

NSW OFFICE OF

Fair Trading

DEPARTMENT OF COMMERCE

for consumers
& traders

A year in review 2006 – 2007

**Fair Trading: serving consumers
and traders in New South Wales**

2006-2007

www.fairtrading.nsw.gov.au

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The Office of Fair Trading is one of five offices established within the NSW Department of Commerce. The Department as a whole produces an annual report to the Minister for Commerce for tabling in the NSW Parliament. However, the Office of Fair Trading measurably reaches a significant proportion of the almost 7 million people living in NSW. For this reason and the significant formal role of the Commissioner for Fair Trading, this additional report focuses exclusively on activities in the New South Wales fair trading arena.

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At a glance ...as at 30 June 2007

Policy development & regulatory review

• Legislation administered:	43 Acts
• Bills assented to in Parliament:	4
• Acts and regulations amended:	17
• Current projects:	77

Services to the public

• Requests for service:	6,555,000
• Website visitor sessions:	2,521,000
• REVS checks:	1,637,800
• Phone calls from general public:	1,250,000
• Counter enquiries:	239,900
• Rental bond transactions:	546,000
• Total occupational licences on register:	234,084
• Total business names on register:	502,000
• Total associations on register:	39,348
• Total co-operatives on register:	744
• Consumer complaints addressed:	34,052
• Publications:	Over 170 titles - 25 translated in up to 28 languages
• Public seminars and information sessions:	900
• Seminar audiences:	Over 27,000

Compliance

• Compliance related activities:*	41,000
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Agency

• Staff:	1,183
• Budget:	\$160.2 million
• Fair Trading Centres throughout NSW:	24
• Other service outlets:**	68

* Compliance related activities can vary significantly year-to-year depending on the mix between long, complex investigations and shorter, less complex ones which reflect changing marketplace issues.

** Selected services are also provided through Government Access Centres and other agency arrangements in rural and isolated areas throughout NSW.

The Office of Fair Trading

The Office of Fair Trading within the Department of Commerce serves the consumers and traders of NSW. We aim to achieve fairness for all in the marketplace by safeguarding consumer rights and advising business and traders on fair and ethical practice.

Fair Trading objectives

Fair Trading has a set of robust objectives embedded in legislation and in our role as both a regulator and a consumer protection agency. The Office of Fair Trading strategic objectives for 2007-2010 are to:

- simplify service provision for consumers and traders
- achieve fair marketplace regulation with minimal red tape
- deliver accessible information and services to the community
- enforce Fair Trading laws
- win and maintain respect as a credible, efficient and effective organisation.

Our values

- We are commercially astute and deliver value for money
- We serve the community, our customers and clients with energy and respect
- We behave ethically
- We embrace new ideas
- We collaborate to get results
- We strive to be experts in our fields
- We get things done

What we do

We safeguard consumer rights and advise business and traders on fair and ethical practice. Our customers include people renting homes and those building or renovating. There are strata scheme owners, people buying or repairing cars or looking for consumer information. A large number are builders and people working in a trade or running a business. But our services go beyond those delivered to individuals. The legislative framework we administer sets the scene and the rules for fairness in the countless daily transactions

between consumers and traders. Often behind the scenes, unfair practices are investigated and prevented. A system of licensing and the investigation of complaints help ensure unqualified or inappropriate people do not operate in NSW. Our licensing and investigations cover a range of commercial activities including: business and retail, residential home building, motor trade, real estate, retirement villages and residential parks, product safety, trade measurement and co-operatives. This encourages integrity by business and traders and provides protection for consumers.

Consumer help

Providing information is core business for Fair Trading. Consumers of everyday goods and services can use our website or contact our Fair Trading Centres to obtain information on their rights and responsibilities or seek assistance with resolving disputes. People renting homes, buying or selling property or living in strata scheme property can turn to us for information and assistance.

Business & trader services

Traders and business people can register business names and obtain the licences and certificates they need to operate in New South Wales. Builders and contractors, people in the accommodation and property services industries and those engaged in selling goods or providing services can receive information on their rights and obligations under fair trading laws.

Co-operatives & Associations

We actively encourage the formation and development of co-operatives and we help community groups establish themselves as associations.

...Fair Trading measurably reaches a significant proportion of the almost 7 million people living in NSW.

Executive Summary

...everything that Fair Trading does meets both the State Plan's and the community's expectations for delivering better services and growing prosperity across NSW.

Perhaps the most significant development for the year was the Government's introduction of the State Plan which provided a welcome impetus to review and refocus the full range of our activities. I'm pleased and proud to say that everything that Fair Trading does now and is planning to do in the coming years meets both the Plan's and the community's expectations for delivering better services and growing prosperity across NSW. The process has allowed us to prepare a new Strategic Plan that sets our goals out to 2010. These goals, objectives, marketplace indicators and performance measures structure this report and are explained in more detail on page 6.

Legislation and regulation

Establishment of the Government's Better Regulation Office ran concurrently with introduction of the State Plan. There is now a sharper focus on community consultation and cost benefit analysis for regulatory reform and development. There are increased expectations that fair trading legislation will minimise red tape for business operators and provide for simple, uncomplicated services for customers. To benchmark and track our performance against these expectations we have widened our customer and community surveying. Initial results suggest our customers are not troubled by overly complex service provision and that the majority of the broader trading community don't believe they are unduly burdened by legislative red tape. While this is encouraging, Fair Trading will continue to work towards marketplace regulation that provides appropriate levels of consumer protection but without placing costly or unnecessary administrative burdens on traders and businesses.

At any given time, Fair Trading is working on approximately 80 different legislative review and policy development projects. Most are state based while some are in conjunction with other jurisdictions with a view to nationally consistent marketplace rules. During 2006-2007, regulatory changes brought significant improvements for the NSW community in the areas of: motor vehicle repairs - with the introduction of a mandatory code of practice between smash repairers and insurers;

in real estate - with more open dealings at property auctions; in small business - with tighter controls on false-billing and in home building - with clearer, standard qualification requirements and the opportunity for licensees to take advantage of new three-year licences.

Community awareness and access

Fair Trading continued to respond to a vast number of requests from the community for service - approximately 6.5 million in 2006-2007. These were handled through phone, counter and electronic channels. Independent surveying demonstrated a high level of accuracy for the information provided and customer satisfaction levels continued to match our target. More than 34,000 disputes between consumers and traders were handled and 85% of these were successfully negotiated at an informal level. Over 900 community information sessions were presented to more than 27,000 people around the State.

The Fair Trading Information Centre (FTIC) continues to be the key focus for our telephone services. FTIC is a single, convenient point of access and is the first point of contact for almost 1 million phone inquiries each year.

In line with our Strategic Plan, we conducted an independent review of the current contact centre environment at the end of the financial year. The results will enable us to meet our objectives and ensure that FTIC provides an example of best practice for a NSW Government contact centre.

The Office of Fair Trading brings together a broad range of the State's consumer services - including those of the Rental Bond Board, whose services are provided by this Office. In a move to assist the less well-off, people seeking affordable housing will now benefit from an initiative that provided \$10.4 million of Rental Bond Board investment funds to the Department of Housing for capital and to establish the vehicle model for affordable housing. In June 2007 we provided Housing with an additional \$30 million to provide grants for the development or acquisition of up to 250 units of affordable rental housing.

Electronic services are now the mainstay of our overall service provision. In addition to publications and campaign materials, an extensive collection of general as well as more targeted information was available for customers from our website. We continued to develop and maintain more than 1,800 pages of information on the site. With an average of over 216,000 visits to the site each month, 2006-2007 saw a 24% increase in usage from the previous year. The most popular pages continue to be about registering a business name and performing licence checks on home building tradespeople.

Our website is information rich and since its last review in 2003, has outgrown its information structure, resulting in some difficulties for clients in locating information. To improve access to our information, a major review of the website commenced during the year. By the review's completion in 2007-2008, the website will provide an improved experience for clients in accessing information and we will have achieved compliance with the NSW Government Website Style Directive.

Compliance

Over 41,000 compliance related activities – ranging from inspections through to more complex action in the Supreme Court, were carried out to ensure fairness in the marketplace. An Enforcement Action Report is now being published each quarter on the Fair Trading website. It details the names of offenders, their offences and the penalties imposed for breaches of fair trading law. It sends a warning to individuals who might consider flouting the law as well as encouragement to the honest majority of traders who value the reputation and integrity of their industries.

The first line of defence in the fair trading compliance program is an active state-wide inspection program. During the year, Fair Trading inspectors carried out more than 28,000 inspections throughout New South Wales. These focused on 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 2,166 product and electrical safety inspections, 3,391 building industry inspections and 11,813 trade measurement inspections. In the home building area, operations: *Mortar, Nail, Dumpy* and *Ripsaw* involved targeted visits to well over 600 residential building sites and interviews with some 1,800 traders. Resulting fines for a range of offences totalled more than \$180,000.

Organisation and people

It's pleasing to see that for each business unit within Fair Trading, there is now a clear and distinct connection between front-line operations, local business plans, the OFT Strategic Plan, the Commerce Corporate Plan and all the way back to the NSW State Plan. We can see more clearly that our efforts and aspirations are exactly what they should be; that money is well spent and that we are closer to having the right organisation to do the job. Last year's Cost Effective Compliance Review is bearing fruit with new, more effective structures being planned in our enforcement areas.

An Information, Communications & Technology Strategic Plan was developed for a three-year period from 2007 to 2010. The Plan highlighted priorities for capital investment in the upgrade or replacement of existing service delivery business applications and the potential introduction of new technology in support of improved delivery of frontline services to consumers and traders. The strategy is aligned with the overarching Commerce Corporate Plan as well as the State Plan priorities of Delivering Better Services and Growing Prosperity.

We finished the year on-budget, meeting our assigned productivity savings and with our performance measures being met to a high degree. None of these achievements could occur without the dedicated and highly professional people that make it all happen. I sincerely thank them for their collective and individual efforts – where our output and performance results plainly show they are needed and appreciated by the wider community.

The management and staff of the Office of Fair Trading welcome the new Director-General of the Department of Commerce, Mr John Lee. We thank the Minister for Fair Trading, The Hon. Linda Burney MP and the Minister for Commerce, The Hon Eric Roozendaal MLC, for their support and enthusiasm during the year and we look forward to supporting them throughout the coming year.



Lyn Baker
Commissioner for Fair Trading

Over 41,000 compliance related activities were carried out to ensure fairness in the marketplace.

Highlights

Legislation and regulation

Objective 1 – Fair Trading legislation simplifies service provision for consumers and traders

- 87% of customers agree services are simple and uncomplicated
- Licensed builders given the option to renew their licences on a 3 yearly basis with substantial savings over the annual renewal fee
- Improved mobility of skilled workers with nationally accepted qualification requirements
- Easing of the regulatory burden for motor dealers by reducing the number of forms saving the industry \$1.1m per annum

The Future

- Creating an equitable two-tiered reporting system for incorporated associations

Objective 2 – Fair Marketplace regulation with minimal red tape

- New insurers and smash repairers mandatory code of conduct provides a balanced framework for fair business while consumers benefit from openness and accountability
- Improved consumer protection by making conveyancers licensing requirements consistent with other property related licenses
- More protection for small business through strengthened controls on false billing

The Future

- Agreement to develop a national system of trade measurement
- Agreement in principle to a national system for the registration of personal property securities

Community awareness and access

Objective 3 – Community aware of and able to access information and services

- 34,000 disputes handled with over 85% successfully negotiated at an informal level
- Website visitor sessions grew by 24% to more than 2.5 million
- Over 900 information sessions, talks and seminars attended by 27,000 people across NSW

The Future

- Major review of our website will provide improved experience for clients accessing information
- Expansion of the number of licences available on line through the Government Licensing Service

Compliance

Objective 4 – Compliance with Fair Trading laws

- New Enforcement Action Report published quarterly on the website
- \$110,000 paid to the Financial Counselling Trust Fund by a credit union for breaches of the Consumer Credit Code
- 283 penalty notices with a monetary value of more than \$180,000 issued as a result of proactive compliance operations in the home building industry
- More than \$1.75 million in fines and penalty notices issued across 15 acts during the year
- Gaol term imposed on a real estate employee for misappropriation of funds

The Future

- Integration of the Motor Vehicle Repair Industry Authority to bring improved efficiencies to the regulation of the industry

Organisation and people

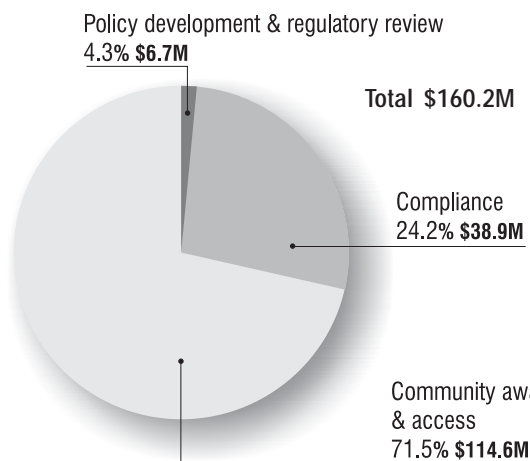
Objective 5 – The Office of Fair Trading is a credible, efficient and effective organisation*

- Office of Fair Trading Strategic Plan 2007-2010 developed and communicated to all staff

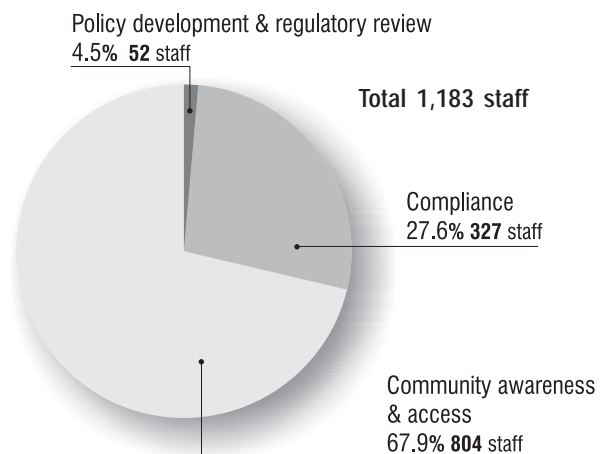
The Future

- New Information, Communications & Technology strategic plan to improve delivery of frontline services to the consumers and traders.

Program Allocation - expenses 2006-2007

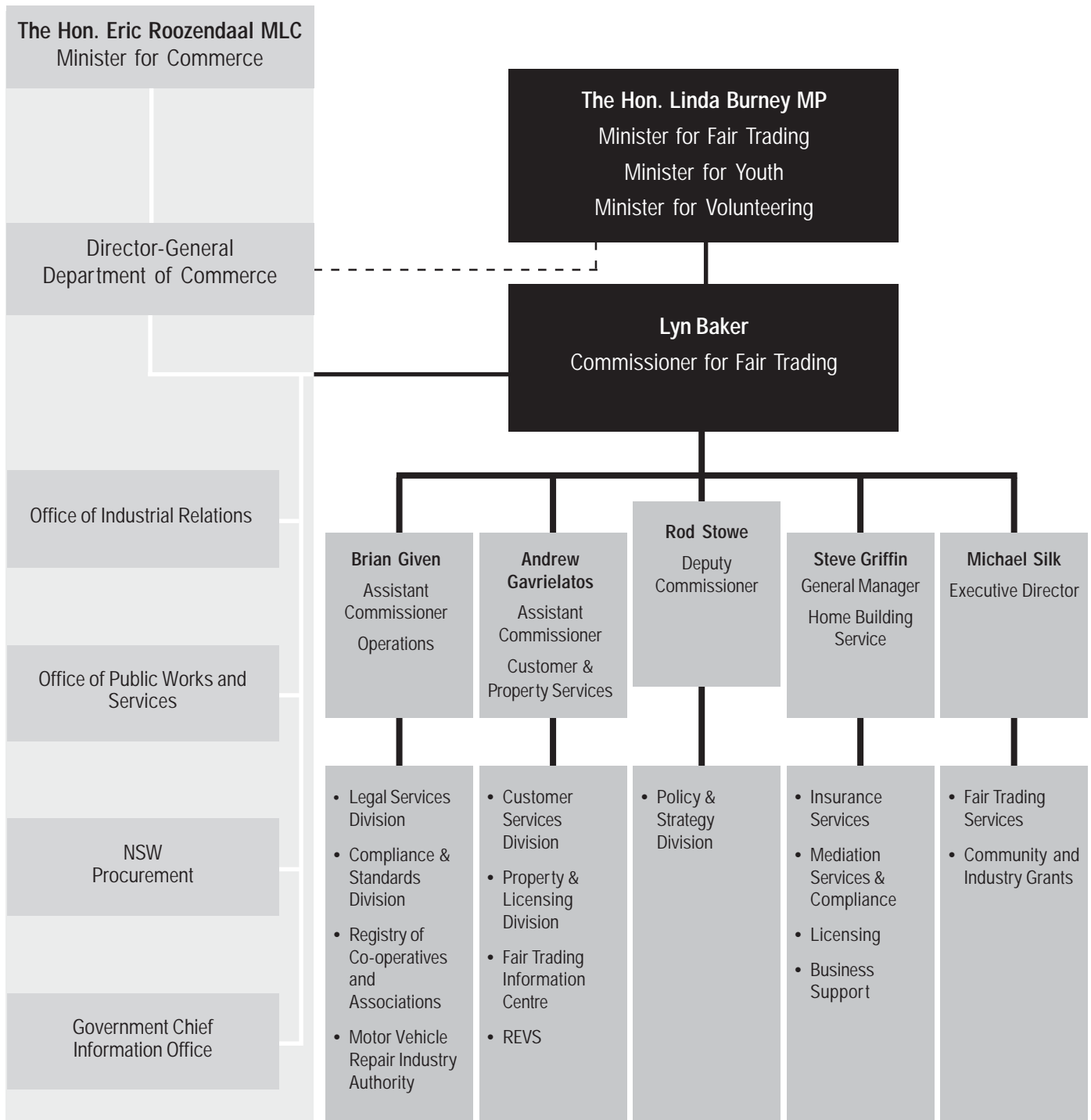


Program Allocation - average staff 2006-2007



* Resources for Objective 5 are proportioned across all areas of Fair Trading.

Our Structure



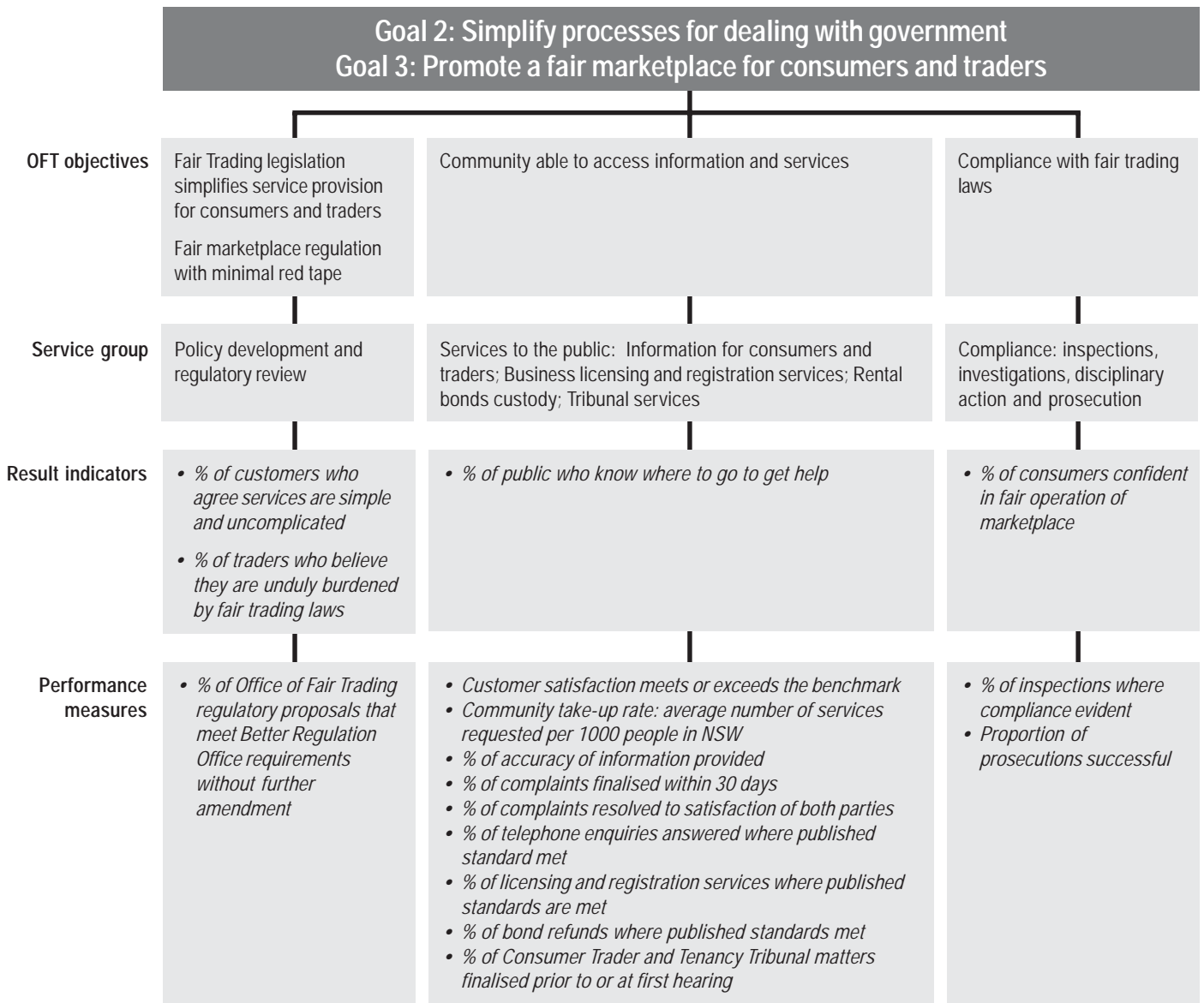
Planning Framework

As part of the NSW Department of Commerce, The Office of Fair Trading takes its key objectives from the Department's Corporate Plan 2006 - 2010 which establishes five Goals:

1. Maximise value for government agencies in delivering services to clients, customers and community
2. Simplify processes for dealing with government
3. Promote a fair marketplace for consumers and traders

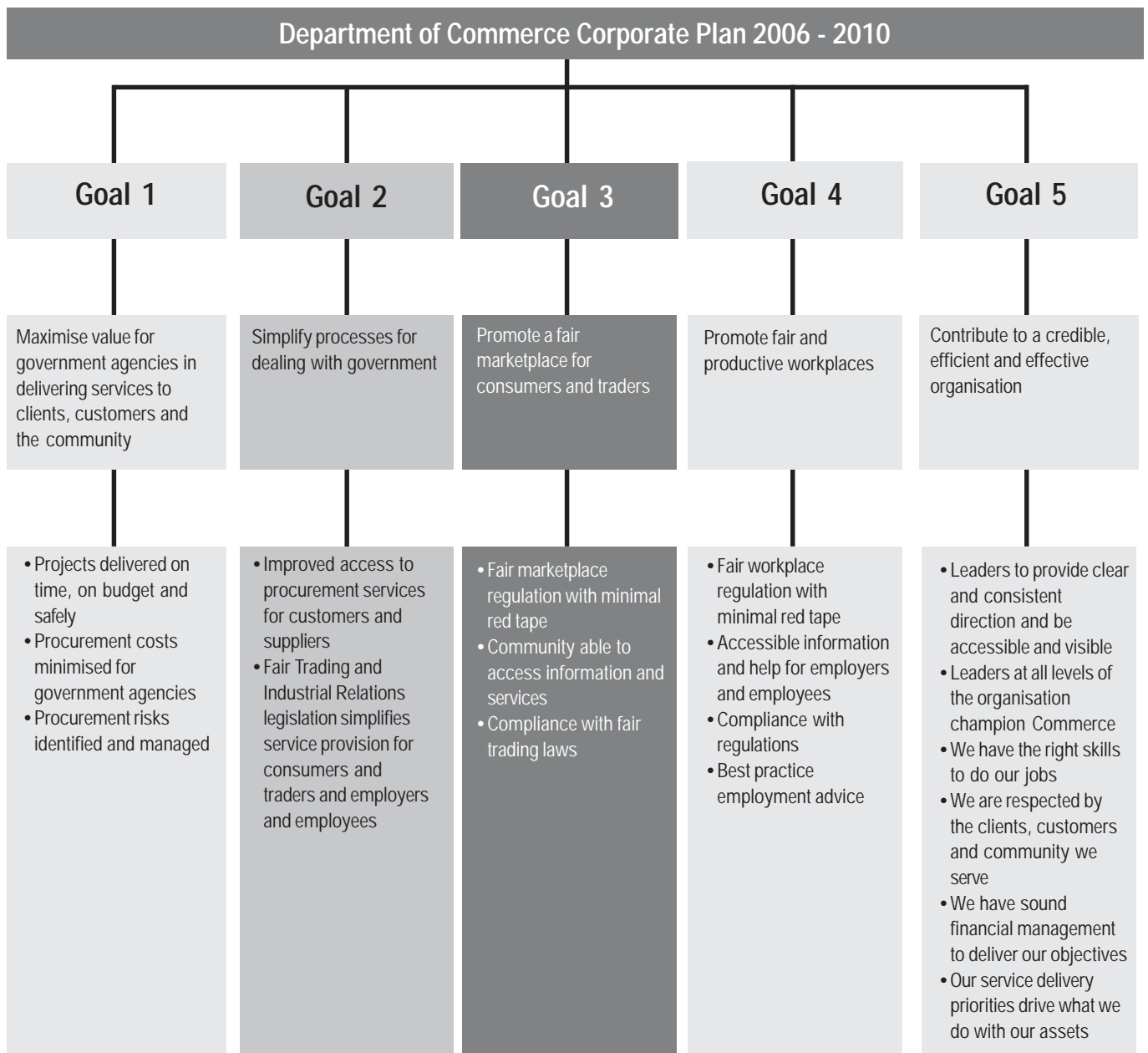
4. Promote fair and productive workplaces
5. Contribute to a credible, efficient and effective organisation.

Through the objectives and services set out below, Fair Trading's role is to contribute to Goal 2 and to address Goal 3 - both of which support the State Plan activities of Delivering Better Services and Growing Prosperity across NSW. Results for each of the indicators and performance measures are shown on pages 8, 18 and 38.



Department of Commerce Corporate Plan

Commerce is a service provider and regulator dedicated to delivering better services to our clients, customers and the community, and contributing to a prosperous NSW.



Legislation and regulation

Objective 1: Fair Trading legislation simplifies service provision for consumers and traders

Objective 2: Fair Marketplace regulation with minimal red tape

Strategy: Strive for best practice regulation

Simplifying the processes for dealing with government and promoting a fair marketplace for consumers and traders begins with having the appropriate regulation. Fair Trading reviews and develops the regulatory framework in New South Wales in the areas of consumer goods and services, accommodation and property services, and home building. It co-ordinates community consultation and prepares options for Government decision making. It leads NSW's position and negotiation with other jurisdictions in the quest for nationally consistent fair trading regulation. The foremost priority is that NSW marketplace regulation, currently involving 43 different pieces of legislation, provides for simple, uncomplicated services for customers and that traders are not unduly burdened by compliance requirements.

Marketplace indicators

	03-04	04-05	05-06	06-07	Target
Percentage of customers who agree services are simple and uncomplicated	-	-	-	87%*	85%**
Percentage of traders who believe they are unduly burdened by fair trading laws	-	-	-	34%*	35%**

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

** Until at least three years of data are available it is not technically feasible to set firmer targets

Comment/interpretation

The new marketplace indicators shown above are measured through annual surveys conducted by independent contractors. The first involves interviews with a mix of recent customers who proportionately represent the make-up of typical consumer and trader customers. The second derives from interviews with a random sample of traders from across NSW and in the relevant proportions for industry sectors regularly dealing with the Office of Fair Trading.

The percentage of customers who agree services are simple and uncomplicated is not an indicator of how services are delivered - but the contribution that regulatory requirements make to the complexity or otherwise of services provided to consumer and traders. A high level of agreement would indicate customers are generally not troubled by what they may need to do to obtain the service and that regulatory requirements are reasonable and appropriate. A low level of agreement would suggest a need for increased reform efforts - within the context of the regulatory objectives. The sample size does allow for some

separation of results for consumers and traders - but not to the degree where conclusive results may point to reform in specific areas. Its value therefore is as a general indicator that in combination with customer satisfaction and information accuracy survey results allows Fair Trading to gauge its response to the State Plan goal of customer friendly services with increased customer satisfaction.

There is no universally agreed measure of red tape. However, a cross-section of traders unaligned to industry peak bodies are now able to consider whether NSW's fair trading laws impose undue burdens on those trading in this State. A high level of agreement would support industry calls for further easing or modification of regulatory requirements. The reverse, as shown in the table opposite, suggests marketplace regulation, in general, may be closer to an appropriate level. As an unbiased pointer to the broader marketplace view, this indicator (although not reflecting on individual laws) will contribute to Government red-tape deliberations and assist Fair Trading's regulatory review and development processes.

Highlights 2006-2007:

- 87% of customers agree services are simple and uncomplicated
- Licensed builders given the option to renew their licences on a 3 yearly basis with substantial savings over the annual renewal fee
- Easing the regulatory burden for motor dealers by reducing the number of forms - saving the industry \$1.1m per annum
- Improved mobility of skilled workers with nationally accepted qualification requirements for 22 home building occupations
- New insurers and smash repairers mandatory code of conduct provides a balanced framework for fair business while consumers benefit from openness and accountability
- Improved consumer protection by making conveyancers licensing requirements consistent with other property related licenses
- More protection for small business through strengthened controls on false billing
- Toughened laws to reduce graffiti by restricting access to spray paint cans

Snapshot: service-level statistics	2006-2007
Number of pieces of principal legislation in force	43
Bills assented to in Parliament	4
Acts amended under Statute Law Revision Program	7
Regulations remade under Subordinate Legislation Review Program	5
Regulations in preparation to be remade under Subordinate Legislation Review Program	5

Performance measure

	03-04	04-05	05-06	06-07	Target
Percentage of Office of Fair Trading regulatory proposals that meet Better Regulation Office requirements without further amendment	-	-	-	n/a*	60%

* Not yet able to be measured

Comment/interpretation

Items that will be subject to Better Regulation Office review will primarily include Regulatory Impact Statements prepared in connection with reviews of existing legislation as well as new proposals developed at the request of the Minister, the Government or Parliament. Meeting BRO requirements to a high degree is a quality measure

of how well Fair Trading's review and development practices address Government requirements. At the close of the 2006-2007 financial year, BRO had not yet disclosed its performance measurement requirements. Until this occurs and a degree of experience is acquired, the target will remain speculative only.

From 1 July 2007 licensees under the Home Building Act have the option of renewing their licences on a three yearly basis, providing substantial savings over annual renewal fees.

Policy development and regulatory review

A comprehensive review process involving more than 40 separate pieces of legislation continued to ensure NSW's fair trading laws remain up-to-date and reflect the needs of Parliament, the community and a broad range of stakeholders. Significant regulatory achievements included improved consumer choice and better competition in the area of motor vehicle repairs with the introduction of a mandatory code of practice between smash repairers and insurers. In the real estate field consumers can now benefit from more open dealings at property auctions. People in small business are protected by tighter controls on false-billing. Clearer, standard qualification requirements and the opportunity for licensees to take advantage of new three-year licences will advantage home building consumers as well as traders.

Three year home building licences

A review into licensing in the NSW home building industry was conducted in 2005 to consider a range of issues including the type of work that should be covered by licensing; whether licensing should cover individuals, partnerships and companies; training and education standards; and owner builders. A total of 29 recommendations for reform were made and the Government sought feedback from consumers, building contractors, industry associations and other interested parties. The Government indicated early in 2007 that it would implement two of the key recommendations in the report. As a result licensees under the *Home Building Act* are being given the option from 1 July 2007 to renew their licences on a three yearly basis, providing substantial savings over annual renewal fees.

Review of the Retirement Villages Act 1999

A statutory review of the *Retirement Villages Act 1999* was completed in March 2005. Since then there has been ongoing consultation with village resident and industry groups. The consultation draft Retirement Villages Amendment Bill 2006 was tabled in Parliament in November 2006. The Bill makes changes to a number of significant areas, including disclosure of information, resident input into management, capital maintenance and budgets, deficits and other financial issues. Submissions made in response to the draft Bill are now being analysed, and it is anticipated that a number of refinements will be made to the Bill before it is introduced into Parliament.

Review of the Consumer, Trader and Tenancy Tribunal Act 2001

A final report of the statutory review of the *Consumer, Trader and Tenancy Tribunal Act 2001* was completed in 2006. Consultation on the key

recommendations has been undertaken and work on legislative amendments to implement the recommendations of the Review Report is progressing. It is anticipated that legislative amendments will be introduced in 2007-2008.

Funeral industry review

In response to the Legislative Council Standing Committee on Social Issues Inquiry Report into the NSW funeral industry, as well as our own research, we worked with the funeral industry and consumer groups to develop proposals for an information standard for funeral goods and services. The information standard will require funeral directors to provide specific information to consumers about funeral goods and services, including a breakdown of costs. It will ensure that consumers receive clear and easily comparable information to help them make an informed choice at a time when they are distressed and vulnerable. It will also promote greater competition and transparency within the industry. The *Fair Trading Act 1987* was amended in June 2007 to enable an information standard for funeral goods and services to be prescribed. A draft information standard will be released for public consultation later in 2007.

Residential tenancy law reform

A strategic review of legislation covering residential tenancies is currently being carried out. This review follows the release of an options paper in 2005, which attracted more than 100 submissions. A report on the review has been drafted and further consultation with industry and community stakeholders will be undertaken before any amendments are introduced. Reform options are aimed primarily at updating the legislation, reducing disputes and giving greater clarity, certainty and flexibility to both tenants and landlords.

Community schemes review

The *Community Land Management Act 1989* and the *Community Land Development Act 1989* are currently being reviewed as a joint initiative with the Department of Lands. The review is examining a wide range of matters, in particular whether changes to the strata legislation in recent years should be adopted for community schemes. The submissions made to this review by stakeholders and members of the public are currently being examined and recommendations will be provided to the Minister for Fair Trading later in the near future.

Motor dealer forms

The Government's Small Business Regulation Review Taskforce conducted a review of the motor vehicle retailing and servicing sectors to consider opportunities to cut red tape for business. The Taskforce identified that reducing the number of forms required under the *Motor Dealers Act 1974* would significantly cut red tape.

Fair Trading Legislation

- Associations Incorporation Act 1984
- Business Names Act 2002
- Community Land Management Act 1989
- Consumer Claims Act 1998
- Consumer Credit Administration Act 1995
- Consumer Credit (New South Wales) Act 1995
- Consumer, Trader and Tenancy Tribunal Act 2001
- Contracts Review Act 1980
- Conveyancers Licensing Act 2003
- Co-operative Housing and Starr-Bowkett Societies Act 1998
- Co-operatives Act 1992
- Credit Act 1984
- Credit (Home Finance Contracts) Act 1984
- Electricity (Consumer Safety) Act 2004
- Fair Trading Act 1987
- Fitness Services (Pre-paid Fees) Act 2000
- Funeral Funds Act 1979
- Gas Supply Act 1996 No 38 (Section 83A)
- Holiday Parks (Long-term Casual Occupation) Act 2002
- Home Building Act 1989
- HomeFund Commissioner Act 1993
- HomeFund Restructuring Act 1993 ss 14, 15, 16 and Schedule 2 (remainder Minister for Housing)
- Landlord and Tenant Act 1899
- Landlord and Tenant (Amendment) Act 1948
- Landlord and Tenant (Rental Bonds) Act 1977
- Motor Dealers Act 1974
- Motor Vehicle Repairs Act 1980
- Partnership Act 1892 (administration of Partnership register provisions)
- Pawnbrokers and Second-hand Dealers Act 1996
- Prices Exploitation Code (New South Wales) Act 1999
- Prices Regulation Act 1948
- Property, Stock and Business Agents Act 2002
- Registration of Interests in Goods Act 1986
- Residential Parks Act 1998
- Residential Tenancies Act 1987
- Retirement Villages Act 1999
- Strata Schemes Management Act 1996
- Summary Offences Act 1998, section 10D (remainder the Attorney-General)
- Trade Measurement Act 1989
- Trade Measurement Administration Act 1989
- Travel Agents Act 1986
- Valuers Act 2003
- Warehousemen's Liens Act 1935

Our legislative and policy development program ensured New South Wales' 43 pieces of fair trading legislation remain up-to-date and balance the rights of consumers and traders.

Consultation with the motor industry was held on how to reduce the existing 19 separate forms. Several forms were identified for deletion or amalgamation, bringing the total number of forms down to 13. By changing the forms used by dealers transferring a vehicle to another dealer, it is estimated that savings across the industry of over \$1.1m per annum could be achieved. Legislation to reduce the forms is currently being developed.

The reduction of forms will ease the regulatory burden for small businesses in the motor trade.

Consumers will continue to benefit from the strong disclosure requirements under the Act, as well as any costs savings passed on from dealers.

Commercial property agents

The *Property, Stock and Business Agents Act 2002* regulates the property agency industry in NSW, which includes residential and commercial real estate agents. Its main objectives are to limit consumer risks and provide a licensing-based framework. However, there have been concerns

We are keen to ensure that the single national register project provides optimal benefits for NSW consumers and business.

that the existing regulatory regime is not justified in relation to commercial property sales and management transactions carried out on behalf of large commercial property owners. A review report has been completed for Government consideration.

Trade measurement

In April 2007 the Council of Australian Governments agreed, having considered the advice of the Ministerial Council on Consumer Affairs, to accept the Commonwealth's offer to take full responsibility for the national trade measurement system from 1 July 2010. The system is responsible for the accurate measurement of transactions which comprise about 50 percent of Australia's Gross Domestic Product.

The Commonwealth's National Measurement Institute will be responsible for the administration of the national system and the development of its legislation, and plans to consult with the States, Territories and New Zealand to improve harmonisation. The legislation will need to cover the approval, use and inspection of measuring instruments used for trade including: shop scales, petrol flow-meters, tanks and beverage dispensers, packaging and labelling of pre-packaged goods.

A national trade measurement system will remove administrative differences between the states and territories. The Commonwealth, NSW and the other states and territories are committed to the development of a national system, supported by legislation, which will at a minimum; maintain existing service standards and consumer protection.

Personal property securities

The Council of Australian Governments agreed in-principle in April 2007 to a national system for the registration of personal property securities by 2009 to be administered by the Commonwealth. This will result in a single national register on which all forms of security over all types of personal property would be registered - the Personal Property Security Register. Personal property includes goods such as motor vehicles, boats, business and manufacturing equipment, as well as 'intangibles' such as copyright, company shares, trademarks.

The proposed Personal Property Security Register will have a direct impact on more than 70 pieces of Commonwealth, State and Territory legislation. It will involve the consolidation of numerous existing security registers, in particular the company charges register operated by the Australian Securities and Investments Commission and the various state vehicle encumbrance registers, such as NSW's Register of Encumbered Vehicles (REVS). We are keen to ensure that the single

national register project provides optimal benefits for consumers, business and the NSW Government.

Fitness services review

During the late 1990's, a number of fitness centres closed their doors and in many cases the operator had insufficient funds to reimburse members for unused pre-paid membership fees.

The *Fitness Services (Pre-paid Fees) Act 2000* seeks to reduce the risk of consumer loss by limiting fitness centre membership pre-payments to a period of 12 months and requiring operators to hold pre-payments in a trust account until the fitness centre commences operation.

In 2006, we conducted a review to determine whether the policy objectives and the Act's provisions remained appropriate. As part of the process, submissions from stakeholders and the community were sought. We found that the legislation met the policy objectives and that the current provisions remain valid and effective.

Unfair terms in consumer contracts

Unfair contract terms create a significant imbalance between the rights and obligations of the consumer and the supplier to the detriment of the consumer.

In 2006 the Legislative Council Standing Committee on Law and Justice held an inquiry into unfair terms in consumer contracts. The Committee recommended that the NSW Government enact legislation modelled on provisions in the Victorian *Fair Trading Act 1999* which prohibit the inclusion of unfair terms in consumer contracts.

The Government response to the Committee's report asks us to further examine the need for Government intervention, having regard to the need to demonstrate that the benefits of any regulatory intervention will outweigh the costs and ensure that any legislation complies with the Government's National Competition Policy obligations.

National finance brokers regulation

This year we achieved an important milestone by submitting to the Ministerial Council on Consumer Affairs recommendations for the scope and content of a national regulatory scheme for the finance and mortgage broking industry. As chair of the working party developing the national regulatory scheme we aim to address the consumer detriment identified in a review of the industry conducted by the Consumer Credit Legal Centre on behalf of the Australian Securities and Investments Commission.

The Ministerial Council agreed that New South Wales should draft an exposure Bill based on those

recommendations. The Bill will provide a basis for extensive consultation on the detail of the regulatory scheme. It will give the industry an opportunity to prepare for the requirements that will be imposed in order to ensure that consumers have maximum protection and that the reputable brokers are not undermined by the rogue element of the industry. As well, external dispute resolution schemes will be able to assess their current processes against the requirements of the proposed legislation.

The Bill is to be released in the second half of 2007 for a significant period of consultation.

Australian consumer product safety system

The Ministerial Council on Consumer Affairs is considering reform options to improve the effectiveness and consistency of product safety regimes in Australian jurisdictions. Product safety is one of the regulatory 'hot spots' identified by the Council of Australian Governments as being in need of cross-jurisdictional regulatory reform to reduce the regulatory burden on business.

We are participating in a harmonisation project in which the States and Territories, in consultation with the Commonwealth, will agree on the principles of the new regime and report to the Ministerial Council later in 2007.

Responsible lending practices

To prevent consumers being granted credit limits far in excess of amounts that can be repaid we have been developing options to require more responsible lending practices from card issuers. Credit card borrowings, limits and balances continue to rise, with growth in balances outstripping purchases, indicating a reduced capacity to repay.

The problem is exacerbated by reduced minimum repayment percentages, which result in consumers paying off little more than interest.

A Consultation Regulatory Impact Statement is being developed in consultation with the Federal Office of Best Practice Regulation and will propose a range of options to address the problems identified with the current system. It is expected to be released in the near future.

Australia's consumer policy framework

The Productivity Commission is an independent body which advises the Commonwealth Government on microeconomic policy and regulation. It conducts public inquiries and research into economic and social issues affecting the

welfare of the Australian community. The Commission is undertaking an inquiry into Australia's consumer policy framework and its administration.

The Commonwealth, State and Territory Governments share responsibility for consumer policy in Australia. The main legislative provisions are contained in the *Trade Practices Act 1974* and the Fair Trading Acts in each State and Territory. In addition to this generic legislation there is a wide array of industry-specific regulation covering, for example, telecommunications, food safety, retail energy suppliers, and vehicle sales. The consumer policy framework also encompasses various self-regulatory and co-regulatory schemes and non-regulatory approaches such as education and information strategies.

We co-ordinated the NSW Government's submission to the Inquiry. The Commission is required to report to the Government by 11 December 2007.

Electricity supply

In April 2007 administrative responsibility for the Accredited Service Provider (ASP) Scheme was transferred from the Energy portfolio to Fair Trading. The *Electricity Supply Act 1995* allows electricity customers to choose an accredited service provider to do certain work on the electricity distribution network in NSW. This work includes connection to the network, metering and upgrading the capacity of the distribution network. The design and construction of overhead and underground power lines is also subject to the accreditation scheme.

Gas installations

Current regulatory responsibility for gas installation safety is shared between the Department of Water and Energy and WorkCover. The Department of Water and Energy regulates the safety of installations which are connected to reticulated gas supply and WorkCover regulates installations using LPG (bottled gas).

During the past year we have been working with WorkCover and the Department of Water and Energy to review the efficiency and effectiveness of the current arrangements. Options being considered include transferring these responsibilities to the Office of Fair Trading.

Review of qualification requirements

Home building

In August 2006, new qualification requirements for 24 building trades (carpenters, bricklayers, painters, concreters, etc) were approved based on a national qualification at Certificate III level.

...new qualification requirements for 24 building trades were approved based on a national qualification.

The mandatory code provides a balanced framework for fair business between insurers and repairers - consumers benefit from openness and accountability.

Previously, the qualification requirements were based on a period of experience and an oral assessment. This has been replaced by a clear standard based on a nationally accepted qualification.

The new trade work licence assessment criteria is a move toward establishing standardised licence assessment criteria which removes the subjective weight given to applicant's experience and puts in place an objective assessment criteria for the granting of licences. This is in line with the Council of Australian Government (COAG) proposal to address the national skills shortage by removing barriers preventing skilled trades' persons and builders working around the nation.

A review of qualification requirements for plumbing occupations commenced in April 2007. A consultation document has been circulated and submissions closed on 31 May 2007. Until now, qualification requirements have been based on a combination of educational courses and/or examinations and a period of practical experience. It is proposed that this will be replaced by qualifications from a national training package based on competency standards.

Property, stock and business agents

Over the past year we have participated in the redevelopment of the national Property Development and Training package. Upon endorsement of the new package, a review of the qualification requirements will commence for property agents including real estate, stock and station agents, strata managers, business and on-site property agents.

Conveyancers

As part of the National Competition Policy review of the *Conveyancers Licensing Act 1995* a commitment was made to re-examine the qualification and experience requirements for the conveyancer industry. A consultation paper has been issued to stakeholders and written submissions are now being considered. A working party has been formed to review current conveyancing course guidelines and make recommendations for improvements. It is anticipated that new qualification requirements will be in place in late 2008.

Evaluation of continuing professional development

An independent evaluation of the Continuing Professional Development (CPD) requirements for builders and property agents was undertaken in 2006 to assess the relevance and accessibility of the program. The Minister for Fair Trading announced changes to the requirements for property agents on 27 February 2007 and for

builders and swimming pool builders on 20 March 2007. Consultation is being undertaken to ensure that implementation is effective.

The changes we have adopted have two prime directions - consultation and leadership, and relevance and accessibility.

Skills shortage initiative

To help address skills shortages we are working with other states and territories to improve the mobility of skilled workers by providing for greater harmonisation of skill requirements nationwide.

The Council of Australian Government (COAG) provided for the establishment of occupation specific action groups to bring together regulators and industry stakeholders to undertake the necessary work. We have provided NSW regulator representation for plumbers, electricians, air conditioning and refrigeration mechanics, carpenters, joiners, bricklayers and motor mechanics.

The action groups met on a number of occasions and finalised a mutual recognition matrix for each of the identified occupations in late 2006. They also reached agreement on a nationally accepted description of the scope of work and minimum qualification requirement for each of these occupations. On 9 February 2007 COAG members signed a ministerial declaration under the *Mutual Recognition Act 1992* covering 22 occupations within six priority trades.

Advisory Councils

The function of advisory councils is to provide advice to the Minister for Fair Trading on consumer protection issues, particularly those issues relevant to legislation administered by the Minister. The Council members represent diverse interests and expertise to ensure that policy advice reflects the broader interests of the community and industry alike. The five advisory councils are:

- Fair Trading Advisory Council
- Home Building Advisory Council
- Motor Vehicle Industry Advisory Council
- Property Services Advisory Council
- Retirement Villages Advisory Council.

Legislative change

Mandatory code between smash repairs and insurers

Over the last several years there have been ongoing disputes between smash repairers and insurers over how the two industries interact when dealing with the repairs to insured motor vehicles. Issues of concern include the pricing and timing of repairs, the tendering process and the cost of repairs and the operation of preferred repairers' schemes. In order to address these difficulties, a mandatory Code of Conduct for insurers and smash repairers that seeks to set out how the parties should act when in dispute over the repair of a vehicle was introduced on 30 March 2007.

The mandatory code, which is based upon a national voluntary code negotiated between the two principal industry associations, provides a balanced framework for fair business between insurers and repairers while consumers benefit from the openness and accountability required by the code. Areas covered include: an external dispute resolution mechanism; allowing businesses to retain preferred smash repairers status even after sale; openness and transparency for preferred repairer schemes and in quoting and paying for work and a requirement for up-front disclosure to consumers on whether their insurer allows choice of repairer when making a claim.

Conveyancers licensing

The *Conveyancers Licensing Act 2003*, the Conveyancers Licensing Regulation 2006 and the Conveyancers Licensing Order 2006 all commenced on 15 December 2006. The amendments contained in this new legislation are designed to improve consumer protection by making licensing requirements for conveyancers consistent with other property related licences issued under the *Property, Stock and Business Agents Act 2002*.

Licensed conveyancers now need to comply with the Rules of Conduct set out in the Regulation and they have also had to modify business processes in areas such as:

- business advertising
- disclosure of information to clients
- management of trust accounts
- employment and supervision of staff
- record keeping.

The Act ceased the application of the *Legal Profession Act* to conveyancers and transferred responsibility to Fair Trading. Investigation and disciplinary powers are now consistent with those currently in place for other property related licences - such as real estate agents and strata property managers. The Act also provides

consumers with direct access to a process for settling cost disputes with a conveyancer. This process is now administered by the Consumer, Trader and Tenancy Tribunal.

Home building amendment

In a decision made by the Court of Appeal, a person who has previously taken legal proceedings against a contractor for breach of statutory warranty could not bring further proceedings for breach of warranty in respect of a different deficiency that existed at the time of the completion of the work. The later proceedings could not be brought even if the person was not aware of the deficiency concerned at the time of bringing the first proceedings - the deficiencies are treated as one composite breach of warranty.

The decision significantly impacted consumer access to redress for deficient building work. The Government, via the *Home Building Amendment (Statutory Warranties) Act*, amended the *Home Building Act 1989* in November 2006 to enable a home owner to take further legal proceedings against a building contractor for a breach of statutory warranty. This covers latent defects that become apparent after earlier legal proceedings between the home owner and the contractor relating to other defects have been concluded.

Property, stock and business agents

On 1 March 2007 amendments to the *Property, Stock and Business Agents Act* came into force to increase transparency in auctions and make miscellaneous amendments to improve consumer protection. Under the new laws consumers benefit from more open dealings at auctions and with agents. The changes to auctions are designed to increase consumer confidence that the auction is both fair and transparent. Changes include:

- tightening vendor bid requirements and the creation of an explicit dummy bidding offence
- improving disclosure in the subsequent marketing of properties which have been passed in at auction
- allowing co-owners and executors to bid on a property if they are seeking to buy another owners interest as long as the intention to bid is announced to people at the auction and the bidder registration number of the co-owner, executor or their representative is also provided at the start.

A number of minor amendments clarifying certain issues in relation to an agent's business were also included in the package of reforms. These include clarification of disclosure requirements for agents in relation to benefits received when referring clients or prospective buyers to third parties, improvements to trust account identification and increases in penalties for breaches of the rules of conduct.

Under the new laws consumers benefit from more open dealings at auctions and with agents.

Strengthened controls on false billing commenced on 1 July 2007. It is now prohibited to demand payment for publishing an advertisement without written authority.

Business names

Any person, partnership or corporation conducting business under a business name in NSW must register that business name. Registration is current for three years and then must be renewed. If a business fails to renew their registration on time they run the risk that someone else may apply to use the name during the period in which the registration is lapsed.

An amendment to the *Business Names Act* gives business owners a clear three month window in which they can apply to restore an expired business name registration. The business name will also be unavailable to other applicants during the three month restoration period.

Fair trading

Changes to the *Fair Trading Act* that commenced on 20 October 2006 extend application of the Act to conduct which occurs outside NSW that has a relevant link with NSW. They also provide the power to:

- obtain information relevant to the investigation of a complaint or other matters affecting the interests of consumers;
- order the sale, destruction or disposal of items which were obtained under the authority of a search warrant or in the course of an investigation that are no longer needed as evidence and cannot be returned.

Amendments to the Act also rationalised the number of Advisory Councils furnishing advice to the Minister and provide for flexibility in membership of the Councils. Changes relating to

strengthening controls on false billing commenced on 1 July 2007. It is now prohibited to demand payment for publishing an advertisement without written authority to publish it or to send a document stating the price unless it prominently states "THIS IS NOT A BILL. YOU ARE NOT REQUIRED TO PAY ANY MONEY".

Anti-graffiti laws

From 1 November 2006 the *Summary Offences Amendment (Display of Spray Paint Cans) Act 2006* required retailers who sell spray paint cans to restrict access to those cans by keeping them either in a locked cabinet, behind a counter in such a way that members of the public cannot gain access to the cans without assistance, or on a shelf of height 2.1 metres or more.

The Act aims to reduce the amount of graffiti in the community by reducing the theft of spray paint cans. This measure is part of the Government's comprehensive anti-graffiti strategy. The Act includes a provision requiring its operation to be reviewed after 2 years. This will enable the Government to examine the effect of the legislation on retailers and the community, and consider whether the restrictions should be continued. Businesses were given a "grace period" from 1 November 2006 until 1 February 2007 to comply. During the grace period, we focussed on providing education and assistance to help businesses comply with the legislation, rather than on enforcement.

Bills assented to

- Fair Trading Amendment Bill 2006 - assented to 28 September 2006
- Home Building Amendment (Statutory Warranties) Bill 2006 - assented to 27 November 2006
- Business Names Amendment Bill 2006 - assented to 27 October 2006
- Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill 2006 - assented to 27 October 2006

Statute law revision

Under the Statute Law Revision program, a Bill is introduced in each Session of Parliament to deal with a range of minor and uncontroversial legislative amendments. A number of amendments were made to fair trading legislation under this program during 2006-2007.

- *Community Land Management Act 1989* (Sections 3, 39, 66, 122)
- *Conveyancers Licensing Act 2003* (Section 10)
- *Home Building Act 1989* (Sections 3, 37)
- *Motor Dealers Act 1974* (Section 10, 12, 20)
- *Property, Stock and Business Agents Act 2002* (Sections 8, 14, 16)
- *Travel Agents Act 1986* (Section 7a, 17)
- *Valuers Act 2003* (Section 9)

Subordinate legislation review

On 1 September 2006, the following regulations were remade under the staged repeal provisions of the *Subordinate Legislation Act 1989*:

- Fitness Services (Pre-paid Fees) Regulation 2006
- Funeral Funds Regulation 2006
- Residential Parks Regulation 2006
- Residential Tenancies Regulation 2006
- Travel Agents Regulation 2006

The following regulations are in preparation to be remade by 1 September 2007:

- Warehousemen's Liens Regulation 2007
- Consumer Credit (NSW) Special Provisions Regulation 2007
- Fair Trading Regulation 2007
- Community Land Management Regulation 2007
- Consumer Claims Regulation 2007

The Trade Measurement Regulation 2007 and the Trade Measurement Administration Regulation 2007 were gazetted on 27 April 2007.

The Act aims to reduce the amount of graffiti in the community by reducing the theft of spray paint cans from stores.

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 provides tenants, landlords and property owners with confidence that bonds are used for their rightful purpose and 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.

Marketplace indicator

	03-04	04-05	05-06	06-07	Target
Percentage of public who know where to go to get help *	73%	73%	70%	66%	65-70%

*Survey results valid to $\pm 5\%$ @ 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 OFT services and the target has been set at 65-70%. The 2006-2007 result, while slightly lower than other recent years, remains within the target range.

Highlights 2006-2007

- 34,000 disputes handled with over 85% successfully negotiated at an informal level
- Website visitor sessions grew by 24% to more than 2.5 million
- Over 900 information sessions, talks and seminars attended by 27,000 people across NSW

Snapshot: service-level statistics	2006-2007
Customer enquiries	4,077,900
REVS checks	1,637,800
Rental bond transactions	546,000

Performance measures

	03-04	04-05	05-06	06-07	Target
Customer satisfaction meets or exceeds the benchmark *	89%	87%	90%	90%	≥90%
Community take-up rate: average number of services requested per 1000 people in NSW	509	557	653	734	Est. 650
% of accuracy of information provided *	99%	83%	93%	89%	≥90%
% of complaints finalised within 30 days	95%	95%	95%	96%	≥80%
% of complaints resolved to satisfaction of both parties	67%	74%	81%	85%	≥70%
% of telephone enquiries answered where published standards met	79%	81%	79%	83%	≥85%
% of licensing and registration services where published standards are met	100%	100%	100%	100%	100%
% of bond refunds where published standards met	100%	100%	100%	100%	100%
% of Consumer Trader and Tenancy Tribunal matters finalised prior to or at first hearing	78%	77%	77%	78%	75%

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

Comment/Interpretation

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

Customer satisfaction is a key quality performance measure which through survey, directly measures the satisfaction levels of customers contacting OFT 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 OFT by phone or counter to get information on their rights and obligations under more than 40 pieces of legislation. The 2006-2007 result for this quality measure was slightly below target and efforts are continuing to improve performance. Similarly, we are working towards improvements in our phone answering times where the measure is the percentage of enquiries that are answered within 5 minutes. The target is set at 85% in recognition that OFT has little control of demand levels which can be influenced by marketplace events. Customer Service Officers provide information on over 40 different regulatory areas - with complex enquiries having unpredictable effects on call turnarounds.

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 the large proportion of complaint files closed within 30 days of receipt - through either: resolution to satisfaction of both parties, withdrawal by complainant, clarification of issues raised or referral to the Tribunal or another appropriate jurisdiction for resolution. 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 more costly 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 to government 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 OFT control) and that the service is accessible to the community (more directly in OFT control). A significant drop in take-up rate would trigger strategic review of the need for the service, or the accessibility of the service.

The percentage of licensing and registration services where published 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 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, OFT is able to ensure bond owners get access to their funds as quickly as possible.

Independent surveying demonstrated a high level of accuracy for the information provided.

Fair Trading services

Fair Trading continued to respond to a vast number of requests from the community for service - well over 6.5 million in 2006-2007. These were handled through phone, counter and electronic channels. Independent surveying demonstrated a high level of accuracy for the information provided and customer satisfaction levels continued to meet our target. More than 34,000 disputes between consumers and traders were handled and over 85% of these were successfully negotiated at an informal level. Over

900 community information sessions were presented to more than 27,000 people around the State. People seeking affordable housing will now benefit from an initiative that provided \$10.4 million to the Department of Housing for capital and to establish the vehicle model for affordable housing. In June 2007 we worked with the Rental Bond Board to provide an additional \$30 million of Rental Bond Board investment funds to provide grants for the development or acquisition of up to 250 affordable rental units.

Fair Trading Centres

We operate Fair Trading Centres at the 24 locations below. These Centres provide information and assistance on consumer issues, motor vehicles, home building and renovation, credit, property and tenancy issues, plus co-operatives and business name registration.

Call 13 32 20

to reach your nearest Fair Trading Centre

Monday to Friday between 8:30 am and 5:00 pm.



Other locations

Selected Fair Trading services are also available via Government Access Centres (GACs) and other agency arrangements throughout regional New South Wales.

Call 13 32 20 for information on the services available in these towns:

Ashford, Balranald, Barham, Bega, Boggabilla, Bombala, Bourke, Brewarrina, Cobar, Condobolin, Cooma, Coonabarabran, Coonamble, Crookwell, Culcairn, Deniliquin, Dorrigo, Dunedoo, Eden, Finley, Forbes, Forster, Gilgandra, Glen Innes, Grenfell, Griffith, Gundagai, Hay, Hillston, Holbrook, Inverell, Kyogle, Lake Cargelligo, Leeton, Lightning Ridge, Lockhart, Maclean, Moama, Moree, Moruya, Moulamein, Mt Druitt (urban GAC), Mudgee, Mungindi, Murrurundi, Nambucca Heads, Narooma, Narrabri, Narrandera, Nowra, Nyngan, Oberon, Peak Hill, Quirindi, Rylstone, Scone, Temora, Tenterfield, Tumbarumba, Ulladulla, Walcha, Walgett, Warialda, Warren, Wentworth, West Wyalong, Wilcannia, Woodenbong.

Education and information

Consumer and trader enquiries

Fair Trading Information Centre

The Fair Trading Information Centre (FTIC) is a single, convenient point of telephone access and is the first point of contact for approximately 1 million customer inquiries each year. The FTIC handles inquiries across a range of services including:

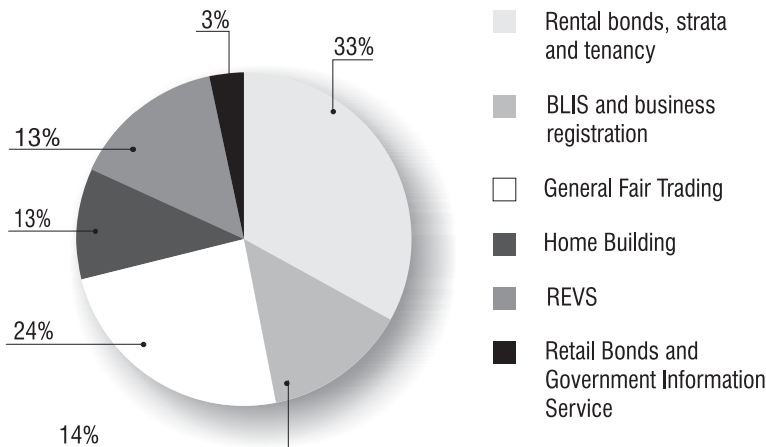
- general fair trading matters
- strata
- tenancy
- residential bonds
- home building
- business registration
- Business Licence Information Service (BLIS)
- Register of Encumbered Vehicles (REVS)
- Government Information Service - GIS (on behalf of NSW Procurement)
- retail bonds (on behalf of State and Regional Development).

The FTIC concept is that all inquiries will be directed to an appropriately trained Information Officer with the aim of having the inquiry managed at first contact. This allows:

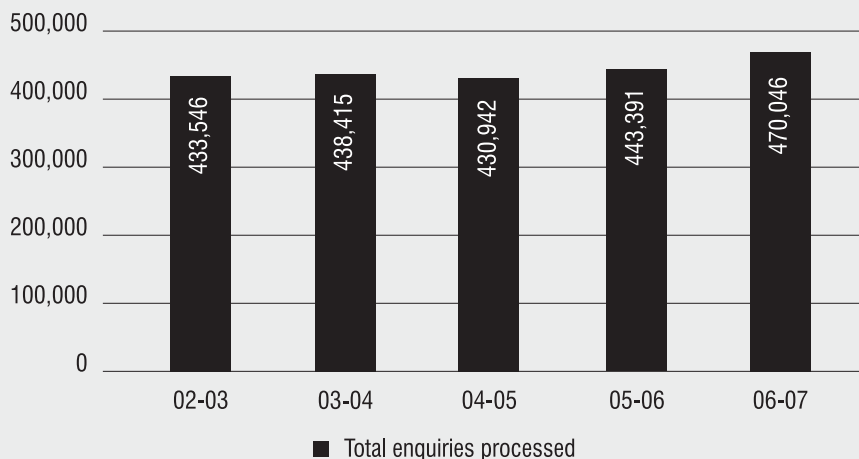
- customers' access to all phone services through a single convenient point
- improved efficiencies through economies of scale
- alignment with our Strategic Plan and the NSW Government State Plan.

In the first 6 months of 2006-2007, FTIC concentrated on quality call handling, call management and call coaching. All staff were enrolled in the Certificate IV in Customer Contact training course. We developed and implemented a call quality assessment tool across all of FTIC and concentrated on improving the delivery of our service to both consumers and traders by increased awareness of how we manage our calls. This resulted in a reduction in our average call handling time across all queues – bringing us very close to our Guarantee of Service target of 85% of calls being answered within 5 minutes.

Fair Trading Information Centre enquiries



Residential rental bond and tenancy enquiries



FTIC is the first point of contact for approximately 1 million customer inquiries each year.

Website visitor sessions grew by 24% to more than 2.5 million.

In the second half of 2006-2007, we focused on staff training to ensure that all our level 1 and level 2 officers were skilled to answer queries across all FTIC subject matters. Our staff have been trained and assessed as competent to take calls in their relevant to grade subjects. We continue to monitor the quality of the information we deliver to our customers through continuous call coaching and training.

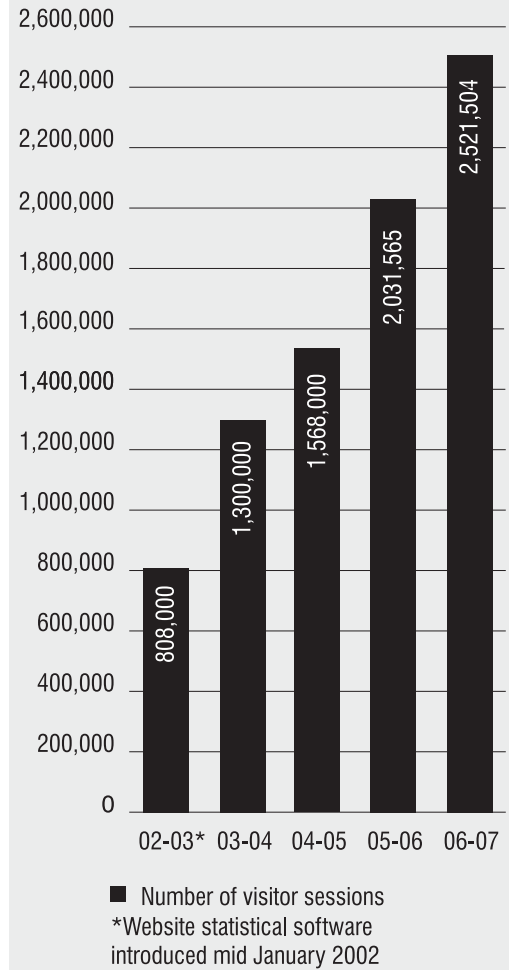
In line with our Strategic Plan, we engaged an external consultant to undertake an independent review of the current contact centre environment which will enable us to meet our objectives as set out in the Strategic Plan and to ensure that the FTIC provides an example of best practice for a NSW Government contact centre and delivers excellent customer service to the public of NSW.

During the year FTIC responded to 955,400 calls from consumers and traders.

Major website review

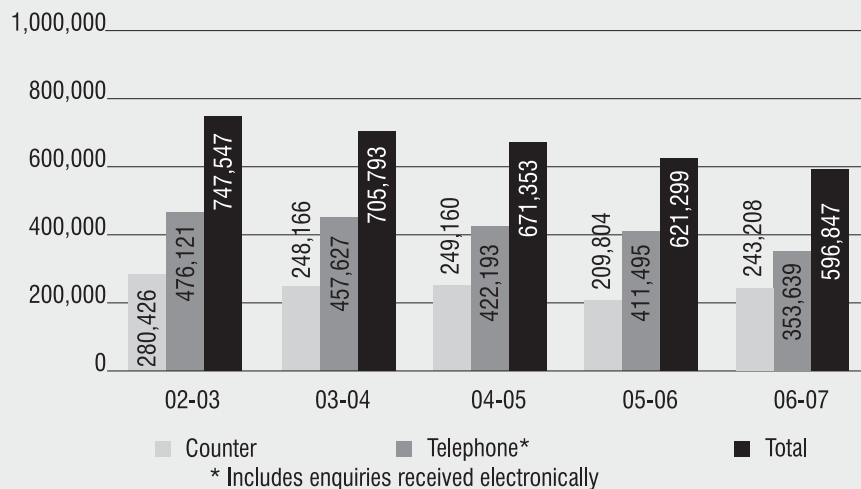
Our website is information rich and since its last review in 2003, has outgrown its information structure, resulting in some difficulties for clients in locating information. To improve access to our information, a major review of the website commenced this year. By the review's completion in 2007-2008, the website will provide an improved experience for clients in accessing information and we will have achieved compliance with the NSW Government Website Style Directive.

Website visitor sessions



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 2006-2007 demonstrate that demand through these traditional channels remains extremely high.

A revised information structure is being developed after an independent expert evaluation and after consultation with stakeholders across New South Wales. The consultations included consumers, traders and community workers in metropolitan and regional areas of the State, as well as significant representation from members of Indigenous and several Culturally and Linguistically Diverse (CALD) communities.

The new structure will be tested with consumers and traders before being implemented.

BLIS

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

Since implementation of a major upgrade of BLIS in June 2006, we have reviewed the new service and identified enhancements to improve useability in 2007. These include a more user friendly search menu and improved screen return rates.

During 2006-2007 BLIS has also provided a valuable resource for our employees, assisting staff to provide up-to-date licensing and regulatory information to the public over the telephone or through our network of Fair Trading Centres.

Motor vehicle repair enquiries

Consumers are able to access face-to-face information and services about motor vehicle repairs through the Fair Trading Centre network. Our motor vehicle repair technical advisory service has continued to be in demand and answered 14,895 enquiries about the cost or quality of repairs to motor vehicles during the year.

Significant Information campaigns and initiatives

Fair Trading Week

This year our special week-long promotion, Fair Trading Week, focused on the processes and pitfalls of buying, selling and renting property. The theme was Home Sweet Home: your keys to buying, selling and renting.

At the launch of Fair Trading Week we released the findings of an online survey we conducted in September and October 2006. To publicise the availability of the survey on our website we placed banner advertising on a number of property websites, including Domain.com and RealEstate.com and included a link to the survey in all outgoing emails.

The survey tested the confidence level of people making real estate transactions and knowledge of their rights and obligations. 1,954 people participated in the survey. The results highlighted wide gaps between how much people think they know and their actual level of knowledge. For example, only one in ten sellers of property first checked to see if their real estate agent was licensed. Only one in three buyers knew that the five-day cooling-off period was the last opportunity to change their mind during a purchase.

A number of promotional activities and events helped to raise public awareness. A full program of events was listed on our website, where for the first time visitors could register online for seminars and information sessions.

We printed 20,000 copies of a brochure entitled *Home Sweet Home* - containing tips for buyers, sellers, landlords and renters. Staff volunteered to distribute the brochure to letter-boxes in their own suburbs. This type of staff participation differed from previous years, when giveaways were handed out at selected railway stations in the Sydney CBD. As a result, three times more staff than previous years nominated to take part. In all, 90 officers participated in the letter-box distribution.

During Fair Trading Week we held numerous information sessions and seminars for tenants and landlords to enable them to learn more about their rights and responsibilities. In addition to these seminars we delivered a variety of other information sessions and seminars, including Savvy Seniors, Scam Smart, Revved Up, Money Stuff! and business seminars.

2006 Money Stuff! challenge

Our competition for high school students, the Money Stuff Challenge, continues to be a successful means of educating high school students about their rights and responsibilities in the areas of consumer and financial literacy. The Challenge is based around the award-winning educational resource Money Stuff. We attracted entries from close to 1,000 students in 2006.

The Money Stuff program concentrates on areas where young people may make ill-considered purchasing decisions when buying a car, selecting a mobile phone, entering into credit contracts or moving into rental accommodation. The program includes a website, video and teacher books in English, maths and commerce.

The competition asks students to create a message via a communication tool such as a website, poster, or information kit helping young people become better informed and independent consumers.

The Business Licence Information Service provides detailed information on all NSW Government licences, permits and associated regulations.

The Think Smart education program delivers information and education direct to culturally and linguistically diverse communities.

The Minister announced the state and regional winners of the Money Stuff competition at an awards dinner at the Powerhouse Museum in November 2006.

The 2006 winners from Bethlehem College, Ashfield presented a youth-friendly magazine, which went on to inspire our new Money Stuff magazine. The magazine offers teachers access to an additional educational resource about important consumer issues for their students.

Regulatory changes campaigns

To inform consumers and business of regulatory changes we conducted a range of information campaigns.

We conducted the electrical consumer safety campaign to inform electrical contractors and consumers about their rights and responsibilities under these reforms. We wrote directly to 28,000 licensed electrical contractors to inform them about their new compliance requirements. We also informed people of their new electrical safety responsibilities by distributing brochures to 1.5 million NSW electricity consumers through Energy Australia, local councils and libraries, and our Fair Trading Centres.

Reforms brought in by the *Property Stock and Business Agents Amendment Act 2006* and the Property Stock and Business Agents Amendment Regulation 2006 came into effect on 1 March 2007. They introduced a range of changes that affect residential and rural property auctions and certain aspects of agency conduct. We informed more than 12,000 licence and certificate holders of the changes through a direct mail and email campaign, as well as providing information on the website for both consumers and property professionals.

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 communities through community organisations and multilingual media partners. The Think Smart program raises awareness of fair trading issues and our services amongst CALD communities using a variety of information resources, public relations activities and grass roots community activities.

Our website provides information in Arabic, Chinese, Greek, Italian, Macedonian, Spanish and Vietnamese on topics such as home building, renting a home, borrowing money and buying a used car.

Translated publications are produced in 28 community languages (including both established and new and emerging communities) on a range of subjects such as scams, safe electrical goods, strata living, buying a mobile phone and trading in NSW.

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

In 2006 the Think Smart Program received a Commendation Award from the Premier's Public Sector Awards under the Social Justice category through its improved services to disadvantaged groups. The program has continued to increase its partners. Currently there are a total of 28 partners - 10 Migrant Resource Centres, 11 ethno-specific community organisations and 7 multilingual media.

Multicultural Media and Community Leaders Conference

The Multicultural Media and Community Leaders Conference has been running since 2001 and is a key event during Fair Trading week.

The highlight of the 2006 Conference was the Minister's launch of the *Tenancy Awareness Kit* developed as part of the Tenancy Awareness Campaign. The kit was designed for non-English speaking tenants to help new arrivals to Australia understand their tenancy rights and obligations, particularly for migrants, refugees and humanitarian entrants. The Kit contained: the *Renting guide* fact sheet which is available in 22 languages: *Frequently Asked Questions on Renting* in Assyrian, Arabic, Chinese, Dinka, Indonesian, Korean, Tonga, Samoan and Vietnamese; and the renting guide poster in Assyrian, Dinka, Indonesian, Samoan and Tongan. The Kit also included an audio CD called *Your renting rights...Tenancy story* which is available in five languages - Arabic, Cantonese, Indonesian, Korean, and Vietnamese.

The Landlord strategy, an extension of the Tenancy Awareness campaign is aimed to increase the level of awareness of the rights and responsibilities of CALD agents and landlords within the tenancy sector. The strategy commenced in May 2007.

Four new Think Smart partners were signed up during the Conference: Granville Multicultural Community Centre, Mt Druitt Ethnic Communities Agency, St George Migrant Resource Centre and Radio 2000FM - Multicultural Community Radio Association.

Consumer fraud campaign

We are part of a taskforce composed of Commonwealth, State and New Zealand regulatory agencies with responsibility for consumer protection in relation to fraud and scams. The taskforce ran a consumer campaign from 5 March to 1 April 2007 which involved agencies and the private sector. The campaign theme was Scams target you - protect yourself with a different focus each week:

- Week 1 - Protect your money
- Week 2 - Protect your phone
- Week 3 - Protect your computer
- Week 4 - Protect your identity.

Fair Trading 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 month long campaign.

Motor vehicle insurance and repair industry code of conduct awareness campaign

We conducted an awareness campaign amongst motor vehicle insurers and repairers to alert them to the Motor Vehicle Insurance and Repair Industry Code of Conduct which became mandatory on 30 March 2007. A new fact sheet, Motor vehicle insurance and repair industry code of conduct and covering letters were posted to 2,500 repairers, industry associations, the Insurance Council of Australia and every insurer authorised to conduct insurance business in Australia. A display notice was also placed in the Government Noticeboard to alert the public to the mandatory Code and our website updated.

Anti-graffiti campaign

With the introduction of the Government's new anti-graffiti strategy to drive down the incidence of graffiti on trains, public transport infrastructure and other community facilities, we provided retailers with education and assistance to help them comply with the legislation. To help traders and consumers we distributed an Anti-graffiti resource kit which consisted of:

- *Selling spray paint in New South Wales* - a brochure advising traders of their requirements
- *Buying spray paint? Some things you should know* - a brochure advising consumers of the new legislation
- *Buying spray paint stickers* - for traders to display in their shops.

The Anti-graffiti resource kit was distributed to members of the Australian Retailers Association, Aerosol Association of Australia, Australian Automotive Aftermarket Association, Bunnings Warehouse, Hardware and Building Traders, Wesfarmers Industrial and Safety, Australian Hardware Journal and Sydney Central Police Station. Our investigators also handed out the

resource kit to local traders during their compliance visits to businesses.

Advertisements also appeared in the Government Noticeboard (Sydney Morning Herald and Daily Telegraph) and the public notices of major regional newspapers in October 2006.

Financial literacy program

Fair Trading has developed a financial literacy package which aims to assist various groups experiencing financial hardship. The package has been promoted and delivered to a range of groups including TAFE, Cultural and Linguistically Diverse (CALD) communities and Aboriginal and Torres Strait Islander (ATSI) communities. Representatives from these groups identified the areas of most concern, or vulnerability, within their groups.

The information in the package covers areas of rights and responsibilities when entering into financial contractual arrangements including: contracts; advantages and disadvantages of financial products such as credit cards, debit cards and interest free deals; what to do when things go wrong; and how we can assist.

The package has been delivered to a range of audiences so far. The value of the package and information contained within is continuously being promoted when we meet with community groups, schools, TAFE, community workers and on community radio.

Regional and other programs

Outreach in remote areas

We are committed to delivering services to all consumers and traders in NSW through our Fair Trading Centres, the vast network of Government Access Centres and Regional Access Programs delivered locally where no other Fair Trading service is available nearby.

Government Access Centres

Government Access Centres (GACs) provide rural and remote communities with increased access to our services and written material, allowing us to establish partnerships with other agencies to provide a more comprehensive service to rural NSW. Customers are able to conduct Fair Trading business locally without the need to travel to the larger country towns.

Our staff regularly liaise with GACs to ensure they have the most up-to-date knowledge of Fair Trading services and static information stands are well-stocked. This ensures that consumers and traders in regional NSW are not restricted from accessing our services due to locality.

The new financial literacy program aims to assist groups experiencing financial hardship.

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 (GAC), 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

Regional Access Programs (RAPs)

Regional Access Programs were conducted at 37 centres across the State during 2006-2007. These programs take information and services to consumers and traders in more remote areas and smaller regional centres. Information stalls in shopping centres and main streets, visits to retailers, community education seminars and the distribution of our brochures are some ways in which we assist people in rural areas understand their rights and responsibilities.

Rural field days

The Motor Vehicle Repair Industry Authority continued its presence at rural field days during the year and had information stands at Henty, Gunnedah, Paterson, Casino and Orange where it provided information about the Authority's services and careers in the automotive repair industry.

Community Access Programs

The aim of the Community Access Programs (CAPs) is to highlight our services and provide greater access to all consumers, traders, real estate agents and private landlords in identified areas. The programs provide an opportunity to inform local residents and traders about their rights and responsibilities in the marketplace. CAPs were conducted in the Campbelltown, Northern Beaches and Hawkesbury areas in 2006 and in the Blacktown and Maroubra areas in 2007.

Activities in the programs included Revved Up seminars targeted at high school students, seminars targeted at real estate and property agents, private landlords, members of incorporated associations, senior citizens, culturally and linguistically diverse communities and Indigenous communities. Seminars were also held in public libraries on fair trading matters such as shopping rights and product safety.

Compliance activities included trader visits and inspections relating to general fair trading, trade measurement, motor dealer, home building, electrical and product safety ensuring trader compliance with legislation.

Information stands were set up in public libraries, local councils, shopping centres and staff were there to answer enquiries from the public and distribute publications. The Community Education Mobile Unit was also set up in major shopping precincts to promote the Fair Trading message and provide information to and answer enquiries from the public.

Information programs

During 2006-2007 Fair Trading delivered over 900 information sessions, talks and seminars which were attended by 27,000 people across the State on all aspects of Fair Trading legislation.

In addition to those information sessions we actively assist migrants by regularly providing ongoing support, contact and information to a range of resettlement agencies including Migrant Resource Centres, Health Services, local Councils and community organisations.

To improve offenders' living skills prior to re-entering the general community from correctional centres and juvenile detention centres we held workshops with welfare officers from the Department of Corrective Services and actively participated at information expos at prisons during the year.

Home shows

Many home shows are conducted throughout the State each year. We participated at the Sydney, Penrith, Wollongong, Newcastle and Coffs Harbour home building expos where our team of home building experts provided information to builders, tradespeople and customers on their rights and responsibilities in home building and renovating. A comprehensive menu of home building publications was available for distribution and our Home Building Contracts were available for sale. Computers with Internet access were also available for visitors to conduct on-line licence checks.

Home building information seminars

The Home Building Information Seminar is a customer education program designed by staff at the Tweed Heads Fair Trading Centre. It provides information to prepare consumers and owner builders for what is often one of the biggest financial decisions of their lives - building or renovating their own homes. The seminar provides information on the laws covering home building, home building and renovating options, how to select a builder, becoming an owner builder,

contracts, warranties, insurance and what happens when things go wrong. The program was successfully launched in Tweed Heads late in 2006 and will become a regular part of our customer education campaign throughout the state.

Our building inspectors and other staff also conduct numerous seminars for industry groups, TAFE and trade groups. These seminars are designed to educate the community on the issues involved with home building or renovating, and the services provided by Fair Trading. Presentations were made at over 60 industry related events during 2006-2007.

Aboriginal Access Program

It is acknowledged that the style of service delivery to the Aboriginal community needs to be different from the non-Aboriginal community if it is to succeed. Our staff, in particular dedicated Aboriginal Customer Service Officers, provide information through many presentations and seminars during the year on topics as diverse as tenancy, consumer rights, door-to-door sales, credit and buying a car, ensuring Aboriginal communities' have good knowledge of their rights and responsibilities and the services we have to offer.

We actively continue to produce a range of consumer educational and promotional material for NSW Indigenous communities focussing on a wide range of issues. Culturally appropriate material includes an Indigenous youth package, a series of fact sheets, fliers and posters on issues such as tenancy, REVS, toy safety and credit, all of which are major issues identified from research and consultation with NSW Indigenous communities.

In order to reach Aboriginal communities we provided information at a range of events across the state including: Croc Festival, the Annual Aboriginal Rugby League Knockout Carnival, NAIDOC Week activities, Harmony Day celebrations, Indigenous Family Fun days and Survival Day. In conjunction with other Government agencies we run forums such as Good Services and Do it Right. The Tenancy Information sessions that we run continue to be the main focus. In secondary schools presentations on Kooris and Cars and Revved Up purchasing a car program are very successful.

Fair Trading has a commitment to the National Indigenous Consumer Strategy 'Taking Action Gaining Trust'. The plan identifies actions in key priority areas: employment of Indigenous staff in consumer agencies, advocacy of Indigenous consumers' interests, housing, financial management and banking, motor vehicles and boats, trading practices and the arts industry.

Fair Trading delivered over 900 information sessions - attended by more than 27,000 people across the State.

Over 8,000 high school students attended Revved up sessions.

Revved Up

Many young members of society are extremely keen to purchase a car and often have no understanding of what can go wrong when buying one.

Our Revved Up program is presented to Year 11 and 12 high school students to assist them understand their rights and possible pitfalls when purchasing a car. The program covers consumer rights associated with buying a car, contractual obligations and stresses the need to ensure that a vehicle is road worthy and mechanically sound.

Many Revved Up programs have been delivered across the State during the year with over 8,000 high school students attending the sessions.

Real estate, landlord and tenancy information sessions

The rights of tenants, landlords and real estate agents can be confusing. Fair Trading conducted general information sessions through the year for the real estate industry which have been conducted at many centres and are always well attended.

Participants at the information sessions included tenants, landlords and real estate agents with specific educational presentations also conducted for Aboriginal Housing Organisations, Local Aboriginal Land Councils and domestic and international university students.

A special emphasis was made during Fair Trading Week 2006 to support the theme - *'Home sweet home - your keys to buying, selling and renting'*. During this week information on real estate and tenancy rights and responsibilities was distributed to real estate agents through a series of trader visits. Landlords who self-manage their properties were also educated on the topic through a number of self-managing landlord seminars which were held at many locations.

Association seminars

Associations are not-for-profit organisations. Many are established to assist communities in all areas of life, such as educational, sporting and religious - just to name a few.

Incorporation under the legislation is voluntary but many benefits are gained by an association which incorporates. We conducted 36 Association information seminars during the year, encouraging unincorporated groups to incorporate, often drawing up to 50 participants at each information session.

Registry of Co-operatives & Associations

A key element of the development of the co-operative sector in NSW is an educational program aimed at broadening the awareness of co-operative philosophy and of exploring the benefits of co-operation and incorporation for groups of individuals and communities as a whole.

The educational program includes conducting presentations and information sessions for community groups, professional associations and government organisations at federal, state and local levels.

Exhibitions at major events such as the Australian National Field Days in Orange, the Farming Small Areas Field Days in the Hawkesbury/Richmond area and the Tocal Field Days in the Hunter region support the program. We also focus on and support Aboriginal groups and communities seeking incorporation. Practical assistance was provided to existing Aboriginal co-operatives and associations in relation to compliance matters through regular contact and visits.

Information about co-operatives has appeared in a number of publications, covering a range of media, such as:

- Community Co-operative Connections electronic newsletter and bulletin
- Premier's Department Community Builders website
- The Land newspaper

Co-operative education - professional support program

This ongoing program seeks to encourage strong professional support committed to servicing and developing the co-operative sector. The program strategically targets those professional groups such as lawyers, accountants and banks which are most

Registration of co-operatives and associations

Type of Entity	05-06	06-07
Associations	37,963	39,348
Co-operatives	764	744
Funeral funds	16	18
Co-operative housing societies	27	17
Associations of co-operative housing societies	12	11
Starr-Bowkett societies	19	18

likely to be the principal points of contact for new and existing co-operative ventures. Through tailored information sessions delivered in the field and articles placed in industry publications the program aims to broaden awareness and build a better understanding and awareness of the values and the unique features of the co-operative structure. The first stage of the program, which reached law society groups from Albury to Newcastle, and made available co-operative information to over 23,000 legal practitioners operating across the state, has been completed. Already the next stage of the program targeting the accounting profession and banking industry has begun with a very encouraging response received from both areas.

Co-operatives Council work program

The Co-operatives Council work program was instrumental in maintaining a high profile on co-operatives and promoting development of the sector in this state. It was developed in 2005 and integrated into the co-operative development plan for 2006-2007. Some of the ongoing activities under this program include Field-Day promotions; publication of co-operative information on the internet and in industry and government newsletters; promotion of co-operative achievement under the Fair Trading Annual Awards Scheme; development of a national co-operative database; support of the annual NSW Co-operatives Federation conference; a program to identify and assist struggling co-operatives; and the provision of financial assistance under the Co-operative Development Grants Program for business planning and similar initiatives.

Services

Consumer complaints

Fair trading

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

Where parties cannot resolve an issue themselves, a complaint can be lodged. We then negotiate between the parties in an attempt to resolve the matter. When this fails, we advise the parties of their options - including taking their matter to the Consumer, Trader and Tenancy Tribunal.

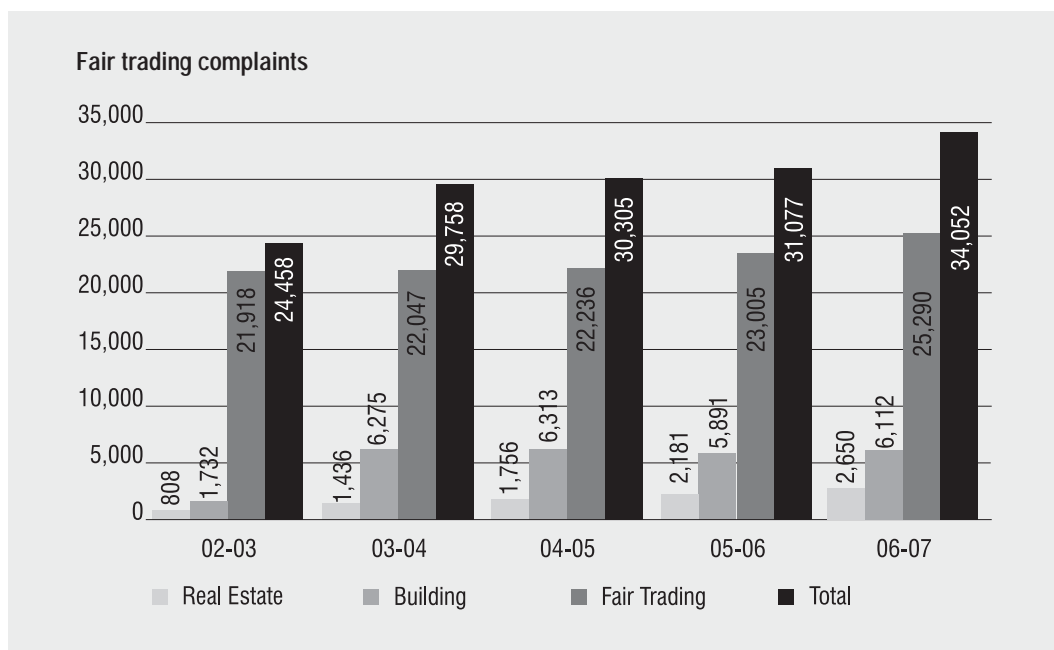
During 2006-2007, Fair Trading received over 34,000 consumer complaints. Of these 85% were successfully resolved at an informal level.

Strata mediation

Mediation continues to be a successful way for parties to settle strata and community scheme disputes. People can resolve their disputes without the need for formal adjudication on the matter and many side issues are resolved along with the main dispute.

During 2006-2007 the Strata Mediation Unit received 1,211 applications for mediation with 71% of matters being successfully resolved.

Information about strata legislation is provided to customers during the mediation process. This



Over 85% of consumer disputes were successfully resolved.

Our Specialist Support Unit provides information and negotiates disputes regarding real estate, consumer credit, and retirement village laws.

information helps clarify complex issues during the heat of a mediation session so that parties can move on to negotiating an agreement with legislative certainty.

Credit, real estate and retirement villages

Our Specialist Support Unit provides information and negotiates disputes regarding real estate, consumer credit, and retirement village laws. The Unit is also responsible for the administration of the Motor Dealers Compensation Fund.

Approximately 30,000 telephone enquiries are handled each year as well as 2,000 formal written complaints. It is also responsible for detecting breaches of legislation in each of these areas, which, once detected are referred for further investigation.

The Unit receives, assesses and processes claims for compensation from the Motor Dealers Compensation Fund that provide protection to consumers who have suffered a loss in connection with a motor vehicle, through 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 with the Motor Vehicle Repair Industry Authority (MVRIA), a Dispute Mediation Officer attempts to 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. The service is free of charge and entirely voluntary. If a settlement can be reached, the terms of the settlement are recorded in writing and signed by the owner and the repairer as evidence of their agreement.

During the year, 1,158 matters were mediated with approximately 56% successfully resolved without the need for the matter to proceed to another forum such as a Court or the Consumer, Trader and Tenancy Tribunal.

Home building complaints

Our dispute resolution service was established to provide a quick and cost free way of resolving disputes between consumers, builders and tradespeople. During the year 6,112 new complaints were received through the Fair Trading Centre network or directly by the Home Building Service. In 2006-2007 a total of 5,128 matters were handled in the following ways.

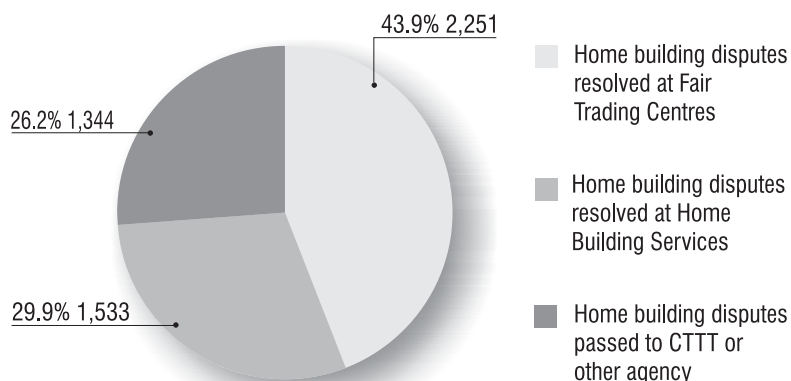
- 2,251 were resolved through intervention by Fair Trading Centre staff.
- 1,533 were resolved through mediations and technical assessments by the Home Building Service's building inspectors.
- 1,344 were assessed as appropriate for referral to the Consumer Trader and Tenancy Tribunal or other relevant 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 308 matters were still undergoing the resolution process at the end of the 2006-2007 year.

Home warranty insurance

The private home warranty insurance scheme continues to be monitored by the independent Home Warranty Insurance Scheme Board. From 1 March 2007 the minimum cover that must be provided by insurers to homeowners under the home warranty insurance scheme was increased from \$200,000 to \$300,000. It is the responsibility of the building contractor to obtain home warranty insurance before taking any money or commencing work where the residential building work is valued at over \$12,000. On 1 June 2007, the home warranty insurance business of Australian International Insurance Limited (AIIIL) was integrated into that of Lumley General Insurance Limited following the purchase of AIIIL's parent company by Lumley's parent company - Wesfarmers Limited.

Home building complaints handled



REVS

	05-06	06-07
REVS checks	1,525,000	1,637,800
Finance industry commitments registered	\$8.18 B	\$8.45 B
Total encumbrances held	3.30 M	3.45 M

REVS

Service Enhancement

As part of its regular asset-management program, REVS has been undertaking a major infrastructure upgrade project aimed at improving the performance, information integrity and availability of the REVS system. Full implementation in early 2008 will result in a major improvement to the system's availability by reducing downtime and providing a service which is generally available via internet 24 hours a day, 7 days a week.

Provision of stolen vehicle alerts via REVS is an important strategy in protecting the public and combating vehicle frauds such as 'rebirthing'. The NSW Police have been providing details of stolen vehicles for inclusion on the REVS database since it was established in 1986. Following an extensive data audit between REVS and NSW Police and an upgrade of the link between the two systems, manual downloads to REVS database were replaced by daily automated downloads in November 2006. Automated downloads of stolen boats records commenced in December 2006.

REVS has developed an internet facility which enables our Fair Trading Centres to provide over-the-counter search certificates for vehicles and boats where customers can pay by cash or EFTPOS. This is an additional service to the telephone and internet currently provided for all REVS transactions. The service is scheduled for progressive implementation from August 2007, and is capable of being deployed at other sites, such as Government Access Centres.

Information enhancement

Enhancement to the REVS website has continued with the implementation of registration and search facilities for NSW Boats in July 2006. Both public and account clients are now able to conduct searches and purchase a REVS Certificate for NSW Boats via the REVS website. Account clients are also able to use this facility to register, vary and cancel boat encumbrances.

The planned implementation of access to NEVDIS information (national stolen and written-off vehicle data) has been delayed whilst the major infrastructure upgrade occurs.

National REVS

In 2005 the Commonwealth Government, through the Standing Committee of Attorneys General (SCAG), commenced a project to examine the wider issue of national personal property securities (PPS) law reform and establish a single national register, which had the potential to include a national REVS scheme. In early 2007, the Council of Australian Governments endorsed the general proposal to proceed with a national PPS scheme.

Fair Trading is committed to the concept of a national register of encumbered vehicles, and is working closely with the NSW Attorney General's Department on the SCAG project.

NRMA Car Wise product

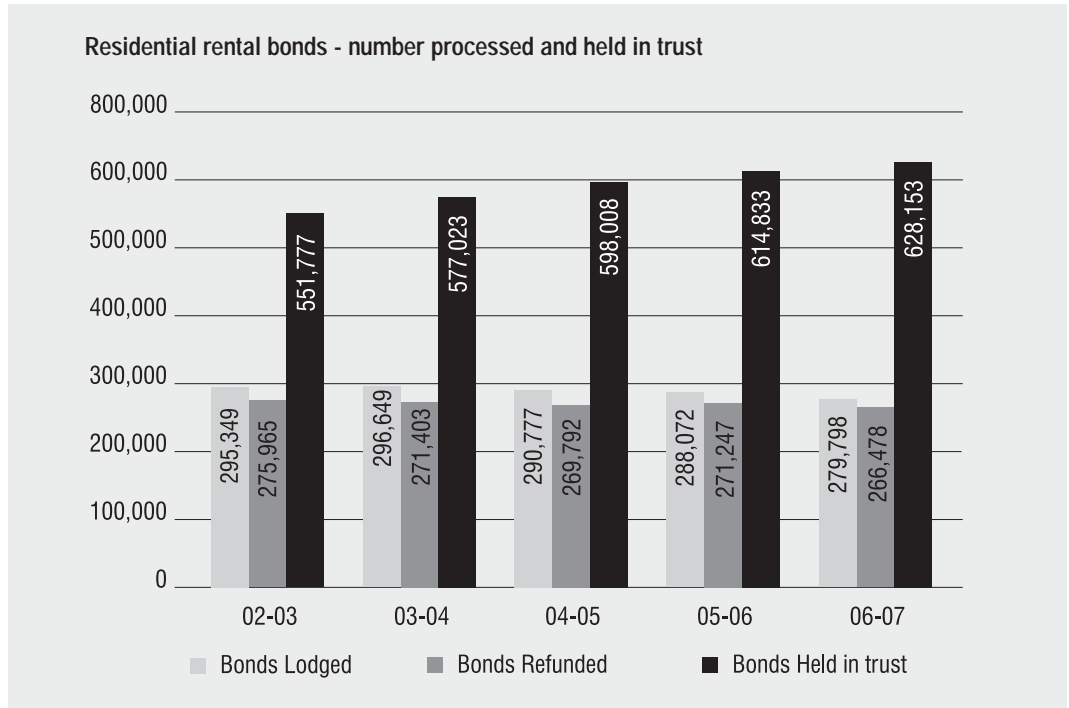
An agreement between the NRMA and REVS saw the provision of REVS certificates through the NRMA's Car Wise product, launched in April 2007. This provides background checks and other information to help NRMA members when buying a second hand car. It includes a REVS Certificate that protects buyers against repossession for undisclosed debts. The arrangement offers REVS an opportunity to promote its important information and service to the wider community, especially women and younger buyers.

Rental bonds custody

At 30 June 2007 there were 628,153 residential rental bonds held in trust. Rental bond funds held increased from \$647.8 million in 2005-2006 to \$690.6 million this year. The last three years have seen a gradual slowing in the rate of growth of bonds held in custody, from 4.6% in 2003-2004 to 2.2% in 2006-2007. The number of new bonds lodged totalled 279,798, a decrease of 2.9% 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 266,478 bonds refunded through 382,204 individual payments.

Provision of stolen vehicle alerts via REVS is an important strategy in protecting the public and combating vehicle fraud.

All applicants for building licences and certificates are required to present themselves in person and undergo a proof of identity check.



The trend toward the use of electronic services by our customers in preference to the traditional mail and face to face services continues. Tenants, landlords and real estate agents submitted over 87% of claims for refund electronically. Likewise, 54.8% of customers requested their refund be paid directly into their bank account, an increase of 7.7% in the proportion of direct deposit refunds over last year.

The Rental Bond Internet Service (RBIS) continues to increase in popularity within the real estate industry. RBIS provides NSW property managers with the option of conducting their rental bond business online 24 hours a day, seven days a week. The number of property managers connected to RBIS has increased by 9.4% in the last year, together with a corresponding increase of 13.5% in the number of RBIS claim transactions.

Licensing and registration services

Home building

All applicants for building licences and certificates are required to present themselves in person at a Fair Trading Centre or a Government Access Centre and undergo a proof of identity check. This is part of the Government's continuous drive to offer better protection to consumers.

On 21 August 2006 new licensing assessment criteria for 24 existing trade/building categories were introduced and two new building categories for contractor licences commenced for:

- kitchen, bathroom and laundry renovation
- erection of pre-fabricated metal-framed home additions and structures.

Licensing activity

Licence type	New 05-06	New 06-07	Currently Registered
Builders	10,598	12,056	168,418
Conveyancers	128	148	748
Motor Dealers	339	376	3,668
Motor Vehicle Repairs	1,354	1,412	12,327
Pawnbrokers & Second-hand Dealers	163	175	947
Property, Stock, & Business Agents	2,480	2,820	26,653
Public Weighbridge	11	9	78
Real Estate Certificates	4,867	5,076	16,456
Trade Measurement Services	11	21	207
Travel Agents	106	76	1,446
Valuers	350	159	3,136
Total	19,053	22,328	234,084

From 1 July 2007, licence holders will be given the option of renewing their licences for a period of three years in addition to yearly. Those licensees who take up the three year option will save approximately 20% over the three years of the licence. This will cut red tape in relation to licence renewals, resulting in savings to licence holders.

Later this year it is planned to introduce a new style of licence card in addition to licensees being able to renew their licences on-line.

Our guarantee of service promises that new licence applications that are complete and do not require additional information will be processed within 30 working days of receipt. Our target is to achieve this result in 85% of cases. From December 2006 to June 2007, we met this standard in over 90% of cases.

Government Licensing Service

The NSW Government's connecting Business Licensing Project is a large and complex across-government information project to create a single integrated Government Licensing System (GLS) for business, professional and some personal licensing. Managed by the Government Chief Information Office within the NSW Department of Commerce, it is the NSW Government's largest across-government computing project. We are a lead agency contributing to the project.

Building on the successful migration of NSW valuers registrations to the GLS in November 2005, a new online service was launched in August 2006 that provides for the lodgement and payment of an application for a valuers licence via the internet. We are continuing to work in partnership with the Government Licensing Project team to progressively migrate all licensing systems to the GLS.

Business and property services licensing

Online renewal of business licences

Our Online Licence Renewal Service (OLRS) is a convenient internet-based service which allows motor dealers, travel agents, pawnbrokers and second-hand dealers to renew or update their licences online at any time. OLRs continues to be well accepted by licensees. This year over 31% of renewal transactions by licence holders were lodged online.

The service is easy to use and payments can be made securely and conveniently by credit card. Users receive a discount of 10% of the processing fee or \$5.00, whichever is greater, for lodging renewals online.

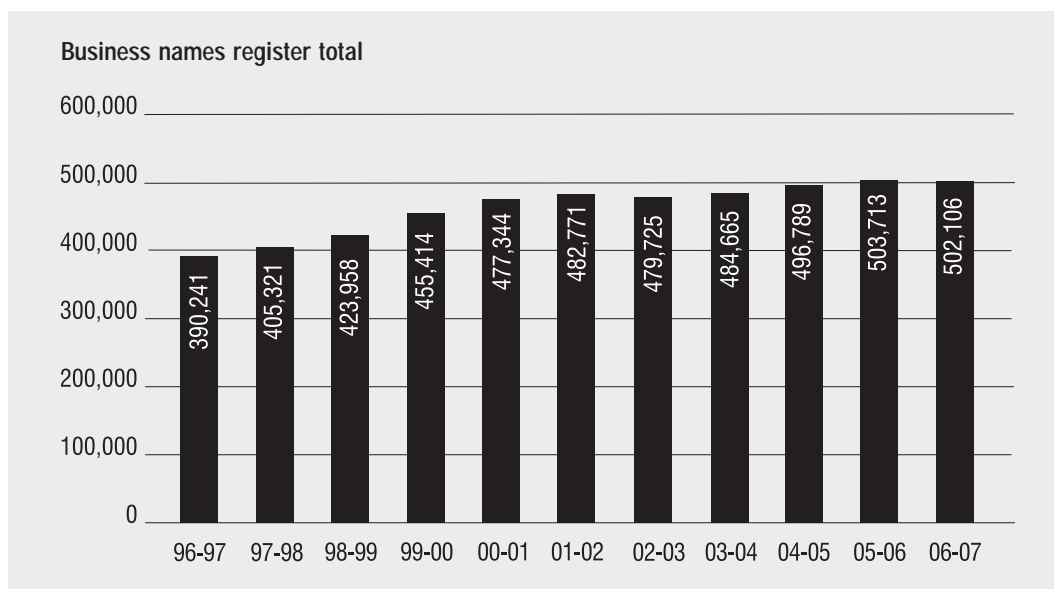
Business registration

Online renewals for business names

Since 2003, we have offered traders the convenient option of renewing 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 registration continues to grow - during 2006-2007, 30,478 businesses took advantage of the service, an increase of 14% over last year. Fair Trading is investigating the possibility of extending the online service to include new applications for business names in the future.

Restoration of expired registration for business names

On 1 February 2007 we implemented legislative changes which provide a three month restoration period for business registrations. Prior to the introduction of this change, traders who did not renew on time were required by legislation to lodge a completely new application for their business name and ran the risk of the name being registered by another trader with expensive consequences. Under the restoration provisions, through the



...changes provide a three month restoration period for business registrations.

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

payment of a fee, traders can ensure the continuity of their business name and avoid the red tape of lodging a new application. This procedural change has been well received by the business community.

MVRIA

All motor vehicle repair businesses in NSW must hold a repairer's licence for the class or classes of repair work that they perform. To be granted a licence the applicant must be fit and proper, must have sufficient financial and material resources to carry on the business and must employ suitably qualified tradespeople to perform the trade work.

After receiving all relevant information from the applicant and other agencies, we issue the licence within 30 working days. This service was met in 100% of cases.

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 role, 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

This year, 22 community organisations were funded under the Tenants Advice and Advocacy Program (TAAP) to provide advice and advocacy to nearly 30,000 tenants.

An increasing number of residential parks have been the subject of threatened closure or re-development applications which may impact on low income earners for whom residential parks provide affordable accommodation. Workers funded under the TAAP have been supporting these residents to gain a better understanding of the process and any recourse options which may be available to them. Funding has also been provided to the Tenants' Union of NSW specifically for the employment of a Residential Parks Solicitor to provide additional support to park residents.

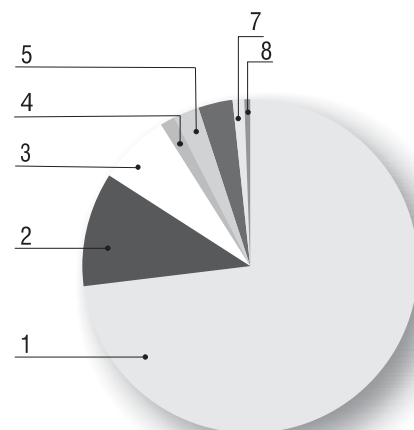
This year, almost 5,000 tenants around the state received assistance with either preparing for a Consumer, Trader and Tenancy Tribunal hearing or representation at a hearing.

The focus this year was on the needs of tenants who are refugees, particularly those from African countries, and also newly arrived migrants. Additionally, our own indigenous population has been a target of new initiatives with the Tenants' Union being funded for an Aboriginal Legal Officer to provide advice and advocacy for Aboriginal and Torres Strait Islanders living in NSW.

Financial Counselling Services Program

All financial counsellors funded under the Credit Counselling Program and the Financial Counselling Trust Fund must be trained and eligible for accreditation by the Financial Counsellors Association of NSW. This year, almost 33,000 people sought assistance from these dedicated professionals. All services reported an increase in the complexity of matters facing their clients and greater difficulties in negotiating with clients' creditors as a result of debt collection being outsourced to overseas call centres.

Total grant allocations



Funding allocated in 2006-2007	
1	Tenants Advice and Advocacy Program* \$8,027,668
2	Credit Counselling Program \$1,214,982
3	Financial Counselling Trust Fund \$752,613
4	Home Building Grants Program \$160,000
5	Property Services Grants Program \$278,571
6	The Aged - care Rights Service \$361,868
7	Co-operatives Development Grants Program \$110,012
8	Motor Vehicle Repair Industry Authority \$50,000
Total	\$10,955,714

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

*Includes \$202,126 provided from TAAP Special Purpose Funds

The issues reported by funded services during 2006-2007 show a continuing increase in the number of people seeking advice about bankruptcy and an increase in numbers of people caught out by high interest rates and charges imposed by non-mainstream lenders.

Issues relating to management of personal finances are also discussed at community education sessions provided by the 44 individual services receiving a funding contribution from the two programs overseen by the Office. 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 2006-2007, nearly 200 sessions were conducted, benefiting over 3,000 participants.

Property Services Program

The Property Services Grants Program provides funding to eligible organisations to provide or undertake education or research projects relating to the property services industry which is regulated under Fair Trading legislation.

In 2006-2007, we funded five projects under the Property Services Grants Program relating to community education, training and continuing professional development.

Home Building Program

The Home Building Grants Program targets the home building industry which is regulated 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.

In 2006-2007 we funded four projects for the recruitment and management of apprentices in the home building industry, continuing professional development and for the swimming pool and spa building sector.

Website update

This initiative provides the public and business sector with 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. Our website has been improved to provide practical and useful information on our Community and Industry Grant Programs.

Affordable housing grants

We have provided two one-off grants to the Department of Housing to establish the Affordable Housing Innovations Fund for the purpose of the provision of grants to registered community

housing providers for affordable rental housing projects. This initiative will address the need to provide more affordable rental opportunities for very low to moderate income households in stress and expand the capacity of community housing providers to deliver affordable housing. In 2006 we provided \$10.4 million to the Department of Housing for capital and to establish the vehicle model for the Affordable Housing Initiative. In June 2007 we provided an additional \$30 million to provide grants for the development or acquisition of up to 250 affordable rental dwellings. This represents a total contribution of \$40.4 million. The funds are drawn from Rental Bond Board investment earnings on tenants' rental bonds.

Think Smart tenancy grants

During 2006, Fair Trading, in conjunction with the Rental Bond Board, developed a one-off grants program to provide an opportunity for community-focused organisations to deliver tenancy-related initiatives to a number of specific community language groups.

The program specifically targeted a number of identified community-language groups including Arabic, Assyrian, Indonesian, Chinese, Dari, Dinka, Korean, Pashto, Persian (Farsi), Samoan, Tongan and Vietnamese.

Total funding of \$207,000 was provided to 12 community organisations to fund innovative, community-accessible projects and initiatives that offered practical solutions for overcoming language and literacy difficulties in accessing tenancy information and self-help.

The organisations who were successful in obtaining the funding were: Assyrian Australia Association (AAA), Auburn Migrant Resource Centre, Australia-Korean Welfare Association, CASS Care (Chinese Australian Services Society), Canterbury Bankstown Migrant Resource Centre, Immigrant Women's Speakout Association, Cabramatta Community Centre (Fairfield Migrant Resource Centre), Indonesian Welfare Association, Illawarra Legal Centre, Northern Settlement Services (formerly Migrant Resource Centre of Newcastle and Hunter Region), Multicultural Community Radio Association and Tongan Association and Macarthur Diversity Services.

The funded projects were innovative and varied ranging from a theatre play, recording tenancy information sessions to DVD and CD, talk back radio programs, a computer course and working in partnership with local real estate agents and other tenancy providers.

These projects are due to be completed between June and September 2007.

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

The grant assists systematic training initiatives for employment in the automotive repair industry.

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 and it works with industry, registered training organisation, 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 (CDGP) is designed to assist the NSW co-operative sector grow and remain a viable sector of our economy. This year our focus was on economic development. Grants were also made to highlight the historical contribution of co-operatives. Grants were provided to:

- ScreenCentric Incorporated, a strategic business planning for a filmmakers co-operative that

combines business experience and creative talent in order to develop Australian film projects for new filmmakers

- Centre for Australian Community Organisations and Management (CACOM) for continued production of the on-line newsletter CCC eNEWS with up to six eBulletins between editions, conduct a major review of the subscriber database and develop strategies aimed at expanding and improving its reach
- Hawkless Consulting Pty Ltd was engaged to conduct the Co operative Housing Society and Starr Bowkett Society Sector Analysis
- Co-operative Federation of NSW Limited for printing and promoting a publication The Democracy Principle: Farmer Co-operatives in Twentieth Century Australia by Dr Gary Lewis, an important addition to the body of work on Australian co-operatives
- Technology Ski Club Co-operative Limited for printing a publication The First 50 Years marking the 50th anniversary of the co-operative.

Number of electrical certifications

The *Electricity (Consumer Safety) Act 2004* which replaced the *Electricity Safety Act 1945* on 3 February 2006 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. Approvals are issued for appliances such as televisions, refrigerators and room heaters. In 2006-2007, 3,511 new, modified or renewed articles were approved which generated revenue of \$1,032,662.

Consumer, Trader and Tenancy Tribunal

The Consumer, Trader and Tenancy Tribunal (CTTT) is an independent body which resolves disputes about the supply of goods and services and issues relating to residential property.

The CTTT deals with a wide range of disputes including retail transactions up to \$25,000, motor vehicles, rental bond and tenancy issues; residential parks, retirement villages, strata or community scheme issues; finance and credit and home building or renovating issues. The Tribunal operates in an informal environment and uses a range of methods to assist parties to resolve their disputes.

The Tribunal receives over 64,000 applications annually. There are 8 CTTT registries located in metropolitan and regional areas. Hearings are held at over 95 locations across NSW.

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

The Tribunal produces its own annual report which is available at www.cttt.nsw.gov.au.

Fair Trading Centres provide advice on the role of the Consumer, Trader and Tenancy Tribunal and options available to resolve disputes.

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.

Marketplace indicator

	03-04	04-04	05-06	06-07	Target
Percentage of consumers confident in fair operation of marketplace	70%	71%	69%	73%	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 above qualifications, significant drops would trigger further marketplace analysis to examine whether the results reflect an issue of concern.

Highlights 2006-2007

- New Enforcement Action Report published quarterly on the website
- \$110,000 paid to the Financial Counselling Trust Fund by a credit union for breaches of the Consumer Credit Code
- 283 penalty notices with a monetary value of more than \$180,000 issued as a result of proactive compliance operations in the home building industry
- More than \$1.75 million of fines and penalty notices issued across 15 acts during the year
- Gaol term imposed on a real estate employee for misappropriation of funds

Snapshot: service-level statistics	2006-2007
Successful prosecutions	416
Penalty notices issued	1,288
Investigations	3,280
Inspections	28,619

Performance measures

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

Comment/interpretation

The percentage of inspections where compliance is evident is a quantity measure that demonstrates the effectiveness of OFT's 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 Fair Trading's 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

Over 41,000 compliance related activities - ranging from inspections through to more complex action in the Supreme Court, were carried out to ensure fairness in the marketplace. An Enforcement Action Report is now being published each quarter on the Fair Trading website. It details the names of offenders, their offences and the penalties imposed for breaches of fair trading law. It sends a warning to individuals who might consider flouting the law as well as encouragement to the honest majority of traders who value the reputation and integrity of their industries.

Cost effective compliance

The Cost Effective Compliance Review, a major project in our 2005-2006 Corporate Plan, was overseen by a steering committee that engaged the services of an expert in regulatory strategies and seconded two project staff to develop issues papers in consultation with relevant staff.

The report was endorsed by the Commissioner and a summary was released to staff in December 2006. The report identifies opportunities for greater co-ordination of compliance activities, enhanced information support systems, screening and reporting, a renewed commitment to staff training and improved co-operation between consumer protection agencies.

The report's recommendations are considered a blue print for achieving best compliance outcomes through the cost effective use of Fair Trading's inspection, investigation and legal resources.

MVRIA integration

The integration of the Motor Vehicle Repair Industry Authority (MVRIA) into Fair Trading is designed to bring improved efficiencies to the regulation of the industry. A management plan for the total integration of MVRIA into Fair Trading has been released and is now subject to consultation with staff and unions. The plan envisages a new Motor Vehicle Industry Branch being established that will focus on compliance in the motor vehicle retail and repair sector. The new branch will bring improved efficiencies to the regulation of the industry.

Regional Inspection Programs

Regional compliance continues to be a priority to ensure businesses comply with their legislative responsibilities. This year our compliance activities included:

- inspection of travel agents' records to ensure compliance with legislation
- inspection and monitoring of motor dealers, auto dismantlers, second-hand dealers and pawnbrokers
- checking of weighing and scanning equipment at supermarkets and other retail outlets
- inspection of petrol pumps, LPG and high flow aviation fuel units to ensure accuracy, certification and safety of equipment
- inspection of weekend markets to ensure stallholders comply with trade measurement and second hand dealer legislation, and Australian safety standards
- inspection of liquor dispensing units and glassware at hotels and licensed clubs and restaurants

It sends a warning to individuals who might consider flouting the law as well as encouragement to the honest majority of traders...

*By enforcing the law,
Fair Trading protects
consumers from
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market place.*

- inspection of weighbridges to ensure accuracy
- checking of jewellery advertising in the lead up to Mother's Day to ensure legitimacy of discounts
- checking of packaging at supermarkets and other retail outlets to ensure compliance with trade measurement legislation.

Enforcement

By enforcing the law, the Office of Fair Trading protects consumers from unscrupulous people and promotes confidence in the market place. The reputation and integrity within industry groups is improved by removing fraudulent or sub-standard traders. Through inspections, investigations and by responding to complaints Fair Trading takes 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 enforcement action

Live at Home Goulburn & Districts Inc (In liquidation)

We have been conducting a major and ongoing investigation into the affairs of this incorporated association which was registered in October 1992

to provide care and services to disabled clients in the Goulburn area. The Department of Ageing, Disability and Home Care (DADAHC) provided substantial funding to the association for this purpose.

Following an application to the Supreme Court by the Registry, the Court granted an order that the association be wound up on grounds of insolvency. Since that time the Registry has been assisting the liquidator in investigating an alleged misappropriation of association funds. The liquidator has served a claim for reimbursement of the monies on the former manager and her husband who was the former treasurer of the association.

Christian Housing Association Incorporated

Established in August 2005, the principal activities of this association were meeting the needs of the unfortunate through housing and provision of food. We received complaints about a scheme promoted by the association involving persons making a 'registration' payment of \$500 to the association and obtaining further payments of \$500 by up to 20 people in order to secure housing. On three separate occasions our investigators served notices on Mr Tui to produce the financial records of the association. Despite Mr Tui promising to produce the documents in January 2006 no records were ever produced. **Result:** On 30 March 2007, Mr John Tui, public officer of the association pleaded guilty to a charge of failing to produce records. Mr Tui was convicted and fined a total of \$220 for failing to produce records of the association. In addition to the fine Mr Tui was directed to pay court and professional costs totalling \$142. The

Successful prosecutions

Act	Defendants	Offences	Penalties
Associations Incorporation Act	1	1	\$362
Business Names Act	1	1	\$362
Credit (Finance Brokers) Act	1	7	\$35,027
Consumer Credit Administration Act	2	23	\$41,541
Crimes Act	7	8	\$20,877
Electricity (Consumer Safety) Act	2	3	\$2,284
Electricity Safety Act	5	18	\$11,153
Fair Trading Act	10	45	\$34,075
Home Building Act	31	141	\$313,583
Motor Dealers Act	29	113	\$292,431
Motor Vehicle Repairs Act	21	38	\$29,759
Property Stock and Business Agents Act	6	8	\$35,081
Trade Measurement Act	2	7	\$4,538
Total	120	416	\$825,178
Total Prosecutions:	440		
Total Successful Prosecutions:	416		
% Successful:	95%		

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.

conviction sends a message to incorporated association office bearers that their responsibilities are not to be taken lightly and they must be accountable for their actions.

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 no registered business in a state or territory has a name that could be confused with another registered business.

Significant enforcement action

Jenni Marshall

Jenni Marshall issued documents under the unregistered business names of 'The Advocate for Peoples Rights' and 'Advocate for Consumer Trader and Tenancy Matters', as well as the registered business name 'Advocate for Tenants Rights'.

Result: Ms Marshall was convicted of using an unregistered business name and fined \$1,000. Ms Marshall has since appealed her convictions at the District Court. The appeal was set for hearing on 18 September 2007.

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 enforcement action

Cameron Speers

Cameron Speers was a finance broker offering to arrange finance to consumers who may otherwise not be able to access mainstream lenders for various reasons including unemployment or poor credit history. Speers took up-front fees before obtaining the finance, in contravention of the *Consumer Credit Administration Act* and the *Fair Trading Act*. Consumers were misled by Speers' representations that the loans had been approved but the funds would not be released until the fee had been paid. Loans were not obtained and the fees were not refunded. Despite our intervention, Speers refused to refund consumers and negotiate a settlement of the matter. **Result:** On 23 May 2007, in the Downing Centre Local Court, Speers was convicted and sentenced to pay fines and costs totalling \$30,446.70 after pleading guilty to 30

charges relating to: charging an up front fee, finance broking without a written contract, misrepresenting the benefits of a service and accepting a payment when not intending to provide a service or providing a different service.

Stephen John Jones

Stephen John Jones ran a business styled as a mortgage advisory service and finance broker under the names NSW Mortgage Advisory Service and Amazing Home Loans Pty Ltd. Jones would arrange an appointment in consumers' homes to discuss mortgage finance or refinancing. Misrepresentations were made in relation to the service provided and fees were charged prior to the loan being obtained. Finance broking contracts did not comply with the *Consumer Credit Administration Act* and Jones failed to provide copies of the contracts to consumers. **Result:** On 4 October 2006, Jones was convicted and sentenced to pay fines and costs totalling \$67,563.27 after pleading guilty to a variety of offences.

Consumer Credit Act

The *Consumer Credit (New South Wales) Act* protects consumers by making the Consumer Credit Code, which governs all credit transactions in Australia, law in NSW. Information must be clear and easy to understand. The consumer's rights and obligations must be set out in a written contract that includes interest rates, fees, and commissions. The Act provides for those matters which are outside of the Consumer Credit Code, including a maximum annual percentage rate and the payment of penalties into a trust fund to finance financial counselling.

Significant enforcement action

Qantas Staff Credit Union

In October 2006, the Consumer, Trader and Tenancy Tribunal endorsed an agreement we reached with the Qantas Staff Credit Union to impose a civil penalty of \$156,888 Australia wide with \$110,000 apportioned to New South Wales to be paid into the Financial Counselling Trust Fund. The matter related to a number of breaches of the key requirements of the Uniform Consumer Credit Code, including non-disclosure of credit fees and charges and non-disclosure of loan disbursement details. The breaches were primarily technical in nature with few consumers suffering any financial detriment.

Consumer "rental" contracts

We became concerned at the increase in companies offering 'rental agreements' to consumers as a way for them to obtain household goods such as entertainment systems, security systems, furniture and whitegoods. The consumers who use these types of contracts predominantly live in country or remote communities and are often indigenous consumers. Many are on fixed incomes, including Centrelink benefits, and may not be able

The conviction sends a message to incorporated association office bearers that their responsibilities are not to be taken lightly.

Fair Trading is closely liaising with ASIC and Centrelink to weed out rogue traders and raise trading standards.

to obtain goods under a typical personal loan arrangement due to previous credit defaults. While certain aspects of consumer leases are covered by the Uniform Consumer Credit Code, there are significant disclosure and other provisions that do not apply to goods subject to rental style contracts. Our concerns include:

- Consumers appear to have little understanding of the contracts they have entered into;
- The contracts appear to have caused considerable financial hardship;

- There are allegations the businesses may have made misleading/deceptive representations to induce consumers to sign contracts;
- Some contracts are written as 'rental' agreements, but in reality are credit contracts as they provide customers with the option to purchase the goods at the end of the term.

Fair Trading is closely liaising with the Australian Securities and Investments Commission and Centrelink to weed out rogue traders and raise trading standards.

Civil litigation

Court/Tribunal	Act	No. of matters
Supreme Court		
Injunction	CTTT Act	5
	FT Act	3
	RP Act	1
	RV Act	1
Contempt	SC Rules	2
	Other	9
District Court		
	HB Act	1
Local Court		
	AI Act	1
	HB Act	3
	SSMA	5
Administrative Decisions Tribunal		
	ADT Act	8
	CL Act	2
	HB Act	33
	MD Act	4
	MVRA	3
	PSBA	22
	PSHD Act	1
	V Act	1
	Other	1
Administrative Appeals Tribunal		
	TTMRA	1
Consumer Trader & Tenancy Tribunal		
	CC(NSW)C	1
	HB Act	23
	RP Act	2
Total		
Supreme Court		21
District Court		1
Local Court		9
Administrative Decisions Tribunal		75
Administrative Appeals Tribunal		1
Consumer, Trader & Tenancy Tribunal		26
Total		133

Legend

ADT Act – *Administrative Decisions Tribunal Act*, AI Act – *Associations Incorporation Act*, CL Act – *Conveyancers Licensing Act*, CC(NSW)C – *Consumer Credit (NSW) Code*, CTTT Act – *Consumer, Trader & Tenancy Tribunal Act*, FT Act – *Fair Trading Act*, HB Act – *Home Building Act*, MD Act – *Motor Dealers Act*, MVRA – *Motor Vehicle Repairs Act*, PSBA – *Property, Stock & Business Agents Act*, PSHD Act – *Pawnbrokers & Second-hand Dealers Act*, RP Act – *Residential Parks Act*, RV Act – *Retirement Villages Act*, SC Rules – *Supreme Court Rules*, SSMA – *Strata Schemes Management Act*, TTMRA – *Trans-Tasman Mutual Recognition Act*, V Act – *Valuers 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.

Conveyancers Licensing Act

The *Conveyancers Licensing Act* allows people who are appropriately qualified to undertake conveyancing work. Consumers who then 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 enforcement action

Long Gin Ma

The Office of the Legal Services Commissioner referred a complaint about Mr Ma to us for investigation about unauthorised legal work in regard to residential properties. The investigation identified falsification of legal documents, misrepresentation and deception of clients as to the true status of their matters. This included unauthorised legal work undertaken prior to Mr Ma being issued with a conveyancer's licence. **Result:** Mr Ma's licence was suspended and at the same time the police arrested Mr Ma and charged him with seven offences under the *Crimes Act* for conduct relating to his conveyancing business. On 16 August 2006, Mr Ma was charged with four further *Crimes Act* offences relating to assisting as an agent in making an unlawful transfer of a property, obtaining financial benefit and misappropriating funds. Mr Ma has since been charged with another five offences under the *Crimes Act* relating to passing valueless cheques; obtaining property by false pretences and misappropriating funds. On 9 November 2006, Mr Ma was served with a notice cancelling his conveyancer's licence.

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 enforcement action

Michael Kew

An Investigation was carried out into the alleged theft of approximately \$250,000 in rental bonds by an employee of a real estate agency Michael Kew. Proceedings for offences under the *Crimes Act* were commenced against Kew in the Local Court. Kew appealed to the Supreme Court challenging the capacity of the officer to commence proceedings under the *Crimes Act*. **Result:** On 1 May 2007 the Supreme Court handed down its decision dismissing the appeal and holding that an investigator as a public officer could commence proceedings for offences under the *Crimes Act*. Kew has lodged a holding appeal with the Court of Appeal.

Julie Wise

Julie Wise forged a certificate of registration in order to work as a salesperson in a real estate agency. The matter was prosecuted under section 300(2) of the *Crimes Act*. **Result:** Julie Wise pleaded guilty and was convicted and placed on a good behaviour bond for 12 months with costs and a fine of \$4,000.

Ben Akari and Akari Design and Construction Pty Ltd

An investigation was carried out into allegations that Akari Design and Construction Pty Ltd had contracted to do residential building work at Blacktown and Croydon when it was not licensed to do that work. The company was also found to be using false instruments, being certificates of home warranty insurance. **Result:** In November 2006 the company and Mr Akari were due to appear in the Burwood Local Court to answer charges relating to breaches of the *Home Building Act* (9 offences) and breaches of the *Crimes Act* (48 offences). The

Penalty notices

Act/Regulation	Defendants	Offences	Penalties
Business Names Act	25	25	\$9,600
Community Land Management Act	1	1	\$500
Electricity (Consumer Safety) Act	3	3	\$600
Fair Trading Act	14	15	\$8,250
Fitness Services (Pre-Paid Fees) Act	1	1	\$440
Home Building Act	647	813	\$595,800
Landlord and Tenant (Rental Bonds) Act	7	7	\$3,850
Motor Dealers Act	84	196	\$100,980
Motor Vehicle Repairs Act	2	2	\$5,830
Pawnbrokers and Second-hand Dealers Act	12	20	\$9,600
Property Stock and Business Agents Act	139	164	\$194,150
Trade Measurement Act	34	41	\$14,850
Total	969	1,288	\$944,450

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

Fair Trading also uses the Crimes Act to protect consumers.

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

defendants failed to appear and a warrant was issued for the arrest of Mr Akari, who is currently believed to be overseas.

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 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.

Compliance Operations

Operation Cool Runnings in February-March 2007 and operation Hardwire in June 2007 focussed on the requirement to give notice to consumers and in certain circumstances, the electricity network providers, about the testing of electrical wiring work carried out by licensed electrical contractors.

In particular, we checked that discount stores and air conditioning retail outlets were using licensed contractors when selling air conditioning units on a "supply and install" basis and that certificates attesting to the safety of the electrical wiring work are provided.

Significant Enforcement Action

Counterfeit power points

As a result of information received from the Australian Competition and Consumer Commission, an investigation was conducted into the sale of counterfeit miniature over-current circuit breakers and socket outlets. A number of individuals and traders were identified throughout this investigation resulting in eight formal cautions being issued and the prosecution of eight traders. We alerted the public regarding the sale of socket outlets by publishing brochures and posters for consumers and tradespeople. Chandru International Pty Ltd entered into enforceable undertaking under the *Fair Trading Act* in 2005. During the past year Chandru International Pty Ltd has been detected breaching the conditions of the undertaking. As a consequence Supreme Court action is currently under consideration.

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 enforcement action

Sale of gas heaters - possibly uncertified

For a number of years, complaints were received concerning activities involving a private dwelling located at 44 Melrose Avenue, Sylvania. It was alleged a number of different types of white goods, gas appliances and general consumer goods of poor quality were being sold. Due to the number and nature of complaints, an investigation was conducted which revealed a number of persons using the premises for various activities. A search warrant was executed at the premises on the 20 October 2006 and a number of articles were seized. The occupant at the time did not fit the description of the person who was the subject of the complaints. The investigation has not located the owner however, following the search warrant selling from the premises has ceased.

Kent Publishing Pty Ltd

Kent Publishing Pty Ltd and Dean James King claim to publish a number of national directories and magazines with industrial or tourist themes. We received over 80 complaints from small businesses alleging misleading or deceptive conduct designed to dupe them into paying up to \$489.50 for unauthorised entries or advertisements. Among the allegations was Kent Publishing staff routinely made false and misleading claims to prospective clients that the advertisement was a 'renewal' and immediate payment was required as the publication was about to go to print. Other allegations related to the unauthorised debiting of customers' accounts. **Result:** On 8 June 2007, the Supreme Court of NSW granted interim orders preventing Kent Publishing, and its sole director, Dean James King, from demanding money from any person without first obtaining a signed order from the customer containing details of the publisher, the publication and the proposed listing. We are seeking final orders to permanently restrain Kent Publishing and Dean James King from being involved in the publishing, advertising or directory industry. A final hearing in relation to that application is expected in late 2007.

Canadian Diamond Traders

In December 2005 we became aware of a scheme operating under the name of Canadian Diamond Traders. The scheme was being promoted in a number of Australian States including NSW. According to promotional material it was a Canadian based company engaged in the distribution of loose diamonds at less than retail value. The scheme offered a 'Diamond Trader Program' requiring a US\$500 entry fee and also a 'feeder' program requiring payment of US\$100 to enter. Both programs used 'tables' in a pyramid structure with levels, escalating from Diamond Miners to Diamond Cutters to Diamond Polishers and, at the peak of the pyramid, a Diamond Collector. The scheme promised participants who

reached the peak of the feeder program US\$800 of which US\$300 was used to purchase a diamond (with an alleged retail value in excess of US\$400). A participant could then 'cycle out' of the program or use the remaining US\$500 as the entry fee into the Diamond Trader Program. An identical scheme, Treasure Traders International, which dealt in precious stones such as emeralds, sapphires and rubies, collapsed in Canada earlier in 2007 leaving thousands of participants out of pocket. **Result:** We confirmed the scheme was a pyramid sales within the meaning of Section 60U of the *Fair Trading Act 1987* (NSW) and a statement was issued by the Minister warning the public that it was an offence to participate, induce or attempt to induce any person to participate in a pyramid sales scheme with penalties of up to \$22,000 for individuals and \$110,000 for corporations.

Jeremiah Hunter

Previously known as Jeffrey Peter Dummett, Mr Hunter has been prosecuted successfully by Fair Trading for offences of misleading conduct and was convicted and fined a substantial amount of money. He conducts 'Live Blood Analysis' and claims to be able to diagnose illnesses and diseases then offer treatment and cures for the illnesses and diseases. His claims are advertised by way of newspapers circulated in local areas and by word of mouth. He charges consumers exorbitant amounts of money for his services. The NSW Supreme Court has granted an interim injunction preventing Jeremiah Jeffrey Hunter from providing health services until a further order is granted.

Product safety

Safe products survey

We administer some parts of the *Electricity Safety Act 1945*, the *Gas Supply Act 1996* and all of the Fair Trading (General) Regulation 2002. This means that 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, babywalkers, portable soccer goals and cigarette lighters. There are 21 mandatory product safety standards under the Fair Trading (General) Regulation and 56 declared electrical articles under the *Electricity Safety Act 1945*.

Each year Fair Trading undertakes marketplace surveys to detect unsafe, non compliant products and takes action to have them removed from sale. This year 2,009 inspections have been conducted at retail stores, markets and field days in over 151 towns across NSW.

Product Recalls

In 2006-2007, 32 products were publicly recalled following intervention or after consultation with the Office of Fair Trading.

Royal Easter Show

At this year's inspection, which took place on 6 March 2007, the contents of 274 showbags supplied by nine exhibitors were inspected for compliance with safety and information standards. We directed that 28 toys not be supplied until a report showing the toys comply to the Australian Standards was produced. We do not allow children's toys to be offered at the Royal Easter Show unless reports are available. Exhibitors were able to provide pass test report for all but six of these toys. These six toys were not supplied at the Royal Easter Show.

Investigators also attended traditional lead up shows held at Mailland, Castle Hill and Camden prior to the Royal Easter Show. At these shows six stallholders were directed to remove seven non compliant toys. These six stallholders did not supply any showbags or attend the Royal Easter Show.

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

Our investigators undertook a range of proactive compliance programs during 2006-2007, designed to detect unlicensed residential building work and other offences under the *Home Building Act*.

Operation Mortar

A number of sites in the eastern suburbs of Sydney were targeted by investigators for unlicensed residential building activity in a compliance program from 24 to 28 July 2006. A total of 358 people were spoken to during the operation. These visits revealed a high level of non-compliance which resulted in 58 penalty notices being issued. Total monetary value of penalty notices issued was \$37,900.

Operation Nail

In the southern region of NSW in September 2006 we targeted unlicensed traders, home warranty insurance, owner builders and general compliance. The operation took place in September 2006 covering Albury, Wagga Wagga, Queanbeyan, Yass and Goulburn and their surrounding districts. Investigators conducted unannounced site inspections on specific and randomly selected residential building sites to identify offences. During the operation 271 sites were visited with a total of 573 traders being spoken to. This resulted in a total of 113 penalty notices being issued, including 72 for unlicensed work and 41 for other offences. Total

Each year Fair Trading undertakes marketplace surveys to detect unsafe, non compliant products...

Over 600 visits to residential building sites and interviews with some 1,800 traders resulted in fines for a range of offences.

monetary value of penalty notices issued was \$62,650.

Operation Dumpy

In an operation conducted in October 2006 in the Tweed and Far North Coast region we visited 222 sites with a total of 545 traders being spoken to. This resulted in a total of 73 penalty notices being issued. The investigators detected 27 offences of unlicensed contracting, 37 for unlicensed work, 3 for unsupervised work, 1 for failing to obtain home warranty insurance and 3 owner builders for failing to contract with licensed contractors. Two penalty notices were also issued for failing to display a sign on-site. Total monetary value of penalty notices issued was \$54,000.

Operation Ripsaw

During Operation Ripsaw 146 sites were visited and 356 traders were spoken to in various areas of the North Coast of NSW, including the Tweed, Byron and Ballina Shires. This resulted in a total of 39 penalty notices being issued and three warning letters were issued for unlicensed contracting. Total monetary value of penalty notices issued was \$28,500.

Significant Enforcement Action

The Home Building Service undertook numerous major compliance investigations during 2006-2007, which resulted in some significant fines being imposed by the courts. Some of the successful prosecutions include the following:

Keith Blair

On the far north coast of NSW Keith Blair was undertaking extensive renovations to a family home. Mr Blair collected \$350,000 over a period of 8 months yet left the job unfinished and with no home warranty insurance. **Result:** Blair was convicted in the Murwillumbah Local Court on 18 April 2007 for doing residential building work while unlicensed and for failing to provide home warranty insurance. The court imposed total fines and costs amounting to \$20,617.

Donald Ronald Harper

Donald Ronald Harper of St Clair advertised his services as a concreter while not being licensed to contract to do that work. He contracted with consumers in Doonside and Bidwell in Sydney's west and while he accepted payment, Harper failed to complete the work. **Result:** In June 2007, Mr Harper was convicted of 11 counts of breaching the *Home Building Act* and the *Business Names Act*. Blacktown Local Court imposed total fines and costs of \$94,400.

Esber Toufic Esber

Mr Esber entered into a \$65,000 contract with an Ashfield homeowner to do internal renovations. He misrepresented himself as a licensed contractor by

using a licence number belonging to another builder. **Result:** On 1 June 2007 Mr Esber was convicted on 4 counts of contravening the *Home Building Act* and the court imposed total fines and costs of \$9,567.

George Hadchity

Unlicensed builder George Hadchity undertook major construction works for homeowners in the Hebersham and Minchinbury regions of Sydney's west. Mr Hadchity was charged with multiple offences relating to unlicensed conduct. **Result:** Mr Hadchity was convicted on 22 September 2006 on 9 counts of breaching the *Home Building Act*. The Parramatta Local Court imposed fines and costs on Mr Hadchity totalling \$19,103.

Richard Knebel

In Sydney's west, Richard Knebel demanded payment for residential building work when there was no contract of home warranty insurance in place. **Result:** On 29 September 2006 Knebel was convicted in the Parramatta Local Court on 6 counts of accepting payment for residential building work without home warranty insurance being in place and was ordered to pay fines and costs totalling \$15,368.

Neale Raynor Dennis

On the Central Coast of NSW, Neale Raynor Dennis contracted to do and did residential building work while unlicensed. He also failed to provide a certificate of home warranty insurance and demanded payment when there was no contract of insurance in place. **Result:** He was convicted in the Toronto Local Court on 13 October 2006 in relation to 4 breaches of the *Home Building Act* and was ordered to pay fines and costs totalling \$20,568.

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 license, 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 provider of finance.

Significant Enforcement Action

Purnell Motors Pty Ltd

Purnell Motors Pty Ltd, a licensed dealer in prestige vehicles at Arncliffe, sold hail damaged new and demonstrator motor vehicles that had been repaired

without informing its customers the vehicles had been damaged by hail. Dealers must disclose damage to new and demonstrator vehicles even if they have been repaired. We commenced disciplinary proceedings against Purnell and as a result of the action, required the dealer to pay compensation to 19 customers who had purchased damaged vehicles. The dealer appealed the disciplinary action in the NSW Supreme Court. **Result:** On 29 January 2007 the Supreme Court dismissed the dealer's application and the dealer finally paid compensation totalling \$102,393.

NMP Trading Pty Ltd
NMP Trading Pty Ltd is the holder of a wholesale licence and as such cannot retail cars to the public. Investigations revealed the dealer had sold vehicles to the public and in a number of cases the odometers in the vehicles had been wound back substantially misrepresenting the true history of the vehicle. **Result:** On 23 March 2007 the dealer was convicted and fined in the Parramatta Local Court for trading whilst unlicensed and five counts of odometer interference. The dealer was fined and ordered to pay a total of \$11,400.

DNS Motors Australia Pty Ltd
DNS Motors Australia Pty Ltd operated an auto dismantling business in Cabramatta although they did not hold the appropriate licence. Initially they were issued with a formal warning and when they failed to obtain the licence, an infringement notice for \$5,500 was issued. They elected to have the matter heard by a Court claiming another company was allegedly operating the business. **Result:** On 21 February 2006 the matter was heard in the Liverpool Local Court. The trader was convicted and ordered to pay a total of \$10,938.

Wholesale Licensee Compliance Program
During 2006 we conducted a compliance program targeting holders of motor vehicle wholesale licences. The main concern was some dealers had obtained licences for purposes other than that of a genuine wholesaler, in some cases for their own personal use and to avoid payment of stamp duty for prestige vehicles.

Investigations revealed some wholesalers had not carried on the business of a wholesaler for a considerable time and these were asked to show cause why they should keep the licence. Disciplinary action can be taken if the licensee has not traded for a period of one month or more. In total 40 wholesalers were issued with show cause notices and of these 17 had their licences cancelled.

Unlicensed Motor Vehicle Dealing and Odometer Interference
Through various complaints and information from the Roads and Traffic Authority concerning

registering large numbers of motor vehicles, the following people were taken to court for unlicensed motor dealing and/or odometer interference:

- Milorad Borovic - interfered with the odometers of five motor vehicles - ordered to pay a total of \$20,809 including costs and consumer compensation
- Ibrahim Awali - unlicensed dealer and interfered with five odometer readings - ordered to pay a total of \$17,452 including costs and consumer compensation
- Sami Awali - unlicensed dealer and interfered with an odometer reading - ordered to pay a total of \$17,122 including costs and consumer compensation
- Walled Askarzai - unlicensed dealer and interfered with seven odometer readings - ordered to pay a total of \$61,508.00 including costs and consumer compensation
- Frishta Askarzai - interfered with one odometer reading - ordered to pay a total of \$3,457.00 including costs and consumer compensation

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.

We received 325 complaints about possible breaches of the Act. Following investigation, the majority of matters were found to be repairs legitimately done by the vehicle owner on their own vehicle, or those of family members. As a result of our investigations into other matters 22 people were prosecuted for a total of 32 offences, with \$29,759 being awarded by the Courts in fines and costs.

The offences related to conducting or advertising the business of motor vehicle repairer without a licence and the employment of uncertificated tradespeople. The offences also included the failure to produce records and providing false information in licence and tradesperson's certificate applications.

Nineteen formal disciplinary matters were considered during the year. The majority of matters related to repair work that had been performed below the usual trade standard. In seven matters the licence holder's licence was cancelled and three people relating to these licenses were also disqualified for a period of five years each from being concerned in the direction, management or conduct of a repair business.

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.

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

In two other matters the tradesperson's certificate was cancelled and two holders surrendered their tradesperson's certificates after disciplinary action had commenced. We also issued reprimands in relation to six matters.

Pawnbrokers and Second-hand Dealers Act

The *Pawnbrokers and Second-hand Dealers Act* reduces the trade in stolen goods by providing a licensing regime with appropriate record keeping, which includes passing records on to the NSW police and proof of identity requirements. It provides a mechanism to return stolen property to rightful owners quickly and equitably and requires licensees to post signage about consumers' rights. It also sets out how pawn agreements must be conducted, what information must be provided to pawners and controls the manner in which interest and other charges can be made.

Enforcement action under this Act resulted in issuing 20 penalty notices in 2006-2007.

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 protection where there is a failure to account for trust money.

Significant enforcement action

Randwick City Realty Pty Ltd trading as L J Hooker Randwick and Radoslav Stojanovic

Radoslav Stojanovic, the licensee in charge, through the corporation, obtained a beneficial interest in properties listed with the corporation for sale, without disclosing the intended purchase by himself to the vendor. The properties were purchased by using a stooge purchaser. The properties were renovated and subsequently sold in a short time with considerable profit to him.

Result: The corporation's licence was cancelled and Radoslav Stojanovic was disqualified from holding a licence for a period of ten years. The corporation appealed its cancellation to the Supreme Court and applied for an urgent stay in the Administrative Decisions Tribunal. The appeal to

the Supreme Court was dismissed. The stay in the Administrative Decisions Tribunal lapsed. On 28 February 2007 the corporation's licence was cancelled.

Mahevi Pty Ltd t/a L J Hooker North Ryde, Peter Hinton and Erica Hinton

An investigation was carried out into the alleged failure of L J Hooker North Ryde to disclose to prospective purchasers that a violent crime had been committed in a property listed with the agency. It was considered failure to disclose this fact was misrepresentation and in breach of the Act. **Result:** Disciplinary action was taken by the Commissioner against the three licensees. Mahevi Pty Ltd was fined \$13,200, Peter Hinton was fined \$5,500 and Erica Hinton was fined \$2,200. The appeals by the licensees to the Administrative Decisions Tribunal and to the Appeal Panel of the Tribunal were unsuccessful. The basis of their appeals was that the failure by the selling agent to disclose information about the listed property in this case did not contravene the law applicable to the obligations of a real estate agent under the Act or general fair trading law. These submissions were rejected.

Money Management Pty Ltd and Gregory Money

Mr Money had been pre-drawing commissions and charges from the trust account resulting in a trust account deficiency. **Result:** On 19 December 2006 Mr Money's licence was cancelled and he was permanently disqualified from holding a licence.

Teena Borger and Elders Limited

In July 2005, Fair Trading conducted an inspection of the trust account of the corporation's Griffith branch office known as Elders VP Lorraine Murphy. The inspection revealed: a deficiency in its trust account; failure to bank trust moneys received on 124 occasions; failure to lodge 115 rental bonds with the Rental Bond Service on behalf of their tenants; and Ms Teena Borger, a former employee of the corporation misappropriated funds from the trust account of the branch office. We assisted the NSW Police Service by providing them with a brief of evidence. **Result:** Ms Borger was charged and convicted for larceny under the *Crimes Act*. In March 2007, Ms Borger pleaded guilty to obtaining benefit by deception and was sentenced at the Wagga Court for a 2.5 years non parole gaol term. On 22 January 2007, Elders Limited was issued with a notice to show cause under the Act and were reprimanded.

Mark Manning Davidson and Elders Limited

As the licensee, Mr Davidson was responsible for the supervision of Elders Limited trading as Elders VP Lorraine Murphy in Griffith. This included the care and maintenance of the corporation's trust account.

On 22 January 2007, Mr Davidson was issued with a notice to show cause in respect to his failure to supervise: the banking of trust moneys on 124 occasions to the value of \$434,253.72; end of month reconciliation of the corporation's trust account which held deficiencies from April 2004 to February 2005; the lodgement of 115 rental bonds with the Rental Bond Services on behalf of tenants; and the lodgement of the audit report for the period ending 30/6/03 and 30/6/04. **Result:** Mr Davidson's licence was cancelled and he is disqualified from holding a licence for five years. Mr Davidson applied for a stay which was granted on 13 July 2007, subject to stringent conditions. Mr Davidson is not to act as a licensee in charge or director of a real estate agency, not to be involved in the day to day management of a real estate agency, not to act in any supervisory capacity, not to be a signatory on a trust account, and to advise any new employer of these conditions and to advise Fair Trading of any change of his employment. The matter is listed for hearing on 30 and 31 October 2007.

Trade Measurement Act

The *Trade Measurement Act* protects consumers and businesses when they buy and sell goods by ensuring 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; 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. Fair Trading maintains and verifies the reference standards of measurement for use by certifiers, inspectors and industry.

Trade measurement inspection programs focused on packaged items at supermarkets and other retail outlets; liquor dispensing units and glassware at licensed premises; and petrol, gas and LPG fuel pumps. In all, 11,813 inspections were carried out during 2006-2007 with 41 penalty notices being issued.

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.

Significant enforcement action

T C B Associates Pty Ltd

T C B Associates Pty Ltd trading as Overseas Travel operated a licensed travel agency business at Liverpool. Following complaints about the company, an investigation revealed the person operating the business as a manager had a previous criminal conviction for misappropriation of monies and was therefore not a suitable person to be conducting the business. **Result:** Disciplinary action was taken against the licensee and the Manager. The Manager was disqualified from being involved in the business for a period of seven years and a restriction placed on the licence that the person was not be involved in the business of TCB Associates in any capacity whatsoever. The business closed shortly after the disciplinary action was issued.

Valuers Act

The *Valuers Act* protects people who seek a valuation of property by establishing a registration system for valuers. To be eligible for registration, valuers must satisfy educational and probity standards. The Act also provides for disciplinary action to be taken against valuers. Rules of conduct provide valuers with a guide to the professional and ethical standards expected by their clients.

Significant enforcement action

Sydney Glenn Harrison

Sydney Glenn Harrison, a registered valuer, became bankrupt on 30 August 2006 which made him a disqualified person under the Act. On 2 March 2007 he was issued with a Notice to Show Cause why disciplinary action should not be taken against him. Mr Harrison made written representation and it was determined that Mr Harrison took all reasonable steps to avoid the bankruptcy. **Result:** It was determined on 28 March 2007 no further action would be taken, given that he had taken all reasonable steps to avoid the bankruptcy and it therefore had no effect on Mr Harrison's ability to hold or obtain a Valuer's Registration under the Act.

The first line of defence in the fair trading compliance program is an active state-wide inspection program.

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

Target	2006-2007
• <i>Commerce and Fair Trading objectives provided to all staff</i>	✓
• <i>Fair Trading Executive Meetings held each month</i>	✓
• <i>Senior Officers Forums held quarterly</i>	✓
• <i>Commissioner's Update issued monthly</i>	✓
• <i>Fair Trading business plans link service delivery priorities to budget allocations</i>	✓
• <i>Annual review of Guarantee of Service</i>	✓
• <i>Fair Trading strategic plans (IM&T, People management, Asset Management, Risk and Audit) developed and monitored</i>	✓
• <i>Fair Trading meets recurrent budget, forward estimates targets and capital budget</i>	✓

Organisational initiatives

During the year accommodation fit out modifications and expansion of existing leased premises were undertaken to provide improved operational functionality, better public access and security arrangements with respect to our over the counter customer services and also Tribunal hearing facilities. We operated within our total expenditure budgetary allocation of \$160.2m for 2006-2007 and also net cost of services limits. Strategies were implemented that resulted in improved operational efficiency without any adverse impact on frontline service capability. An Information, Communications & Technology strategic plan was developed for a three-year period from 2007 to 2010. The Plan highlighted priorities for capital investment in the upgrade or replacement of existing service delivery business

applications and the potential introduction of new technology in support of improved delivery of frontline services to consumers and traders. The strategy is aligned with the Commerce Corporate Plan as well as the State Plan priorities of Delivering Better Services and Growing Prosperity. During the year a number of strategies were developed and implemented to ensure the adoption of effective claims processing and debt management policies and practices.

Fair Trading places major importance upon the continued learning and development of our staff. During the year 173 training courses were conducted with over 2700 participants. This represents a significant proportion of our staff improving their business and technical skills, ensuring that we remain a credible, efficient and effective organisation.

Guarantee of service performance

	02-03	03-04	04-05	05-06	06-07	Target
Percentage of services meeting published GOS standards	93%	93%	93%	93%	93%	90%

Publications

Fair Trading online services and publications

Print 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 and from the Government's online shop website. Of the 172 titles, 25 were available in up to 28 languages. The most popular publications accessed from the website were: Car buyers handbook, Tenancy handbook, Strata living and Registering and using your business name.

Many publications were printed, and distributed to customers from our Information Centre, Fair Trading Centres, at community events and through intermediaries such as real estate agents and community organisations. During the year, 18 new and 69 revised print publication titles were produced for distribution. More than 2 million of these items were produced for distribution to consumers and traders across NSW. The process for ordering quantities of these publications, was improved for customers during the year with the introduction of online ordering.

Information resources were also developed to support targeted campaigns and events, for example the anti-graffiti and electrical safety campaigns.

Website content and online publications

In addition to publications and campaign materials, an extensive collection of general as well as more targeted information was available for customers from our website. We continued to develop and maintain more than 1,800 pages of information on the site. The website is now a significant access point for customers to Fair Trading's information and services, with an average of over 216,000 visits to the site each month, a 24% increase from the previous year. The most popular pages were about registering a business name and performing licence checks on home building tradespeople.

During the year we improved online access to information and services for customers in the following ways:

- We commenced an email alert service, allowing customers to subscribe to weekly email alerts to new information on the website. Subscriptions grew from a nil base to 1,480 by the end of the year.
- We trialed an online event registration service for Fair Trading Week and other events. This service will be fully implemented during 2007-2008.
- We commenced publication on the website, of a quarterly report of Fair Trading's enforcement actions.
- From November, we implemented online ordering of printed publications using the Government's online shop system. As a result, an average of 264 orders were placed online each month.
- We revised the copyright policy to allow more free use of information by third parties for educational purposes.
- We revised the website privacy statement to include information about the collection of personal information by third parties on behalf of Fair Trading.

The website is a significant access point for customers 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

234 Sussex Street Sydney NSW 2000

Renting Services

Rental Bonds

Tel: 9377 9000 or 1800 422 021

Fax: 9377 9371

Bradfield Road Lindfield West NSW 2070

Standards Laboratory

Tel: 8467 4400

Fax: 8467 4444

154 Russell Street Bathurst NSW 2795

Registry of Cooperatives & Associations

Tel: 6333 1400 or 1800 502 042

Fax: 6333 1444

227 Elizabeth Street Sydney NSW 2000

Policy and Strategy

Education & Information Services

Home Building Insurance Services

Tel: 9895 0111

Fax: 9895 0222

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

Shop T7, City Link Plaza
Morisset Street
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

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Registry of Co-operatives & Associations

1800 502 042

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