## **Prosecution results** Legislation 66 **Motor Dealers Compensation Fund** 67 **DFT** insurance activities **Portfolio authorities 67 Consultants** 68 Overseas travel 68 **Freedom of Information** 69 **Customer feedback** 70 **Grants** 70 **Report of Registrar of Funeral Funds Publications** Statutory bodies and interdepartmental Committees **Internal Audit** Performance of CEO **78** Statutory Annual Report - Cooperation Act 1923, Section 123 Reviews of commission by delegates of the Director-General Ethnic Affairs Priorities Statement 1997~1998 Report Ethnic Affairs Priorities Statement July 1998 – June 1999 85 Accounts payable performance **Disability plan** 85 **Property Services Compensation Fund** 85

# **Appendices**

Act	No. of Defendants	No. of Offences	Penalty (\$)
Property Stock and Business Agents	52	52	17,391
Business Names	1	1	4,338
Fair Trading	28	39	24,154
Home Building	38	49	70,605
Motor Dealers	33	102	205,431
Trade Measurement	22	127	46,554
Total Penalty			351,082
Penalty Notices 1997~1998			
Motor Dealers	27	135	7,270
Trade Measurement	28	39	18,150
Business Names	1	1	200
Total Penalty			25,620

#### 2 LEGISLATION

- Associations Incorporation Act 1984 No. 143.
- Business Licences Act 1990 No. 72.
- Business Names Act 1962 No. 11.
- Commercial Tribunal Act 1984 No. 98.
- Community Land Management Act 1989 No. 202.
- Consumer Claims Tribunals Act 1987 No. 206.
- Consumer Credit Administration Act 1995. No. 69.
- Consumer Credit (New South Wales) Act 1995 No. 7.
- Contracts Review Act 1980 No. 16.
- Conveyancers Licensing Act 1995 No. 57.
- Co-operation Act 1923 (1924 No. 1), the provision of the Act (section 17AB(3)(c) excepted) so far as they relate to a Starr-Bowkett Society (remainder, Treasurer and Minister for Housing).
- Co-operation (Leeton Fruit Growers' Agreements) Act 1951 No. 36.
- Co-operatives Act 1992 No. 18.
- Credit Act 1984 No. 94.
- Credit (Finance Brokers) Act 1984 No. 96.
- Credit (Home Finance Contracts) Act 1984 No. 97.
- Credit (Rural Contracts) Act 1987 No. 205.
- Door-to-Door Sales Act 1967 No. 36.
- Electricity Safety Act 1945 (1946 No 13) so far as it relates to electrical articles and electrical installations (remainder, Minister for Energy)
- Employment Agents Act 1996 No. 18.
- Fair Trading Act 1987 No. 68.
- Fair Trading Legislation Amendment Act 1997
- Funeral Funds Act 1979 No. 106.

- Hire-Purchase (Repeal) Act 1981 No. 127.
- Home Building Act 1989 No. 147.
- HomeFund Commissioner Act 1993 No. 9.
- HomeFund Restructuring Act 1993 No. 112, sections 14, 15, 16 and Schedule 2 (remainder Minister for Housing).
- Landlord and Tenant Act 1899 No. 18.
- Landlord and Tenant (Amendment) Act 1948 No. 25.
- Landlord and Tenant Amendment (Distress Abolition) Act 1930 No. 49.
- Landlord and Tenant (Rental Bonds) Act 1977 No. 44.
- Letona Co-operative (Financial Assistance) Act 1993 No. 85
- Mock Auctions Act 1973 No. 17.
- Motor Dealers Act 1974 No. 52.
- Motor Vehicle Repairs Act 1980 No. 71.
- Pawnbrokers & Secondhand Dealers' Act 1996 No. 13.
- Prices Regulation Act 1948 No. 26.
- Property, Stock and Business Agents Act 1941 No. 28.
- Property Services Council Act 1990 No. 14 (repealed 1 August 1997).
- Registration of Interests in Goods Act 1986 No. 37.
- Residential Tenancies Act 1987 No. 26.
- Retirement Villages Act 1989 No. 74.
- Strata Schemes Management Act 1996 No. 138, 139.
- Trade Measurement Act 1989 No. 233.
- Trade Measurement Administration Act 1989 No. 234.
- Travel Agents Act 1986 No. 5.
- Valuers Registration Act 1975 No. 92.
- Warehousemen's Liens Act 1935 No. 19.

#### 3 MOTOR DEALERS COMPENSATION FUND

The Motor Dealers Act establishes a Motor Dealers Compensation Fund to provide protection to persons who have suffered a loss in connection with a motor vehicle through their dealings with a motor dealer or a car-market operator. The Fund is financed by licensing fees paid by full dealers and car-market operators. Claims are usually made on the Fund when a motor dealer ceases to trade either on a voluntary basis or a forced closure.

During the year the Fund received 32 claims, of which 27 claims against 16 dealers were paid. The Fund paid out \$236,021.36 for consumer losses due to dealers failing to meet warranty obligations; failing to pass an unencumbered title; and failing to account for monies to customers when a vehicle is consigned to a dealer to be sold on the customers behalf.

Balance as at 30 June 1998	1,926
Expenditure	(236)
Receipts	460
Balance as at 1 July 1997	1,702
	\$.000

#### 4 DFT BUILDING INSURANCE ACTIVITIES 1 JULY 1997 - 30 JUNE 1998

Item	Comprehensive Insurance	Special Insurance	Total	
Schemes &	House Purchasers Agreement	Schemes		
Number of Claims Received	778	279	1057	
Number of Claims Reopened	164	18	182	
Number of Claims Approved	1006	291	1297	
Value of Claims Approved	\$17,374,366	\$1,331,532	\$18,705,898	
Value of Claims Paid	\$15,269,516	\$1,209,469	\$16,478,985	
Number of Claims Declined	292	179	471	
Number of Claims Settled	779	285	1064	
UFI Pools – Completed	112	-	12	
UFI Pools – Claims Paid	1.4 m	-	1.4 m	

### **5 PORTFOLIO AUTHORITIES**

## **Commercial Tribunal**

Level 8 175 Castlereagh Street Sydney NSW 2000 Ph 02 9895 0928

# Consumer Claims/Building Disputes Tribunals

Level 7 175 Castlereagh Street Sydney NSW 2000 Ph 02 9895 2070

## Residential Tenancies Tribunal

Level 8 26 O'Connell Street Sydney NSW 2000 Ph 02 9229 0022

## Co-operatives Council

Level 8 Bankstown Civic Tower 66 – 72 Rickard Road Bankstown NSW 2200 Ph 02 9793 0793

### Registry of Co-operatives

Level 8 Bankstown Civic Tower 66 – 72 Rickard Road Bankstown NSW 2200 Ph 02 9793 0557

## Rental Bond Board

Level 4 26 O'Connell Sydney NSW 2000 Ph 02 9377 9000

## **Statutory Bodies**

The following statutory bodies are located at: Department of Fair Trading Level 20 227 Elizabeth Street

C 1 NEW 2000

Sydney NSW 2000

- · Home Building Advisory Council
- Property Services Advisory Council
- Fair Trading Advisory Council
- Motor Trade Advisory Council.

The following statutory bodies are located at:

Department of Fair Trading

Enterprise House

1 Fitzwilliam Street

Parramatta NSW 2150

- Registrar of Funeral Funds
- NSW Products Safety Committee
- Motor Dealer Disputes Committee.

## 6 CONSULTANTS

Consultancy Engagements Over \$30,000:

Total:		\$525,154.50
	Building Services insurance tail	\$30,975.00
Tillinghast-Towers Perrin	Cost benefit analysis of options for management of the	
	and the residential tenancies market	\$48,500.00
	Report on 2000 Olympics	
	NSW residential tenancy laws	\$65,250.00
Robyn Kennedy & Co	National competition policy review of	
Parity People P/L	Feasibility study on CAS and CMS systems	\$82,087.50
	functional and technical specifications	\$55,000.00
Kit Consulting P/L	Private Employment Agents Licence module development,	
Keys Young P/L	Project on Fair Trading issues in the tenancy market	\$100,000.00
ETC Electronic Trading Concepts	Internet Refund Services project	\$46,000.00
Deloitte Touche Tohmatsu	Business risk evaluation of rental bond financial operations	\$50,000.00
Cultural Perspectives	Awareness and education strategy	\$35,592.00
Australian Strategic Planning	Review of Valuers Regulation	\$11,750.00

The Department also engaged 13 consultants for values under \$30,000 at a total cost of \$121,030.50.

## 7 OVERSEAS TRAVEL

Officer	Dates of Travel	Destination	Purpose of trip	\$
Geoff Potts	02 10 97 - 04 10 97	Bologna, ITALY	Attendance at International	
			Co-Ops Alliance Meeting	347.43
David Catt	13 10 97 - 16 10 97	Wellington, NZ	Attendance at FTOAC & CPAC Meetings	1,165.80
Alistair Walton	15 10 97 - 18 10 97	Wellington, NZ	Attendance at Consumer Education	
			Advisory Committee Meeting	2,072.71
John Schmidt	27 11 97 - 30 11 97	Christchurch, NZ	Attendance at SCOCA Meeting	1,780.53
David O'Connor	27 11 97 - 30 11 97	Christchurch, NZ	Attendance at SCOCA Meeting	1,839.77
David Catt	23 03 98 - 26 03 98	Wellington, NZ	Attendance at FTOAC & CPAC Meetings	1,088.72
Colleen Moore	25 03 98 - 27 03 98	Wellington, NZ	Attendance at Consumer Education	
			Advisory Committee meeting	1,082.11
Victor Lawrence	25 03 98 - 01 04 98	Wellington, NZ	Attendance at Trade Measurement	
			Advisory Committee meeting	1,235.88
John Schmidt	30 04 98 - 03 05 98	Auckland, NZ	Attendance at SCOCA Conference	1,837.05
Total cost to the	Department			12,450.00

#### **8 FREEDOM OF INFORMATION**

During the year, following a external review of FOI operations in the Department, a FOI Officers' Network was established and training provided to all members on the application of the FOI Act. Administrative procedures were rationalised and the Department commenced separately recording personal and non personal information requests to enhance compliance with the Act.

The total number of applications dropped slightly this year, following greater efforts to release non sensitive information outside the FOI Act. Improved communication with applicants has lead to a significant reduction of third party consultations undertaken. The volume of documents requested however, particularly in the Home Building area, has dramatically increased reducing the Department's ability to respond within time limits. In instances where the time limit is likely to be exceeded, the applicant is kept regularly informed on the progress of their FOI request.

Data between 01 07 97 - 30 06 98 inclusive.

	96~97	97~98		
FOI requests:	Total	Personal	Other	Total
New/ received	231	28	188	216
Brought forward	11	0	21	21
TOTAL	242	28	209	237
Finalised:				
Completed	215	25	191	216
Transferred	0	1	2	3
Withdrawn	6	0	8	8
TOTAL	221	26	201	227
Unfinished	21	2	8	10

FOI requests:	Total	Personal	Other
Granted in full	182	22	131
Granted in part	26	2	42
Refused	7	1	18
Deferred	0	0	0
Completed	215	25	191
		Total	216

Basis of disallowing access:

	96~97	97~98	
Section		Personal	Other
19 application incomplete,			
wrongly directed	0	0	3
22 deposit not paid	0	0	2
25(1) (a1) diversion of resources	0	0	0
25(1) (a) exempt	33	1	46
25 (1)(b), (c), (d) otherwise avail	able 4	0	2
28(1) (b) documents not held	5	2	7
24(2) deemed refused	0	0	0
31(4) released to Medical Practiti	oner 0	0	0
Sub-total		3	60
TOTAL	42	TOTAL	63

$\Box$	١	т.	+~		cess:	
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	96~97	97~98	
Elapsed time		Personal	Other
0-21 days	96	8	56
22-35 days		1	35
Over 35 days	119	15	90
Sub-total		24	192
TOTAL	215	TOTAL	216

Processing time:

	96~97	97~98	
Hours		Personal	Other
0-10	181	13	193
11-20	34	2	5
21-40	0	0	2
Over 40	0	0	1
Sub-total		15	201
TOTAL	215	TOTAL	216

Discounts allowed:

	96~97	97~98	
Type of discount		Person	Other
Public interest		0	0
Financial hardship			
<ul><li>pensioner/child</li></ul>	8	2	5
Financial hardship			
– non profit group		0	1
Sub-total		2	6
TOTAL	8	TOTAL	8

#### Costs and Fees:

	96~97	97~98
Costs/Fees	\$	\$
Assessed cost	28,590	30,778
Fees received	6,330	6,500

## Additional information:

1996~97		1997~98
Ministerial Certificates issued	0	0
Formal consultation	111	47
Amendment of Personal records	0	2
		( notations made: 2)
Internal Reviews finalised	3	2
Ombudsman Reviews finalised	2	0
District Court Appeals	0	0
Basis of Internal Review	-	2
		-accessed refused:
		Personal – upheld 1
		Other – varied 1

### 9 CUSTOMER FEEDBACK

The Department continued to operate a customer feedback system known as "Your Opinion Counts" as part of its Guarantee of Service program. This system allows customers to comment on all services offered by the Department.

During 1998~1999 this system will be upgraded to assist management in the effective delivery of services to all our customers.

17 complaints were received through customer feedback during 1997~1998. Three were made to the Minister and resolved by ministerial correspondence while 14 were resolved by conciliation with program managers where possible. No allegations of suspected corrupt conduct or illegal behaviour were received through the customer feedback system.

#### Feedback Received

	93~94	94~95	95~96	96~97	97~98
Total	725	537	442	358	250
Compliment	80%	74%	92%	92%	93%
Complaint	10%	12%	8%	8%	7%

### 10 GRANTS

## Credit Counselling Program

Service	Location	Funding \$	
Campbelltown Legal Centre	Campbelltown	21,850	
CARE, Queanbeyan Financial Counselling Service	Queanbeyan	15,500	
Central Coast Financial Counselling Service	The Entrance	39,350	
Christian Community Aid Service Inc, Ryde-Eastwood	Eastwood	27,150	
Consumer Credit Legal Centre	Surry Hills	116,000	
Credit Line – Central West	Bathurst	23,000	
Credit Line – Newcastle	Hamilton	21,900	
Credit Line Financial Counselling Service Fairfield	Fairfield	27,300	
Credit Line Financial Counselling Service Penrith	Penrith	41,750	
Credit Line Financial Counselling Service Sydney	Haymarket	292,250	
Eurobodalla Family Support Service	Moruya	15,500	
Forest Neighbourhood Centre	Forster	15,500	
Illawarra Legal Centre	Warrawong	33,850	
Kempsey Financial Counselling Service	Kempsey	15,500	
Lifeline South Coast (NSW)	Nowra	15,500	
Lismore & District Financial Counselling	Lismore	24,200	
Macarthur Credit Line	Narellan	15,500	
Murwillumbah Community Support Financial Counselling Service	Murwillumbah	15,500	

Port Macquarie Neighbourhood Centre	Port Macquarie	15,500
Redfern Legal Centre	Redfern	16,400
Wagga Wagga Family support Service	South Wagga	15,500
Westlake Macquarie Financial Counselling Service	Woodrising	15,500
TOTAL		840,000

## Financial Counselling Trust Fund

Service	Location	Funding \$
Auburn Neighbourhood Centre	Auburn	27,000
Bankstown Family Support Service	Bankstown	17,160
CARE, Queanbeyan Financial Counselling Service	Queanbeyan	15,469
Careforce Inc – Eden	Eden	8,000
Central Coast Financial Counselling Service - The Entrance	The Entrance	24,000
Christian community Aid Service Inc, Ryde-Eastwood (West Ryde)	West Ryde	8,000
Christian Community Aid Service Inc, Ryde-Eastwood (Granville)	Granville	13,6000
Christian Community Aid Service Inc, Ryde-Eastwood (Training)	West Ryde	5,630
Christian Community Aid Service Inc, Ryde-Eastwood (Westmead)	Westmead	10,000
Coffs Harbour Neighbourhood Centre	Coffs Harbour	8,000
Credit Line – Central West (Bathurst)	Bathurst	16,000
Credit Line Financial Counselling Service Fairfield	Fairfield	24,000
Credit Line Financial Counselling Service Penrith * Outreach Hawkesbury only	Hawkesbury	16,000
Eastlakes Family Support Service Inc – East Lake Macquarie	East Lake Macquarie	16,000
Eurobadalla Family Support Service	Moruya	15,000
Forster Neighbourhood Centre	Foster	10,000
Gosford City Community & Information Service Ltd	Gosford	16,000
Hunter Region N/C Forum	Hunter	33,000
Illawarra Legal Centre	Illawarra	16,000
Kempsey Financial Counselling Service	Kempsey	15,000
Lifeline Newcastle & Hunter	Newcastle & Hunter	12,000
Lifeline South Coast (NSW) – Nowra	South Coast	15,585
Lismore & District Financial Counselling	Lismore	16,000
Lismore & District Financial Counselling-Murwillumbah/Bryon Bay	Murwillumbah/Bryon Bay	17,000
Murwillumbah Community Support Financial Counselling Service	Murwillumbah	8,000
Port Macquarie Neighbourhood Centre	Port Macquarie	16,000
Salvation Army – Moneycare Campsie	Campsie	16,000
Salvation Army – Moneycare Parramatta	Parramatta	24,000
San Remo Neighbourhood Centre Inc	San Remo	16,000
St Davids Care – Albury	Albury	24,000
St Vincent de Paul – Broken Bay	Broken Bay	8,000
Sydney City Mission – Green Valley	Green Valley	24,000
Sydney City Mission – Macarthur	Macarthur	24,000
Wagga Wagga Family Support Service	Wagga Wagga	20,000
Westlake Macquarie Financial Counselling Service	Woodrising	24,000
Wollongong City Mission	Wollongong	24,990.20
Women's Activities & Self Help House – Mt Druitt	Mt Druitt	8,768.80
TOTAL		612,203.00

Service	Funding \$
Building Careers Centre Inc	12,500
Stock & Station Agents Association of NSW	198,750
Institute of Strata Management	5,250
Australian Institute of Valuers & Land Economists Inc	85,300
Real Estate Institute of NSW	123,233
Total	425,033
Education & Research Fund (Home Building Act) 1997 ~ 1998	
Service	Funding \$
Building Apprentice Trainee Scheme	250,000
Unisearch House	987
Total	250,987
Tenants Advice & Advocacy Program (TAAP) funding 1997 ~ 1998	
Service	Funding \$
Bundjalung Training & Development Aboriginal Corporation	144,500
Canterbury-Bankstown Migrant Resource Centre Inc	206,250
Combined Pensioners and Superannuants Association of NSW Inc	117,000
Construction & Management Services Aboriginal Corporation	144,500
Eastern Area Tenants Service Incorporated	151,250
Hunter Community Legal Centre Inc	215,625
Illawarra Legal Centre Inc	153,750
ITRAC Wyong Shire Inc	126,250
Lismore Neighbourhood Centre Inc	214,500
Marrickville Legal Centre Ltd	178,750
Northern Area Tenants Service Inc	151,250
Redfern Legal Centre Ltd	151,250
South Sydney Aboriginal Corporation Resource Centre	111,500
South West Sydney Legal Centre Inc	151,250
Tenants Union of NSW Co-Op Ltd	304,000
The Uniting Church in Australia Property Trust (NSW)	222,500
Thubbo Aboriginal Medical Co-Op	144,500
Program Administration	55,000
Central West Community College	172,000
Orange Community Resource Organisation	99,950
Special Purpose Fund	110,000
Total	3,325,575.00

## Co-operative Development Fund

Recipient	Purpose	Funding \$
Abrasiflex Workers' Co-operative (approved on 24 07 97)	To prepare a valuation report on the Co-operative	1,600.00
Yeoval Hospital Co-operative (approved on 08 08 97)	To conduct a Seminar "Co-operatives in Health as Alternative Multi Purpose Health Centres"	7,666.00
Co-operative Federation of NSW (approved on 14 08 97)	Sponsorship of the Co-operatives Federation Conference 1997	7,000.00
Crossroads Medieval Village Cooperative Limited (approved on 22 08 97)	To undertake a Feasibility Study into expansion of the Co-operative's medieval village	16,882.50
Frank Small & Associates (approved on 01 09 97)	To conduct a Feasibility Study into the introduction of an International Cooperative Trade Network	10,000.00
Greater Gloucester Rabbit Cooperative Ltd (approved on 02 12 97)	To prepare a Business Plan for processing and marketing of rabbits by the Co-operative	7,500.00
Co-operative Enterprises Development Centre (approved on 23 12 97)	To update the publications 'Guides for Business Advisers and Jobseekers'	1,600.00
Reverse Garbage Co-operative (approved on 21 03 98)	To prepare a Strategic Plan for the co-operative	3,000.00
Buffalo Producers NSW Inc (approved on 02 04 98)	To conduct a Feasibility Study for the formation of a buffalo marketing cooperative	17,150.00
Yeoval Community Hospital Cooperative (approved on 29 05 98)	To conduct a Feasibility study for establishment of a dementia specific unit at the Cooperative Hospital	3,100.00
TAFE NSW – Business & Public Administration Educational Services Consortium (approved on 04 06 98)	To develop the curriculum for a course in 'Co-operatives Set-up and Management'	4,200.00
Labour Co-operative Limited (approved on 17 06 98)	To develop a strategic plan to assist workforce affected by BHP plant closure at Newcastle	43,560.00
Total		123,258

#### 11 REPORT OF REGISTRAR OF FUNERAL FUNDS

The Funeral Funds Act, 1979 provides for the registration or exemption of pre-arranged and contributory funeral funds operating in NSW to safeguard consumers prepayments for funeral services. The Registrar of Funeral Funds is responsible for monitoring the continuing operation of existing funds for the benefit of existing members to facilitate the registration of new funds which meet the requirements of the legislation to safeguard pre-payments.

The Director-General of the Department of Fair Trading is the Registrar of Funeral Funds. The appointment is by virtue of the Public Sector Management Administrative Changes (Fair Trading) Order 1995 published in New South Wales Gazette No. 128.

The Registrar's functions include ensuring State-wide compliance with the Act is achieved by:

- monitoring funeral fund complaint data;
- developing and implementing programs for the inspection of funeral fund records;
- examining annual statements submitted in accordance with the Act;
- evaluating the continued relevance of funeral fund registration criteria, including the standards by which the merits of applications for registration are assessed.

Fifteen pre-arranged funeral funds are currently registered under the Act and two other organisations have been exempted from registration under the Act to operate as contributory funeral benefit businesses.

Contributory funeral funds which existed prior to the Act's introduction in 1979 were granted exemption from registration under the legislation on the basis that no new members could be recruited. These funds continue to operate satisfactorily. A number of claims totalling \$2145 were received during 1997~1998 relating to contributory funeral funds which were operated by the Russell Kinsela group, to which an official liquidator was appointed in 1981. A number of contributors to these schemes remain unidentified. Some funds retrieved from one company in that group are retained in trust by this Department for refund to these contributors as they are identified. The balance of funds held in the Russell Kinsela Funeral Fund account as at 30 June 1998 was \$114,561.

The Department dealt with 42 formal complaints regarding matters associated with the Funeral Industry during the 1997 ~ 1998 year. This figure represents an increase of 13.5% over the level of complaints for the 1996 ~ 1997 period. Funeral service providers attracted the bulk of the complaints with 26 matters being dealt with by the Department. The dynamic nature of the industry and continued use of a marketing approach influenced by overseas trends may have impacted on the level of complaints received.

David O'Connor

Registrar of Funeral Funds

## 12 PUBLICATIONS

## Publications available during 1997~1998 included the following titles:

- Thinking business? think co-operatives
- Retirement village living
- Business checklist credit code
- Caravan park living
- Car buyers' checklist
- Taking charge action kit for communities facing bank closure
- Builders & tradespeople
- Consumers' guide to home building ...
- Becoming an owner builder
- New credit code business
- Home maintenance & security handbook
- BLIS ending the paper chase

- Stolen goods are now too hot to handle
- Minor works building contract pad 10
- Minor works building contract pad 50
- Renovations contract pad 10
- Renovations contract pad 50
- Home building contract 2 Pack
- Swimming pool contract 2 Pack
- Strata synopsis
- · Strata living
- · A guide to solving a disputes in a strata scheme
- · Conveyancing in NSW
- · How to apply for a conveyancer's licence
- The Renting Guide English, Arabic, Chinese, Croatian, Farsi, Greek, Italian, Japanese, Khmer, Korean, Macedonian, Polish, Portuguese, Russian, Serbian, Spanish, Turkish, Vietnamese
- Associations A guide to incorporating
- · Electrical safety guide
- Shopping from home
- Shopping in the electronic age
- · A consumer's guide to shopping
- · Building a pool
- Protect your home from termites
- Our Services English, Bosnian, Chinese, Thai, Turkish, Vietnamese
- Photostory (buying a car) Arabic
- Photostory (buying computer)- Chinese
- Photostory (going guarantor) Spanish
- Photostory (refunds) Vietnamese
- Safer buying for your kids
- · Selling knives to minors is now a criminal offence
- Associations Model Rules English, Vietnamese, Korean, Chinese, Greek, Italian, Spanish, Bosnian, Croatian, Serbian, Macedonian, Turkish, Arabic

#### **Posters**

- The Renting Guide
- · Plain English Building Contracts
- Strata Law changes
- Borrowing Money? English
- Borrowing Money? Arabic
- Borrowing Money? Chinese
- Borrowing Money? Turkish
- Borrowing Money? Vietnamese
- When dealing in second-hand goods

#### **Videos**

- Consumer Power
- · Good Business Matters Training Kit
- Home Delivery Mediation

#### Flyers and fact sheets

- Senior Citizens' Alert
- Toy Safety Checklist
- Household Cots
- · Door to door selling guidelines
- Don't get caught selling non-shrouded cord extension sockets
- REVS online system
- NSW electrical accidents report
- Motor dealers advertising guidelines
- · Disposable cigarette lighters

#### Newsletters

- Target (home building issues)
- Keynotes (real estate & tenancy)
- Retirement Village Green (for residents and management)
- Co-operation (co-operatives)

# 13 STATUTORY BODIES AND INTERDEPARTMENTAL COMMITTEES

## Representation Key:

[c] - Chairperson;

[m] – member;

[o] - observer;

[s] - secretary;

[t] - trustee.

Acceptable Standards of Construction Committee NSW Barry Miller [m]

Archives Authority Customer Council

David Lilley [m]

Australian Standard: Guide for the prevention, handling and resolution of disputes.

Angela Pickworth [m]

Australian – New Zealand Reciprocity Association Peter Smith [m]

BIS (NSW) Core Reference Group Marie Bonney [m] Cameron Smith [m] Builders Licensing Australia

Susan Cleary [m]

Caravan Park & Manufactured Home Estates Consultative

Committee

Peter Berry [c]

Barbara Fernandez [s]

Committee for Review of Motor Accidents Legislation

Kathrina Lo [m]

Construction Industry Training Advisory Board

Peter Smith [m]

Consumer Education Advisory Committee

Peter Elias [m]

Consumer Products Advisory Committee

David Catt [m]

Council of the Standards Association of Australia

David Catt [m]

Credit Officers Compliance Forum

Malcolm Finger [m] Rod Stowe [m]

Electrical Equipment Safety Advisory Committee

Alex Krestovsky [c]

Electrical Regulatory Authorities Council

Peter Smith [m]

Fair Trading Advisory Council

David O'Connor [m] Robert McMahon [s]

Fair Trading Operations Advisory Committee

David Catt [m] Malcolm Finger [m]

Fitness Code Taskforce

Kathrina Lo [m]

Government & Related Employees Appeal Tribunal

(GREAT)

Ann Keating [m]

Hazardous Chemicals Advisory Committee

Stephen Hutchison [m]

Home Building Advisory Council

David O'Connor [m] Robert McMahon [s]

Inter-Agency Fraud Committee

Greg Jemmeson [m]

Jewellery and Timepiece Industry Code Administration

Committee

Malcolm Finger [m]

Lead Inter-Agency Group Stephen Hutchison [m]

Ministerial Taskforce on Affordable Housing

David O'Connor [m]

Motor Dealers Disputes Committee

Andrew Gavrielatos [c]

Motor Trade Advisory Council

David O'Connor [m] Robert McMahon [s]

NSW Financial Counselling Trust Fund

Brian Given [t] Kris Bennell [s]

NSW Food Advisory Committee

Merilyn Betty [m]

NSW Injury Prevention Forum

Alex Krestovsky [m]

NSW Treasury Managed Fund Advisory Board

Garry Waters [m]

Olympic Co-ordination Authority Social Impacts

Advisory Committee Rod Stowe [m]

Olympic Co-ordination Authority Social Impacts

Advisory Committee - Housing

Sub-committee Rod Stowe [m]

Pawnbrokers & Secondhand Dealers Computer System

Steering Committee Tracy Taylor [m]

Police Commissioner's Motor Vehicle Theft Steering

Committee Kathrina Lo [m]

Pest Control Licensing Committee(WorkCover)

Merilyn Betty [m]

Poisons Advisory Committee Stephen Hutchison [o]

Premier's Department Public Sector Reform

Reference Group

Garry Waters [m]

Products Safety Committee

David Catt [c]

Stephen Hutchision [m]

Property Services Advisory Council

David O'Connor [m]

Robert McMahon [s]

Rental Bond Board

David O'Connor [c]

Residential Tenancies Consultative Committee

Peter Berry [c]

Adam Heydon [s]

Retirement Villages Consultative Committee

David O'Connor [c]

Adam Heydon [s]

Review of NSW Residential Tenancies Law Steering

Committee

Susan Dixon [c]

Kathrina Lo [m]

Senior Officers Reference Group on Crime Prevention Susan Dixon [m]

Standing Committee of Officials of Consumer Affairs (SCOCA)

David O'Connor [m]

Steering Committee for Sharehousing Project

Kathrina Lo [m]

Swimming Pool Contract Standards Australia

Barry Miller [m]

Trade Measurement Advisory Committee

Victor Lawrence [m]

Travel Compensation Fund

Brian Given [t]

Uniform Consumer Credit Code Management

Committee

Rod Stowe [c]

Whitegoods Code Administration Committee

Kathrina Lo [c]

## 14 INTERNAL AUDIT

Internal audit services were provided by a mixture of wholly internal, and contracted services. Contracted resources were specifically used to cover specialist IT audit areas.

Approximately 50% of the annual audit plan was achieved during the year. Major variations to the annual plan arose from:

- the management and investigation of 3 protected disclosures
- investigation of matters referred by the Independent Commission Against Corruption
- requests from management for audits/reviews
- investigation of 1 alleged fraud by employee (possible loss \$6.600)

The level of client satisfaction with Internal Audit services within the Department was surveyed at 82% ('satisfied' or 'very satisfied' over a range of attributes). The Audit Committee met regularly to oversight Internal Audit services and to assess the internal control environment within the Department.

Education and awareness of staff on the DFT Code of Conduct, Protected Disclosures material and fraud prevention was undertaken through staff induction courses and Internal Audit Branch produced newsletters. A review of the Code of Conduct will be completed in 1998~1999.

#### Actual Audit Tasks 1997~1998

- Renting Services Revenue/Refunds
- Statutory Interest Account (Property)
- NGO Grants/Funding
- Investments
- · Building Insurance
- Mediation Services
- Strata Schemes Office
- Compensation Funds

• Renting Services IT Systems

- Payroll/Leave
- Business Registration
- Home Building Licensing

### Planned Audit Tasks 1998~1999

- Building Insurance
- Investments
- Debt Administration
- Payroll/Leave
- Business Name Registration

- Accounts Pavable
- Property Services Licensing
- Purchasing/Tendering
- Trade Measurement
- Fair Trading Investigations
- Web/Internet Security
- Y2K/Millenium Bug Review
- Co-operatives Monitoring
- FBT Administration
- Fleet Management
- Fair Trading Centre Operations
- Associations
- · Fixed Assets
- Grants/Funding Administration
- Real Estate Inspections
- Business Licence Information Service
- Compliance Intelligence Services
- Breach/Prosecution/Fines Enforcement

NB. 1998/99 audit plan may be subject to change

#### 15 PERFORMANCE OF CEO

Performance of Chief Executive Mr David O'Connor Director-General SES Level 6

The Minister for Fair Trading has expressed his satisfaction with Mr O'Connor's management of the Department and dedication to the service throughout 1997~1998.

Mr O'Connor has successfully fulfilled the key result areas of his performance agreement and lead the implementation of a number of significant initiatives.

The Hon J W Shaw, QC MLC Minister for Fair Trading.

# 16 STATUTORY ANNUAL REPORT – COOPERATION ACT 1923, SECTION 123

This report covers the period from 1 July 1997 to 30 June 1998 and is presented in accordance with Section 123 of the Cooperation Act 1923.

Cooperative Housing Societies and Starr-Bowkett Building Societies are the only types of societies registered under the 1923 Cooperation Act. The New South Wales Financial Institutions Commission is the regulatory authority for Cooperative Housing Societies, whereas the Registrar of Cooperative Societies is the regulatory authority for Starr-Bowkett Building Societies.

## Starr-Bowkett Building Societies

As at 30 June 1998 there were 29 Starr-Bowkett societies on the Register, four societies having been wound up and removed from the Register during the year.

## **Details of Co-operative Activity**

Type of Society	New Societies registered during the year ended 30 June		Societies on the Register at 30 June	
	1997	1998	1997	1998
Starr-Bowkett Building Societies	0	0	33	29

#### CONSUMERS' REQUESTS FOR REVIEW OF COMMISSIONS CHARGED BY REAL ESTATE AGENTS 17 Review of Commission \*\*1994~1995 \*1995~1996 1996~1997 1997~1998 Applications brought forward 22 34 36 49 Applications received 105 147 136 127 Total 127 181 172 176 144 Applications finalised 93 123 138 Applications carried forward 34 37 49 38 Total 127 181 172 176 For the 15 months ended 30 June For the 12 months ended 31 March

#### 18 ETHNIC AFFAIRS PRIORITIES STATEMENT 1997-1998 - REPORT

The Corporate Plan of the Department of Fair Trading is based on the Key Result Areas of:

- Informed, Educated Consumers and Traders
- · Leadership in Fair Trading Policy based on Social Justice and Competition Principles
- Effective Regulation
- Effective Marketplace Performance and Dispute Resolution
- Quality-driven, Customer-focused and Ethical Department of Fair Trading

The Government's Ethnic Affairs Action Plan 2000 is based on outcomes around the following three Key Result Areas and related issues:

KRA 1: Social Justice	KRA 2: Community Harmony	KRA 3: Economic & Cultural Opportunities
<ul> <li>1.1 Accessible and Quality Programs &amp; Services</li> <li>1.2 Responsive &amp; Equitable Policy</li> <li>1.3 Participation on Decision Making Bodies</li> <li>1.4 Cultural diversity in DFT services</li> </ul>	<ul> <li>2.1 Community development</li> <li>2.2 Religious tolerance</li> <li>2.3 Harmonious communities</li> <li>2.4 Valuing Diversity</li> <li>2.5 Anti-Harassment &amp; Anti-Discrimination</li> <li>2.6 Harmonious workplaces</li> </ul>	<ul> <li>3.1 Trade and business activities</li> <li>3.2 Improved employment outcomes</li> <li>3.3 Contributions by Ethnic Communities</li> <li>3.4 Multicultural Arts</li> <li>3.5 Tourism, Culture &amp; Sport</li> <li>3.6 Sydney 2000 Olympics</li> </ul>
<ul> <li>1.5 Culturally diverse DFT workforce</li> <li>1.6 Access to interpreters and translators</li> <li>1.7 Accessible Local Government</li> <li>1.8 Planning for Cultural Diversity</li> </ul>	2.7 Aboriginal Reconciliation	
1.9 Improved settlement services		

**KRA 1: Social Justice** 

	EAPS KRA	Strategy	Report
1, 5	1.1 1.5 1.6 2.4	Review language services and make recommendations for appropriate use of interpreter services: telephone and sessional interpreters, language aides, bilingual positions; ensure adequate budget provision and produce related resources.	<ul> <li>A Working Group has been formed.</li> <li>Information is being gathered on current usage of language services.</li> <li>Information relating to Interpreter Services is displayed at all Fair Trading Centres.</li> <li>There are 53 accredited staff members receiving the Community Language Allowance for 19 languages.</li> <li>Telephone messages on hold include interpreter information.</li> <li>The review includes liaison with community groups.</li> </ul>
1, 2, 5	1.1	Enhance and ensure consistency in data collection systems/procedures to allow more accurate identification of existing and potential clients/traders to identify gaps and improve planning and program/service delivery and to allow effective comparisons of internal and external data.	A needs assessment for this project is underway.
5	1.1	Assess needs of various cultural groups on key issues.	<ul> <li>Meetings are held with Local Community groups to identify specific needs and develop appropriate local programs.</li> <li>Customer satisfaction surveys conducted.</li> <li>Liaison commenced in western Sydney area.</li> <li>NESB interagency meetings attended.</li> <li>Attendance at Regional EAPS Co-ordinators meetings.</li> <li>Links are being established with peak regional groups in South &amp; Western Regions.</li> </ul>
2,5	1.2	Include EAPS and cultural diversity strategies in DFT Corporate, Division and Business planning processes where appropriate.	<ul> <li>Division and Branch Plans include EAPS strategies where appropriate.</li> <li>Specific strategies included in Regional Business Plans and Community Liaison plans.</li> <li>Planning for REVS marketing strategy 97~98 and 98~99 includes NESB communications.</li> </ul>
5	1.2	Include accountability for cultural diversity issues in Position Descriptions & SES performance agreements.	<ul> <li>New &amp; revised position descriptions include appropriate accountability.</li> <li>SES position descriptions contain cultural diversity accountabilities.</li> </ul>

DFT KRA	EAPS KRA	Strategy	Report
1, 2	1.2	Consult with diverse communities when reviewing/developing policy.	<ul> <li>Multicultural Consultative Group meeting held May 98.</li> <li>Regional database being compiled.</li> </ul>
1, 2	1.3	Include representatives from diverse cultural backgrounds on Committees, Councils, Boards.	<ul><li>Premier's Department registers consulted.</li><li>Community groups approached.</li></ul>
5	1.4	Provide information and resources on cultural diversity issues for Senior Management and staff.	<ul> <li>Position Vacant Enquiry Kits include updated Cultural Diversity Fact Sheet &amp; EAPS information.</li> <li>Access &amp; Equity segment on Induction Courses includes Cultural Diversity component.</li> </ul>
5	1.4 2.6	Determine specific training requirements and provide learning and development on cultural diversity issues.	<ul> <li>Cultural Diversity issues included in customer service learning &amp; development.</li> <li>Needs assessment for other areas' learning &amp; development is underway.</li> </ul>
1	1.4	Further develop awareness programs and information sessions for consumers and traders from diverse cultural backgrounds.  Identify & utilise appropriate communication channels e.g. community networks.	<ul> <li>Joint NESB Information Sessions conducted with other appropriate agencies. (Hunter Region)</li> <li>Fair Trading presentations to English Language students. (Hunter Region)</li> <li>Increased contact in regional cross cultural community programs &amp; planning activities. (South Region)</li> <li>Regional networks through associations with peak groups. (South and Western Regions)</li> <li>Input sought from NESB teaching organisations with regards to appropriateness of current complaint forms. (Hunter Region)</li> </ul>
5	1.5	Measure staff diversity and improve where appropriate.	EEO statistics being formulated to report on diversity.
1	1.9	Provide resources and information for new arrivals in Department of Immigration & Multicultural Affairs On-arrival Information Kit.	Updated tenancy and general DFT information provided.

#### **KRA 2: Community Harmony**

DFT KRA	EAPS KRA	Strategy	Report	
1	2.1	Encourage fair trading in ethnic communities, including through funded services and Co-ops development.	<ul> <li>Participation in NSW Multicultural Business Strategy         <ul> <li>use of Co-operatives in small business development in ethnic communities.</li> </ul> </li> <li>DFT funding guidelines and workplans of funded groups indicate targeting of groups from diverse cultural backgrounds.</li> </ul>	
KRA 3: Economic & Cultural Opportunities				
DFT KRA	EAPS KRA	Strategy	Report	
1, 4	3.1	Ensure people of diverse cultural backgrounds who are proposing to commence new businesses or expand businesses, are aware of registration & licensing requirements.	Review of forms and publications commenced.	
5	3.2	Link with EEO Management to improve employment outcomes.	Divisional EAPS has clear links to EEO Plan to improve employment outcomes.	

#### 19 ETHNIC AFFAIRS PRIORITIES STATEMENT JULY 1998 - JUNE 2001

The Department of Fair Trading is committed to ensuring fairness and value in the marketplace by providing:

- information and assistance to consumers and traders;
- leadership in fair trading based on social justice and competition principles;
- · regulation and compliance; and
- monitoring effective marketplace performance and dispute resolution.

It is also committed to providing its services to consumers from diverse backgrounds through paying special attention to vulnerable and remote groups. Initiatives to assist this work are outlined in the Department's Access and Equity Strategy. This aims to ensure that mainstream programs and policies reflect the diverse needs of all Departmental customers. Access and equity are part of the core business of this Department and, as such, are linked to the Corporate Plan Key Result Areas.

The Department is responsible for reporting to the NSW Government on outcomes for various equity target groups. This includes a statutory obligation to prepare and report on the Ethnic Affairs Priorities Statement (EAPS). To assist coordination, EAPS has been incorporated into the Access and Equity Strategy. Some initiatives are specifically targeted at people of non-English speaking background; other strategies improve outcomes for a range of groups.

## Department of Fair Trading - Corporate Plan Key Result Areas

- · Policy and regulatory framework
- Information and education
- Compliance monitoring and enforcement
- · Licensing, registration and certification
- · Quality, efficiency and customer focus of operations

The following strategies are the EAPS components from the Department's Access and Equity Strategy. They relate to the EAPS Key Result Areas of Social Justice, Community Harmony, and Economic & Cultural Opportunities.

## DFT Key Result Area 1: Policy and regulatory framework

Strategies	Outcomes	Target Group
Incorporate access and equity considerations in reviews conducted under National Competition Policy and other policy work (eg. issues papers and consultation)	Perspective of disadvantaged groups incorporated in new legislation, research and policy	All
Undertake research to identify fair trading issues in the tenancy market	Information to assist the reduction of problems and enhance dispute resolution mechanisms	All
Participate in the development and implementation of the NSW Multicultural Business Strategy	Report to the Premier on business and employment opportunities, building on productive diversity	N
Increase the number of people from equity target groups appointed to DFT advisory bodies.	DFT targets are met	N,W and A

## DFT Key Result Area 2: Information and education

Strategies	Outcomes	Target Group
<ol> <li>Review DFT forms and key marketplace documents to assess level of complexity</li> <li>Improve documents found to not be in plain English or poorly laid out</li> </ol>	<ol> <li>Difficult forms and documents identified</li> <li>All DFT forms and key marketplace documents in plain English</li> </ol>	All and C
<ol> <li>Review DFT publications which are translated or ATSI targeted</li> <li>Produce translated and/or culturally appropriate versions of key publications where justified</li> </ol>	<ul><li>1 Gaps identified in publication list</li><li>2 ATSI and NESB communities have access to appropriate DFT publications</li></ul>	N and A
Incorporate strategies appropriate for equity target groups in general DFT education campaigns	Wide range of communities are served by DFT education campaigns	All
Conduct specific education campaigns targeting NESB people; ATSI people; young people and older people	DFT education campaigns address key issues for particular target groups	N, A, Y and O
Spend 7.5% of DFT advertising budget on utilising the ethnic print media Spend 3% of DFT electronic media expenditure on ethnic electronic media	Increased awareness of DFT and its services in ethnic communities; comply with Premier's Memoranda	N
Provide information on DFT services on the Internet in languages other than English	Broad availability of DFT information to NESB people using the Internet;	N

**Key:** (A) Aboriginal people (W) Women (L) People with low literacy (R) People in remote areas (O) Older people (G) Gay and lesbian people (D) People with a disability (Y) Younger people (C) All consumers in NSW (N) People of non-English speaking background.

## DFT Key Result Area 3: Compliance monitoring and enforcement (includes dispute resolution)

Strategies	Outcomes	Target Group
Conduct training of DFT compliance and Tribunal staff in effective customer service to people from diverse backgrounds	Increased skills to identify and meet needs of all DFT customers	All
Review access by equity target groups to the Tribunals	Assessment of gaps by particular groups to services provided by the Tribunals	All
DFT Key Result Area 4: Licensing, registration and	certification	
Conduct training for staff involved in regulation on implications for equity target groups	Increased skills to identify and incorporate issues affecting target groups	All
DFT Key Result Area 5: Quality, efficiency and cust	omer focus of operations	
Conduct training for DFT staff in effective customer service to people from diverse backgrounds	Increased skills to identify and meet needs of all DFT customers	All
Produce an access and equity resource manual	DFT staff more able to incorporate access and equity considerations into all policy, planning and service delivery.	All
Establish systems for data collection and analysis of characteristics of DFT customers	Profile of current DFT customers provides benchmark and better understanding of customer needs	All
	Future data measures progress on improving access by particular target groups and understanding of changes in customer needs	
Conduct regular customer satisfaction surveys	Feedback on DFT services for service evaluation and planning	All
Review language services, including level of provision, and the Community Language Assistance Scheme (CLAS)	Access by customers to interpreters and language aides for all core DFT services	N
Conduct a series of internal workshops on workload management and how to focus resources to most disadvantaged customers	DFT better able to devote appropriate resources to disadvantaged target groups	All
Align the staff diversity profile to reflect DFT customer service needs, through the Equal Employment Opportunity Strategy and the Aboriginal Employment Strategy	Improved capacity to provide services to customers from diverse backgrounds	W, D, A, and N
Undertake regular liaison with peak, regional and local groups regarding DFT services, policy and new initiatives	Increased awareness among target communities of DFT DFT more aware of needs of diverse target groups	All

#### **20 ACCOUNTS PAYABLE PERFORMANCE**

Current	\$1,142,057.39
Less Than 30 Days	1,206.66
Between 30 & 60 Days	2,427.60

# Accounts paid during 1997~1998:

Total accounts payable

Percentage of accounts paid on time
(34,961 vouchers processed on time out of 37,159)

Total dollar amount of accounts paid on time

\$112,888,770.69

Total dollar amount of accounts paid

\$117,442,874.64

#### 21 DISABILITY PLAN

The Department is committed to providing its services to consumers from diverse backgrounds through paying special attention to vulnerable and remote groups. Initiatives to assist this work are outlined in the Department's Access and Equity Strategy. The Strategy aims to ensure that mainstream programs and policies reflect the diverse needs of all Departmental customers.

The Department's 1998~2001 Access and Equity Strategy contains strategies for people with disabilities, both staff and customers. Some initiatives are specifically targeted at people with disabilities; other strategies improve outcomes for a range of groups.

The disability strategies for 1998~1999 include:

- A review of forms and key documents to assess their level of complexity and to improve those found not to be in plain English or poorly laid out.
- A progressive review of physical access to buildings and the availability and use of TTY (Telephone Typewriter) phones so that premises and communication systems are suitable for customers and staff with a disability.
- The Department's review of language services will include deaf sign language.
- · A network of staff has been established as a consultative mechanism for people with a disability.
- We aim to increase the recruitment and retention of staff with disabilities, through the Equal Employment Opportunity Strategy.
- Regular liaison with relevant groups regarding DFT services, policy and new initiatives in order to increase awareness
  of DFT services among people with disabilities and to make the Department more aware of the needs of people with
  disabilities.

\$1,145,691.65

## 22 PROPERTY SERVICES COMPENSATION FUND

During 1997~1998 a total of 390 claims were lodged against the Compensation Fund, set up to compensate people who suffer losses as a result of the failure of licensees to account. Claim Payouts amounting to \$814,000 involving 26 defaulting licensees were made. The average payout was \$2,310.

	\$'000
Balance as at 1 August 1997	22,174
Receipts	2,831
Expenditure	(4,384)
Balance as at 30 June 1998	20,621

Index	
Aboriginal people	16, 33
Access & Equity	33
Accounts payable	85
Aged care	18
Associations	35
Bank closures	13
Building apprentices training	18
Building disputes	31
Business names	20, 36
Caravan parks	22
CEO performance	78
Cigarette lighters	17
Community grants	17, 38
Computer industry inquiry	19
Consultants	68
Conveyancers	24
Cooperatives	15, 79
Core capabilities	3
Core values	3
Credit counselling	17
Customer feedback	71
	4
Director-General's Report	85
Disability plan EEO	35
Electrical safety	14, 30
Electronic service delivery	37
Employment agencies	27
Energy Co-operative	21
Energy industry	19
Ethnic Affairs	79
	25
European Mutual Recognition Fair Trading Administration Corporation	Vol 2
Fair Trading centres	2, 12
Fair Trading Tribunal	31
Fernbank Retirement Village	29 18
Financial Counselling Trust Fund	
Financial management	37
Fitness industry Freedom of Information	26 69
Funeral Funds	74
Grants  Harleh and an argumeine	70
Health care co-operative	15
Information technology	36
Insurance Landing Technology (1997)	67
Internal Audit	11 27
Internet Very receipt access	11, 37
Key result areas	3
Kit homes	28
Knife laws	16

Legislation	22, 66
Licensed Trade Measurement Certifiers	30
Matchmakers	30
Mediation	31, 32
Ministerial Advisory Councils	20
Motor Dealers Compensation Fund	67
Namoi Cotton	23
National Competition Policy	22
National Consumers Day	15
NSW Land and Housing Corporation and Rental Bond Board Joint Venture	Vol 2
NSW Rental Property Trust	Vol 2
Nursery furniture	17
Olympics	10
Organisation chart	8
Outworkers	20
Overseas travel	68
Paralympics	10
Pawnbrokers and Second-hand dealers	22, 29
Penalty Notices	25
Planning	38
Pool repairs	28
Portfolio authorities	67
Program allocations	8
Property Services Compensation Fund	85
Property Services Council	Vol 2
Prosecution results	66
Publications	15, 74
Real estate agents	13, 29, 79
Regional access	12
Regulatory Impact Statements	23
Rental Bond Board	Vol 2
Rental bonds	14
Renting services	36
Research	16
REVS	14, 24, 27
Risk management	38
Statutory bodies	75
Strata schemes	13, 26
Strategic intent	3
Television receivers	25
Tenancy	13, 18
Tenants Advice and Advocacy Program	17
Trans-Tasman Mutual Recognition	24
Valuers	23, 35
Website	2, 10
Whitegoods Code	26
Year 2000	11, 37
	oport 1007-1009