

## Contact NSW Fair Trading

NSW Fair Trading is the state government agency responsible for protecting consumers' rights. We provide free assistance and information on shopping and renting rights. We can provide information to consumers about options to resolve disputes with traders and in some cases our staff can attempt to negotiate a solution.

Visit the NSW Fair Trading website for more information on these topics in English and community languages.

To lodge an online enquiry or complaint go to [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au), or call 13 32 20 if you have a problem.



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### NSW Fair Trading – What we do

- Shopping and consumer guarantees
- Renting, buying, selling a home
- Home building and renovating
- Strata and community living
- Retirement villages
- Co-operatives, associations and charitable fundraising
- Product safety
- Resolving disputes

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

Enquiries 13 32 20

Language assistance 13 14 50 (*ask for an interpreter in your language*)

TTY 1300 723 404 for hearing impaired

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This publication must not be relied on as legal advice.

For more information about this topic, refer to the appropriate legislation.

February 2019

# Consumer guide

for international students



**NSW Fair Trading**



In Australia, every person has consumer rights and responsibilities, and our trade practices are different from many other countries. Every person has the right to be protected from unfair business practices.

This brochure gives basic information and tips about your consumer rights and responsibilities in NSW. You can find more on the NSW Fair Trading website.

## Shopping rights

The Australian Consumer Law (ACL) gives you rights when you buy goods and services in Australia, including rights to repairs, replacements and refunds.

### Repairs, refunds, replacements

To make a claim about faulty products or services you need to show a receipt or other proof of purchase, such as a credit card or bank statement so traders can provide a remedy. A remedy could be a refund, repair or replacement.

Businesses must give you a receipt for goods or services purchased valued at \$75 or more. You can ask for a receipt for a transaction under \$75 and the business must give it to you within seven days.

In some situations, you are entitled to a refund for a product you buy. For example, if you bought a microwave but it does not do the job that it is supposed to do. However, there are also situations where you may not be entitled to a refund for example, if you damage the microwave by not following the instructions on how to use it correctly.

A sign in a store that states '**No refunds**' is illegal, as it implies you will not be provided with an appropriate remedy, even if the goods you bought are faulty. Signs that state '**No refunds will be given if you have simply changed your mind**' are legal.

Go to the NSW Fair Trading website to read more about refunds, and when they do and do not apply.

### Shopping online

Follow these tips when shopping online from Australia:

- Check the seller's business details by calling them before your first purchase.
- Compare prices, postage, delivery, refund and return policies.
- Read customer reviews about the seller.
- Check if the site is secure before paying. Look for a key or closed padlock icon at the bottom or top of the computer screen.
- Never give your password or personal bank details.
- Check the exchange rate, sales tax and import duties (overseas seller).
- Print out the payment or order confirmation and keep it in a safe place.
- Go to the NSW Fair Trading website for more information.

## Buying a car

Before you buy a car from a private seller, follow these tips:

- Shop around and check prices.
- Check the car's service history (log book) if buying a used car.
- Ask the seller to take you for a drive to test the car.
- Pay a mechanic to do a car safety inspection for you, as there is usually no warranty.
- Do a Personal Property Securities Register (PPSR) search online at [www.ppsr.gov.au](http://www.ppsr.gov.au) to check if the car has money owing (debt) from a previous owner. A car with debt could be repossessed (taken away) from you.

For more information watch the *Buying a used car* video in 7 community languages including English at [www.youtube.com/NSWOFT](http://www.youtube.com/NSWOFT)

ServiceNSW is the one stop shop in NSW for all transactions relating to cars and driving eg driver licence and car registration. Call 13 77 88 or go to [www.service.nsw.gov.au](http://www.service.nsw.gov.au) for more information.

### My next car app

Download our free app before buying a used car. It helps you compare cars, do a PPSR search and gives great tips for anyone looking to buy a car. (For Android and iPhone).



## Mobile phones and data plans

If you are planning to buy a mobile phone or data plan, follow these tips:

- **Shop around** – Look at different types of plans, compare prices, services and network providers. Consider using pre-paid services.
- **Read the contract** – If you decide on a plan (pay monthly), read the terms and conditions, including the small print, before signing. Make sure you understand the terms for cancelling the contract.
- **Check the payments** – Find out what your monthly payments will be and if you will be charged at a higher rate if you exceed your call or data allowance.
- **Check network coverage** – Check coverage maps on the provider's website and contact the provider to find out the quality of reception in the areas you will use the service.
- **Keep your contract** – Make sure you keep your receipts, warranty and other paperwork. You may need them if you have an issue with the phone or service provider.

For problems with phone cards, mobile phones and internet services call the Telecommunications Industry Ombudsman (TIO) on 1800 062 058 or go to [www.tio.com.au](http://www.tio.com.au)

## Gift cards/vouchers

A gift card or gift voucher is a card/voucher loaded with an amount of cash. It enables you or the person you give it to, to buy goods and services. There are some important things to remember when buying gift cards/vouchers:

- Check the expiry or issue date.
- Treat your gift card like cash – if you lose it, it's gone.
- Read the terms and conditions about getting 'change'.

Changes to the laws about the sale and use of gift cards in NSW will start on 31 March 2018. Go to the NSW Fair Trading website for more information.

## Credit card chargeback

Chargeback is a refund facility available from credit card providers. It may be possible for you to request a chargeback from your credit card provider if:

- goods or services that you have ordered have not been provided, but your credit card has been charged.
- a transaction is made with your credit card without your approval or authorisation.
- a transaction is illegal such as a forged signature, or use of an expired credit card.

A time limit may apply for the use of this facility.

For further information regarding chargeback, contact your credit card provider.

## Scams

A scam is a trick or a fraud when you pay money but get nothing back for it, or you get something that is worth much less than the money you paid. Scams can be anywhere – in the mail, email, internet, in person or over the phone. Scams can include offers of work, requests to transfer money, rental scams, mobile phone scams and online shopping and auction scams.

Here are some tips to avoid scams:

- If an offer sounds too good to be true then it probably is.
- Never send money or give personal details to a person or business you do not know.
- Never use public computers to do shopping or banking online.
- Do not respond to or open unknown emails or click on the links provided in them.
- Do not be pressured to make a decision on the spot. Take time to do your own research and ask lots of questions.
- Keep your computer secure with up-to-date anti-virus software.
- Always check if the site is secure before paying online.

Report scams to SCAMwatch and read about the latest scams at [www.scamwatch.gov.au/report-a-scam](http://www.scamwatch.gov.au/report-a-scam)

## Renting

When you start renting a house or unit, you must be given the NSW Fair Trading fact sheet *New tenant checklist*, which has important information about your rights and responsibilities. This fact sheet is in community languages on the Fair Trading website. Some important things to know are:

- **Renting advertisements** - Check renting advertisements are real by visiting the property and checking the company or person's details. If you are overseas, ask a friend or a relative to check them for you.
- **Agreement or lease** – To rent a house or unit you have to sign a Residential Tenancy Agreement with a landlord or agent. This is a legal document called a lease. It explains what the tenant (you) or landlord can do and cannot do. It includes the amount of rent you need to pay, how and when to pay it, and the lease term - which is usually for 6 or 12 months.
- **Rental bond** – When you agree to rent, you must pay a rental bond, which should be no more than the amount of 4 weeks rent. Your agent or landlord must offer you the option to use the Rental Bonds Online service.
- **Other costs** – You will be required to pay up to 2 weeks' rent in advance.

### Having trouble with your landlord or agent?

Contact our free complaint service if you have tenancy issues or disputes. We can assist with a range of matters and can help negotiate an agreement. You can lodge a complaint online via the NSW Fair Trading website or call 13 32 20 to discuss your matter further.

You can also contact your local Tenants' Union Tenants Advice and Advocacy Service - call 8117 3700 or go to [www.tenants.org.au](http://www.tenants.org.au)

### Are you a boarder or lodger?

If the landlord, or 'operator', keeps control over your room and the rest of the accommodation, you may be a boarder or a lodger. Boarders living in a 'registrable' boarding house have a basic set of rights called 'occupancy principles'. For more information, search for 'boarding houses' on the NSW Fair Trading website.



## Education and training

Here are some tips when planning your study:

- Check if the institution you wish to study with is registered to deliver training - go to [cricos.education.gov.au](http://cricos.education.gov.au)
- Do not pay any course fees to a training provider until you have signed a written agreement.
- Read the agreement and the terms and conditions carefully before you sign any paper work with a training provider.
- You cannot transfer to another education provider before completing six months of your principal course and without a release letter from your provider.
- Check your written agreement to see what your provider's policy says about transferring to another provider, as well as fees and refunds.
- If you have received your letter of release from the training provider, only then can you complete your enrolment, and sign a written agreement with the new provider.

Contact the International Students Office of your institution or call Australian Education International on 1300 615 262 if you have questions or problems.

If this does not resolve the problem with your private school, college or university, the Overseas Students Ombudsman may be able to help. Contact the Ombudsman on 1300 362 072 or go to [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

## Strata laws

If you live in a unit or townhouse you may be living in a strata scheme. There are rules, called by-laws, which people who live in strata and their visitors must follow. For example, these may affect where you can smoke, and where you can park your car (tenants should also refer to the conditions of their lease).

Visit the NSW Fair Trading website for access to information in community languages, or call 13 32 20 to talk to our friendly customer service officers.

## If things go wrong

If you have a problem with something you have bought, follow these steps:

1. Contact the seller:
  - Explain the problem and how you want the situation resolved.
  - Keep the receipt and any other documents that relate to the sale (such as credit card and bank statements, warranty or quote).
  - Write down the names of the people you speak to, what was said and the date you contacted them.
2. If you cannot come to an agreement with the seller, call NSW Fair Trading on 13 32 20 or lodge an online complaint from the website. We may contact the seller to help negotiate a resolution.
3. If the problem remains unresolved, contact the NSW Civil & Administrative Tribunal (NCAT). NCAT provides low-cost tribunal services to help resolve a wide range of disputes. Call 1300 006 228 or go to [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

## NSW Fair Trading language resources

For more information about your shopping and other consumer rights, watch the *My Consumer Rights* animatic videos in 11 community languages including English at [www.youtube.com/NSWOFT](http://www.youtube.com/NSWOFT)

All our community language resources can be accessed from the languages section of the NSW Fair Trading website.