fair Trading, agreeing to stop Cashback promotion on 10 August 2007.

#### *Diamond Star Holdings*

Diamond Star Holdings Australia distributed advertising material throughout Bathurst and its surrounding areas, offering assistance to Centrelink clients and single income earners in buying their own homes. In early 2007 we received a number of inquiries/complaints from members of the public who were concerned about the possible risks involved with investing in Diamond Star Holdings Australia's housing scheme. Our investigators identified Ms Michelle Kumar, also

*The Fair Trading Act protects consumers and traders by prohibiting misleading, deceptive and unconscionable conduct...*

known as Michelle Frago, as the principal of Diamond Star Holdings Australia. Seventy people agreed to participate in the scheme and paid an 'administrative fee' of \$1,300 over a period of six months. The agreement was that the fee would be fully refundable at any time.

In December 2007, we received a complaint from a participant who claimed that Ms Kumar could not refund \$700 to her as she did not have the funds to do so. Our investigation confirmed that Diamond Star Holdings Australia could not properly account for \$60,650 it accepted from 41 contributors who had remained in the housing scheme, nor had it established trust accounts for those persons. On 21 January 2008, Ms Kumar made admissions that all money paid to Diamond Star Holdings Australia had been absorbed into another business and that she has no assets available to refund the scheme participants' payments. **Result:** On 25 January 2008, Diamond Star Holdings Australia was formally requested to close the scheme and to refund all participants' money within 30 days. On 11 April 2008 Ms Kumar advised that she was unable to refund all participants within the time frame specified. On 23 April 2008 Ms Kumar advised that she had engaged the services of a debt consultancy business and is in the process of developing a payment plan to refund some funds to participants over a period of time.

#### Civil Proceedings

##### *Visual Arts Imaging Gallery*

Visual Arts Imaging Gallery (VAIG) offers studio style photographic services to the public by advertising on radio and television and through promotional stands in shopping centres and events such as Sexpo and the Royal Easter Show. We have received over 60 consumer complaints or enquiries since 2005 in relation to VAIG. The complaints involved unacceptable business practices that were misleading or deceptive, the use of high pressure sales techniques, offering prizes with no intention of providing them, producing poor quality photographs, charging

exorbitant prices for products and locking financially vulnerable consumers into contracts they could not afford. Following extensive inquiries and a meeting with the company's senior management, VAIG expressed a willingness to address the causes of complaint and indicated its desire to resolve the issues by entering into enforceable undertakings with the Commissioner for Fair Trading under section 73A of the *Fair Trading Act 1987*. **Result:** Undertakings which incorporated corrective compliance and audit components were negotiated with the directors. The undertakings were signed by the directors earlier this year and are in force for a period of 5 years.

##### *Kent Publishing and Dean James King*

Kent Publishing Pty Ltd published or purported to publish a number of national directories and magazines with industrial or tourist themes such as the Industrial Safety Gazette, the National Travel and Tourism Guide and the National Business and Trade Guide. We received over 80 complaints primarily from small businesses asserting that they had been duped by Kent Publishing telemarketers. It was estimated that Kent Publishing was receiving between \$40,000 and \$50,000 a week through the false billing scam. By agreement, Kent Publishing and its sole director Dean James King admitted that between 1 July 2004 and 27 February 2008 it had engaged in misleading or deceptive conduct and admitted to false billing during the same period. **Result:** On 2 May 2008 the Supreme Court of NSW issued, by consent, permanent orders restraining Kent Publishing and its sole director in relation to its business of telemarketing or other business activity involving the entering of any person, business or detail in a publication. Should King fail to comply with the orders he will be liable to sequestration of property and to imprisonment.

##### *Jeremiah Hunter*

Mr Hunter, previously known as Jeffrey Dummett, was offering alternative health services from

*A permanent ban was imposed to prevent misleading conduct and exploitation of people with serious illnesses under the guise of an alternative health practitioner.*

#### Penalty notices

Act/Regulation	Defendants	Offences	Penalties
Business Names Act	27	30	\$11,600
Electricity (Consumer Safety) Act	4	4	\$800
Fair Trading Act	19	21	\$11,500
Home Building Act	397	561	\$502,000
Landlord and Tenant (Rental Bonds) Act	8	8	\$4,400
Motor Dealers Act	71	175	\$108,020
Motor Vehicle Repairs Act	4	4	\$22,000
Pawnbrokers and Second-hand Dealers Act	3	3	\$1,100
Property Stock and Business Agents Act	75	92	\$118,250
Trade Measurement Act	33	50	\$17,160
<b>Total</b>	<b>641</b>	<b>948</b>	<b>\$796,880</b>

*Offences under an Act include offences under a regulation made pursuant to that Act.*

premises in Manly. **Result:** The NSW Supreme Court permanently banned Mr Hunter from providing a wide range of health services in April 2008 and from being involved in any business that offers naturopathy, medical herbalism, herbalism, iridology, hydrotherapy, sports medicine, osteopathy, blood analysis, and diet or nutrition advice in the treatment and prevention of illness. He is also permanently restrained from using in any way, in trade or commerce, the doctorate of philosophy conferred upon him in August 1998 by the Faculty of Medical Studies, Medicina Alternativa Institute, affiliated to the Open International University for Complementary Medicines.

*Irfan Ahmed Chaudhary, Shahid Iqbal Chaudhary, Simone Cultured Diamonds, SIS Jewellers Pty Ltd, Carrerabenz Diamond Industries Pty Ltd*

Shahid and Irfan Chaudhary had been running advertisements in the Sydney Daily Telegraph during 2004 and 2005 for Simone Cultured Diamonds Pty Ltd, Simone Fine Jewellery, SIS Jewellers Pty Ltd and Carrerabenz Diamond Industries Pty Ltd. The advertisements described the products as being 'cultured diamonds' allegedly having all the characteristics of a 'mined' (natural) diamond, but being man-made, were consequently being offered as a cheaper alternative. The advertisement contained a number of photographs and descriptions of a sample of jewellery items for sale and made a number of other representations about the characteristics of the stones, including the descriptor 'flawless'. We conducted an investigation into the advertising claims with technical assistance from diamond experts, including the Diamond Certification Laboratory of Australia, universities in Sydney and Melbourne

### Civil litigation

Court/Tribunal	Act	No. of matters
<b>Federal Court</b>	B Act	2
<b>Court of Appeal</b>	Other	2
<b>Supreme Court</b>		
Injunction	FT Act	4
	Other	5
<b>Local Court</b>		
	HB Act	3
	Other	1
<b>Administrative Decisions Tribunal</b>		
	ADT Act	2
	BN Act	5
	CL Act	2
	FOI Act	2
	HB Act	38
	MD Act	2
	MVR Act	2
	PSBA	10
	RIG Act	1
<b>Administrative Appeals Tribunal</b>		
	Other	2
<b>Consumer Trader &amp; Tenancy Tribunal</b>		
Insurance Appeals	HB Act	4
	Other	2
<b>Total</b>		
Federal Court	2	
Court of Appeal	2	
Supreme Court	9	
Local Court	4	
Administrative Decisions Tribunal	64	
Administrative Appeals Tribunal	2	
Consumer, Trader & Tenancy Tribunal	6	
<b>Total</b>	<b>89</b>	

### Legend

ADT Act – *Administrative Decisions Tribunal Act*, B Act – *Bankruptcy Act*, BN Act – *Business Names Act*, CL Act – *Conveyancers Licensing Act*, FT Act – *Fair Trading Act*, HB Act – *Home Building Act*, MD Act – *Motor Dealers Act*, MVR Act – *Motor Vehicle Repairs Act*, PSBA – *Property, Stock & Business Agents Act*, RIG Act – *Registration of Interests in Goods Act*.

Civil Litigation includes:

- injunctive and ancillary relief in the Supreme Court
- complaints in the Local and District Court
- objections in licensing matters under the *Property, Stock and Business Agents Act*
- proceedings in the Administrative Decisions Tribunal regarding review of decisions under the *Conveyancers Licensing Act, Fair Trading Act, Home Building Act, Motor Dealers Act, Pawnbrokers and Second-hand Dealers Act* and the *Travel Agents Act*
- proceedings in the Consumer, Trader and Tenancy Tribunal under the *Home Building Act* relating to building insurance and licence disciplinary matters.

The Office of Fair Trading's Legal Services Division also acts or instructs in various courts and tribunals where the Minister or Commissioner intervenes in proceedings.

and an industry association. Investigators who attended one of the jewellery sales and purchased items of jewellery were told by Simone Cultured Diamonds staff that the stones were produced by a new process and were man-made 'diamonds' with the characteristics of a natural diamond. When Investigators specifically asked sales staff if the stones were cubic zirconia, they were told categorically they were not. Subsequent independent tests identified the stones from a ring and earrings that were purchased to be cubic zirconia. Fair Trading instituted proceedings in the NSW Supreme Court seeking injunctions to prevent the alleged misleading and deceptive conduct by Shahid and Irfan Chaudhary and the other corporate defendants. **Result:** In November, 2007 the Supreme Court granted the orders sought which restrain all the defendants for a period of ten years from engaging in the business of a jeweller, including the advertising and sale of any precious stones whether real, simulated, fake or otherwise.

### Product Recalls

#### *Bindeez bead toys*

Four Australian children were affected and hospitalised after ingesting Bindeez beads. The Children's Hospital Westmead tested the ingested beads and found they contained 1,4-Butanediol which metabolises in the body into a type of liquid ecstasy. We immediately began an investigation of the product and its supplier Moose Enterprise Pty Ltd. The NSW Department of Health confirmed the link between Bindeez products and the children's health issues and established that products sold as far back as March 2007 contained 1,4-Butanediol.

On 6 November we imposed an interim ban on Bindeez products and led a national recall of the product. Following our lead, the product was withdrawn internationally with safety regulators in the United Kingdom, United States and New Zealand pursuing recalls. After being alerted by Fair Trading, the US Consumer Products Safety Commission announced a recall of Aqua Dots, a product similar to Bindeez. On 18 December 2007 a permanent ban became effective on the supply of bead toys, including Bindeez toy beads containing 1,4-Butanediol.

### Safety and Standards Prosecutions

#### *Vanessa Hao Vo*

When our investigators visited Auburn Cut Price Varieties they found a number of products on display for sale which did not comply with product safety standards as they were identified as presenting an inhalation and ingestion hazard to small children. The products included a four piece Happy Treasure Shakes Bell rattle set, a three piece Meierqi baby gift set, a six piece baby activity set and a clown rattle. **Result:** Vanessa Hao Vo, owner of Auburn Cut Price Varieties, was found guilty of breaches of the *Fair Trading Act* by Parramatta Local Court in December 2007 and

was ordered to pay \$14,480. Ms Hoa Vo had previously received a formal caution and two penalty notices for the supply of non-compliant children's toys and laser pointers.

### Safe Product Surveys

We certify electrical and natural gas appliances for sale and conduct investigations into the safety of electrical, natural gas appliances and certain general consumer products like children's toys, textile products, sunglasses, helmets, elastic luggage straps, baby walkers, portable soccer goals and cigarette lighters. There are 23 mandatory product safety standards under the Fair Trading Regulation and 56 declared electrical articles under the *Electricity (Consumer Safety) Act*. Each year we conduct marketplace surveys to detect unsafe, non compliant products and take action to have them removed from sale. In 2007 - 2008, 1,740 energy safety inspections and 743 product safety inspections were conducted at retail stores, markets and field days in more than 42 towns across NSW.

### Home Building Act

The *Home Building Act* protects consumers by requiring builders and tradespeople to be licensed for the residential building work that they do. The licensing regime establishes standards in relation to matters including competence, probity, contracts, statutory warranties and home warranty insurance to protect people against faulty or incomplete work.

### Compliance programs

In the 2007-2008 the Home Building Service:

- undertook 750 investigations
- conducted 2,020 mediations
- finalised 57 notices to show cause to the value of \$98,000
- issued penalty notices for 549 offences to the value of \$496,300
- undertook successful prosecutions for 180 offences, totalling \$309,011 in penalties
- conducted 1,446 field audit inspections as part of compliance activities within the building industry.

#### *Operation Wedge*

In two proactive compliance campaigns conducted in August 2007 called Operation Wedge we visited building sites in the New England area, the mid north coast and in the Monaro district. We identified a high percentage of non-compliant traders which resulted in the issue of penalty notices and on-site education.

#### *Operation AirCon*

Our operation AirCon was aimed at investigating air conditioning and related electrical work in NSW schools. This major project was done in conjunction with the Department of Education and Training, and Commerce's Office of Public Works

*We imposed a ban on Bindeez products that ultimately lead to a full national recall and the product was withdrawn internationally.*

and Services. The compliance program, which commenced on 10 September 2007, determines whether the schools' air conditioning units have been installed in accordance with the Electrical Consumer Safety Regulation. In this on-going compliance program 590 schools both private and State across NSW have been surveyed about their air conditioning units.

*Our proactive compliance campaigns investigate owner builders, residential building contracts, electricity safety and breaches of the Home Building Act.*

*Operation Owner Builder*

In a proactive compliance campaign aimed at investigating owner builders we sent 7 teams of 2 inspectors to visit 234 sites in the Sydney metropolitan area. During the week 24-28 September 2007 we interviewed 224 people. A total of 47 penalty notices were issued for a range of breaches, mainly concerning the contracting of work.

*Operation Auger*

Operation Auger was conducted on the South Coast from the 5-9 November 2007. This operation particularly targeted non-compliance of residential building contracts under the Act. Investigators also checked compliance with the *Electricity (Consumer Safety) Act*. The operation covered from Berry to Batemans Bay. Over the week 281 sites were visited and 301 persons were spoken to. This resulted in a total of 41 penalty notices issued with a monetary value of \$27,250.

*Operation Jig Saw*

The Hunter region of NSW was targeted from 18-22 February 2008 for compliance with home warranty insurance requirements. Investigators also checked compliance with the *Electricity (Consumer Safety) Act*. The operation targeted Cessnock City, Maitland City and Port Stephens Councils. Our 18 inspectors visited 284 sites and 462 persons were spoken with. This resulted in the issue of 28 penalty notices for various offences. While \$22,500 worth of penalty notices were issued only two were issued for non-compliance with home warranty insurance requirements indicating a high level of compliance in this area.

*Operation 'Hardhat'*

In a joint operation with WorkCover NSW, owner builder sites across the Sydney metropolitan area were targeted concerning breaches of the home building, electricity safety, occupational health and safety and workers compensation legislation. The operation took place between 31 March and 4 April 2008 and consisted of 12 officers operating in 6 teams.

During the operation 208 sites were visited with a total of 340 contractors and/or owner builders being spoken to. This resulted in 32 penalty notices being issued for breaches of the *Home Building Act*. WorkCover NSW issued penalty notices in

relation to unsafe worksites and notices relating to safety and workers compensation issues. The operation benefited both compliant and non compliant traders, along with owner builders, as considerable education regarding home building and WorkCover issues was undertaken by the inspectors.

*Operation 'White Ladder'*

This operation was conducted in Penrith, Camden, Liverpool, Blacktown and Campbelltown from 12-16 May 2008. The operation targeted compliance with the *Home Building Act* and the *Electricity (Consumer Safety) Act*. Over the period of the operation 434 sites were visited with 644 persons spoken to. This resulted in the issue of 29 penalty notices for various identified offences. The total monetary value of the penalties was \$19,750.

**Significant prosecutions**

*Graham Coles*

Mr Coles, the director of CDM Steelbuild Pty Ltd which traded as NU-Steel Homes-Castle Hill, did home building work above the value of \$12,000 and demanded payment without having home warranty insurance in place. **Result:** He was convicted in the Parramatta Local Court for nine breaches of the *Home Building Act* and was ordered to pay \$8,030 in fines and costs.

*William Mark Whiting*

Mr Whiting did unlicensed work and failed to provide required home warranty insurance.

**Result:** He was convicted in Newcastle Local Court on 29 August 2007 for four breaches relating to unlicensed work and a failure to provide home warranty insurance. The penalties totalled \$8,780.

*Michael John Capper*

Mr Capper of Crestwood Plumbing Pty Ltd was demanding payment without the required home warranty insurance, doing work without insurance, contracting to do work while unlicensed and doing work while unlicensed. **Result:** Crestwood Plumbing was ordered to pay \$4,820 in penalties while Mr Capper was ordered to pay \$4,320.

*Glenn William Lawrence*

Mr Lawrence was convicted on several counts of contracting while unlicensed, undertaking residential building work while unlicensed, taking excessive deposits and failing to provide required home warranty insurance. **Result:** Mr Lawrence was ordered to pay \$21,000 including costs.

*Pavel Franc*

Mr Franc was found guilty of contracting whilst unlicensed, demanding and receiving an excessive deposit, failing to insure the work as required and demanding payment when no contract was in place. **Result:** Mr Franc was fined \$14,780.

## Motor Dealers Act

The *Motor Dealers Act* protects consumers by establishing a licensing regime for businesses buying, selling and dismantling new or second-hand motor vehicles. A licensee must be a fit and proper person to hold a licence, have appropriate knowledge and expertise, and demonstrate sufficient financial resources to manage the business. Licensed dealers must meet warranty obligations, pass on unencumbered title to the vehicle and contribute to the Motor Dealers Compensation Fund that provides compensation to people who have suffered a loss when dealing with a licensed motor dealer. The Act also establishes a one day cooling off period for vehicles where the dealer has a relationship with the finance provider.

Motor dealers are expected to adhere to all laws and regulations regulating this industry. The intention of the licensing scheme is to create strict obligations on licensees to sell vehicles in reasonable and safe condition with associated warranties and consumer protection for the public.

Unlicensed motor dealing and odometer interference of vehicles adversely impacts on the high standards set for licensed dealers and amounts to serious misrepresentation of the true condition of those vehicles sold to consumers. Through various complaints, information from the Roads and Traffic Authority, newspaper classifieds and regularly checking roadside areas our inspectors detect unlicensed activities. Inspectors also conduct investigations of unlicensed motor dealers who are purchasing repairable write offs from auctions.

### *Operation Chariot*

In Operation Chariot our investigators aimed to identify unlicensed motor dealers who use the internet to illegally sell motor vehicles. Suburbs and towns where suspicious activity was detected include Chatswood, Penrith, Bankstown, Hornsby, Burwood, Grafton, Queanbeyan, Toronto, Newcastle, Orange and Tamworth.

Unlicensed motor dealers are making increasing use of the Internet as a means of plying their illegal trade. One of these backyard dealers had sold six cars in the past month and had seven more advertised for sale, another had sold 16 cars in the past month. By matching intelligence and licensing records we were able to catch out unlicensed dealers that attempt to hide behind an e-mail address and a mobile phone number. Following further intelligence gathering on the 106 individuals identified by Operation Chariot, we will be taking appropriate enforcement action against offenders depending on the extent of the enterprise.

Individuals caught in this blitz could face prosecution and a maximum penalty of up to \$110,000 or penalty notices of \$5,500.

## Significant prosecutions

### *Terry Hogan Prestige Cars Pty Ltd*

Between 9 August and 7 November 2006, the dealer failed to record disposal details of 19 vehicles. In addition, between 1 July and 6 October 2006, odometer readings of 11 vehicles were not properly recorded. The dealer failed to enter details of 30 vehicle disposals in a register and made 6 false or misleading representations. Between 20 June and 2 November 2006 the dealer sold 6 vehicles falsely representing that the cars were not covered by warranty when in fact the vehicles were covered by statutory warranty. **Result:** Terry Hogan Prestige Cars Pty Ltd at Parramatta Road, Leichardt, formerly at Waterloo, was convicted for breaches of the *Motor Dealers Act* and the *Fair Trading Act*. The dealer was ordered by the Local Court to pay a total of \$79,520 in penalties. The defendant appealed to the District Court and on 14 February 2008 and the penalties were reduced to \$23,000.

### *Ms Joumana Maassarani*

Joumana Maassarani sold vehicles while unlicensed and made reductions to odometer readings of vehicles before selling them to unsuspecting consumers. **Result:** Ms Maassarani was charged before Parramatta Local Court with unlicensed motor dealing involving 23 motor vehicles over a two year period and 16 offences of odometer interference. Ms Maassarani was convicted and the imposed fines, forfeiture of proceeds, compensation orders and costs amounted to \$141,640.00.

### *Stephen Joseph Byrne*

Complaints were received from three different licensed motor dealers regarding alleged odometer interference to a registered vehicle. When we investigated his case multiple offences were detected. **Result:** Byrne was originally brought before Parramatta Local Court on charges of unlicensed motor dealing and odometer interference, and false representations under the *Fair Trading Act*. He pleaded not guilty and defended all charges, claiming that this was a case of mistaken identity. He claimed a person, now deceased, had committed the offences after taking on his identity. The Court was not convinced by Mr Byrne's defence and determined he was not a credible witness after giving evidence for a period of 12 days. Stephen Byrne was charged with multiple offences and ordered to pay fines, compensation orders and costs amounting to \$361,725.64.

### *Francis Joseph Pass*

Licensed motor dealer, Mr Frank Pass was charged before Parramatta Local Court under the *Motor Dealers Act* for lending his motor dealer licence to other individuals. Mr Pass pleaded not guilty initially but changed his plea to guilty and all offences were proven and convictions recorded.

*...our investigators aimed to identify unlicensed motor dealers who use the Internet to illegally sell motor vehicles.*

*The Act ensures that people undertaking motor vehicle repairs are appropriately trained and have the necessary skills to carry out repairs...*

**Result:** Mr Pass was ordered to pay fines and costs amounting to \$9,220.

#### *Mohammad Sulayman Askarzai*

Information was received from the Roads and Traffic Authority expressing concern that Mr Askarzai was registering a large number of motor vehicles. **Result:** Mr Mohammad Sulayman Askarzai was charged before Parramatta Local Court with unlicensed motor vehicle dealing involving 33 motor vehicles and twenty one offences of odometer interference under the *Motor Dealers Act*. Reductions to the odometer readings ranged from 21,315 to 98,538 kilometres. Mr Askarzai pleaded guilty and all offences were proven and convictions recorded. Mr Askarzai was ordered to pay fines, forfeiture of proceeds, compensation orders and costs amounting to \$43,560.

#### *Nouraldine Chamma*

Nouraldine Chamma made reductions to the odometer readings ranging from 79,000 to 253,000 kilometres before selling vehicles to unsuspecting consumers. This was detected by investigators whilst making inquiries into a matter involving unlicensed motor vehicle dealing. **Result:** Nouraldine Chamma was charged before Burwood Local Court with five offences of odometer interference. In March 2008 Mr Chamma pleaded not guilty initially then changed his plea to guilty on the day of hearing. The Court confirmed an order of guilty and convicted Mr Chamma for five offences of odometer interference and ordered to pay fines, compensation orders and costs amounting to \$20,455.

#### *Esy Auto Wreckers*

During a check of the Esy Auto Wreckers premises, our inspectors checked the statutory registers and receipt books as well as the yard where motor vehicles and spare parts were located. Inspections identified a number of unmarked statutory prescribed parts in the yard including unmarked motor vehicle instrument clusters and unmarked 'mag-alloy' type motor vehicle wheels. Inspectors also found registers that omitted details about whom motor vehicles had been acquired from, and failed to record essential data such as motor vehicle engine numbers. Receipt book invoices were also found not to have included purchaser identification details and motor vehicle identification numbers. **Result:** Esy Auto Wreckers Pty Ltd was found guilty on 29 separate offences of the *Motor Dealers Act* and ordered to pay a total of \$6,270 in fines and costs.

#### *Mr Abdel Rahman Hachem Kassem and Mrs Amira Kassem*

This couple had been illegally buying and selling motor vehicles since 2005. Of the 12 cars bought and sold, they wound back the odometers of eight vehicles - winding back between 83,000

kilometres and 211,000 kilometres. **Result:** Mr Kassem was charged with unlicensed motor dealing involving seven motor vehicles and five offences of odometer interference. Mrs Kassem was also charged with unlicensed motor vehicle dealing involving five vehicles and three offences of odometer interference. All offences were proven and convictions recorded. Mr and Mrs Kassem were ordered to pay a total of \$107,450 which included fines, costs and consumer compensation payments.

## **Motor Vehicle Repairs Act**

The *Motor Vehicle Repairs Act* protects consumers by licensing motor vehicle repair businesses and certifying tradespeople working in those businesses. It ensures that people undertaking motor vehicle repairs are appropriately trained and have the necessary skills to carry out repairs to the usual trade standard. The Act establishes a Contingency Fund to cover losses in relation to repair work that is not done competently.

### **Significant prosecutions**

#### *Hargrave Motor Repairs Pty Ltd*

Hargrave Motor Repairs Pty Ltd repaired a vehicle that had sustained rear end damage under a contract with the vehicle's insurer, NRMA. On 16 August 2007 Hargrave provided an estimate for the repairs to NRMA. Among the parts to be supplied were the rear bumper bar cover and rear beaver panel. The repairs were completed and the vehicle collected by its owner. The owner took the vehicle to NRMA questioning the alignment of the rear bumper bar cover and some paint issues. We inspected the vehicle and found that the rear bumper bar cover and rear beaver panel had not been replaced as invoiced, and that Hargrave Motor Repairs had attempted to repair the original parts. These repairs were substandard and unacceptable. We found that Hargrave Motor Repairs acted in a dishonest and unfair manner in invoicing for parts that were not supplied and that the repair work completed was below the usual trade standard. **Result:** We took disciplinary action against Hargrave Motor Repairs, requiring them to pay \$10,000 to the Contingency Fund. Hargrave Motor Repairs appealed this decision, but the Administrative Decisions Tribunal affirmed our decision on 13 June 2008 and ordered Hargrave Motor Repairs to pay \$10,000 to the Contingency Fund.

#### *Daniel Zaineddine t/a AZ New Smash Repairs*

Mr Daniel Zaineddine came to our attention after a complaint was received stating that he was carrying out paint repairs to vehicles but only licensed to carry out panel beating repairs. Mr Zaineddine had been convicted of similar illegal activities in the past. **Result:** Mr Zaineddine was convicted of advertising or running the business of a repairer without a licence and ordered to pay fines and costs amounting to \$4,370.

### *Brian Bugh*

Mr Brian Bugh has never been licensed as a repair work motor mechanic who works from a fixed workshop. Despite this, Mr Bugh carried out panel beating and spray painting repairs from a workshop in Canterbury. **Result:** Mr Bugh was convicted of advertising and running the business of a repairer without a licence and ordered to pay fines and costs amounting to \$1,840.

### *Emad Moshe t/a Smart Touch Auto Repairs*

Mr Emad Moshe had his licence cancelled last year for repair work that was below the usual trade standards and for carrying out the business in a dishonest and unfair manner. Mr Moshe appealed to the Administrative Decisions Tribunal. **Result:** The Administrative Decisions Tribunal affirmed the decision to cancel Mr Moshe's motor vehicle repair licence on 17 September 2007.

### *John Michael Hagar t/a Big Bear Automatics*

Mr John Michael Hagar was reported to us following a dispute over repair work to a motor vehicle gear box. **Result:** An investigation found that Mr Hagar's motor vehicle repair licence had expired some years ago and had not been renewed. Mr Hagar was convicted of carrying on the business of a repairer on unlicensed premises and advertising or running the business of a repairer without a licence and ordered to pay fines and costs amounting to \$1,410.

### *Owen Collison t/a Caringbah Auto Radiator Service*

The Consumer, Trader and Tenancy Tribunal ordered Mr Owen Collison trading as Caringbah Auto Radiator Service to pay \$2,454 to a consumer for unsatisfactory vehicle repairs. Mr Collison did not pay and the consumer claimed the money from the Motor Vehicle Repair Industry Authority's Contingency Fund. The Authority determined that Mr Collison should pay the money back to the Contingency Fund. Mr Collison did not make the payment. **Result:** He was convicted of failing to comply with the requirement of a determination and was ordered to pay fines and costs amounting to \$2,570.

## Property, Stock and Business Agents Act

The *Property, Stock and Business Agents Act* protects consumers by establishing licensing requirements for real estate agents, stock and station agents, strata managing agents, on site residential property managers and business agents. The licensing regime establishes probity and educational entry requirements and establishes a range of standards in relation to business conduct including agency agreements, auctions, handling of trust money, disclosure of conflicts of interest, and representations to property owners, purchasers and tenants. Agents who breach the legislation may be prosecuted and

subjected to disciplinary sanctions, including loss of licence. A compensation fund provides for consumer protection where there is a failure to account for trust money.

### **Underquoting at auctions**

An investigation into allegations of underquoting by real estate agents saw 152 auctions scrutinised this year. Some of the auctions were randomly selected while others were highlighted in the media. Twelve real estate agents were asked to explain the difference between the auction result and the price guides they promoted for properties they were marketing.

Our investigators found that 20 of the 23 properties presented a discrepancy of more than 20 per cent between the minimum promoted price and the price achieved on auction day. Two of these returned a difference of more than 50 per cent.

The auction investigation was extensive, with a team of investigators reviewing each of the 152 sales from initial advertising through to auction. This was followed up with an analysis of the results and records and an interview process with purchasers or prospective purchasers and with 23 licensees and certificate holders.

The agents will be presented with the evidence our investigators have gathered and given an opportunity to justify their original estimates. The real estate market can be unpredictable and prospective buyers need to be confident that an estimated selling price is a reasonable reflection of the value of the property and the expectation of the owner.

We are taking a strict approach to the obligations placed on agents not to mislead buyers or sellers. It is illegal to indicate to a potential buyer that a property will sell for less than the agent truly believes it will sell for.

### **Significant prosecutions**

#### *Celestine Property (Australia) Pty Ltd*

Celestine Properties commenced carrying on the business of a real estate agency, including advertising properties for sale, managing rental properties and conducting open house inspections, without a real estate licence. The director of the company, Omid (Andy) Parvin had been barred by the Administrative Decisions Tribunal from holding a real estate licence or salesperson's certificate until January 2007. The failure of the company to obtain a licence affected the ability of its clients to make a claim on the property compensation fund for any losses arising from the company's failure to account. **Result:** Celestine Property and Mr Parvin were each charged with being an unlicensed real estate agent and ordered to pay fines, compensation orders and costs amounting to \$7,737.

*A compensation fund provides for protection where there is a failure to account for trust money.*

*The Act specifies the rules park owners can make and sets out the rights and obligations of park owners and residents...*

*Rafferty's Resort*

After receiving complaints, our investigators attended Rafferty's Resort in October and November 2006, inspecting the trust account and other records. The inspections revealed that the computerised recording systems did not comply with the Property, Stock and Business Agents Regulation and the corporation was advised to install a complying system. By April 2007 the new system had not been installed and a penalty notice was issued. The corporation was also issued with a penalty notice for failing to lodge the audit report for the year ended 30 June 2006 by the due date. It was also issued with three further penalty notices on 27 April 2007 for failing to prepare trust receipts in accordance with requirements, failing to comply with requirements for computer systems control and for permitting an unauthorised person to sign trust cheques.

Residents complained of inadequate facilities and services and non-payment of monies owed in October and November 2007. We wrote to Rafferty's Resort Management in December 2007, asking them to explain their reasons for not complying with their obligations. We appointed a manager on 21 December 2007 due to unexplained trust fund deficiencies. We have been advised that there are advanced negotiations with several prospective purchasers of the business of Rafferty's Resort Management and the land upon which the resort is located. Fair Trading officers are continuing to liaise with the receivers and individual owners to ensure that owners are kept informed and that appropriate assistance is provided as required.

*Michael O'Gorman*

Michael and Lynette O'Gorman were the directors of Taymic Pty Ltd. Mr O'Gorman was also the licensee in charge. An investigation revealed that Mr O'Gorman was engaging in unlicensed trading and that Taymic had not lodged an audit report.

**Result:** Mr O'Gorman and Taymic were charged with multiple offences and ordered to pay fines, compensation orders and costs amounting to \$5,928.

### **Residential Parks Act**

The *Residential Parks Act* protects consumers by establishing legal protection for residents of residential parks. The Act specifies the rules park owners can make and sets out the rights and obligations of park owners and residents, including their rights and obligations under residential tenancy agreements. It provides a mechanism for resolving disputes between park owners and residents.

*Banora Point Caravan Park*

An extensive history of complaints from permanent residents of Banora Point Caravan Park led to orders being issued by the Consumer, Trader and Tenancy Tribunal in October 2006, ordering the former park owners to maintain basic services and facilities in the park. Those orders were not complied with.

In February 2007, we began prosecuting the two company park owners, Caraco Pty Ltd and Blackington Pty Ltd, under section 52 of the *Consumer, Trader and Tenancy Tribunal Act* for wilfully failing to comply with Tribunal orders regarding the maintenance of services. Each company faced 10 charges with a maximum penalty of \$5,500 per offence. Mr Tschannen, a director of both companies, also faced 20 charges of aiding and abetting the companies in committing the offences, and possibly the same financial penalty as the companies and/or imprisonment of up to 12 months under section 351B of the *Crimes Act 1900*. **Result:** The matter was heard at the Tweed Heads Local Court on 29 and 30 October 2007. The companies pleaded guilty to their 20 charges while Mr Tschannen contested his 20 charges. On 12 December 2007, Mr Tschannen was found guilty on all charges. On 23 June 2008 Caraco was fined \$3,000 for each of the 10 charges, plus court costs of \$70 per charge. For his role in aiding and abetting Caraco, Mr Tschannen was fined \$4,000 for each of the 10 charges, and a total of \$24,452 in court and professional costs. Mr Tschannen has appealed to the District Court. While Blackington was found guilty on 10 charges and Mr Tschannen found guilty on 10 charges of aiding and abetting Blackington, no penalties were issued as Blackington had been wound up and any penalty would have been ineffective.

### **Trade Measurement Act**

The *Trade Measurement Act* protects consumers and businesses when they buy and sell goods by ensuring the accuracy of weights and measures, which are uniform across Australia. The Act covers the sale of goods by measurement, for example, weight, volume, or length, labelling and measurement requirements for pre-packaged goods, and measuring equipment used by traders, including shop scales, petrol flow-meters and liquor dispensers. The Act also covers the licensing of certifiers of measuring equipment and the operators of public weighbridges. We regularly conduct inspections to check that industry and traders are compliant. We maintain and verify the reference standards of measurement for use by certifiers, inspectors and industry.

### Significant prosecutions

#### *Mr Ngoc Linh Le, The Riverwood Hot Bread Shop*

It is unlawful for bakers to sell less than the marked weight and consumers should be able to be confident that they're getting exactly what they pay for. Mr Linh Le first came to our attention when inspectors visited The Riverwood Hot Bread Shop in November 2007 as part of their ongoing compliance checks of bakeries. At the time it was found that Mr Linh Le was using an unapproved scale for weighing the bread and was advised to purchase an approved one. When conducting a re-inspection early in 2008, our inspectors found that Mr Linh Le still had an unapproved scale and was still selling underweight bread. **Result:** Mr Ngoc Linh Le, owner of The Riverwood Hot Bread Shop, was ordered to pay \$6,300 in fines and costs after being convicted for selling underweight loaves of bread, as well as using an unapproved weighing scale.

### Travel Agents Act

The *Travel Agents Act* aims to ensure that travel agents, and the managers of their businesses, have the appropriate skills and experience to effectively provide travel services to the public. The Act establishes a register of travel agents, ensures minimum levels of industry-related and business competence, regulates certain operations of travel agents, and requires travel agents to contribute to a compensation fund for consumers of travel services.

Two travel agencies had their licences cancelled for failing to participate in the travel compensation fund. Excelsior Tours and Travel Pty Ltd's licence was cancelled in August 2007 and San Michelle Travel had its licence cancelled in November 2007.

*Two travel agencies had their licences cancelled for failing to participate in the travel compensation fund.*



# Organisation and people

**Objective 5:** The Office of Fair Trading is a credible, efficient and effective organisation.

- Strategy:**
- *Leaders provide clear and consistent direction and are accessible and visible*
  - *Our service delivery priorities drive what we do with our assets*
  - *Our achievements are highlighted to staff and stakeholders*

## Performance measures and indicators

We achieve our objective through strategies that include our leaders providing clear and consistent direction and being accessible and visible; through service delivery priorities that drive what we do with our assets and by highlighting our achievements to staff and stakeholders.

Performance targets	2007-2008
<ul style="list-style-type: none"> <li>• Fair Trading Strategic Issues and Executive Management Meetings held each month</li> <li>• Commissioner's Update issued regularly</li> <li>• Annual review of Guarantee of Service</li> <li>• Fair Trading meets recurrent budget, forward estimates targets and capital budget</li> <li>• Review of strategic priorities</li> <li>• Review of internal and external communication framework (commenced and ongoing)</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>

### Compliance services review

A major review of our compliance services was an initiative taken to ensure that we deliver globally recognised best practice to its customers. This review resulted in recommendations for a significant restructure of the compliance divisions to facilitate the delivery of flexible and targeted compliance programs. This has resulted in the implementation of multi skilled investigation teams. These teams are supported by contemporary practices and procedures and a strong learning and development program. This major work will continue throughout 2008-2009.

represents a significant proportion of our staff improving business and technical skills, ensuring that we remain a credible, efficient and effective organisation.

We are aiming to move our customer service levels towards global best-practice standards. A pilot program for our frontline service staff in our Dubbo and Newcastle Fair Trading Centres gives staff the opportunity to enrol in the Certificate IV in Customer Contact. It is a nationally recognised and fully accredited qualification which has been specifically customised to reflect the actual working environment of a Fair Trading Centre.

### Staff learning and development

Fair Trading places major importance upon the continued learning and development of staff. During the year 114 training courses were conducted with over 500 participants. This

Thirty staff are currently enrolled in the course. Following a review process at the end of the current program, the course will be offered to all Fair Trading Centre staff across NSW.

Guarantee of service performance	03-04	04-05	05-06	06-07	07-08	Target
Percentage of services meeting published GOS standards*	93%	93%	93%	93%	100%	90%

\* The Guarantee of service is published on the Fair Trading website under Customer service standards.

# Online services and publications



## Online services

The Fair Trading website was re-designed during the year. We improved the information structure to assist users to find information more easily and gave the site a new and fresher look and feel. The site now meets NSW Government standards for style and accessibility. The project included initial consultation and testing with our target audiences, that is, regional, metropolitan, indigenous, culturally diverse, young and older consumers and traders. Other enhancements made to the site include:

- improved searching facility
- easier access to translated information
- a more comprehensive audio and video section
- personal case studies about consumer and trader rights.

We continued to develop and maintain more than 1,900 pages of information on the site. The website is a significant access point to our information and services, with an average of over 226,000 visits to the site each month, an increase of over 10,000 each month from the previous year. The most popular areas of the site were those for businesses and tenants, as well as the online home building licence check and business name details check.

During the year we introduced additional email services - the Fair Comment quarterly newsletter (3,161 subscribers), Foundations for the home building industry (24,787) and property industry email alerts (5,514). Subscribers to the What's new weekly email service more than doubled during the year, with 3,309 subscribers by the end of the year.

Fair Trading consulted with consumers and traders and undertook research of consumers' experiences through the use of online blogs, forums and surveys. These facilitated input from a broad range of consumers and traders on a range of issues, including interest free deals, petrol buying, reverse mortgages, proposed reforms to NSW residential tenancy law and young people's consumer concerns (Ripped off blog).

## Publications

We continued to maintain a suite of publications to support the delivery of Fair Trading information and education to consumers and traders across New South Wales. All titles were available electronically from the Fair Trading website.

Twenty-seven of these were available in up to 28 languages, including two videos and one audio resource. The most popular titles accessed from the website were the Renting guide, Registering and using your business name and Self-managing your rental property.

Some of these titles were printed during the year and distributed through Fair Trading Centres, the Fair Trading Information Centre, at community events, through intermediaries and were also ordered by the public from the Government's online shop (an average of 411 orders each month). 1.3 million publications were distributed in these ways, a decrease of over 30% from the previous year, reflecting the increasing access to online information by the general community.

Information resources were also developed to promote knowledge of Fair Trading services in the community and to support targeted campaigns and events, for example, an Fraud Fortnight, an unlicensed traders and builders campaign for culturally and linguistically diverse communities, the Money Stuff Challenge and Fair Trading Week.

*The website is a significant access point to Fair Trading's information and services.*



# Office locations

## **1 Fitzwilliam Street Parramatta NSW 2150**

### **Head Office**

Tel: 9895 0111

Fax: 9895 0222

### **REVS**

Tel: 13 32 20 (7 days)

Fax: 9891 5135

### **Home Building Service**

Tel: 13 32 20

### **Aboriginal enquiries for services**

Tel: 13 32 20 or 1800 500 330

## **2-24 Rawson Place Sydney NSW 2000**

### **Policy and Strategy**

**Education & Information Services**

**Home Building Insurance Services**

**Renting Services**

Tel: 9895 0111

Fax: 9895 0222

## **Bradfield Road Lindfield West NSW 2070**

### **Standards Laboratory**

Tel: 8467 4400

Fax: 8467 4444

## **154 Russell Street Bathurst NSW 2795**

### **Registry of Co-operatives & Associations**

Tel: 6333 1400 or 1800 502 042

Fax: 6333 1444

## **Fair Trading Centres**

Our Fair Trading Centres are located at the addresses below. Call 13 32 20 for all fair trading enquiries. If you are located outside the Sydney Metropolitan region you can contact the Fair Trading Centre nearest you on 13 32 20. Calls to this number from within the Sydney Metropolitan region and from all mobile telephones will be received at the Fair Trading Information Centre.

490 David Street  
**Albury** 2640

85 Faulkner Street  
**Armidale** 2350

154 Russell Street  
**Bathurst** 2795

Level 3  
22 Main Street  
**Blacktown** 2148

32 Sulphide Street  
**Broken Hill** 2880

22 Park Avenue  
**Coffs Harbour** 2450

50 Wingewarra Street  
**Dubbo** 2830

Level 2, 237 Mann Street  
**Gosford** 2250

39 Goldsmith Street  
**Goulburn** 2580

50 Victoria Street  
**Grafton** 2460

Level 3  
4-8 Woodville Street  
**Hurstville** 2220

17 Conway Street  
**Lismore** 2480

Shop 1R  
33 Moore Street  
**Liverpool** 2170

Level 5  
400 Hunter Street  
**Newcastle** 2300

184-186 Lords Place  
**Orange** 2800

1 Fitzwilliam Street  
**Parramatta** 2150

518 High Street  
**Penrith** 2750

143 Horton St  
**Port Macquarie** 2444

11 Farrer Place  
**Queanbeyan** 2620

McKell Building  
2-24 Rawson Place  
**Sydney** 2000

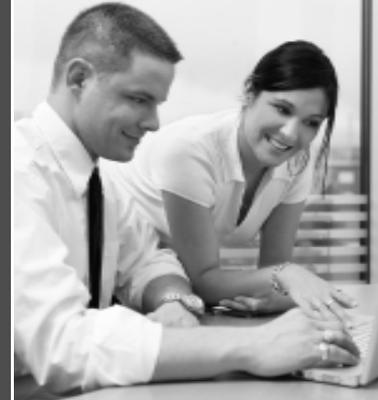
Cnr Kable Ave & Darling Street  
**Tamworth** 2340

43 Wharf Street  
**Tweed Heads** 2485

8 Baylis Street  
**Wagga Wagga** 2650

63 Market Street  
**Wollongong** 2500

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For information and help on fair trading issues call the Office of Fair Trading

**General enquiries**

**13 32 20**

**Language assistance**

13 14 50

**TTY for hearing impaired**

1300 723 404

**Aboriginal enquiry officer**

1800 500 330

**Consumer, Trader & Tenancy Tribunal**

1300 135 399

**Registry of Co-operatives & Associations**

1800 502 042

**Or visit a Fair Trading Centre at:**

- Albury • Armidale • Bathurst • Blacktown • Broken Hill • Coffs Harbour
- Dubbo • Gosford • Goulburn • Grafton • Hurstville • Lismore • Liverpool
- Newcastle • Orange • Parramatta • Penrith • Port Macquarie • Queanbeyan
- Sydney • Tamworth • Tweed Heads • Wagga Wagga • Wollongong

Visit our website for details

**[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)**

**13 32 20**



**Office of Fair Trading**

1 Fitzwilliam St Parramatta NSW 2150

PO Box 972 Parramatta NSW 2124

9895 0111



New South Wales  
Government