

2004-2005

Fair Trading

serving consumers
and traders in NSW

A Year in Review 2004-2005



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Office of Fair Trading
Parramatta NSW Australia
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Fair Trading Centres

We operate Fair Trading Centres at the 24 locations shown opposite. 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*

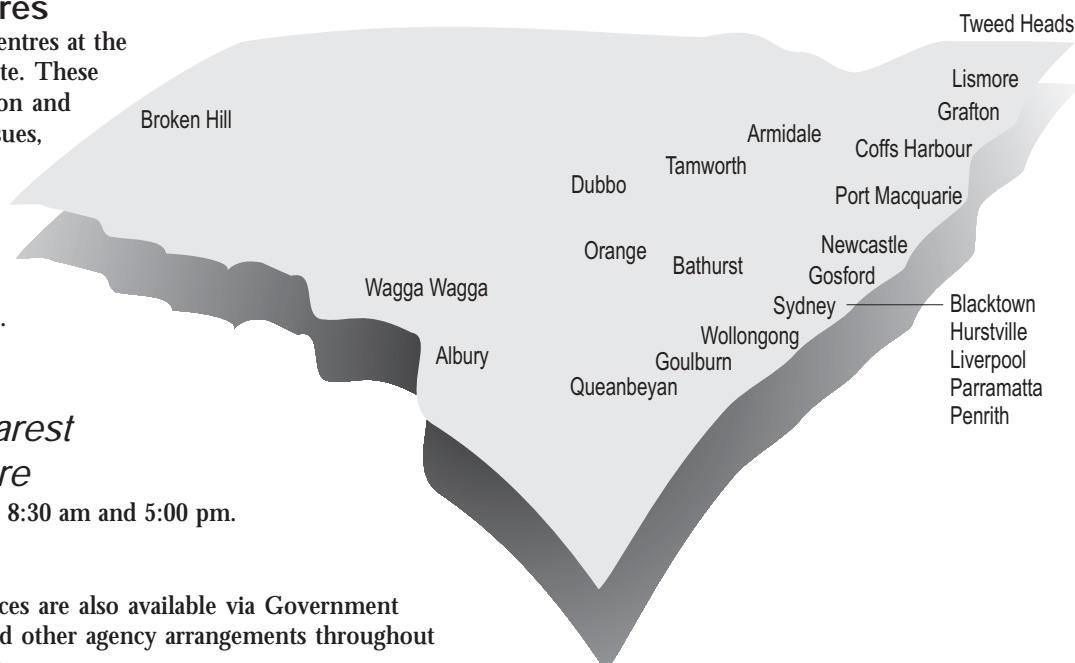
Monday to Friday between 8:30 am and 5:00 pm.

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, Boorowa, Bourke, Brewarrina, Cobar, Condobolin, Cooma, Coonabarabran, Coonamble, Crookwell, Culcairn, Deniliquin, Dorrigo, Dunedoo, Eden, Finley, Forbes, Forster, Gilgandra, Glen Innes, Goulburn, Grenfell, Griffith, Gundagai, Hay, Hillston, Holbrook, Inverell, Ivanhoe (Internet Access Point), Jindabyne, Kyogle, Lake Cargelligo, Leeton, Lockhart, Maclean, Menindee, Merriwa, 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, Tibooburra (Internet Access Point), Tumbarumba, Ulladulla, Walcha, Walgett, Warialda, Warren, Wentworth, West Wyalong, Wilcannia, Woodenbong.





The Office of Fair Trading

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 more than 6.7 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.

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 conduct their business 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 more than 6.7 million people living in NSW.

Fair Trading

At a glance

We receive almost 5 million requests for services each year.

Services

Public customers:	• Almost 5 million requests for services each year
General community:	• 14,450 compliance-related activities ¹ • 44 pieces of legislation - proactive review
Economic impact:	• 496,789 registered business names • 219,706 licensees

Logistics

Phone:	• 1.3 million calls from the general public handled per year
Counter:	• 24 Fair Trading Centres • 249,000 counter enquiries per year
Website:	• 1,568,000 million visitor sessions per year (information and transactions)
Other outputs:	• 1,480,000 REVS checks • 560,500 rental bond transactions
Publications:	• Over 200 free titles - a quarter translated in up to 25 languages
Staff:	• 1029 including the Consumer, Trader & Tenancy Tribunal (independent statutory body serviced by OFT) ²
Budget:	• \$151.7million

¹ Compliance related activities can vary significantly year-to-year depending on the mix between long, complex investigations and shorter, less complex ones which reflects emerging marketplace issues

² Effective Full-time Positions



Executive Summary

Demand for Fair Trading services continues to rise, with almost 5 million requests for service from the public being handled through phone, counter, mail and electronic channels in 2004-2005. On more than 30,000 occasions the public sought help with marketplace disputes and 74% of these were successfully negotiated at an informal level. To keep pace with community demand for a fair marketplace, more than 14,000 compliance related activities were conducted - ranging from inspections and field audits to investigations and prosecutions, while a legislative and policy development program ensured New South Wales' 44 pieces of fair trading legislation remain up-to-date and balance the rights of consumers and traders.

Policy and legislative developments

Ensuring there are fair laws to govern consumer and trader dealings compels us to consult widely and to test each piece of legislation for fairness and relevance to the community. We do this using a net public benefit test where social and economic factors are examined to see if overall community benefits outweigh costs. Once again 100% of our legislative reviews went through this process. The complete range of policy development projects and legislative changes that occurred during the year is set out on later pages. Some of the major developments involved home building licensing, tenants databases and finance brokers.

People using finance brokers to access credit for personal, domestic or household use now have substantial protection under the law. It is now a requirement that a contract stating fees and charges be agreed before broking is undertaken.

Tenants in NSW can be assured that their names cannot be placed on tenant databases or blacklists without their knowledge. Agents must inform tenants of the circumstances under which a listing is made and tenants have the right to contest the listing.

A review of Licensing in the NSW Home Building Industry is now examining the current licensing regime, including entry requirements and licence categories, to assess whether it is suitable and relevant in the modern building industry. A report on the Review is due to be submitted to the Government in 2006.

Community information and assistance

Historically the 1.5 million phone calls received annually by the Office of Fair Trading had been answered at a number of locations - ranging from specialised call centres in the Sydney area to Fair Trading Centres located across NSW. In 2002, a detailed review demonstrated that integrating a number of the call centres into a single contact centre would provide major efficiency and service improvement opportunities. Located in Parramatta and handling 1.1 million calls per annum, the new Fair Trading Information Centre (FTIC) began operating early in 2005. One phone number: 13 32 20 now provides a single, convenient point of contact for general fair trading matters, BLIS (Business Licence Information System), REVS (Register of Encumbered Vehicles) as well as renting & strata issues.

The number of customers accessing Fair Trading information electronically via our website continues to expand. This year the number of visitor sessions increased by 20%. The range of information and services available through the website has also grown. A new online licence check facility for property licenses adds to the existing service available for checking builders licences and provides easier access for people wanting information about licensees they might need to do business with.

The Motor Vehicle Repair Industry Authority (MVRIA) became a part of Fair Trading in March 2005. The move improves face-to-face access to information and service for consumers through the Office's extensive Fair

Located in Parramatta and handling 1.1 million calls per annum, the new Fair Trading Information Centre (FTIC) began operating early in 2005.

Fair Trading hopes that some tough judicial decisions taken by courts during the year will send appropriate messages to people who chose to flout the law.

Trading Centre network. The transfer also enhances consumer protection through further opportunities for joint compliance investigations and a more consistent approach to policy, licence administration and legislative enforcement.

Across NSW we conducted over 900 information programs to the business sector, ethnic communities, seniors, youth, the indigenous community and the general public. We are proud that our life-skills programs are being run in drug and alcohol rehabilitation centres, for long term unemployed groups and at refuges.

Each November, Fair Trading uses Consumer Week to raise community awareness of consumer protection by focusing public attention on topical consumer issues. In 2004, the launch of Consumer Week was accompanied by the release of the findings of an independent report into the reliability of information provided by salespeople selling plasma television monitors – an area where sales had risen 234% over the previous year.

Compliance and enforcement

Fair Trading has an important enforcement role to ensure fairness in the NSW marketplace and to protect consumers from unscrupulous traders. Occupational licences ensure that people operating in certain industries are appropriately qualified and conduct themselves in accordance with NSW's consumer protection legislation.

Across New South Wales real estate agents handle billions of dollars in trust creditor funds annually. In a major operation in late 2004 and early 2005, Fair Trading investigated over 800 instances of agents failing either to lodge their audit certificates or statutory declarations with respect to the 2003-2004 audit year. More than 300 infringement notices totalling in excess of \$300,000 were issued to agents as a prompt to future compliance.

A major home building inspections program was conducted between July and August 2004. Known as Operation Mallet, this operation saw 18 investigators visit 289 building sites - speaking to almost 1,400 builders and contractors. As a result, 76 persons were detected contracting whilst not being the holder of a contractor licence. Infringement notices totalling \$37,500 were issued. Operation Illawarra was carried out in February 2005 and targeted residential building work in the Wollongong area. Approximately 12 investigators visited 350 building sites and

spoke with 612 builders and contractors. 22 persons were found to be contracting work whilst not being appropriately licensed with \$11,000 in penalty notices being issued.

Not all enforcement work involves licensees. A major mail scam was foiled when NSW Fair Trading, with the co-operation of Australia Post, was able to seize in excess of 600,000 letters that were being sent to promote a pyramid scheme.

Fair Trading hopes that some tough judicial decisions taken by courts during the year will send appropriate messages to people who chose to flout the law. Michael Geoffrey Oliver trading as National Police Bulletin was sentenced to 9 months gaol in connection with unlawfully demanding money from businesses for advertising in sham publications. Banned electrical repairer, Bassem Dodar of AAA Complete Electronic Repairs was sentenced to 11 months periodic imprisonment for defying Court orders to cease trading, while a Mr H.D. Macfarlane (former secretary of the Liverpool Ingleburn Co-operative Housing Society) was sentenced to two years gaol in connection with breaches of the *Co-operative Housing & Starr-Bowkett Societies Act 1998*.

Our People

Fair Trading is by all measures a people related organisation. This is attested to by the ever increasing community demand for service and by the professional, dedicated staff who meet this demand to measurable high standards. The enormous task of integrating several call centres into one major new contact centre was undertaken alongside the provision of regular services. The staff involved should feel proud of the result – a state of the art facility which is paving the way towards a range of service improvements and efficiencies. All across the Office, other staff contributed to results that allowed the Office to meet its published service standards to a high degree.

The management and staff of the Office of Fair Trading wish to thank the Director-General of the Department of Commerce, Mr Michael Coutts-Trotter, for his solid support and commitment to fair trading throughout the year.

We thank both former Ministers for Fair Trading: the Hon Reba Meagher MP and the Hon John Hatzistergos MP for their enthusiasm and energy in the role. Equally, we look forward to assisting the new Minister for Fair Trading the Hon Diane Beamer MP as well as continuing to assist the Minister for Commerce, the Hon John Della Bosca MLC.

David O'Connor

Commissioner for Fair Trading

Highlights

Objective 1 – Fair laws governing consumer/trader dealings

- Protection for consumers using finance brokers to access credit for personal, domestic or household use
- Strengthened builder licensing system, increased penalties and a new governance structure for home warranty insurance providers
- Streamlined business name requirements and improved registration process
- Fairer treatment of NSW tenants by improving the control and use of tenant databases, and in strata schemes new rules apply for management, financial matters and dispute resolution
- Hosting the National Consumer Congress in March 2005 to explore issues facing consumers today and in the future

The Future

- Legislative reforms in the following areas: consumer safety, electrical articles and installation, licensing of conveyancers, amendments to property agents legislation

Objective 2 – Community able to access information and consumer help

- Our new call centre was launched - it now handles over 1.1 million consumer and trader calls per annum
- Almost 5 million requests for service by NSW community were received by telephone, counter enquiry or through our website
- The Motor Vehicle Repair Industry Authority joined Fair Trading improving access to information and service
- New on-line licence check facility allows consumers to see if a real estate agent is properly licensed
- The 2004 Consumer Protection Awards attracted record number of entries
- Fair Trading launched two Community Education Vans to enhance access and improve consumer awareness in regions and areas where Fair Trading has no permanent presence

The Future

- The new contact centre has been configured for growth to add new business streams within Fair Trading.
- Regional and Community Access Programs will be a feature of Fair Trading's drive to improve accessibility and consumer awareness. These programs target rural and remote communities as well as metropolitan areas.

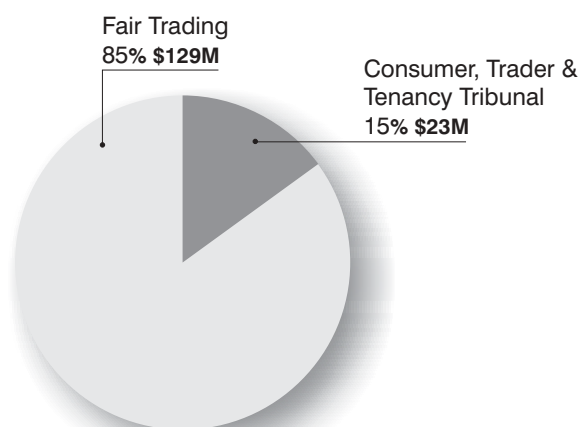
Objective 3 - Compliance with fair trading laws

- Gaol sentences imposed on fair trading offenders in three separate cases
- Major real estate licensee compliance program sees more than 300 infringement notices issued for trust fund audit certificate irregularities
- Major review of home building licensing commenced to examine entry requirements and licence categories
- Two additional insurers were approved to offer home warranty insurance for residential building work
- 76 building contractor licences cancelled for fraudulent qualifications
- Major pyramid scheme foiled when Fair Trading investigators seize 600,000 scam letters being posted to Australian consumers

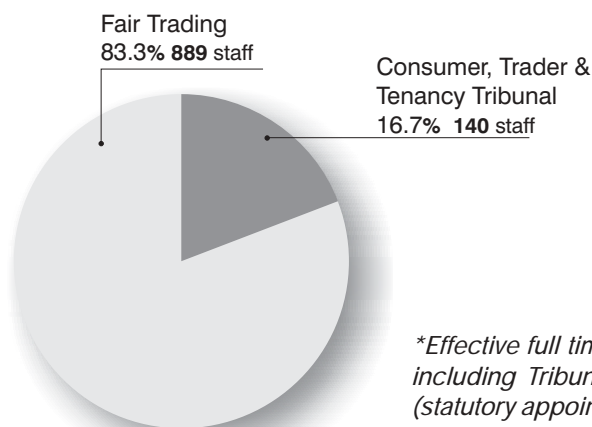
The Future

- MVRIA enhanced consumer protection through joint compliance programs with OFT
- Strengthened licensing policies and procedures for home building, supported by a corruption resistant analysis process

Program Allocation - expenses



Program Allocation - average staff*

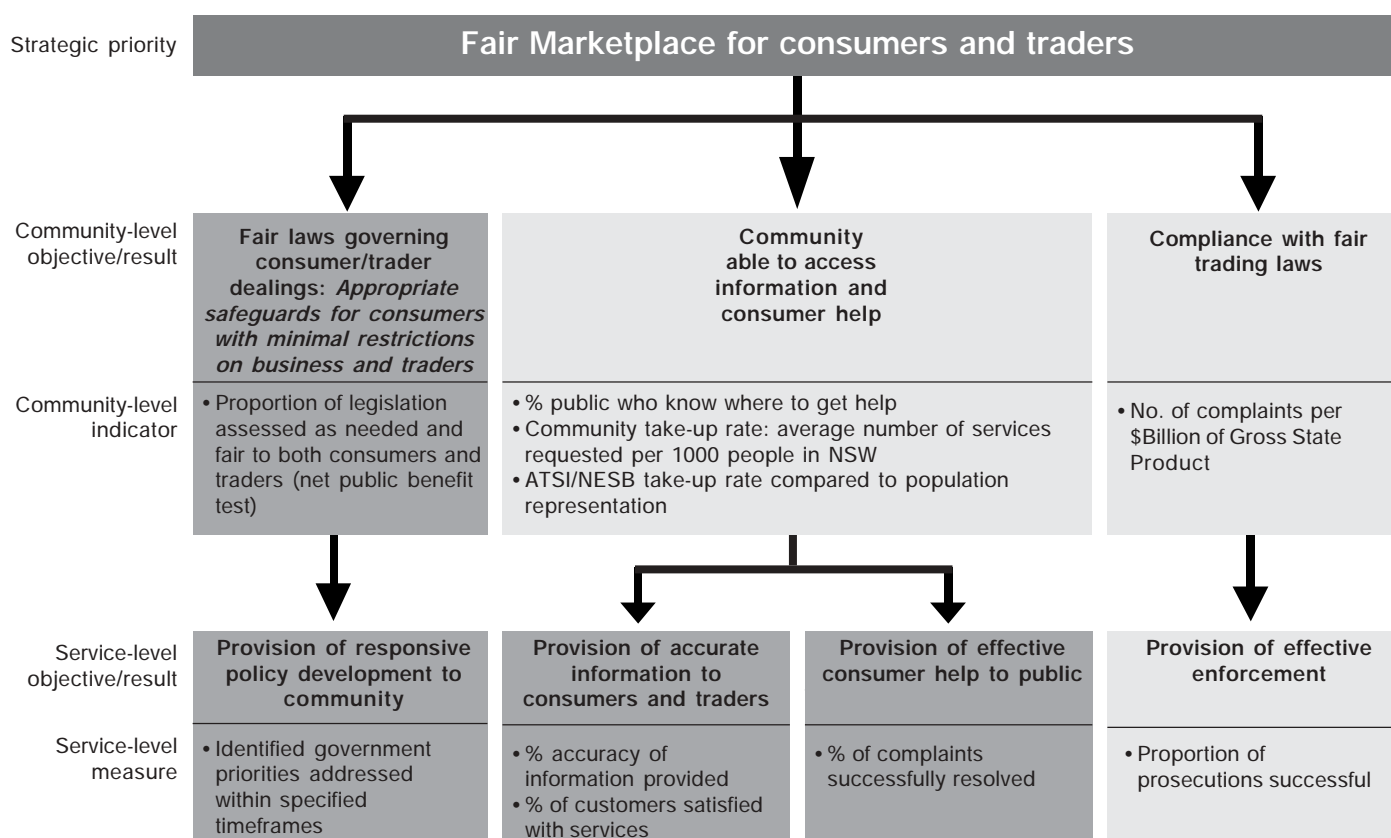


**Effective full time positions including Tribunal Members (statutory appointments) and Ministerial staff.*

Planning Framework

As part of the Department of Commerce, the Office of Fair Trading takes its key objectives from the corporate plan for the Department as a whole. The mission and high-level objectives for the Department are set out on the opposite page. Within this framework, Fair Trading's work contributes to the objective "fair marketplace for consumers and traders."

The wording of some of the objectives has been simplified but they are substantially the same as reported last year. The hierarchy of objectives which govern Fair Trading's operations is set out below, along with key measures for each of them.



There are two main types of objective in the framework:

Objectives which relate to how well the Office is delivering specific services – most of these are much more within the Office's control (though some, like the proportion of prosecutions successful, depend not just on the quality of service but on factors such as court decisions).

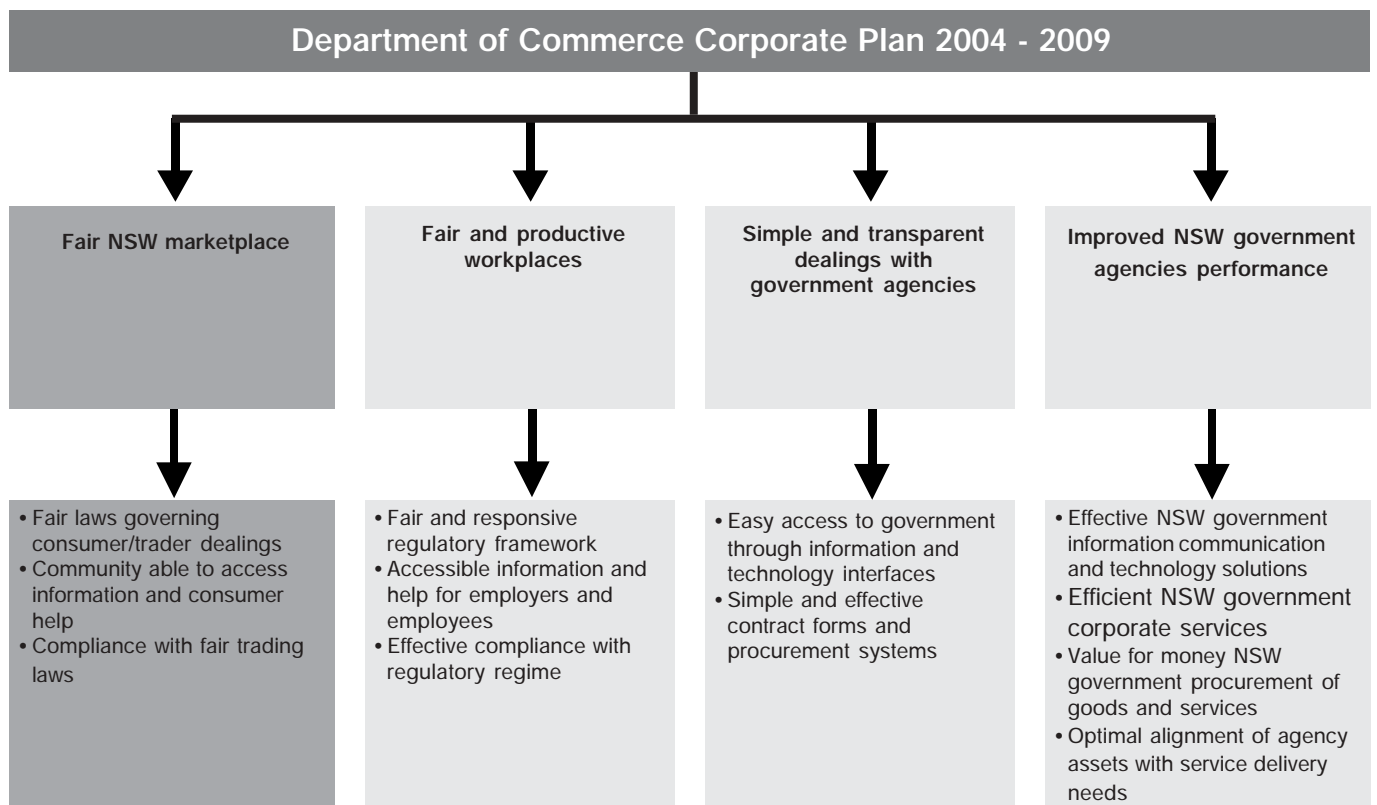
Objectives to which the Office contributes but where it does not directly control the outcome. These are mostly the very high-level community impact objectives – for example "fair marketplace," where the activities of other agencies in NSW and even counterparts in other states or overseas have an impact.



The planning/reporting framework opposite is quite similar in content to the one the Office has been using for several years, though there have been some adjustments made in terms of wording and presentation. Because community outcomes are important, this year's report has again been structured around them, but all the familiar service-level performance measures still appear, though sometimes in slightly different places. Once again, during

the year, the results against these indicators have been used, instead of guided self-assessment, as the basis of targeted business improvement/quality initiatives.

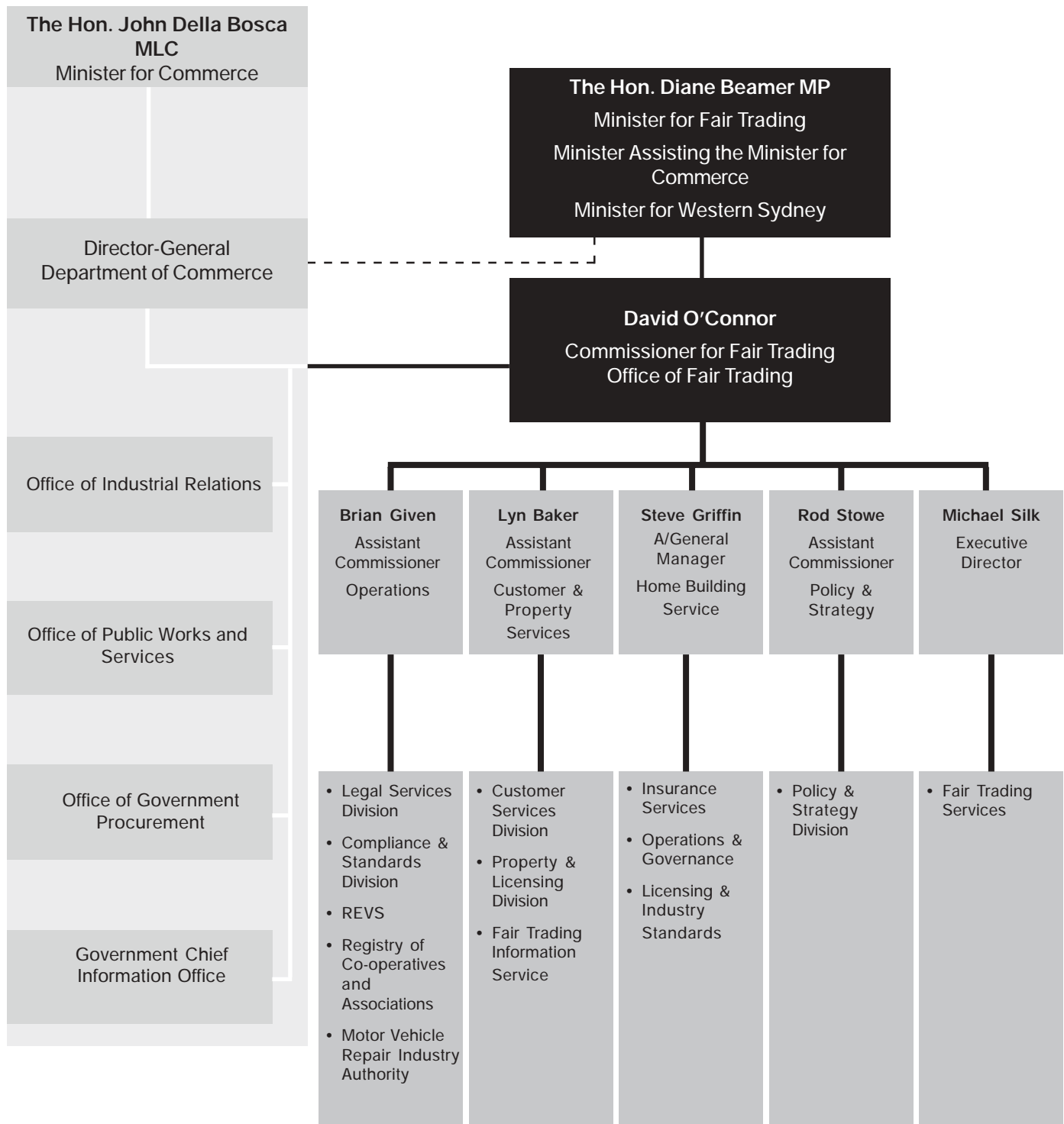
The Office is again publishing some measures related to the community-level objectives. Though the Office does not completely control these objectives it does monitor them closely.



Department of Commerce Mission

We work to support a climate that makes doing business in NSW simple and fair for all concerned; and to achieve best value for the NSW Government through our services and activities

Our Structure



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 1995*
- *Conveyancers Licensing Act 2003 (yet to commence)*
- *Co-operatives Act 1992*
- *Co-operative Housing and Starr-Bowkett Societies Act 1998*
- *Credit Act 1984*
- *Credit (Home Finance Contracts) Act 1984*
- *Electricity (Consumer Safety) Act 2004 (yet to commence)*
- *Electricity Safety Act 1945 Part 4C (remainder; Minister for Energy)*
- *Fair Trading Act 1987*
- *Fitness Services (Pre-paid Fees) Act 2000*
- *Funeral Funds Act 1979*
- *Funeral Funds Amendment Act 2003 (yet to commence)*
- *Gas Supply Act 1996 (Section 83A)*
- *Holiday Parks (Long-term Casual Occupation) Act 2002*
- *Home Building Act 1989*
- *HomeFund Commissioner Act 1993*
- *HomeFund Restructuring Act 1993 (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*
- *Pawnbrokers & 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*
- *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' 44 pieces of fair trading legislation remain up-to-date and balance the rights of consumers and traders.

1 Context: community-level objective one

Fair laws governing consumer/trader dealings

A fair regulatory framework is the first of three high-level, community-impact objectives which contribute to the strategic priority of a fair marketplace for consumers and traders. A framework which provides consumer safeguards without unduly restricting business is essential to achieving a fair marketplace. Fair Trading reviews and develops the regulatory framework in NSW in the areas of consumer goods and services, accommodation and property services, and home building, and co-ordinates community consultation, for consideration in government decision-making.

Agency performance

Provision of responsive policy development to the community

With responsibility for 44 pieces of legislation there is always a substantial program of review and amendment occurring, and during a typical year other policy issues, not always requiring a legislative response, may emerge.

Fair Trading's role in developing the legislative framework is to ensure that statutory/cyclic deadlines for reviewing principal and subordinate legislation are met, and that, in addition, identified government policy priorities are acted on in the timeframe required. The year's most significant policy development issues are shown in the comment/interpretation below.

Service delivery objectives/results

01-02 02-03 03-04 04-05 Target 05-06

Result: *Provision of responsive policy development*
Measure: *Percentage of government priorities addressed within specified timeframe*

100% 100% 100% 100% 100%

Comment/Interpretation

The Government is entitled to expect very high standards of service in meeting policy review deadlines and so the target is set at 100%. Key priorities designated by the Government for

2004-2005 included home building, residential tenancies, consumer credit and funerals. Timeframes for work required in these areas were all met.

Snapshot: service-level statistics	2004-2005
Number of pieces of principal legislation in force	44
Acts amended under Statute Law Revision Program	10
Regulations remade under Subordinate Legislation Review Program	4
Regulations in preparation to be remade under Subordinate Legislation Review Program	3

Highlights 2004-2005:

- fairer treatment of NSW tenants by improving the control and use of tenant databases, and in strata schemes new rules apply for management, financial matters and dispute resolution
- protection for consumers using finance brokers to access credit for personal, domestic or household use
- commencement of a major review of home building licensing requirements
- hosting the National Consumer Congress in March 2005 to explore issues facing consumers today and in the future.

Community level statistics

	01-02	02-03	03-04	04-05	Target 05-06
Result: Fair Regulatory Framework					
% of legislation assessed as needed and fair to both consumers and traders	100%	100%	100%	100%	100%

Comment/Interpretation

It is very hard to devise a method to directly measure the 'fairness' of the legislative framework to all sections of the community. The Office has for some years used an indirect measure to show the proportion of legislation which has undergone a rigorous process to ensure it is necessary, and test community views on its fairness. A net public benefit test is applied, which involves examining both social and economic factors. The table shows the proportion of legislation in force which has undergone this test or a similar process. During 2004-2005, reviews of legislation concerning residential parks, retirement villages, consumer claims, introduction agencies and associations all underwent this process, maintaining this indicator at 100%.

Note: Though legislation obviously has a significant community impact, the results for this indicator are much more in the Office's control than measures for other community indicators which appear at the beginning of the next two chapters, as OFT can ensure that broad community consultation occurs when legislative change is proposed.

Fair Regulatory Framework

A wide range of regulatory issues were dealt with during the year at a state and national level including those related to finance, accommodation, property, home building and telemarketing.

Consumers now have substantial protection when dealing with finance brokers, legally enforceable rules control the listing by real estate agents of tenants on tenant database "blacklists", improved administration rules now apply to large strata schemes, the home building industry has a strengthened builder licensing system. Door-to-door sales people and telemarketers are now restricted in the times at which they can visit or call people.

Significant reviews of fair trading legislation were completed during the year in the retirement village, residential parks and consumer claims areas. We commenced other important reviews of the laws applying to the Consumer, Trader and Tenancy Tribunal, home building licensing and residential tenancies.

New South Wales is a significant participant in Commonwealth/State working parties developing proposals for national regulation on issues such as finance broking, unfair contract terms, property investment advice and consumer product safety.

The results of each of these reviews will have a marked impact on fair trading regulation activity into the future.

Policy development

Retirement villages

Following a review of the *Retirement Villages Act 1999* a report was tabled in the NSW Parliament on 24 March 2005 by the Minister. During the review 322 submissions were received with about 85% coming from village residents and resident interest groups.

The review found that while the policy objectives of the Act remain valid, some refinements of the legislation appear necessary to improve its operation. Specific recommendations were made in relation to issues including disclosure to prospective residents, capital maintenance and replacement, recurrent charges and ongoing charges on termination. Changes to the Act arising from the review are expected in 2006.

Residential Parks Act review

A statutory review of the *Residential Parks Act* was carried out during 2004. The Act sets out the rights and obligations of park residents and park operators. Following extensive consultation with residents, park owners,

community groups and government bodies a number of legislative proposals were recommended and tabled in a report in Parliament on 7 December 2004.

The amendments recommended in the report cover a range of issues including compensation paid to residents when the tenancy agreement has been terminated, termination of tenancies, park liaison committees, sale of homes, disclosure of information to incoming residents, rent and rent increases, and long-term leases.

The Government is presently considering its position on the findings of the review and the matters identified in the report.

Consumer Claims Act review

The *Consumer Claims Act 1998* is one of a number of Acts that confers jurisdiction on the Consumer, Trader and Tenancy Tribunal. It provides consumers with access to certain remedies concerning the supply of goods and services and makes provision for other associated matters.

A statutory 5 year review of the Act has been conducted and a report was tabled in Parliament on 5 April 2005. The review found that although the Act's policy objectives remain valid and the terms of the Act are suitable for securing those objectives, a number of refinements to the Act are being considered.

Amendments to the Act in accordance with the findings of the report are expected to be made in the second half of 2005.

Consumer, Trader and Tenancy Tribunal Act review

The *Consumer, Trader and Tenancy Tribunal Act 2001* establishes a Tribunal to adjudicate certain consumer and commercial disputes and disputes between landlords and tenants. The Tribunal is an independent body offering a dispute resolution service to consumers and traders in NSW and has the power to hear and determine outcomes about a broad range of issues.

The Act is being reviewed to determine whether its policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives. The views of consumers and traders are being sought during the review to identify any scope for reform and improvement.

Review of Licensing in the Home Building Industry

On 2 May 2005 the Minister announced that a review of licensing in the NSW home building industry would be conducted by Irene Moss

A home building industry review is examining the current licensing regime, including entry requirements and licence categories.

and Kevin Rice. The review is examining the current licensing regime, including entry requirements and licence categories, to assess whether it is suitable and relevant in the modern building industry. As part of the review, the opportunity is being given for the public and industry to comment on the issues. As part of this process, a series of consultation meetings were held with industry associations, unions and educational bodies. A report on the Review is due to be submitted to the Government in early 2006.

Residential tenancies law reform

Approval was given to release an Options Paper on Residential Tenancy Law Reform. This incorporates a review of the *Residential Tenancies Act 1987* and the *Landlord and Tenant (Rental Bonds) Act 1977*. Issues canvassed in the options paper include:

- what arrangements the laws should cover
- streamlining the eviction process associated with rental arrears
- the level of security of rented premises
- ways to settle disputes between co-tenants
- possible reforms which may encourage longer-term leases.

Consultation on the Options Paper will be conducted in the second half of 2005.

Fringe credit providers and maximum interest rates

In April 2005 the Government released the *Consumer Credit (New South Wales) Amendment (Maximum Annual Percentage Rate) Bill 2005* for public comment. The Bill seeks to extend the maximum annual percentage rate, inclusive of fees and charges, to all loan products regulated by the Consumer Credit Code, with the exception of certain products by authorised deposit taking institutions.

Currently, the maximum annual percentage rate does not include fees and charges in its calculation for loans greater than 62 days.

The objectives of the proposed legislation are to ensure that fringe lenders comply with maximum interest rate requirements and to protect the most vulnerable consumers from being exploited.

NSW and Victorian telemarketing provisions

On 30 August 2004 laws to regulate the practice of selling goods and services through outbound telephone marketing, known as 'telemarketing', came into operation in New South Wales and Victoria.

Each State amended its Fair Trading Act in accordance with recommendations of a

legislative review report. Although the policy framework underpinning the new laws is based on similar principles, specific statutory requirements differ.

A working party of Victorian and NSW officers had been established to review the options for harmonisation of the laws in order to assist companies operating across borders and provide greater protection for consumers.

This involves the alignment of laws, rules and processes to promote consistency in their application and outcomes, and to remove inconsistent or contradictory requirements. As part of the project, the NSW and Victorian governments developed consistent exemption regulations, which came into effect on 30 August 2004. An Options Paper has been developed to facilitate public consultation.

National unfair contract terms

On 1 August 2003, the Ministerial Council of Consumer Affairs agreed to the development of consistent State and Territory legislation to address unfair terms in consumer contracts, subject to the completion of a Regulatory Impact Statement confirming the need for legislation.

A Discussion Paper, released for public comment on 23 January 2004, considered the nature and incidence of unfair contract terms and current responses to the issue in Australia and overseas and put forward five options for the regulation of unfair contract terms:

Following analysis of the submissions received during the public consultation process, in April 2005 the Ministerial Council supported the drafting of a final Regulatory Impact Statement. One of the options to be included is the adoption of unfair contract terms legislation based on the provisions recently introduced in Victoria. Once approved by the Ministerial Council, the Regulatory Impact Statement will be publicly released.

National finance brokers regulation

New South Wales is chairing a Working Group under the auspices of the Ministerial Council on Consumer Affairs to develop proposals to regulate the finance broking industry on a national basis. The *Consumer Credit Administration (Finance Brokers) Act 2003* is to be used as a working model for the finance broking contract, which forms a central part of the proposals.

A Discussion Paper circulated publicly at the end of 2004 attracted substantial comment, which has provided useful input into the development of a regulatory scheme. Proposals

The objectives of the proposed legislation are to ensure that fringe lenders comply with maximum interest rate requirements.

This should reduce the possibility that consumers will be lured by misleading advertising...

focus on improving the quality of broking transactions as well as placing conditions on entry to the broking market. These would include probity checks, education and training, and membership of an alternative dispute resolution scheme. This should reduce the possibility that consumers will be lured by misleading advertising into transactions with people who do not have their best interests at heart.

At the conclusion of an intensive period of stakeholder consultation, a final Regulatory Impact Statement will be submitted to the Ministerial Council.

Cooling-off provisions for motor dealers

Under the *Motor Dealers Act 1974* there is a 1 day waivable cooling-off period for cars bought using credit provided or facilitated by the dealer in order to address concerns about high pressure selling.

The cooling-off provisions commenced in January 2003 and there was a statutory requirement for them to be reviewed after one year of operation. A range of consumer organisations and industry groups were invited to make submissions, as was the public.

The review found that the provisions were providing consumer benefits and did not appear to be imposing major compliance costs. Accordingly no immediate changes were required. However, the provisions will be subject to further monitoring to ensure that they are effective.

Motor Vehicle Repairs Act review

A statutory review of the *Motor Vehicle Repairs Act* to determine if its terms and objectives are appropriate and achieving the desired results was undertaken and the report of the review was tabled in Parliament at the end of 2004. Major stakeholder groups were consulted regarding the recommendations contained in the report.

In accordance with the major recommendation of the review the Motor Vehicle Repair Industry Authority (MVRIA) was made part of the Office of Fair Trading in March 2005. Implementation of the other recommendations is proceeding.

Ministerial Council on Consumer Affairs

The Ministerial Council on Consumer Affairs (MCCA) comprises Commonwealth, State, Territory and New Zealand Ministers responsible for consumer affairs and fair trading matters. The role of the Council is to

consider consumer affairs and fair trading matters of strategic national significance and, where appropriate, develop a consistent approach within the framework of an agreed Strategic National Consumer Affairs Agenda. MCCA is supported by the Standing Committee of Officials of Consumer Affairs (SCOCA).

MCCA collaborates on, and makes decisions in relation to, the Strategic National Consumer Affairs Agenda. Where appropriate, it implements and monitors the impact of those decisions. MCCA also approves a National Work Plan to further the implementation of the Strategic National Consumer Affairs Agenda.

MCCA acts as the meetings of Ministers responsible for trade measurement, product safety and credit and Ministers responsible for travel industry regulation.

Advisory councils

The function of Advisory Councils is to provide advice to the Minister on fair trading and consumer protection issues, particularly those issues relevant to legislation administered by the Minister. Each is made up of members representing diverse interests and expertise to ensure that policy advice reflects the broader interests of the community and industry alike. The eight Advisory Councils are:

- Fair Trading Advisory Council
 - Home Building Advisory Council
 - Motor Trade Advisory Council
 - Council of the Motor Vehicle Repair Industry Authority
 - Property Services Advisory Council
 - Retirement Villages Advisory Council
 - Co-operatives Council
 - Co-operative Housing & Starr-Bowkett Societies Standards Committee
- Membership details are on page 58.

2005 Consumer Congress

On 15 and 16 March we hosted the 2005 National Consumer Congress to explore issues facing consumers today and in the future. Over 200 consumer protection advocates and practitioners attended the Congress held at the InterContinental Hotel in Sydney.

With the theme *Prevention is better than cure – a vision for consumer empowerment in Australia*, the Congress canvassed views from academics, researchers and futurists, as well as from government, industry and community organisations.

The aim of the Congress was to generate discussion about a new behavioural paradigm for consumers, traders and advocates and to discuss how the consumer protection regime

will need to respond to consumer issues in the future. One of the main issues explored was that in order to prevent adverse consumer outcomes, industry, governments and community groups need to focus more on understanding consumer behaviour.

Transcripts of all presentations delivered at the Congress are available on our website.

Associations incorporation reforms

The *Associations Incorporation Act 1984* is a simple inexpensive mechanism for small non-profit and non-commercial bodies to gain an independent legal identity and limit members' liability in the event of public injury or damage to property. Incorporated associations are generally funded through membership fees, government grants, fundraising activities, and/or donations. There are approximately 35,000 associations incorporated in New South Wales which typically fall into the categories of charities, sport, education, recreation or community service clubs.

Fair Trading has undertaken a review of the Act to assess its continued effectiveness and appropriateness. Following an extensive consultation process a number of legislative proposals were recommended. The proposals are aimed at streamlining the administrative and reporting requirements of incorporated associations to facilitate incorporated associations in managing their own affairs and in meeting their legislative obligations.

Legislative change

Strata schemes reforms

The *Strata Schemes Management Amendment Act 2004* and the *Strata Schemes Management Amendment Regulation 2005* commenced on 7 February 2005.

The reforms arose from an extensive package of amendments to the *Strata Schemes Management Act* was passed by Parliament in March 2004. These were major reforms that covered a wide range of issues including special rules for large strata schemes (over 100 lots), 10-year sinking fund planning, the powers of the executive committees and managing agents, the mediation of disputes, the administration of common property and fire safety inspection issues.

Regulations were introduced which included the documents that developers have to hand over to strata owners corporations, the delegation of functions to licensed strata managing agents, the obtaining of quotations before expenditure by certain owners corporations, exemptions to restrictions on the

commencement of legal action on behalf of owners corporations and transitional provisions.

National Co-operatives legislative scheme

The National Working Party on Consistent Co-operatives Legislation is continuing to develop a template legislative scheme to bring about uniform co-operative laws across Australia.

Key changes are; the development of a template scheme to replace the existing core consistent provisions scheme, the incorporation of the NSW Co-operative Capital Unit (CCU) fundraising provisions into the legislation of all participating jurisdictions and the replacement of the foreign registration scheme with a mutual recognition scheme.

The National Working Party has reached agreement on a draft Pro Forma Bill for mutual recognition and CCU provisions which is being reviewed by the Parliamentary Counsel Committee. Papers have also been prepared on the proposed template scheme. Both the draft Pro Forma Bill and the template scheme papers will go before the Ministerial Council on Consumer Affairs for final approval before each jurisdiction incorporates the CCU and mutual recognition provisions into their legislation and work is commenced on drafting the template legislation.

Tenant databases

Many real estate agents are not willing to rent residential property to anyone who is listed on a tenant database. As a result, many tenants are "blacklisted" - they are excluded from the private rental market and may even face homelessness.

The *Property, Stock and Business Agents Amendment (Tenant Databases) Regulation 2004* commenced on 15 September 2004. The Regulation addresses difficulties that arise for tenants when they find that they are listed, often unwittingly, on a database and responds generally to growing community concern about unfair treatment of NSW tenants in relation to the use of tenant databases.

The Regulation sets legally enforceable rules that target the focus of consumer complaints about tenant databases - lack of knowledge of a listing, the accuracy of the listed information and the duration of the listing. By preventing listings for trivial or subjective reasons, the rules will ensure that tenant databases operate more fairly towards tenants. Overall, tenants in NSW will know of their agent's use of databases and the circumstances under which a listing may occur; be able to contest listings;

By preventing listings for trivial or subjective reasons, the rules will ensure that tenant databases operate more fairly towards tenants.

and be certain about the period of time for which any listing may remain on a database.

Agent failure to observe rules of conduct is an offence and penalties of up to \$4,400 for corporations and \$2,200 for individuals and partnerships apply.

Direct commerce

On 30 August 2004 the direct commerce provisions of the *Fair Trading Act 1987* commenced.

The direct commerce provisions apply to door-to-door selling and telemarketing where the dealer is selling goods or services to a consumer who is an individual; the negotiations leading to the making of the contract take place over the telephone or at a place other than the business or trade premises of the supplier; the total price of the goods or services is more than \$100 or is not ascertainable; and the dealer was not invited by the consumer to visit or telephone them.

Provisions in the legislation include: a cooling-off period, a dealer must not visit or telephone a consumer after 8pm and before 9am and dealers visiting consumers must produce an identity card.

Gas appliances

The *Gas Supply (Gas Appliances) Regulation 2004* commenced on 1 December 2004. The Regulation introduced a prohibition on the sale or supply of uncertified gas appliances which came into effect on 1 March 2005. The Regulation also provides for associated matters such as legislative arrangements for approving appliance certifiers and product bans and recalls.

In practice, this did not significantly change the way in which the gas appliance market operates in New South Wales. The installation of uncertified gas appliances was already prohibited, however, it is now prohibited to sell uncertified appliances - removing the anomaly where an appliance might legally be sold which could not be legally used or installed.

Finance brokers

The *Consumer Credit Administration Amendment (Finance Brokers) Act 2003* regulating finance and mortgage broking transactions commenced on 1 August 2004. As a result of the legislation, consumers using brokers to access credit for personal, domestic or household use have substantial protection under the law.

The central focus of the legislation is a requirement for a finance broking contract to be agreed between the parties before broking is undertaken. This ensures that consumers are aware of the broker's charges and the credit providers that can be accessed. The consumer will also be advised of the range of commissions that the broker could be given. These requirements will allow the consumer to decide if this broking service is appropriate for their needs. The broker is prohibited from charging any fee before suitable credit is secured, as well as from demanding third party fees unless they are authorised to do so by the third party.

The other aspect of the finance broking contract is that consumers can record, in writing, what sort of credit product they are seeking as well as how much they are prepared to pay. This will address situations where brokers access credit which is both an unsuitable product and too costly for them to repay, then demand payment for the service.

If a consumer believes that the broker has acted unjustly or charged an excessive commission they can apply to the Consumer, Trader and Tenancy Tribunal for relief.

Public housing

The Office of Fair Trading cooperated with the Department of Housing in drafting the amendments to the *Residential Tenancies Amendment (Public Housing) Act 2004*.

The Act gives effect to new approaches to managing the problem of anti-social behaviour in public housing. The Department of Housing is responsible for the policy development, consultation and implementation.

The provisions dealing with Acceptable Behaviour Agreements for public tenants commenced on 6 December 2004 so that the Department of Housing could undertake a six month pilot trialling the Agreements in central Newcastle and the Wagga Wagga region.

Consumer Credit Code hardship threshold

Following the Post Implementation Review of the Consumer Credit Code, a recommendation to increase the ceiling for hardship applications under the Code to be more in tune with the average home mortgage, was implemented on 5 November 2004.

To keep pace with current home values, the threshold was tied to an index published every month by the Australian Bureau of Statistics on

This ensures that consumers are aware of the broker's charges and the credit providers that can be accessed.

home mortgages. The specific index to which the ceiling is linked is that for the average loan for the purchase of new dwellings in New South Wales, with an additional loading of 10% to ensure that the average mortgage in Sydney is covered

For convenience of access, the national Credit Code website, www.creditcode.gov.au, lists the current threshold under "What's New".

Electricity consumer safety

The *Electricity (Consumer Safety) Act 2004* requires, encourages and promotes the supply of safe electrical articles and safe practices for electrical wiring work in all situations, whether at home or in commercial, industrial or agricultural environments. This legislation sets minimum safety standards for specified electrical consumer appliances and for work done on electrical installations to protect people from electrical shocks, death by electrocution or fires.

We are responsible for regulating safety issues associated with electrical installations and the safety of electrical consumer articles, including many household appliances that work by being plugged into a power point or are hard-wired, such as fixed lighting and certain cooktops and ranges. Fair Trading or a relevant authority must approve these electrical articles before they are sold to the public.

Under the Act, only persons appropriately authorised under the *Home Building Act*, also administered by Fair Trading, may work on the electrical wiring in a home, or on any other type of installation connected to the electricity network. Occupants and owners of places with electrical installations remain responsible, to the best of their knowledge and ability, for the safety of their electrical installations.

Regulations under the *Electricity (Consumer Safety) Act* are being finalised and both will commence in late 2005, repealing the present *Electricity Safety Act 1945* and regulations.

Conveyancers licensing

The new *Conveyancers Licensing Act 2003* will replace the *Conveyancers Licensing Act 1995* when it comes into effect in the second half of 2005. A new regulation will replace the existing regulation and provide the administrative detail required to support the operation of the new Act. A regulatory impact statement and draft regulation were released for public consultation in August 2004. The proposed regulation will prescribe requirements for trust accounting and controlled money, rules of conduct, licensing fees, penalty notice offences and penalties.

The current qualification requirements for conveyancers are being reviewed as part of implementation of the new Act. In addition, licensing policies, compliance guidelines, industry and consumer advice, systems changes and staff training are being developed to facilitate commencement of the new Act.

Valuers

The *Valuers Act 2003* and *Valuers Regulation 2005* commenced operation on 31 March 2005, replacing the former *Valuers Registration Act 1975* and its regulation. The new Act retains a registration system for valuers, while simplifying registration and disciplinary procedures and introducing a number of changes designed to increase consumer protection and ensure the legislation is up to date in terms of current industry practices.

Under the new Act, valuers are only required to renew their registration with the Office of Fair Trading every three years instead of annually. A range of new disciplinary measures have been introduced that will allow complaints and disputes to be dealt with in a faster and more cost effective way.

Consumer protection has been a priority in developing the new legislation. The Rules of Conduct for conveyancers have been significantly expanded to provide valuers with a guide to the professional and ethical standards expected by their clients. Some of the new Rules relate to:

- the exercise of skill, care and diligence in a valuer's practice
- disclosure of confidential information
- conflicts of interest
- inducements and
- false or misleading advertisements or communications.

Pawnbrokers

On 31 March 2005, Stage 2 of the amendments to the pawnbroking and second-hand dealing legislation came into effect.

The Stage Two amendments contain a wide range of amendments, all of which required changes to the electronic record keeping system. The changes were made in order to ensure that the legislation was meeting its objectives as efficiently and effectively as possible, without imposing costs that were not well outweighed by benefits.

Amendments included requiring a date of birth for individuals and an Australian Business Number for companies when establishing identity, and allowing licensees to accept foreign passports as a form of identification. If

New disciplinary measures will allow complaints and disputes to be dealt with in a faster and more cost effective way.

To prevent other dealers from avoiding their legal obligations, legislation was introduced into the Parliament that closed this loophole in early June 2005.

goods are owned by a corporation, then a signed statement by an executive of the corporation is now required consenting to the transaction. Forfeited goods no longer have to be sold by public auction but must be sold in a manner conducive to achieving the best price reasonably obtainable, this could be either at auction or off the self in the licensee's premises, or by auction elsewhere. Any surplus on the sale of forfeited goods has always been due to the pawner, however if that surplus is \$50 or more, then licensees are now required to notify the pawner by registered mail that the surplus is there to collect. If pawners and licensees agree, they can now enter into an agreement to extend the redemption period - the agreement must contain details about the new terms and conditions and be incorporated in or attached to the original agreement.

A Ministerial working group, established at the beginning of 2004, is continuing to look into the performance of the legislation and examine administrative and legislative ways of improving its operation.

In May 2005 the High Court handed down a decision that created an anomaly in the operation of the *Pawnbrokers and Second-hand dealers Act*. Fair Trading had prosecuted Palgo Holdings trading as Cash Counters Byron Bay and the company was convicted of operating without a licence. The conviction was upheld in the Supreme Court and the Court of Appeal. The company then appealed to the High Court which allowed the appeal. The Court found that based on the terms of the agreement the goods were not pawned but were secured under a chattel mortgage. To prevent other dealers from avoiding their legal obligations under the Act by adopting a similar approach legislation was introduced into the Parliament that closed this loophole in early June 2005.

Home building

The *Home Building Act 1989* was amended in November 2004 to implement the recommendations of the Grellman Inquiry into Home Warranty Insurance. The purpose of the amendments were to:

- strengthen the builder licensing system
- provide for increased penalties for breaches of the legislation
- establish a new governance structure for home warranty insurance providers.

The amendments enable the Commissioner to prevent inappropriate persons from holding licences and provide the power to obtain information about the financial solvency of licensees. The Commissioner is now able to take disciplinary action where there is a risk to the public that a licensee will be unable to meet building contracts or meet specified standards of financial solvency. The Commissioner can also suspend a licence pending disciplinary action. Licensees have the right to have the Commissioner's decisions reviewed by the Administrative Decisions Tribunal.

The maximum penalties for serious breaches of the Act by corporations have increased from \$22,000 to \$110,000 and the penalties for less serious offences have doubled.

The amendments also establish a Home Warranty Insurance Scheme Board to monitor the insurance scheme, enable the Minister to enter into an Industry Deed with insurers and facilitate the exchange of insurance information between insurers and between insurers and the Commissioner.

The amendments relating to licensing, discipline and compliance commenced on 29 April 2005. The remaining amendments are anticipated to commence in the second half of 2005.

Bills assented to

- *Home Building Amendment Act 2004 No 101*

Statute law revision

Under the Statute Law Revision program, a Bill is customarily introduced into 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 2004-2005.

The *Statute Law (Miscellaneous Provisions) Act (No. 2) 2004* amended the:

- *Associations Incorporation Act 1984*
- *Electricity (Consumer Safety) Act 2004*
- *Funeral Funds Act 1979*
- *Home Building Regulation 2004*
- *Pawnbrokers and Second-hand Dealers Act 1996*
- *Residential Parks Act 1998*

The *Statute Law (Miscellaneous Provisions) Act 2005* amended the:

- *Consumer, Trader and Tenancy Tribunal Act 2001*
- *Strata Schemes Management Act 1996*
- *Motor Vehicles Repair Act 1980*
- *Home Building Act 1989*

Subordinate legislation review

On 1 September 2004, the following regulations were remade under the staged repeal program of the *Subordinate Legislation Act 1989*:

- *Home Building Regulation 2004*
- *Landlord and Tenant Regulation 2004*
- *Motor Dealers Regulation 2004*
- *Registration of Interests in Goods Regulation 2004*

The following regulations were in preparation to be remade on 1 September 2005:

- *Co-operatives Regulation 2005*
- *Co-operative Housing and Starr-Bowkett Societies Regulation 2005*
- *Electricity Safety (Electrical Installations) Regulation 2005*
- *Strata Schemes Management Regulation 2005*

2 Context:

community-level objective two

Community able to access information and consumer help

This is the second of three high-level, community impact objectives which contribute to the strategic priority of a fair marketplace for consumers and traders. Once a fair regulatory framework is in place, it is essential for the community – consumers and traders – to be able to access information on their rights and obligations under that framework, and for consumers who are having difficulty acting on their rights to be able to get help.

Agency performance

Provision of: accurate information to consumers and traders; effective consumer help to public

Fair Trading supports this high-level objective through two service-level objectives: provision of accurate information, and effective consumer help. The Office provides information by phone, at 24 Fair Trading Centre counters, online, and through publications, community liaison and outreach services. Help is provided through informal complaint-handling services where individual consumers who believe they have been unfairly treated by a trader can get ready access to assistance, without going through a formal process such as a Tribunal hearing.

Service delivery objectives/results		00-01	01-02	02-03	03-04	04-05	Target 05-06
Result:	<i>Provision of accurate information to public</i>						
Measures:	<ul style="list-style-type: none"> • <i>Percentage accuracy of information provided</i> • <i>Level of customer satisfaction with:</i> <ul style="list-style-type: none"> - <i>overall quality of services</i> - <i>waiting time for a service</i> - <i>staff's knowledge of subject</i> - <i>politeness of service staff</i> - <i>helpfulness of service staff</i> 	93%	99%	87%	99%	83%	≥90%
		89%	95%	94%	89%	87%	≥90%
		75%	80%	78%	76%	74%	≥80%
		90%	91%	91%	88%	86%	≥90%
		94%	97%	94%	95%	94%	≥90%
		91%	96%	94%	91%	90%	≥90%
Result:	<i>Provision of effective consumer help to public</i>						
Measure:	<ul style="list-style-type: none"> • <i>Percentage of complaints successfully resolved</i> 	65%	72%	72%	67%	74%	≥70 %

Comment/Interpretation

We help consumers and traders get a fair go in the marketplace by providing information on their rights under 44 pieces of legislation. Individual consumers can also contact us with a complaint, and we will approach the trader to help the parties reach agreement – offering a

speedy result for the consumer and helping cut government costs by reducing the load on the Consumer, Trader and Tenancy Tribunal. This service is of value only if it achieves agreement in a high proportion of cases, and the table shows resolution rates are quite high, so the service is working.

Snapshot: service-level statistics	
Customer enquiries	3,062,000
Business Name and Licensing transactions	618,000
REVS checks	1,481,000
Rental bond transactions	560,500

We also closely monitor the accuracy of information we provide to customers, as well as customer satisfaction with our service. Accuracy is measured by an annual shadow shopping survey where contractors use question/answer scenarios to rate the responses. The level of accuracy of information provided to the public in 2004-2005 was below the target of 90%. This likely reflects, in part, the diversion of resources associated with major change projects such as implementation of the Office's new multi-channel contact centre. Improvement work to raise accuracy levels to the target will take place during the year.

Satisfaction is measured by having contractors approach a random sample of customers, who are invited to respond to a questionnaire. This year, overall customer satisfaction level was close to the target. However, the difference is not statistically significant given the confidence level implicit in the sample size. Like the level of accuracy, waiting times for service and staff

knowledge of subject matter will have been affected by the settling in of the new contact centre. Similarly, improvement work will be undertaken during the coming year.

Highlights 2004-2005

- The new Fair Trading Information Centre began operating in early 2005 - it is now handling approximately 1.1 million calls per annum.
- MVRIA became part of Fair Trading - the move improves consumers' face-to-face access to information and services as well as industry enforcement
- In Consumer Week we raised public awareness of consumer protection and released findings of an independent report into the reliability of information provided by salespeople selling plasma television monitors.

Community level statistics

	01-02	02-03	03-04	04-05	Target05-06
Outcome: <i>Community able to access information and consumer help</i>					
Indicators: <i>Percentage of public who know where to go to get help</i>	58%	68%	73%	73%	65-70%
• <i>Community take-up rate: average number of services requested per 1,000 people in NSW</i>	400	502	509	557	Estimate: 580
• <i>ATSI/NESB take-up rate matches (M) or exceeds (E) population representation *</i>	E	E	E	E	Target ≥ M

*Measured by Community Profile Survey.

Comment/Interpretation

At the community objective level, we monitor several items which are important but not entirely in our control. It is not necessary – or possible – for every member of the community to know all their rights and obligations in every area, but it is important for people to know where to go for information when they need it, and for all customers, including Aboriginal and Torres Strait Islander customers, and customers from non-English-speaking backgrounds, to find the services easy to access, with no systemic barriers in the way. Fair Trading seeks to service existing demand not create “market

share”. The high community take-up rate indicates strong ongoing demand for our services. More services are becoming available through our electronic channels, and the increase in average number of services per 1000 persons this year reflects greater use of those channels. The proportion of ATSI and NESB people contacting Fair Trading exceeds their representation in the population, indicating these customers need the services and do not experience barriers to using them. The increase in community knowledge of where to find the Office of Fair Trading (since it was created from Consumer Affairs and other agencies in 1996) indicates that our information campaigns are working.

*The Fair Trading
Information Centre
now handles
approximately
1.1 million calls
per annum*

Provision of accurate information to the public

This year the new Fair Trading Information Centre (FTIC) commenced functioning as an integrated contact centre providing a single, convenient point of contact for customers.

The number of customers accessing Fair Trading information electronically via our Website continues to expand. This year the number of visitor sessions increased by more than 20%. The range of information and services available via our website continues to grow. Introduction of the new online licence check facility for property licenses builds on our aim to provide easier access for people wanting information about the individuals and companies we licence.

Regional Access Programs continued to feature as a means of providing intensive information and compliance activities to rural communities where Fair Trading has no permanent presence. This year a number of these programs were held in conjunction with the Office of Industrial Relations so that both marketplace and workplace issues were addressed.

Consumer Week is an annual event where we raise the awareness of consumer protection on topical consumer issues across the State through the media and by our staff reaching out to thousands of people at open days, seminars and street promotions at shopping centres and metropolitan railway stations.

As part of our Ethnic Education and Community Awareness Strategy, and in response to the identification of tenancy as a major issue for ethnic communities, we are developing a specific Ethnic Tenancy Plan. We aim to raise awareness amongst ethnic communities about the rights and obligations of tenants, agents and landlords and also the role and function of the Office of Fair Trading.

Consumer and Trader enquiries

New call centre

Historically, calls received by Fair Trading have been answered at a number of different locations throughout Fair Trading including Fair Trading Centres, the Penrith Call Centre, the REVS Call Centre and the Renting and Strata Call Centre in Sussex Street. In 2002, a detailed review of Fair Trading's service provision was conducted and it was identified that major efficiencies and service improvements could be gained by amalgamating the call centres operated by Fair Trading into a single integrated contact centre.

The concept of the Fair Trading Information Centre (FTIC) is that all inquiries will be directed to an appropriately trained information officer with the aim of having the matter settled at first contact.

The Fair Trading Information Centre now handles approximately 1.1 million calls per annum, establishes a single, convenient point of contact for our customers that will:

- allow customers to access all phone services from a single convenient point;
- achieve efficiencies through economies of scale and scope
- achieve better alignment with NSW Government direction generally on integrated services.

One phone number: 13 32 20 now provides a single convenient point of contact for:

- general fair trading matters
- BLIS – Business Licence Information System
- REVS – Register of Encumbered Vehicles
- renting & strata issues.

The FTIC has been configured for growth within Fair Trading having the capacity to add new business streams. It will also be possible to incorporate telephone services from other areas of Commerce should this be deemed cost effective in the future.

Licensing & Registration

The Online Licensing Renewal Service provides 24 hour, 7 days per week access to online lodgement of business name renewals and changes of particulars. Motor Dealers, Travel Agents and Pawnbrokers/Second-hand Dealers licence holders are also able to renew their licenses and update their contact details online. The online service is an easy and convenient way to renew a business name or business licence or to update details. It provides real time confirmation and allows users to lodge more than one renewal per session as well as making one payment for multiple renewals. Users can lodge their renewal up to eight weeks prior to the expiry date and use the convenient credit card payment option. Renewing licenses online provides savings to the user, attracting a discount of 10% of the processing fee or \$5 whichever is the greater. In the last financial year 32% of all business names renewals and 4.3% of all business licence renewals were lodged online.

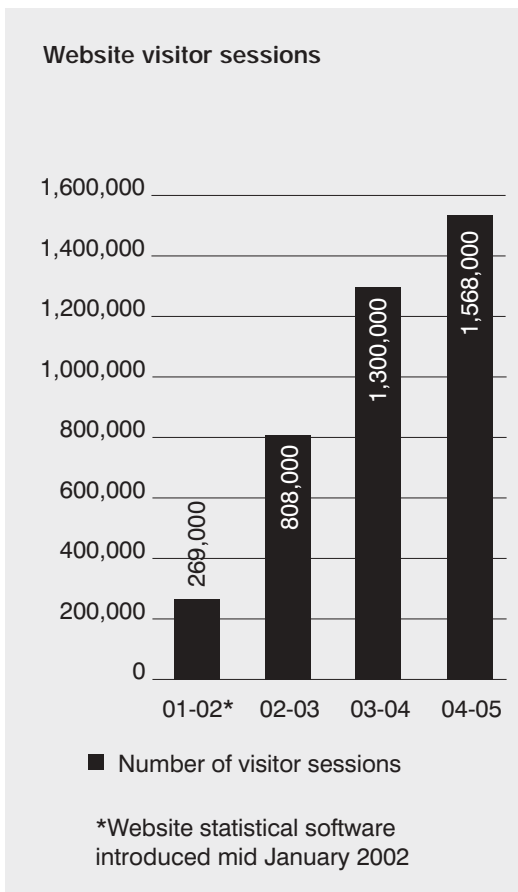
The Online Licensing Renewal Service (OLRS) is a precursor to the broader Government Licensing Project (GLP) being coordinated by the NSW Office of Information & Communications Technology. Fair Trading will progressively migrate all of its separate

licensing systems to the centralised Government Licensing System. Phase 2 of the GLP involves the replacement of the Business Licensing Information System (BLIS). It provides potential and existing business owners within and outside NSW access to a comprehensive range of licensing and associated general business information.

Online licence check for property services
All real estate agents, stock and station agents, business agents, strata managing agents and on-site residential property managers should hold an appropriate licence.

The real estate licence check facility allows a person to do licence or certificate of registration checks online. The online check facility provides details such as name and business address, licence or certificate category, licence or certificate number, date of issue and expiry, and disciplinary action taken against the licence or certificate holder.

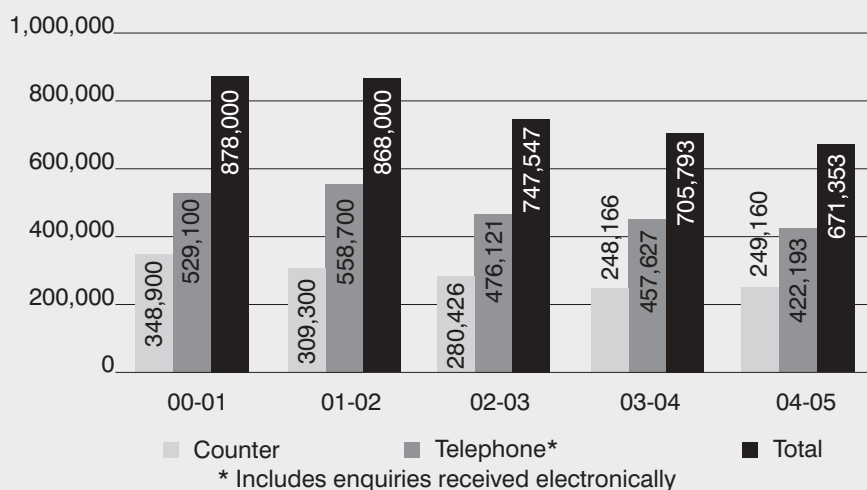
A check should be undertaken before dealing with an agent, on-site residential property manager, salesperson or registered manager.



The online service is an easy and convenient way to renew a business name or business licence or to update details.

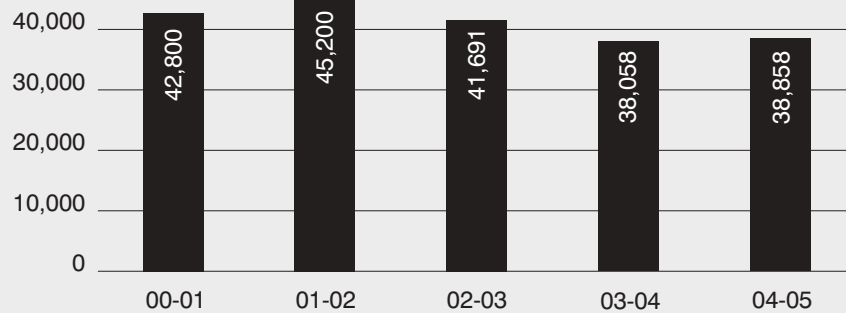
The increase in website visitor sessions reflects a growing community take-up rate of our expanding electronic information services. These services are supplementing and extending the traditional services provided - not only in the area of general fair trading information - but in accommodation, property 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 more than 670,000 general fair trading enquiries received in 2004-2005 demonstrate that demand through these traditional channels remains extremely high.

Strata scheme phone enquiries



Fair Trading's strata information telephone service remains popular with customers. Besides this traditional service channel, extensive strata information is available on the OFT website which, as the graph on the previous page shows, is experiencing a strong growth period.

Home Building Service Enquiry Line

The Home Building Service Enquiry Line was established in March 2004 to assist consumers, licence applicants and licence holders with queries relating to the Home Building Service's licensing role. The enquiry line operates from 8.30am to 5.30pm Monday to Friday to receive calls asking about licence applications, requirements for applying for a licence and licence checks. With the introduction of the continuing professional development program, the enquiry line also receives enquiries on compliance requirements for the program.

During 2005 there has been a significant increase in the number of calls received, with the average number of calls taken each week being approximately 2,500. Contributing factors to this increase include the introduction of the continuing professional development program, enquiries from tradespeople who have completed TAFE training programs wanting to apply for licences and applicants for licences seeking advice and assistance regarding the processing of licence applications.

Home warranty insurance hotline

A dedicated home warranty insurance hotline has taken 7,397 calls from consumers, traders and insurers during the year. The vast majority of calls are from consumers and traders regarding how to obtain home warranty insurance or to lodge a claim; the criteria to be satisfied for obtaining insurance and enquiries concerning the general operation of the home warranty insurance scheme.

Motor vehicle repairs enquiries

The Motor Vehicle Repair Industry Authority (MVRIA) became a part of Fair Trading in March 2005. The move to Fair Trading improves face-to-face access to information and service for consumers through the Office's extensive Fair Trading Centre network. The transfer also enhances consumer protection through further opportunities for joint compliance investigations and a more consistent approach to policy, licence administration and legislative enforcement. A major aspect of MVRIA's work is the provision of a technical advisory service in regards to concerns about the cost or quality of repairs to motor vehicles. Approximately 15,000 enquiries were answered during the year.

Information Campaigns & initiatives

Consumer Week

Each November during Consumer Week we raise the awareness of consumer protection by focusing public attention on topical consumer issues and engaging the community through a mix of promotional, educational and media events.

The theme for Consumer Week 2004 was Home Truths about Consumer Rights. It differed from previous years in that it provided a wide-ranging theme in which multiple messages could be employed to raise consumer awareness. This proved to be successful in the regional centres of NSW where emphasis was placed on local issues which supported the theme.

The launch of Consumer Week was accompanied by the release of the findings of an independent report into the reliability of the information provided by salespeople retailing plasma television monitors.

MVRIA's move to Fair Trading improves face-to-face access to information and service for consumers through the Office's extensive Fair Trading Centre network.

We commissioned the survey because of the surge in the number of Australians buying new televisions, especially plasma TVs, with sales in 2004 up 234% over the previous year. Because of the pace of technological change and the array of choice in the marketplace, we wanted to find out if consumers were receiving enough information to make informed decisions about their purchases. We were assisted in the survey by the Australian Consumers Association.

The Plasma TV survey revealed two clear imperatives. Firstly, consumers need to be better informed about the issues and requirements surrounding the purchase of plasma televisions. Secondly, retailers need to lift their game in what information they provide to their customers.

The release of the report at the launch of Consumer Week generated media attention in both the Sydney metropolitan area and in regional NSW. The issue was topical and relevant for consumers, and showed that we are an organisation willing to address emerging issues before they become potential complaints.

Fair Trading Centres across the State held open days during Consumer Week providing consumers and businesses with the opportunity to view information and meet local staff. Information was distributed at shopping centres throughout the State and at railway stations in metropolitan Sydney. A variety of other information sessions including: *Savvy Seniors*, *Scam Smart*, *Revved up* and *Your rights and protection when buying* were organised throughout the State.

The Consumer Rights and Product Safety Family Fun Day held in Dubbo was launched by the Commissioner for Fair Trading and an Aboriginal Elder. It targeted the Indigenous community of Dubbo and surrounding areas attracting over 300 visitors.

Consumer Protection Awards

The presentation of the NSW Consumer Protection Awards was held in November 2004 at Parliament House during Consumer Week. The Awards Program provides an opportunity to publicly recognise the valuable contribution made by individuals, community organisations, business and industry associations and the media in advancing consumer protection within the community, particularly among vulnerable consumers.

In 2004, we received a record 129 nominations and 13 Awards were presented across seven categories, honouring the commitment of some exceptional individuals and organisations. In addition, our popular Consumer Youth

Award category attracted a record number of entries, with eight Awards being presented to groups of high school students from around the State.

Money Stuff

In the last few years research in Australia into consumer and financial literacy has shown the need to build financial literacy skills for young people to avoid future generations becoming burdened by excessive debt and other financial problems.

In response to this research, we have enhanced our existing education resource, *Money Stuff* by creating a new challenge called Starting Work. We worked with the Office of Industrial Relations to achieve this result, providing young people with information on getting a job, understanding industrial awards and understanding the calculation of pay.

We also updated the design and navigational aspects of the *Money Stuff* website to ensure that the resource keeps pace with current approaches to learning design.

Think Smart – Ethnic education

Since 2002, we have been working with an increasing number of ethnic community partners to raise and improve awareness of consumer issues amongst non-English speaking members of our community. The *Think Smart* program is our long-term commitment to ethnic communities to deliver community-focussed education and information, conduct community leaders and media conferences, provide translated publications and improve access to our services.

Two consumer issues workshops were held with our community partners, representatives from Migrant Resource Centres and ethno-specific organisations. The aim of the workshops was for our partners to assist us to identify key consumer issues affecting ethnic communities, prioritise by market segment and target groups and develop key messages and educational strategies. The outcomes were presented to the Minister for Fair Trading at the Ethnic Media and Community Leaders Conference. The Minister responded by supporting the development of a comprehensive Ethnic Education and Community Awareness Strategy to be implemented in 2005-2006.

As part of this Strategy, and in response to the identification of tenancy as a major issue for ethnic communities, we are developing a specific Ethnic Tenancy Plan for implementation in 2005-2006. The Plan aims to raise awareness amongst ethnic communities

...we have enhanced our existing education resource, Money Stuff by creating a new challenge called Starting Work.

about the rights and obligations of tenants, agents and landlords and also the role and function of the Office of Fair Trading.

We have increased our range of translated publications to cover 25 languages, available electronically on our website. Our dedicated ethnic website continues to provide key consumer information on a range of topics in Arabic, Chinese, Greek, Italian, Spanish, Vietnamese and Macedonian. As part of our ethnic education program we have developed a DVD on general fair trading information in Chinese, Arabic, Vietnamese and English. We also participate in radio interviews and cultural festivals.

Seniors education

In 2005, we developed a strategy to promote the availability of our popular publication for seniors, the *Seniors guide*, together with reminders for seniors that the Office of Fair Trading is the agency to contact for consumer information and assistance. The strategy was implemented to coincide with Seniors Week where various Scam Smart presentations were delivered at retirement villages, nursing homes, and seniors groups.

We produced and distributed 40,000 copies of a *Seniors Pack* comprising an envelope with an order form for the *Seniors guide*, together with a *Fair Trading for Seniors* fridge magnet and a handy *Tips for seniors* notice designed to alert seniors to the fraudulent tactics of itinerant workers and door-to-door/telemarketers. The packs were distributed by letter box, and at the Royal Easter Show and other events held during Seniors Week.

Direct commerce

New direct commerce legislation commenced in August 2004, providing increased protection for consumers in the area of door-to-door and telemarketing sales. Using a range of promotional and advertising strategies, we conducted a major campaign to help inform the general community about the changes. A particular focus was placed on older consumers, ethnic communities and residents in public housing areas who are vulnerable to high-pressure sales practices. The campaign covered a three week period during September 2004 and included the placement of illustrative display advertisements in two Sydney metropolitan, 15 suburban and 10 regional newspapers together with 30 second live radio promotions on Sydney radio. Advertisements were also placed in 16 ethnic community newspapers and the radio promotion played on nine ethnic community radio stations.

In addition, 100,000 copies of a consumer brochure advising of the changes and two

stickers with the words *Before you buy, know your rights* were distributed to households in a number of Sydney suburbs identified as having a high percentage of residents in public housing or older Australians.

Tenant databases

We implemented a print and web advertising campaign in September 2004 to promote the introduction of new tenancy database rules. The campaign covered the Sydney metropolitan area, using major regional and ethnic media as well as appropriate web sites targeting tenants looking on-line for rental properties.

The campaign commenced on 15 September 2004 and ran for a period of 4 weeks. In addition to promoting the key aspects of the regulation, we also promoted the availability of two new publications detailing the rights and responsibilities under the regulation of consumers and industry.

Finance brokers

When families contact a finance broker, they put their trust in the broker's knowledge to secure a competitive loan, sometimes worth hundreds of thousands of dollars.

In August 2004, new legislation was introduced to provide greater protection to consumers against unfair practices by finance brokers. The law also ensures consumers receive relevant information to allow them to make a fully-informed decision, prior to entering into a contract with a broker.

We produced two new publications, *Using a broker to obtain credit* for consumers and *Regulation of finance broking in NSW* for industry, to explain the requirements of the new legislation. An advertising program was conducted to generate community awareness of the new legislation and the availability of the publications. Advertisements, placed in metropolitan, regional and targeted ethnic press, were positioned where readers were most likely to look to borrow money, buy a house, or buy a car.

Revved up

Revved Up is a presentation targeting at Year 11 and 12 high school students to help them become aware of their rights and responsibilities, as well as pitfalls and requirements associated with buying a car. The program gives an overview of basic consumer rights associated with buying a car privately, from licensed dealers, or at auction. Emphasis is on contractual obligation, warranty entitlements and REVS checks etc. The information sessions cover issues consumers should be aware of and reminds buyers to carefully inspect a vehicle to ensure it is road worthy and mechanically sound.

In August 2004, new legislation was introduced to provide greater protection to consumers against unfair practices by finance brokers.

The presentation also covers shopping for finance to purchase vehicles, protection provided by the Consumer Credit Code, and rights, responsibilities and legal options if encountering financial hardship. Several Revved up Information Seminars have been delivered to schools, long term unemployed and participants of life-skills programs.

Home Building

Consumer and trader home shows

During 2004-2005, we operated a stand at a number of home and building trade shows in Sydney and regional New South Wales. These included the:

- Newcastle Home Show, 23-25 July 2004
- Sydney Spring Home Show, 2-5 September 2004
- Wollongong Home Show, 29-30 April 2005
- Sydney Home Show, 12-16 May 2005
- Alstonville Ideal House and Home Expo 4-5 June 2005

We distributed information on the Government's home building reforms to a large number of consumers and members of the home building industry. This included the role of the Home Building Service in resolving disputes between consumers and tradespeople and in taking disciplinary action against builders and contractors. The online licence check facility was available to the public at home shows to check contractor licences.

CPD road shows

During the second half of 2004, we held seminars in 17 regional and 9 metropolitan centres to provide builders with more information on home building reforms - particularly in relation to the commencement of the continuing professional development program. Close to 800 builders and tradespeople attended to find out about reforms to the program which make it easier for industry participants to comply with the program including the recognition of a licence holder's previous good record.

Home building website

The Fair Trading web site has a dedicated home building section within which consumers, builders and tradespeople can access information regarding the NSW home building industry. This information is also continually reviewed and updated to ensure accuracy of information. The Home Building Service home page received 238,777 visits during the year - nearly 19,900 per month. There were 77,870 visits to the homeowners section and 90,804 visits to the builders and tradespeople section.

The online licence check is a tool for consumers and homeowners to check that their

contractor is licensed for the work to be done on their home. The online licence check is increasing in popularity with the NSW community, with 108,566 visits to this section. Of these visits, 89,358 online licence checks were completed during the period. This is approximately a 300% increase on numbers for the previous year.

Fibro & Asbestos - A Renovator and Homeowner's Guide

During the year Workcover produced the brochure *Fibro & Asbestos - A Renovator and Homeowner's Guide* as part of the Government's campaign to improve awareness of the issues surrounding the risks of asbestos in the home. The Home Building Service facilitated the distribution of the brochure through Fair Trading Centres and to owner builders, and it has also been distributed to local councils.

The brochure is also provided to applicants for owner-builder permits and consumers making general enquiries. It contains a safety checklist, guidance on the safe removal and disposal of fibro and general tips on handling damaged fibro. Also, it contains a list of contacts and useful websites for more information.

Aboriginal Action Plan

Our Aboriginal Customer Service Officers continue to promote our services to Aboriginal communities and organisations through presentations and seminars focusing on tenancy, consumer rights, credit and purchasing a car. Many initiatives include the establishment of partnerships with other agencies like the Department of Housing, Anti-Discrimination Board and Tenancy Advice & Advocacy providers to provide tenancy information sessions and deliver multi-agency initiatives targeting the needs of Aboriginal communities.

Our network of Aboriginal Customer Service Officers continues to conduct regular visits to Aboriginal communities, land councils, support centres and related indigenous contact points throughout NSW. We delivered various presentations to aboriginal high school students throughout 2004-2005.

Our officers contribute to Reconciliation Week promotions, National Aboriginal and Islander Day of Celebration and the Do It Right program in conjunction with the Office of Industrial Relations.

In addition we focus on activities relevant to Aboriginal communities during Law Week, Consumer Week, Seniors Week and Youth Week. Some very successful events include: an Open Day for Aboriginal & Torres Strait Islander Communities, the National

The online licence check is increasing in popularity with the NSW community.

...ensuring rural producers receive a fair price for their goods.

Aboriginal and Islander Day of Celebration, an Aboriginal Breakfast for Indigenous Business Owners (in partnership with the Office of Industrial Relations and the Australian Tax Office), a Koori Rugby League Knockout Carnival during October and Fair Trading Bingo during Seniors Week.

Muda Aboriginal Corporation is an Indigenous Radio Station in Bourke which is received in remote communities in the West. To ensure that the Fair Trading message reaches these communities we continue to support the Radio Station and supply Fair Trading information on a programmed basis.

Traveller Consumer Help Line

The Traveller Consumer Helpline, established for the 2000 Sydney Olympics, has continued to provide a service from that time. It is a telephone service for tourists experiencing consumer-related difficulties. The Helpline provides tourists with a rapid response to requests for help on consumer problems and access to information about consumer rights and government regulations.

The Helpline was also used to assist Australians with issues arising from events in Bali following the terrorist attack and SARS.

Apart from the day to day tourist issues the Helpline assisted with information to travellers following the devastating tsunami in South East Asia.

The Helpline took some 50 calls with respect to the tsunami with most callers seeking general consumer rights information for refunds and cancellations in these circumstances or assistance on travel advice and future travel to the devastated areas.

Information programs

Information programs are delivered as part of the Regional Access Program and the Aboriginal Access Program. Events target the business sector, ethnic communities, seniors, youth, the indigenous community and the general community.

Fair Trading conducted over 900 Information programs throughout 2004-2005 including:

- REVVED Up
- shopping centre displays
- incorporated association seminars
- product safety seminars
- Our Services sessions – held at Probus clubs, Lions clubs, carer groups within retirement villages & nursing homes
- Good Business Matters seminars
- seniors information sessions conducted on consumer rights and scams
- Seniors Week activities

- distribution of targeted information to seniors-relevant publications
- youth focussed information sessions about consumer rights, *Revved up* and *Money Stuff*
- information stands and brochures at various functions throughout Youth Week
- participation at university and TAFE orientation and career days, providing information to students about tenancy, credit and mobile phones
- participation in NESB information days and in specific programs such as Starting a Small Business for newly arrived migrants
- presentations for small business, New Enterprise Incentive Scheme (NEIS) talks and Good Business Matters seminars
- information sessions for agents and landlords
- licensing presentations to TAFE students
- participation in the Building and Construction Forum
- participation in annual home shows
- regular fair trading information sessions for participants of Life-skills programs being run by drug & alcohol rehabilitation centres, as well as for long-term unemployed groups and refugees.

New weighbridge test unit

Recognising the vital part trade measurement plays in ensuring consumer confidence we upgraded the weighbridge test unit. The new testing unit which comprises of a prime mover, semitrailer, 20 one-tonne weights, forklift and a driver was launched by the Minister in Armidale on 21 April 2005.

The unit's yearly testing program tests rural weighbridges just prior to seasonal harvest ensuring rural producers receive a fair price for their goods. The program includes the testing of weighbridges for:

- the cotton industry
- grain silos including wheat and sorghum
- wool producers
- minerals including coal and iron ore
- rail weighbridges.

The unit is also used to assist the transport industry through testing the RTA weighbridges to ensure that road transport vehicles are not overloaded thus endangering road users.

New mobile education units

Two new mobile community education vans, to take Fair Trading information direct to consumers, have entered service this year.

The education vans have already visited shoppers in the New England towns of Tamworth and Armidale and Southern Region's van has been seen regularly in South East of the State. Many more consumers throughout NSW can expect to see the vans at their local community events, shopping malls, field days and schools.

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

Government Access Centres (GAC) and Outreach Sites

Fair Trading's services can be accessed through 48 Government Access Centres (GAC), 19 Outreach Centres and 6 Business Enterprise Centre's across New South Wales.

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

Outreach Centres			
Ashford	Dunedoo	Menindee	Rylstone
Barham	Holbrook	Merriwa	Walcha
Boorowa	Jindabyne	Moulamein	Warialda
Crookwell	Lake Cargelligo	Mungindi	Woodenbong
Culcairn	Lockhart	Murrurundi	

Business Enterprise Centres		
Bega	Griffith	Mudgee
Deniliquin	Leeton	Nowra

The vans are equipped with information on the full range of services provided by Fair Trading and play a significant role in educating consumers and traders on their rights and responsibilities.

Regional media

Fair Trading is committed to ensuring that its message reaches all residents of NSW. We continue to work closely with local media to ensure regional and rural communities have access to up-to-date information to empower them to make informed consumer decisions.

Our regular radio spots on commercial, community and Aboriginal radio stations continue to have a popular following. They are a very efficient and cost effective means in getting timely consumer protection messages out to the public.

We regularly provide information to regional newspapers. Our 'Your Rights' column articles are distributed and published by newspapers throughout the state.

Outreach in remote areas

Incorporated association seminars
We recognise the importance non profit organisations play in rural and regional communities by delivering Incorporated Association seminars throughout NSW.

Association members from many towns have benefited from seminars covering a wide range of issues vital in ensuring effective and harmonious running of an association. The seminars are highly successful nights and regularly have 80 – 100 participants.

Regional Access Programs
The Regional Access Programs (RAPs) were implemented in 1997. They were developed after the need was identified to provide greater access to all consumers in regional areas. The program targets disadvantaged people from identified minority groups that include highly populated indigenous communities and those who reside in remote or isolated communities.

Our regular radio spots on commercial, community and Aboriginal radio stations continue to have a popular following.

REVS vital statistics	2003-04	2004-05
REVS checks	1,352,873	1,480,895
REVS - Potential savings to clients (\$)	\$28.5M*	\$35.5M
Finance industry commitments registered on REVS	\$7.68B*	\$8.05B
REVS total encumbrances held	2.95M	3.14M

* Industry advise that the average financial loan on a vehicle has increased

It allows Fair Trading to deliver relevant information to the whole of the community...

The Program focuses on an intense period of service delivery to identified communities. It allows Fair Trading to deliver relevant information to the whole of the community including: seniors, youth, business, Aboriginals, ethnic groups and general consumers. They include incorporated association talks, tenancy information sessions for agents and landlords, talks to local school students, shopping centre displays and community organisation information visits.

The Broken Hill Regional Access Program received a 'Highly Commended' at the 2004 NSW Department of Commerce Client Service Awards.

A number of Government Access Centres (GACs) and Business Enterprise Centres (BECs) provide access to Fair Trading services to regional and remote residents of New South Wales. The services provided at these centres include the renewal of licences, business registration applications and renewals, complaint lodgement and access to a range of our publications. The agreement with the BECs has also seen the development of joint promotional activities including the running of a number of seminars on Incorporated Associations and Good Business Matters.

Working closely with the Office of Industrial Relations and local Government Access Centres our Fair Trading Centre staff regularly visit consumers and businesses throughout NSW. Business people in many diverse regional towns have benefited from attending our Good Business Matters seminars, presentations and workshops. In addition, through our 'trader walk' initiative, our staff personally visit traders and business people at their place of work.

Motor vehicle repairs

The Motor Vehicle Repair Industry Authority had information stands at rural field days held at Henty, Paterson and Casino to provide information about the Authority's services to people in rural and regional areas.

Register of Encumbered Vehicles

National REVS Project

Currently each Australian jurisdiction maintains separate vehicle security registers, and through various agreements, most jurisdictions now participate in data sharing arrangements and effectively provide vehicle security information on a largely national basis. However, there are costs involved in operating these individual registers, and a genuinely national system with a single entry point for all customers, both the finance and motor industries, and the public, would clearly offer great benefits to all parties.

The possibility of establishing a national register has been pursued on behalf of the Ministerial Council on Consumer Affairs by the Standing Committee of Officials of Consumer Affairs (SCOCA). SCOCA has commissioned a consultancy project to examine the logistics of establishing a national system and the Office of Fair Trading, on behalf of SCOCA, has now entered a contract with a firm of consultants to undertake this project. The project commenced in early April and is due to be completed in late 2005. It involves consultation with key government and industry stakeholders to ensure all relevant issues are taken into account.

REVS information enhancement

Progress on developing a link between the REVS database and the National Exchange of Vehicle and Driver Information System (NEVDIS) continued, although delays have occurred because of the terms of the interstate agreement under which third parties (such as REVS) can access NEVDIS information. A REVS search currently verifies registration details against the NSW RTA database, and provides stolen and written-off vehicle warnings for vehicles registered in NSW. The NEVDIS link will enable searches on vehicles not registered in NSW to be checked against national vehicle registration information maintained by NEVDIS, including stolen and written off vehicle data. It is hoped to have the link working for call centre and internet inquiries by late 2005.

REVS improvements to service delivery

REVS has made a number of significant improvements in its service delivery to account customers. From May 2004, customers have

been able to pay their accounts by credit card, either over the phone or via internet.

Electronic service delivery

In November 2004 REVS introduced a new, streamlined form of monthly account and activity statement, produced in a format more suitable for commercial use. At the same time, electronic service delivery was greatly enhanced. Monthly accounts and statements can now be delivered via email - an option which has been taken up by more than nearly 40% of customers, including all the large financiers. The REVS website now enables account customers to:

- record interest details on REVS via batch uploads
- obtain copies of their monthly statements and statement summaries
- order duplicate statements
- obtain listings of their recorded interests and interests due to expire
- obtain up to date transaction listings.

Provision of statements in electronic format now enables customers to transfer the data to spreadsheet format, allowing customers to analyse the information to meet their internal business needs. These changes have produced significant productivity improvements within REVS as well as providing an enhanced service to customers.

REVS is examining future enhancements to its website. These include extending internet registration and search facilities to boats as well as vehicles, and enabling electronic delivery of weekly interest advices to clients.

Police stolen vehicle data

REVS also provides information to the public as to whether a vehicle has been reported as stolen. Because of changes to the REVS and

Police databases over the years, REVS has been working with the NSW Police to ensure data integrity on our system by undertaking a full audit of the REVS data against the current Police information. Once this has been completed, Police data downloads can be automated.

Voice recognition

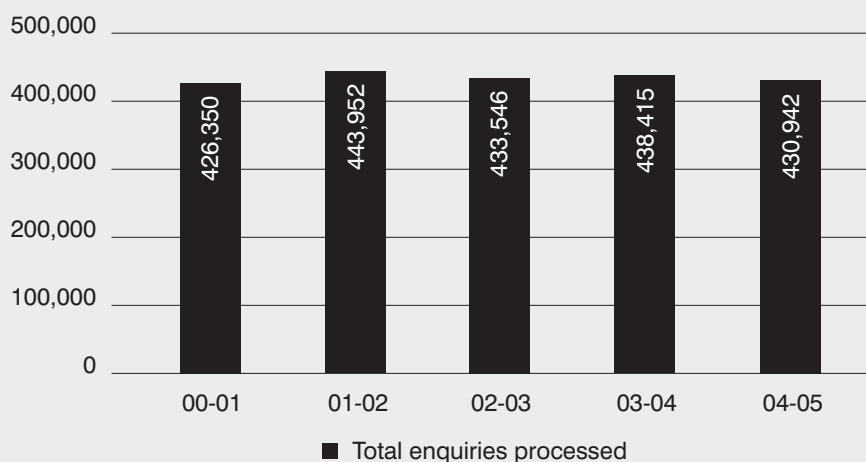
The REVS voice recognition telephone service was introduced in February 2004 to account clients and May 2004 to the general public. The service is designed to complement the existing call-centre inquiry service by providing an additional option for clients, and will eventually enable a telephone service 24 hours a day, 7 days a week. Monitoring of the system after initial implementation indicated the need for some improvements, especially to assist general public callers. It is proposed to implement these enhancements in conjunction with the telephony system being installed for the new Fair Trading Information Centre.

Rental bonds custody

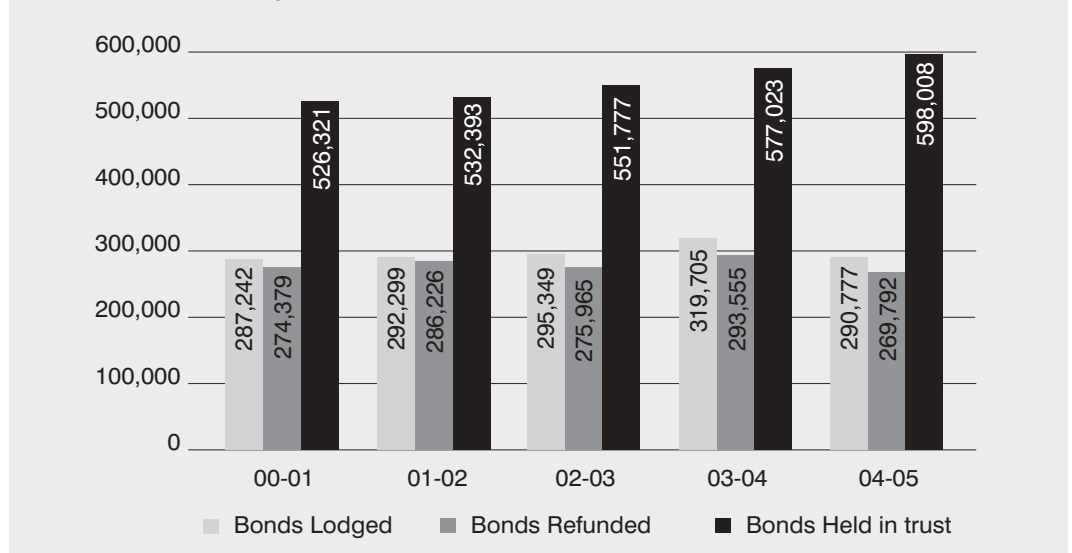
In the last financial year 290,777 new rental bonds were lodged which was down 2.0% on the preceding year. Rental bond refunds were also down with 269,792 bonds refunded through 386,923 individual payments. This represents a decrease of 0.6% in the number of refunds by comparison to last year. The number of bonds held in trust at the end of the year totals 598,008 which is an increase of 3.6% and the value held is \$606.9 million. In 2004-2005 the increasing use of electronic service delivery as a preferred way of transacting business for refunds, corresponded with a decline in postal and face to face services. Over 46.8% of customers requested their refund be directly credited to their bank account which is up from 42.5% last year. This year 7280 customers sought refunds at the counter which is down 16% on the previous year.

REVS introduced a new, streamlined form of monthly account and activity statement...

Rental bond and tenancy enquiries



Rental Bonds - number processed and held in trust



The Rental Bond Internet Service (RBIS) which allows NSW property managers to transact their rental bond business online, 24 hours a day, seven days a week is continuing to be extremely popular. Real estate property managers used the service to make over 89,626 bond enquiries, an increase of over 28% on the previous year. Overall there were 329,970 visits to the RBIS site during 2004-2005. Additionally the number of refund transactions conducted over RBIS has increased 18% over the previous year.

Registry of Co-operatives and Associations

Information and development activities
The Office of Fair Trading has an important role in fostering the development of the co-operative sector in NSW. Educational programs are aimed at broadening the awareness of co-operative philosophy and of exploring the benefits of co-operation and incorporation for communities. This involves partnering with government agencies, local councils and business to provide a holistic approach to regional development programs and renewal initiatives.

Development activities over the past year have included:

- publishing brochures *Co-operative Directors - a guide to duties and responsibilities* and *Co-operative Membership* designed to provide newly formed and existing co-operatives with easily accessible information
- exhibiting at major events such as the Australian National Field Days, Small Area Field Days and Tocal Field Days.
- conducting presentations and information sessions for community groups and

organisations throughout NSW

- providing a focus and support for specific industries or regions of the state including the emerging organic and bush food industries as well as Aboriginal communities and the Orana region.

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

- Australian Centre for Co-operative Research and Development newsletter
- Premier's Department Community Builders website
- *The Land* newspaper.

Throughout the year, the Registry of Co-operatives & Associations continued to provide information and assistance to interested individuals and groups on incorporation, co-operatives, co-operative housing societies, incorporated associations and funeral funds.

Grants

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 policy, 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 have legislative authority to provide advice and information for consumers while the community sector specialises in the provision of consumer advocacy services.

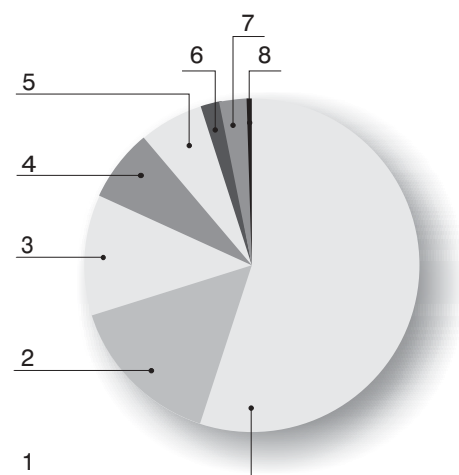
In line with the NSW Government's social justice policy, these grants promote the principles of access, equity and diversity.

We also have grants programs that target the home building and property services industries. Under these programs, we provide funds for one year projects to undertake research or training which will enhance the professionalism of those industries and in turn, enhance outcomes for their consumers. In terms of the two industry programs in 2004-2005, we funded a number of training and continuing professional development projects under the Property Services Grants Program, while the Home Building Grants Program provided funding support for the recruitment and management of apprentices in the home building industry and for revised guidelines on child safe home construction to be developed.

Tenants Advice and Advocacy Program

During 2004-2005, 22 community organisations which were funded under the Tenants Advice and Advocacy Program (TAAP) to provide advice and advocacy to tenants, assisted around 25,000 people. A significant number of people living in residential parks facing closure were provided with advice about their rights and responsibilities by regional TAAP services and the Parks and Villages Service which is also funded under the Program.

Total grant allocations



Funding allocated in 2004-2005

1. Tenants Advice and Advocacy Program - \$7,006,027 (this figure includes \$67,636 from TAAP Special Purpose Funds).
2. Credit Counselling Program - \$1,149,768
3. Financial Counselling Trust Fund - \$694,275
4. The Aged - care Rights Service - \$331,964
5. Home Building Grants Program - \$311,922
6. Property Services Grants Program - \$184,340
7. Co-operatives Development Grants Program - \$314,968
8. Motor Vehicle Repair Industry Authority - \$50,000

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

In March 2005, expressions of interest to operate a TAAP service were called for the 2005-08 funding period, with an annual total of \$7,130,786 available for the three year period. In addition, an amount of \$225,000 per annum will be available for a range of one-off projects and service costs such as translations and interpreters. All tenants in New South Wales have access to a TAAP service within their region including those living in remote locations, where freecall 1800 numbers and part-time outreach services are available.

Financial Counselling

A new funding triennium commenced for those services which were successful in gaining funding for 2004-2007 either from the Credit Counselling Program or the Financial Counselling Trust Fund. Two services in regions of very high need were successful for the first time in this funding round. The far west of NSW and the New England region received a combined funding contribution of \$89,000 to provide financial counselling services to disadvantaged consumers facing financial hardship.

All financial counsellors funded under the two programs must be trained and eligible for accreditation by the Financial Counsellors Association of NSW. This year, almost 30,000 people sought assistance from these dedicated professionals.

Our role in supporting financial counselling services was recognised in April 2005 with the presentation by David Campbell MP, Minister for the Illawarra, of a Lifeline Certificate of Appreciation for the Office's significant contribution to Lifeline's South Coast operation over a number of years.

The issues reported by funded services during 2004-05 revealed an increase in the number of people considering bankruptcy. This is a complex issue and financial counsellors are trained to provide their clients with appropriate options and alternatives to assist them in making a decision. Issues such as bankruptcy are also discussed at community education sessions provided by the 45 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.

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. Rural renewal,

...financial counsellors are trained to provide their clients with appropriate options and alternatives...

economic development and ecological sustainability were common themes amongst the successful projects this year.

...we finalised in excess of 90% of general complaints within 30 days of receipt.

Grants were made to the Tamworth Produce Marketing Co-operative and the NSW Cambodian Growers Co-operative Limited for research into the successful commercialisation of their produce. Marketing opportunities at the local, domestic and export levels were also explored as part of these studies. The Native Fish Growers Co-operative Limited, commissioned a report on the feasibility of expanding their operations, which also addressed economic and ecological issues confronting the local community. Funding to the Co-operative Federation of NSW Limited contributed to the annual co-operatives conference and educational seminars held in regional centres. These provided accessible training and networking opportunities for co-operative members and the community.

The CDGP also supported the Australian Centre for Co-operative Research and Development, a jointly funded initiative of the Office of Fair Trading, the University of Technology Sydney and Charles Sturt University. This partnership will formally come to an end after six years of research, focussing on the co-operative sector. All parties are keen to build on the successes of this venture, with co-operative research and development activities continuing within each of the individual partner institutions. The Office of Fair Trading will redirect its resources to support individual projects undertaken by a wider range of parties.

Motor Vehicle Repairs

A general grant of \$50,000 was made to the Automotive Training Board of NSW (ATB). The ATB is the NSW Retail Service and Repair Industry Training Advisory Board and works with industry, training providers, schools and government bodies to ensure the training needs of the motor vehicle repair industry are being addressed. The grant is made to assist the ATB with its primary objectives to develop, improve, encourage, foster and implement systematic training for employment in the automotive industry.

Provision of effective consumer help to the public

Informal dispute resolution

Fair trading

Through our 24 Fair Trading Centres and the Fair Trading Information Centre we provide information to consumers and traders on their rights and responsibilities which will assist them in resolving marketplace disputes. Where parties have unsuccessfully attempted to resolve a dispute, a complaint may be lodged. Fair Trading may then act as an informal negotiator between the two parties in an attempt to reach a mutually acceptable resolution.

When a complaint is received, it is assessed to determine:

- the issues in disputes and options available to help resolve the complaint
- if a breach of law has occurred and whether enforcement action is appropriate
- if the matter should in fact be dealt with by another organisation.

Each party is contacted in an attempt to resolve the complaint. If a resolution is not reached both parties are advised of the options available to assist in resolving the matter.

Throughout 2004-2005 we finalised in excess of 90% of general complaints within 30 days of receipt. In other cases we contact the parties within 30 days to advise them of action being taken.

Strata mediation

The Mediation Services Unit continues to assist people living in strata and community schemes resolve their disputes without the need to proceed to adjudication. These disputes range from common property repairs, to breach of by-laws, to the financial management of the scheme, to the overall management of the scheme.

The use of mediation allows many side issues to be resolved along with the main dispute and often restores relationships for the parties involved.

During 2004-2005 the unit received 1218 applications for mediation, a 16% increase on the previous year. The Unit finalised 1185 matters, including 518 matters that went to mediation where 69% were successfully resolved.

The Unit is also beginning to mediate other Fair Trading matters such as retirement village disputes.

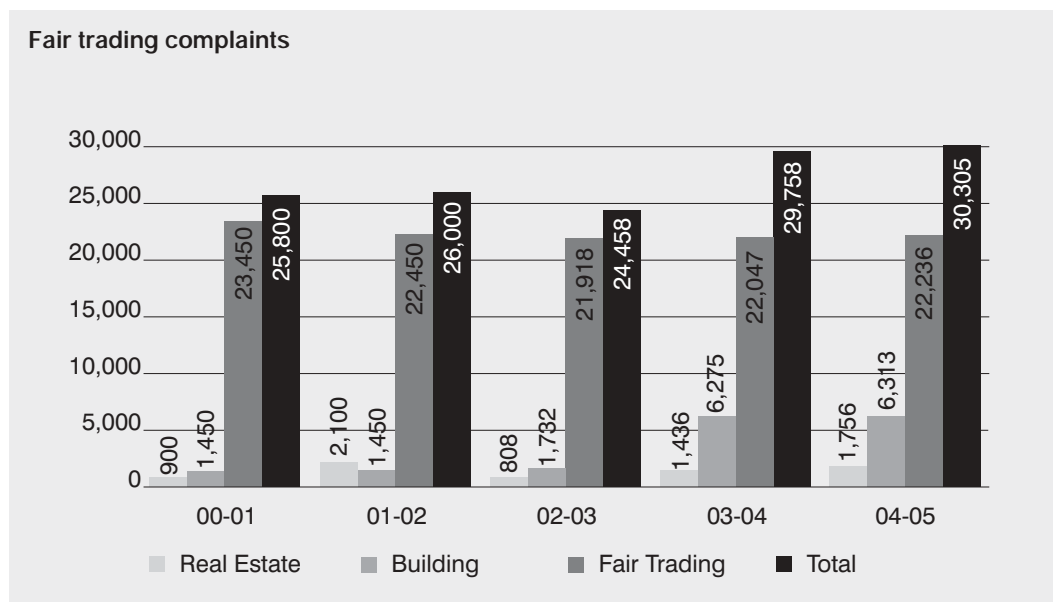
Home building

The Home Building Service's dispute resolution service was established to provide a quick and cost-free way of resolving disputes between consumers, builders and tradespeople. During 2004-2005 some 6,313 complaints were received through the Fair Trading Centre network or directly by the Home Building Service. Of the complaints received:

- 1,737 (30%) were resolved through intervention by Fair Trading Centre staff.
- 2,284 were referred to the Home Building Service where 1,960 were resolved through technical assessment by building inspectors.
- 2,336 (37%) were either referred to another part of Fair Trading; the Consumer, Trader and Tenancy Tribunal; another agency; or required no further action.
- 280 matters are still undergoing the resolution process.

Not all disputes can be resolved by Fair Trading Centre or Home Building Service staff and approximately 20% of matters referred to the Home Building Service are ultimately referred to the Consumer, Trader and Tenancy Tribunal.

...mediation often restores relationships for the parties involved.



3 Context:

community-level objective three

Compliance with fair trading laws

This is the third of three high-level, community-impact objectives which contribute to the strategic priority of a fair marketplace for consumers and traders. The fair regulatory framework sets the ground rules for interactions between consumers and traders, and the ability to access information services helps consumers and traders know their rights and obligations. However, traders also need to act in accord with the legislation for a fair marketplace to be achieved. 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.

Agency performance

Provision of effective enforcement to community

The Office of Fair Trading supports the community-level objective of maximum compliance with fair trading laws through a service-level objective of providing effective enforcement activities to the community. Apart from the services to individuals we provide under objective two, we also investigate potential serious breaches of the legislation, including those where large numbers of consumers may be affected or large amounts of money may be involved. Potential enforcement options range from issuing penalty notices and criminal prosecution to licensing disciplinary actions such as suspension or cancellation of a licence or the imposition of conditions.

Service delivery objective/results	01-02	02-03	03-04	04-05	Target 05-06
Result: <i>Provision of effective enforcement to community</i>					
Measure: <i>Proportion of prosecutions successful</i>	96.5%	86%	91%	94%	90%

Comment/Interpretation

Good service level measures for compliance work are quite hard to develop. Currently we monitor successful prosecutions – those that result in conviction, as well as those where the offence is proven but a conviction is not recorded. This measure reports the outcome of enforcement through the courts in matters where OFT is satisfied, as a result of investigation, that significant legislative breaches have occurred. While a notional target

of 90% is set, this must be flexible enough to accommodate changes of strategy, as in 02-03, where a decision was made to test a broader range of offences where Court results are less predictable. “Unsuccessful” prosecutions can still have a deterrent effect. Although this is a service-level measure, the results are not completely within our control as the outcomes depend not just on the cases prepared by OFT, but on Court decisions.

Snapshot: service-level statistics	2004-2005
Successful prosecutions	376
Penalty notices issued	1,520
Investigations	2,222
Inspections	5,205

Highlights 2004-2005:

- Gaol terms imposed in connection with three separate cases of unfair trading
- Fair Trading, with Australia Post cooperation, foils major pyramid selling scheme by seizing more than 600,000 scam mail letters being sent to Australian consumers
- 300 infringement notices issued to real estate agents who failed to lodge trust account audit certificate or statutory declarations
- Licence cancellation program begins when Fair Trading uncovers home building licensing scam involving fake qualifications.
- Home building inspection programs target over 600 building sites to detect unlicensed work.

Community level statistics

	01-02	02-03	03-04	04-05	Projection 05-06
Outcome: <i>Maximum compliance with regulatory requirements</i>					
Indicators: <i>Number of complaints per \$Billion of Gross State Product</i>	110	98	104	102	90-120

There are immense difficulties, in principle and in practice, in directly measuring levels of compliance with fair trading legislation. It is not possible – or desirable – to monitor every transaction which occurs in the marketplace for compliance. Numbers of complaints or Tribunal applications are possible indirect measures but by themselves can be very misleading, (for example, an increase in the number of complaints related to car purchases may not reflect a problem if the number of purchases is itself increasing). To get around this problem, as an indirect measure, Fair Trading has been monitoring the level of complaints relative to the amount of activity occurring in the marketplace, measured (for practical reasons) by the dollar value of Gross State Product. The indicator is still experimental, but since it was introduced it

shows that the level of complaints per \$Billion of marketplace activity is both quite low and relatively steady in NSW. Complaint numbers can be expected to vary within a bandwidth, but a very large increase in the ratio of complaints to marketplace activity would trigger closer scrutiny to see if there are problem areas where Fair Trading could be taking action.

Fair Trading can only contribute to the level of compliance in the marketplace – it does not directly control it – but the Office will continue to monitor this indicator which must be treated with caution as it is still experimental.

Compliance with fair trading laws

These scammers mainly prey on small businesses and seek to exploit deficiencies in ordering and accounting procedures...

We were actively in the marketplace investigating breaches of fair trading legislation including: the *Fair Trading Act*, *Motor Dealers Act*, the *Property Stock and Business Agents Act* and the *Electricity Safety Act* to name a few. In addition to conducting investigations, other planned compliance programs aimed at ensuring a fair and equitable marketplace were carried out. They targeted specific industries or particular businesses. The result was a variety of actions including the commencement of prosecutions, disciplinary proceedings, or injunctive action in the Supreme Court.

Breaches of real estate trust account requirements by agents licensed under the *Property Stock and Business Agents Act 2002* were investigated. We also investigated breaches of laws regulating real estate valuers, licensed conveyancers, and landlord and tenant relationships.

Fair Trading administers laws regulating product safety, information standards and bans on dangerous goods. To do this, we handle complaints and requests for advice on consumer safety legislation, standards and practices. We conducted safety certification of electrical products, encouraged the development of recall plans by suppliers, coordinated and monitored recalls.

Industry and government agencies liaised with us regarding product safety and electrical installation safety matters. We participated in the coordination of a national approach to consumer safety regulation and the development of national and international safety standards.

Significant investigations and prosecutions

Consumer goods and services

Crackdown on false billers

The practice of fraudulently demanding payment for unsolicited advertising in a publication or trade directory is known as false billing. This conduct is also known as invoice fraud, telefraud or “blowing” (arising from reliance on telephone calls). The scammers mainly prey on small businesses and seek to exploit deficiencies in ordering and accounting procedures by using false and misleading telephone spiel or documentation to trick business into paying for advertising services they never ordered.

The *Fair Trading Act* makes it unlawful for any person to falsely represent that another person has agreed to acquire goods or services or to demand money from any person unless they have reasonable cause to believe that they are entitled to payment.

NSW Fair Trading is a member of a national working party established under the Fair Trading Operations Advisory Committee (FTOAC) to help implement a national strategy that identifies and targets major operators with a view to closing down the rogue businesses.

Current investigations include:

- *www.BusinessSearch Pty Ltd* – a Seven Hills based operator that uses the services of an overseas call centre in Calcutta, India to sell advertising in various electronic “Local Business Directories”. The Minister for Fair Trading issued a public warning in April 2005 and legal proceedings against the operator have been foreshadowed.
- *Power Pacific International Media Pty Ltd*; *Spacelink Holdings Pty Ltd* – these two Gold Coast, Qld based companies have repeatedly approached businesses demanding payment for unsolicited advertising in a range

Successful prosecutions

Act	Defendants	Offences	Penalties
Co-operative Housing and Starr-Bowkett Societies Act	1	1	\$168,784
Electricity Safety Act	7	31	\$17,139
Fair Trading Act	12	38	\$20,927
Home Building Act	27	86	\$161,160
Motor Dealers Act	15	211	\$512,393
Residential Tenancies Act	1	4	\$7,207
Trade Measurement Act	2	11	\$4,393
Travel Agents Act	3	3	\$750
Total	68	385	\$892,753

of dubious publications including National Firefighters Safety Gazette, On Patrol and National Disaster Relief News. NSW's investigation follows Qld Fair Trading's Court action that resulted in restraining orders that were ignored by the operators. Both NSW and Qld continue to co-operate to put an end to Power Pacific/Spacelink false billing practices.

Michael Geoffrey Oliver trading as National Police Bulletin

Fair Trading obtained orders in the Supreme Court against Michael Oliver, his wife Samantha Oliver and their Meadowbank-based company Australasian Publications and Advertising Pty Ltd for unlawfully demanding money from businesses for advertising in sham publications called National Police Bulletin and Statewide FireFighters, neither of which had any connection to policing or fire-fighting organisations. Michael Oliver continued the scam through a new company AAA Advertising Pty Ltd and Fair Trading instituted contempt charges against him. **Result:** In August 2004 Oliver was sentenced to 9 months gaol and in January 2005 both Michael and Samantha Oliver were permanently banned by the Court from being involved in any publishing, advertising or debt collecting activities.

Finance Brokers

Finance Brokers Crackdown

Rogue finance brokers who illegally demand up front fees or commissions before the loan is received and/or who fail to arrange any consumer loan, continue to generate high numbers of complaints. Shady operators typically advertise in newspaper classifieds, specifically targeting disadvantaged consumers who are more likely to respond to advertisements promising loans to anyone with financial difficulties regardless of their current indebtedness.

Fair Trading is determined to take strong enforcement action against these operators and our investigations have achieved the following results.

Credit Accounting Consultancy (CAC).

In June 2004, the NSW Supreme Court handed down orders relating to the establishment of a trust fund to reimburse consumers who fell victim to a finance broking scam run by the operators of CAC. The Court made the orders on OFT's application to alleviate the serious financial detriment that victims had suffered.

Three of the defendants were ordered to pay \$200,000 each and in addition to \$700,000 already consented to by the remaining defendant, Mr David Ross, the total amount ordered was \$1.3million.

As at 30 June 2005, Fair Trading paid 127 consumers a total of \$493,544 in claims, averaging \$3855 per claim.

Mr Stephen Michael Larkin, Jordan Larkin and Others

Stephen Larkin, his son Jordan and associates, Lucas Foertsch and Desmond Ryan conducted a finance broking business which over a number of years, operated under 6 different names including Michaels Accounting Service, Prestige Accounting, Fortune Finance, Asset Accounting (NSW), Civic Accounting and Apollo Accounting. Consumers have reported that Mr Larkin and the others frequently used numerous aliases to hide their true identities. Consumers claim they have paid hundreds of dollars in fees after being guaranteed that their loans would be approved, only to be left without the promised funds and no refund of their upfront fees. **Result:** On 31 March 2005, Fair Trading filed injunction proceedings and Stephen Larkin gave the Supreme Court undertakings that he would not breach the provisions of the *Fair Trading Act*. The Court warned Larkin that should any such breach occur, he would be liable to criminal contempt proceedings. Jordan Larkin's legal representative gave similar undertakings to the Court. The third and fourth defendants have subsequently consented to orders not to trade as finance brokers for a specified period and not to breach provisions of the *Fair Trading Act*. The Court has set a timetable for the matter to be heard once further evidence is filed.

False and Misleading Conduct

Australian Roll of Honour

This vanity publisher targets consumers who are recipients of public/national awards (eg Order of Australia Medal) and seeks payment for biographical entries in various publications. The business operates from New Zealand but has used a Sydney post office box and telephone number in the past. Its principal is Alister Taylor. The publisher required payment in advance for a number of vanity publications that it had failed to deliver in the promised timeframe. Some customers have now been waiting several years for their publications or a refund. Fair Trading has prepared a database of over 850 consumers who are spread all over Australia. In total these consumers are seeking redress to the value of \$122,000. The Commissioner filed injunction proceedings in the Supreme Court and in February 2005, the Court found that Taylor had engaged in misleading or deceptive conduct. **Result:** The Court granted injunctions restraining Taylor from marketing, selling or distributing his range of vanity publications. Fair Trading continues to work on obtaining redress for Australian Roll of Honour customers and further legal action may be necessary.

Fair Trading is determined to take strong enforcement action against these operators...

Bassem Dodar – AAA Complete Electronic Repairs

As reported last year, Bassem Dodar was banned for 20 years from carrying on any business involving the repair or servicing of electronic or electrical goods following action taken by Fair Trading. We became aware that Bassem Dodar had failed to comply with earlier interim restraining Orders and further proceedings were commenced for trading in contempt of those Orders. **Result:** Bassem Dodar pleaded guilty to most of the contempt charges and on 5 May 2005 he was sentenced to

imprisonment. It was found that the defendant deliberately defied the orders of the Court and he was sentenced to eleven months periodic imprisonment with a non-parole period of seven months and two weeks.

Bassem Dodar's custodial sentence is a stark reminder to those who seek to rip off consumers that repeated non compliance with Fair Trading laws may not only result in fines and compensation orders but also imprisonment.

Civil litigation

Court/Tribunal	Act	No. of matters
High Court		
	PSHD Act	1
Federal Court		
	B Act	1
Court of Appeal		
	HB Act	2
Supreme Court		
Injunction	FT Act	3
Other	Other	4
Contempt	SC Rules	3
Local Court		
	HBAct	8
	MD Act	1
	Other	1
Administrative Decisions Tribunal		
	BN Act	2
	CL Act	2
	FT Act	2
	HB Act	13
	MD Act	2
	PSBA	21
	PSHD Act	1
	RIG Act	1
	Other	6
Consumer Trader & Tenancy Tribunal		
Insurance Appeals	HB Act	30
Total		
High Court		1
Federal Court		1
Court of Appeal		2
Supreme Court		10
Local Court		10
Administrative Decisions Tribunal		50
Consumer Trader & Tenancy Tribunal		30
Total		104

Legend

B Act – *Bankruptcy Act*, BN Act – *Business Names Act*, CL Act – *Conveyancers Licensing Act*, CTTT Act – *Consumer Trader & Tenancy Tribunal Act*, FT Act – *Fair Trading Act*, HB Act – *Home Building Act*, MD Act – *Motor Dealers Act*, PSBA – *Property, Stock & Business Agents Act, 2002*, PSBA Act – *Property, Stock & Business Agents Act, 1941*, PSD Act – *Pawnbrokers & Second-hand Dealers Act*, RIG Act – *Registration of Interests in Goods Act*, SC Rules – *Supreme Court Rules*.

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

David Rhodes

A letter allegedly originating from a 'David Rhodes, Perth' which required recipients to pay \$10 to the sender, copy the letter multiple times and then send it on to other recipients was widely circulated across Australia.

NSW Fair Trading with the co-operation of Australia Post was able to seize in excess of 600,000 of these letters that were being sent to promote a pyramid scheme contrary to section 60T of the *Fair Trading Act, 1987*.

Additionally, Fair Trading contributed to a co-ordinated national approach to counter the spread of this scheme.

Motor dealers

Autolink Sutherland Pty Ltd

Autolink Sutherland Pty Ltd operated two licensed motor dealer premises in the Sutherland Shire. The business dealt mainly with vehicles consigned from members of the public. In May 2004, Fair Trading investigators became aware that the dealer had failed to pass on to customers monies received from the sale of the vehicles. An investigation established that the dealer misappropriated the monies to pay other debts owed by the company. **Result:** The Office of Fair Trading acted quickly and immediately suspended the motor dealer licence and following further inquiries the licence was cancelled and the director Alan Mottershead was banned for life from holding a licence. We initiated legal proceedings and on 4 May 2005 Autolink Sutherland Pty Ltd and its director were fined and ordered to pay compensation. A total amount of \$362,000 was awarded by the Court.

Motor vehicle repairs

The Motor Vehicle Repair Industry Authority prosecuted six people on a total of 14 counts associated with conducting unlicensed repair businesses with fines and costs totalling \$11,371 being awarded. A further 18 counts against three defendants for a total \$30,134 in fines and costs is currently being appealed.

Two repair businesses had their licences cancelled for breaches of the *Motor Vehicle Repairs Act 1980*, with three persons associated with the businesses disqualified for periods of five years, ten years and in once case permanently disqualified.

Product safety

Safe Product Surveys

The Office of Fair Trading administers the *Electricity Safety (Equipment Safety) Regulation 1999* which means that it certifies electrical appliances for sale and conducts investigations into the safety of electrical appliances. During 2004-2005 Fair Trading certified 2470 electrical appliances for sale.

Also, under the *Fair Trading (General) Regulation 2002* certain products like children's toys, textile products, sunglasses, helmets, elastic luggage straps, babywalkers, portable soccer goals and cigarette lighters have to meet minimum performance and labelling requirements. There are 19 mandatory product safety standards.

Each year Fair Trading undertakes marketplace surveys to detect unsafe, non compliant products and takes action to have them removed from sale. During the year, 2096 inspections were conducted at retail stores, markets and field days in over 180 towns across NSW. Eleven traders were prosecuted, 10 infringement notices were issued, over 100 unsafe products were withdrawn from sale and 19 products were publicly recalled. Over 170 suppliers were formally cautioned to comply with their fair trading obligations.

Cecilia Trading Pty Ltd

Cecilia Trading is the proprietor of Super Bargain, a discount variety stores located in Auburn and Campsie. The company was detected supplying a non-compliant children's toy during a survey in 2004. The company had previously been issued a penalty notice for similar breaches. **Result:** Prosecution action commenced and Cecilia Trading was found

Fair Trading with the co-operation of Australia Post was able to seize in excess of 600,000 of these letters...

Penalty notices

Act	Defendants	Offences	Penalties
Business Names Act	26	28	\$7,700
Fair Trading Act	22	24	\$13,250
Home Building Act	605	703	\$270,150
Landlord and Tenant (Rental Bonds) Act	8	9	\$4,950
Motor Dealers Act	83	202	\$105,160
Pawnbrokers & Second-hand Dealers Act	4	8	\$4,000
Property Stock & Business Agents Act	428	484	\$477,950
Retirement Villages Act	2	8	\$2,750
Trade Measurement Act	38	54	\$17,160
Total	1,216	1,520	\$903,070

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

guilty of breaching the safety provisions of the *Fair Trading Act*, fined \$750 and ordered to pay \$363 costs.

Cosmic Imports Pty Ltd

Cosmic Imports primarily supplies toys and novelty items to the retail discount and toy industry. The company was detected supplying a non-compliant projectile toy (the Super Disc Shooter) to a discount store in Ulladulla during the Southern Region Survey. A non-compliant children's toy (the Kangaroo Funny Performer) was also found to be supplied by Cosmic Imports during a subsequent survey.

Result: The company was prosecuted, found guilty of breaching the safety provisions of the *Fair Trading Act*, fined \$1600 and ordered to pay \$426 costs.

Golf Trading P/L

Golf Trading is a supplier of children's toys to discount variety stores throughout NSW. Two non compliant children's toys were detected at discount variety stores during the 2003 Metropolitan and Hunter Surveys. Golf Trading was found to be the supplier of both products. **Result:** Golf Trading was prosecuted and found guilty of breaching the safety provisions of the *Fair Trading Act*, fined \$500 and ordered to pay \$1132 costs.

Easter Show

On 16 February 2005 officers from the Safety & Standards Branch inspected the contents of 303 showbags supplied by 11 exhibitors. **Result:** Compliance with the guidelines and product safety laws was pleasing. However, Fair Trading arranged the removal of two cap guns from one show bag as their safety could not be established.

Gag Magic Showbags South Pty Ltd

In May 2004, the Product Safety Committee conducted a review of the first mandatory recall order issued under the *Fair Trading Act*. The supplier of a plastic children's toy supplied at the 2004 Royal Easter Show refused to conduct a voluntary recall of a product implicated in an incident with a young child and which did not comply with a mandatory safety standard for children's toys. **Result:** Following the Committee's review, the original Order was confirmed and a public recall of the toy commenced on Friday 18 June 2004.

Portable Soccer Goals

The NSW Products Safety Committee was asked to conduct a full inquiry into the safety of portable soccer goals. As a result of a recommendation of the Committee the *Fair Trading (General) Amendment (Soccer Goals) Regulation 2005* came into effect on 1 March 2005. The regulation requires moveable soccer goals that are over 28kg and not designed to be used solely indoors to meet stability requirements.

An Inter-departmental Working group was established consisting of representatives from Office of Fair Trading, Department of Tourism, Sport and Recreation, Department of Education and Training and Department of Local Government. It was established to ensure a "whole of Government" approach to this matter. The Working Group is continuing to involve each of the represented portfolios to ensure a properly coordinated approach encompassing the manufacture, storage and use of portable goalposts.

Product recalls

Product Name	Product Type	Supplier
Power Cord for Tevion Computer Monitor	Electrical	Galas Electronics
Kangaroo Funny Performer	Children's Toy	Cosmic Imports Pty Ltd
Toy Dump Truck	Children's Toy	Look Sharp Concepts Pty Ltd
Simpson Westinghouse Gas & Electric Stoves	Electrical	Electrolux Home Products
White Star Candle Collection	Candle	Avon Products Ltd
Intelligence Bear & Clown Rattle	Children's Toy	Austwide Wholesalers Pty Ltd
Musical Play Set	Children's Toy	Homeware Products Pty Ltd
Toy Saxophone	Children's Toy	Homeware Products Pty Ltd
String Along Farm	Children's Toy	Judius Pty Ltd
Happy Childhood Plastic Pull Along Plane With Shapes	Children's Toy	Yatsal Distributors Pty Ltd
Toy Saxophone	Children's Toy	Yatsal Distributors Pty Ltd
Wooden Shapes In Tray	Children's Toy	Look Sharp Concepts Pty Ltd t/as The Discount Variety Group
Babies Inc Luxury Velour Baby Robe	Children's Nightwear	Spotlight Stores Pty Ltd
Babies First Bath Robe		
Gift Set	Children's Nightwear	Spotlight Stores Pty Ltd
Mode Terry Bath Robe	Children's Nightwear	Spotlight Stores Pty Ltd

To highlight the safe use of moveable soccer goals a series of "Safe Soccer Demonstration Days" were held at regional centres throughout the state in 2005. They were well attended with approximately 100 representatives of associations, clubs and local councils. A brochure developed by Department of Tourism Sport and Recreation in consultation with the soccer authorities and Office of Fair Trading was issued to all players registering for the 2005 soccer season. Fair Trading developed a CD-Rom which demonstrates the dangers, testing procedures and safety steps that can be taken. It is available to all councils and soccer clubs to further spread the safety message.

Accommodation and property services

The Real Estate Agent's Trust Account Audit Lodgement Program

Across New South Wales real estate agents handle billions of dollars in trust creditor funds annually. It is imperative that agents act with the utmost financial integrity and ensure that all funds received by them on behalf of other persons are handled appropriately and are properly accounted to those entitled to them. In order to ensure agents act with integrity in their handling of trust creditor funds a comprehensive system of audit and review has been established by Parliament. This system requires agents who receive money on behalf of other persons establish and maintain trust accounts, bank trust money promptly, make trust receipts available to trust creditors and have their trust records audited annually by a suitably qualified professional. As an additional safeguard public money is made available to compensate consumers who have suffered loss because of misapplication or misappropriation of trust money.

In the case of agents who have not experienced any difficulties in relation to their handling of trust money, the lodgement of their audit report provides a level of assurance to the Commissioner that consumer interests are being protected. In the case of agents where there have been problems in relation to trust money the auditor's report can provide important information about the nature and cause of difficulties the agent may have experienced.

In either case, it is important that the Commissioner is provided with accurate and timely information.

Late lodgement of an audit report may indicate there are problems with an agent's business. It is clear that in some cases the failure to lodge an audit report comes about because there has been financial misconduct by the agent and no

audit has been carried out or because the audit report is qualified and will have adverse consequences for the agent.

The *Property, Stock and Business Agents Act 2002* requires agents who receive trust money in a financial year to have their accounts audited and lodge the audits with the Commissioner by 30 September. If an agent has not received trust money during the audit year they must lodge a statutory declaration to that effect.

In a major operation in late 2004 and early 2005, Fair Trading investigated over 800 instances of agents failing either to lodge their audit certificates or statutory declarations with respect to the 2003/2004 audit year. More than 300 infringement notices totalling in excess of \$300,000 were issued to agents as a prompt to future compliance. The penalty for a licensed corporation is \$1,100 and for an individual, \$550. Prosecution for an offence can result in penalties up to \$11,000, and can also lead to the taking of disciplinary action which can result in cancellation and disqualification of licence.

It is expected a significant improvement in compliance with the audit requirements will result.

Sandra Peach Real Estate P/L trading as Ray White Lane Cove and Sandra Peach

In January 2005, the Commissioner determined that show cause notices be issued to the licensed corporation and Ms Peach who was a certificate of registration holder and director of the corporation. Ms Peach had understated the estimated selling price of a property listed for sale to a number of prospective purchasers who considered they had genuine chances of purchasing the property and in one case expended money for pest inspections. **Result:** The determination required the licensee corporation to provide comprehensive details of any new sales listings for a period of six months so they could be oversighted by Fair Trading. A penalty of \$9,900 was also imposed on the corporation while Ms Peach was required to pay a penalty of \$4,400.

This was the first disciplinary action taken by Fair Trading against a real estate agent since the commencement of the new *Property, Stock and Business Agents Act* in September 2003 for misrepresentating the estimated selling price of a property.

Degotardi Properties P/L and Brian John Degotardi

An investigation by Fair Trading revealed that Mr Degotardi, operating from premises in Palm Beach, transferred funds from the corporation's trust accounts to his own use on 54 separate occasions totalling \$104,647. Mr

It is imperative that agents act with the utmost financial integrity...

This was the second disqualification of a licensee for dummy bidding practices...

Degotardi admitted to investigators that he used the money inappropriately. **Result:** The Commissioner determined that Mr Degotardi was not a fit and proper person to be involved in the conduct of a licensed business. He determined that Mr Degotardi's licence be cancelled and he be disqualified from being involved in the management, direction or conduct of the business of a licensee for a period of ten years. The corporation's licence was also cancelled and it was permanently disqualified for the purposes of the Act.

Brooke Emma Green – Certificate of Registration Holder

An investigation by Fair Trading had revealed that Ms Green, whilst employed by L J Hooker Tea Gardens/Hawks Nest, electronically transferred funds totalling \$49,830-50 from the agent's accounts to her own personal accounts and Ms Green retained an amount of \$24,929-89 which had been received by the agency, for her own use, not banking it to the agency's trust accounts as required. **Result:** Ms Green admitted to investigators that she had no claim of right to the money. Ms Green made full restitution of the money she took from the agency and no loss was suffered by trust creditors. The Commissioner determined that Ms Green's certificate of registration be cancelled and that she be disqualified until 10 February 2015.

James Derek Latta, formerly trading as The Professionals Real Estate, Alstonville

An investigation discovered 38 counts of the licensed real estate agent James Derek Latta having pre-drawn commissions from his trust account without permission of the people he had received the money from. Mr Latta admitted to investigators that he had used the money for the running of his business and other expenses. A total deficiency of \$182,352 was discovered in his trust accounts.

The investigation also discovered that Mr Latta, when conducting two auctions of residential property had made "dummy bids" in order to encourage other bidders at the auctions. These actions were in direct breach of provisions of the Act which seek to protect both vendors and purchasers at auctions. **Result:** A total amount of \$137,915 has been paid to claimants from the Property Services Compensation Fund which is administered by Fair Trading and which covers such failures to account. More claims on the Fund are expected. Mr Latta's licence was cancelled and he was permanently disqualified from involvement in the management, direction or conduct of the business of a licensee under the Act.

This was the second disqualification of a licensee for dummy bidding practices by Fair

Trading since the commencement of the new Act in September 2003.

St George Property P/L, which formerly traded as Raine and Horne Kogarah, Bao Qing Shen and Xue (Vanessa) Cui Investigations by Fair Trading at St George Property P/L had found that trust creditor funds were regularly not banked to trust accounts as required by the *Property, Stock and Business Agents Act 2002*. In February 2004, deficiencies of \$64,345 were found in the sales trust account and \$268,461.47 in the property management trust account. **Result:** Fair Trading appointed a manager under provisions introduced by the new Act to manage the affairs of the licensed corporation and to successfully sell the rent roll to attempt to recover money that had been paid to trust creditors from the Property Services Compensation Fund. The Commissioner determined that there was not proper supervision of the licensed corporation by Mr Shen and Ms Cui which contributed to the trust account deficiencies. The investigation had shown Mr Shen and Ms Cui allowed themselves to be overborne by an unlicensed person who became involved in the day to day conduct of the business. Mr Shen admitted he was aware that he was responsible for the trust accounts but had completely abrogated that responsibility. The licence of St George Property Pty Limited was cancelled and it was permanently disqualified. The certificate of registration held by Ms Cui was similarly cancelled and she was also permanently disqualified from holding a licence or certificate under the Act. Mr Shen's licence was cancelled and he was disqualified for a period of five years from being involved in the direction, management or conduct of the business of a licensee. The result of this case reaffirms the responsibilities of the licensee in charge to supervise the conduct of the licensed business.

Mahevi Pty Limited, t/a L J Hooker North Ryde, Peter Hinton and Erecia Hinton (Gonzales case)

In December 2004, action was taken under the disciplinary provisions of the *Property, Stock and Business Agents Act 2002* against this agency, its licensee in charge and a licensee salesperson in relation to the alleged non disclosure of material information to a purchaser which, if they had been aware of it, may have affected their decision to purchase a property in North Ryde which had been the scene of a triple murder a few years previously. Fair Trading alleged breaches of the Act and the *Fair Trading Act 1987*. **Result:** Monetary penalties totalling \$20,900 were imposed on the agency and the real estate agents concerned. The matter is now subject to appeal before the Administrative Decisions Tribunal.

Home building

During the year 704 penalty notices were issued to people found breaching the *Home Building Act*. A total of 29 disciplinary actions were undertaken, resulting in \$143,750 in fines being issued, with 2 contractors being permanently disqualified from holding a licence. Also 27 people were prosecuted, resulting in \$163,160 in fines being issued by the courts.

Inspections

Operation Mallet

Last year the Home Building Service undertook a state wide operation to establish the level of unlicensed building activity in NSW. Known as Operation Hammer, the operation was conducted over a two week period in May 2004. Strong follow-up action was seen as an important way of reinforcing to the industry that the Office of Fair Trading was determined to maintain a presence on building sites across NSW. Accordingly, Operation Mallet was conducted in July and August 2004. This operation was devised as a smaller and more targeted follow up compliance campaign. It involved approximately 18 investigators visiting 289 building sites and speaking to almost 1,400 builders and contractors. As a result of Operation Mallet, 76 persons were detected contracting whilst not being the holder of a contractor licence. Infringement notices totalling \$37,500 were issued.

Operation Illawarra

Operation Illawarra was carried out between 7 and 11 February 2005 and specifically targeted residential building work in the Wollongong area. Approximately 12 investigators visited 350 building sites and spoke with 612 builders and contractors. 22 persons were found to be contracting work whilst not being appropriately licensed with \$11,000 in penalty notices being issued.

Investigations

Classified advertisements

In November 2004 the Home Building Service reviewed approximately 5,000 advertisements for residential building work in 21 regional and suburban newspapers. Over 200 penalty notices were issued for breaches of the *Home Building Act 1989*. This equates to a compliance rate of 96%. We are continuing to monitor regional and suburban newspapers to ensure that this high level of compliance is maintained.

Prosecutions

Mr Dane Kahui and Ownerbuild P/L

After receiving a number of complaints concerning the activities of Mr Dane Kahui and his company Ownerbuild Pty Ltd, the Home

Building Service conducted an investigation and found that Mr Kahui and the company were in breach of the *Home Building Act 1989*. Both were summonsed to appear before Wyong Local Court for seeking work whilst unlicensed, unlicensed contracting and failing to supply home warranty insurance. **Result:** Both Mr Kahui and the company were fined \$32,000 with Mr Kahui being order to pay \$9,500 in court costs.

Sanform P/L

Sanform P/L was the developer of a block of five home units. The company failed to supply a certificate of insurance with the contract of sale for each of the units. **Result:** The company was summonsed to appear at Campbelltown Local Court where it was fined \$25,000.

Mr Stephen Hobkirk and Ciel Pools P/L

Mr Stephen Hobkirk, through his company Ciel Pools Pty Ltd, entered into a contract to construct an in-ground swimming pool in 2001. In the process of receiving approval to commence construction of the pool, Mr Hobkirk produced a fraudulent certificate of home warranty insurance. **Result:** This matter was reported to the NSW Police who charged Mr Hobkirk with offences under the *Crimes Act 1900*. The Home Building Service issued Mr Hobkirk with a 'notice to show cause' as to why disciplinary action should not be taken against his contractor licence. This resulted in him being permanently disqualified from holding a building contractor licence.

Benjamin Akari and Akari Design and Construction P/L

Mr Akari, through his company Akari Design and Construction P/L, entered into a contract to construct a free standing dwelling. Mr Akari accepted a deposit on the contract and commenced construction without a certificate of home warranty insurance being in place. The consumer in this matter then lodged a complaint with the Consumer, Trader and Tenancy Tribunal concerning alleged defective work. Mr Akari was ordered to pay the consumer the sum of \$39,168 by the Tribunal. Mr Akari failed to comply with this order.

In June 2003 Mr Akari, again through his company Akari Design and Construction P/L, requested and received \$43,070.85 from a consumer for the construction of six home units in Croydon Park. Part of the money received by Mr Akari was for the supply of certificates of home warranty insurance for each of the home units. Mr Akari supplied six fraudulent certificates of insurance. Also in June 2003 Mr Akari, through his company, entered into a contract with a consumer to construct a unit complex comprising of 40 home units for a total price of \$4,400,000. Mr

...it was important to reinforce to the industry that the Office of Fair Trading was determined to maintain a presence on building sites across NSW.

Akari supplied 40 fraudulent certificates of home warranty insurance.

Result: The Home Building Service issued Mr Akari and his company with a 'notice to show cause' as to why disciplinary action should not be taken. This resulted in Mr Akari being permanently disqualified from being the holder of a contractor licence. The company's contractor licence was also cancelled. The Home Building Service has also summonsed Mr Akari to appear at Burwood Local Court for offences under the *Crimes Act 1900* in relation to this matter.

Pobjie Agencies P/L trading as Prouds Home Improvements

This licensed company would undertake major marketing campaigns signing up numerous consumers and taking deposits, fail to supply home warranty insurance and often fail to commence work. Its operations caused significant consumer detriment. **Result:** In August 2004, the Home Building Service commenced proceedings in the Supreme Court, seeking injunctions and compensation orders against the company and Mr Michael and Mr Thomas Pobjie. The application sought orders to ban the defendants from the home

Disciplinary Results Home Building Compliance 2004-2005

Tader's Name	Licence No.	Nature of Allegations	Determination	Fines
Ahmad, Masahud	122501C	Improper conduct & failure to comply with rectification order	Fine & reprimand	\$10,000
Akari Design & Construction P/L	108180C	False HWI Certificates, Failure to Comply with CTTT order	Cancelled	
Akari, Benjamin	89199c	False HWI Certificates, Failure to Comply with CTTT order	Permanently disqualified	
Baltimore Constructions P/L	21409C	Defective work & not have written contract	No Further Action – under external administration	
Breckel, Kurt E	26778	improper conduct	Fined	\$2,000
Bremar Homes	4983C	Failure to comply with rectification order	Fined	\$2,000
Cappello, William (Baltimore Cons)	55764C	Defective work & not have written contract	Reprimand	
Chapman, Christopher Dallas	105599C	Failure to comply with CTTT order	Fined	\$1,000
City Wide Timber Flooring (Sydney) P/L	133993c	Improper conduct	Withdrawn – in liquidation	\$2,500
Collie, Ray (Pebble Pools)	89614C	Improper conduct	Fined	\$2,500
Delaney Brian	31787C	Breached statutory warranty	Fined	\$8,000
Dolan, Edward Thomas	86431C	Failure to comply with rectification order	Fined	\$2,000
Hightrade Construction P/L	87496C	Breach of statutory warranty	Fined	\$20,000
Hird, Peter	47051C	Breach of statutory warranty s18B(a)	Fined	\$10,000
Hobkirk, Stephen Andrew	Q9541	Not fit to hold a supervisor certificate	Permanently disqualified	
Koloff, Nikolai	8860C	Failure to comply with CTTT order	Fined	\$12,500
Li Zhang	77050c	Improper conduct	Fined	\$13,500
Massoud, Youssef Hanna	76821c	Failure to comply with CTTT order	Fined	\$1,500
McGrath, Kenneth Maxwell	54054c	Improper conduct	Withdrawn. Contractor not licensed at the relevant time.	
Merlin Constructions/Developments P/L	131248c	Improper conduct	Fined	\$25,000
Mourched, Naim	116830c	Failure to obtain HWI and provide written contract	Fined \$5000	\$5,000
Pebble Pools & Spas P/L	119063C	Improper conduct	Fined	\$4,250
Phillips, Peter Allen	21777c	Improper conduct	Fined and training required	\$5,500
Reeves, James Clifford	92246C	Improper conduct. Failure to comply with CTTT order	Fined	\$1,500
Summerville, Steven William	10053C	Failed to comply with CTTT order	Fined	\$1,500
Vincent, Darren	118211C	Improper conduct. Failure to comply with rectification order & CTTT order	Fined	\$3,500
Whitehill, Robert Peter	65110c	Breach of stat warranty 18B(a)	Fined	\$10,000
Yedgar & Partners Pty Ltd	123161C	Breach of statutory warranties & defective work	Reprimand	
Yedgar, Vanick	131052c	Breach of statutory warranties & defective work	Reprimand	
Total Fines				\$143,750

Prosecution Results Home Building 2003 – 2004

Trader's Name	Court	Result	Fines (\$)
Arrow Constructions (NSW) Pty Ltd	Manly	Fined - Convicted on each count	\$3,752
Baird, Nicholas	Lismore	Fined & Convicted. \$500 x 4, Costs \$513	\$2,513
Blue Haven Pools & Spas Pty Ltd	Parramatta	S.10 Proved but dismissed. Ordered to pay costs	\$4,474
Catalan, Manuel	Liverpool	Fine, \$1500 x 4, Cost \$852	\$6,852
Clancy, Paul John	Manly	Fined - Convicted on each count	\$3,752
Darwent, Evan	Albury	Dismissed under s.10 but ordered to pay costs	\$314
Francis, Troy Daniel t/as Sydney Skylights Systems	Downing Centre	Fined. Reviewed & amount reduced from \$6,326	\$3,826
Galante, Sergio	Downing Centre	Fined & convicted, plus costs	\$1,613
Garrett, Jonathon	Ballina	Fined & convicted, plus costs	\$2,903
Harellis, George	Parramatta	Fined	\$4,426
Harris, James	Newcastle	Fined \$500 and order to pay \$163 in costs	\$663
Hutchinson, Colin	Newcastle	Dismissed under s.10 but ordered to pay costs	\$393
Kahui, Dane	Wyong	Fined \$32,000 and order to pay costs of \$10,673	\$42,673
Lawand, Chakib	Downing Centre	Fined \$2000, plus \$663 court & professional costs	\$2,663
Lloyd, Lisa Carol	Blacktown	Fined	\$3,589
Lowry, Michael John	Parramatta	Fined	\$700
Lyons, Troy	Downing Centre	Fined & convicted, plus costs	\$513
M L Noble Properties Pty Ltd	Parramatta	Fined	\$700
Matheson, Scott Robert	Manly	Fined	\$3,752
McCormick, Barry Neil	Lismore	Fined \$300 on each count and pay \$463 in costs	\$1,663
Nassar, Joumana	Cooma	Fined	\$450
Owner Build Pools Pty Limited	Wyong	Fined \$4000 on each count	\$32,000
Prytz, Stanley Asbjorn	Gosford	Fined	\$3,152
Sanform Pty Ltd	Campbelltown	Fined & convicted \$25,000. Costs, \$2,383	\$27,383
Spasevski, Anthony	Parramatta	Fined	\$3,252
Taleb, Mouhamed	Fairfield Local	Fined	\$2,463
Watts, John Malcolm	Penrith	Dismissed under s.10, but ordered to pay costs	\$726
Total Fines			\$161,160

building industry for ten years pursuant to findings of misleading and deceptive conduct, unconscionable conduct and accepting payment without intending or being able to supply as ordered, breaching both the *Fair Trading Act 1987* and the *Home Building Act 1989* regarding excessive deposits and failure to provide home warranty insurance.

Interim orders were granted restricting the way in which the defendants could deal with assets. Prior to the hearing in December 2004 the company went into liquidation. On 3 February 2005 an injunction was granted banning Michael and Thomas Pobjie, the directors of the company, from the residential building industry until 30 September 2005 and extended the order freezing the assets of the company to that date. The Home Building Service has issued a 'notice to show cause' to Michael and Thomas Pobjie as to why disciplinary action should not be taken against them.

Mr Li Zang and Hightrade Construction P/L
In 2001 Hightrade Constructions P/L entered into a contract to construct 110 home units. After the units were sold, a number of defects were noted which included the failure by Hightrade to place fire retardant sealant between the units. **Result:** The company and

Mr Zang, who was also the nominated qualified supervisor for the company, were issued with a 'notice to show cause' as to why disciplinary action should not be taken against their contractor licences. The company and Mr Zhang were fined \$20,000 and \$13,500 respectively.

Co-operatives and associations

Murawina Mt Druitt Co-operative Limited

The Commissioner, in his capacity as Registrar of Co-operatives, appointed an inspector on 31 March 2005 to conduct an inquiry into the financial position of Murawina Mt Druitt Co-operative Limited following concerns regarding the solvency of the co-operative, failure to lodge annual reports and hold annual general meetings as well as information provided by the two main funding agencies. **Result:** With the risk that the board was continuing to incur liabilities and exacerbate the financial difficulties of the co-operative, the Registry had an obligation to bring this matter to a conclusion and act to ensure that the board did not incur more debt when there was little chance of it being able to meet these commitments. The inquiry report was completed on 17 May 2005 with the recommendation that an application be made

He was convicted and sentenced to 2 years full-time imprisonment with a non-parole period of 15 months.

by the Registrar to the Supreme Court of NSW for an order to windup the co-operative, and for a liquidator to be appointed by the Court. Steps are currently being taken to commence this action.

H D McFarlane

Following an investigation, the Office of Fair Trading charged Mr H D Macfarlane, (former secretary of the Liverpool Ingleburn Co-operative Housing Society) with failure to act honestly in exercising powers and the discharge of functions under the *Co-operative Housing & Starr-Bowkett Societies Act 1998*. **Result:** Mr Macfarlane entered a plea of guilty. He was convicted and sentenced to 2 years full-time imprisonment with a non-parole period of 15 months. He was also ordered to pay compensation of \$152,459 to the society and costs of \$16,325.

Regional

Across the state, we continue to conduct inspections of travel agents, motor dealers, employment agents, pawnbrokers and second hand dealers and real estate agents to ensure they comply with their responsibilities under Fair Trading legislation.

At major events throughout the year, retail merchandise outlets were inspected and ticket promotions were monitored to prevent scalpers, unofficial suppliers and false tickets. Events such as New Years Eve parties were also monitored to promote the Entertainment Industry Code of Practice – to minimise the likelihood of complaints concerning ticket sales and refunds.

Weekend markets were inspected to ensure stalls were compliant with product safety, trade measurement and fair trading legislation and we inspected roadside 'car yards' for unlicensed motor dealers.

Other compliance issues such as product safety and trade measurement, which includes retail packaging, weighing scales, fuel & LP gas dispensing and liquor dispensing were also targeted during the year.

Regional compliance

Fair Trading's inspectors promote fair and accurate measurement in the marketplace and ensure compliance with the full range of legislation administered by Fair Trading. Throughout 2004-2005 we conducted volumetric inspections of bulk flowmeters and tankers measuring instruments, visual weighbridge inspections, inspections of weighing instruments at international and domestic airports, inspections of hardware store scanners and duel pricing checks.

Regional Compliance continues to be a priority in insuring business complies with their legislative responsibilities.

Trade measurement

Our program of inspections included:

- petrol bowers at service stations
- LPG sellers and high flow aviation fuel units at regional and rural airports
- liquor dispensers in clubs and hotels
- price scanning equipment at supermarkets
- motor dealers, travel and real estate agents
- butchers, supermarkets, fruit and vegetable traders, weighbridges and second hand dealers.

Motor dealers

Our South Region inspectors conducted a motor dealer blitz around the Southern Region in April 2005. The blitz saw the inspectors conduct 85 inspections, issuing 18 formal cautions, 7 penalty notices and 4 notices to show cause on motor dealers across the region. Similar monitoring across the State resulted in varying fines for breaches of the *Motor Dealers Act*.

As part of Consumer Week in November 2004, an extensive Motor Dealer Compliance and Education Program was conducted in Tamworth and surrounding areas. The inspections included checking the dealers' licenses and business registrations and an audit of prescribed records to ensure compliance with legislation. Over 30 cautions were issued as a result of the program

Travel agents

Travel agents throughout the North and North West have been inspected to make sure they are properly licensed and have registered business names. An audit of prescribed records was conducted to ensure compliance with legislation.

LPG sellers

We conducted LPG meter inspections at service stations and other LPG sellers in Coffs Harbour, Lismore and Ballina areas. As a result of our inspections one meter was rejected and closed down until maintenance was carried out.

Price scanning survey

As part of a National Price Scanning Survey, pharmacies, hardware stores, service stations, discount and variety stores and liquor shops were inspected to ensure that all scanning equipment complied with legislation.

High flow test units

High flow aviation fuel units at regional and rural airports in Gunnedah, Narrabri, Wee Waa and Moree were inspected to ensure that the equipment was supplying the correct volume of fuel. This is especially important to the rural community who are high users of light aviation for agricultural purposes.

Service stations

Extensive service station compliance activity was carried out in northern NSW. Large service stations on the highways and arterial roads in towns including Lismore, Ballina, Casino, Coffs Harbour, Nambucca Heads, Grafton, Tamworth, Moree, Narrabri, Gunnedah, Armidale were inspected for accuracy.

Pawnbrokers and second hand dealers

A pawnbrokers and second hand dealers seminar was held at Grafton to inform and educate the industry on recent legislation reforms. The seminar was very well received and attracted over 30 brokers and dealers from as far away as the New England, Mid North Coast and Northern Rivers regions.

Fair Trading delivers education seminars and presentations to pawnbrokers and second hand dealers to ensure they were familiar with the recent legislation changes.

Lithgow Valley Springs (Aust) P/L

Lithgow Valley Springs (Aust) P/L was found to be substituting spring water from other sources and advertising falsely that it was bottled at the source. Breaches of sections 42 and 44(b) of the *Fair Trading Act* were detected. **Result:** Lithgow Valley Springs agreed to an enforceable undertaking, corrective action and newspaper apologies being published.

Sydney Region trader blitz

In October 2004, a total of 189 traders were visited across 13 business districts. This was an education campaign designed to increase awareness of trader rights and responsibilities and to ensure compliance with the relevant legislation.

Licensing

Home Building licensing

This year we processed 13,919 new building licences. There were 166,928 certificates and licences current as at 30 June 2005.

Cancellation of Licences

In late 2003, we identified concerns with a number of building licence applications and referred the matter to the Independent Commission Against Corruption (ICAC). This led the Commission to conduct a range of investigative activities into the conduct of persons making licence applications.

ICAC investigators subsequently uncovered a scam where around 134 internal TAFE records were changed to substitute the names of persons qualified for diplomas for those who

did not. These fake documents were provided for a fee, sometimes up to \$30,000. They were provided to assist individuals, who lacked the qualifications, skills and experience to be a builder in NSW, to obtain a licence.

A number of licences have to date been identified as having been obtained with fraudulent qualifications. In May 2005, we commenced action to cancel 76 of these licences and established a Task Force to investigate other parties connected with the false qualifications scam.

As well as reviewing and strengthening internal procedures we are working with other agencies, including TAFE, to ensure the system is secure against any future attempts to fraudulently obtain building licences.

Independent Commission Against Corruption Inquiry

The Independent Commission Against Corruption inquiry "Operation Ambrosia" has been ongoing for the last 12 months. In many respects, the activities of the Commission and the recent cancellation of licences referred to above results from the vigilance of staff in the Office of Fair Trading responsible for overseeing the building licensing system.

We have provided assistance during the last 12 months to Operation Ambrosia during its investigation of corrupt and fraudulent practices in relation to qualifications and documents used to obtain building licences.

Arising from the Commission's concerns, we have undertaken to strengthen and restructure licensing policies and procedures, supported by a corruption resistant analysis process.

While expected shortly, the Commission is yet to hand down its final report.

Licence checks

The Fair Trading web site has a dedicated Home Building section. Builders and tradespeople can access information regarding the reforms within the industry. During the year there were 90,804 unique visits to the building and tradespeople section of the Home Building web site. This is approximately 7,500 visits a month.

The site also allows on-line licence checks to be performed. This allows consumers the opportunity to check that the contractor they are dealing with is licensed and can perform the type of work the consumer requires. More than 106,077 people visited the on-line licence check facility throughout the year.

This led the Commission to conduct a range of investigative activities into the conduct of persons making licence applications.

This allows consumers the opportunity to check that the contractor they are dealing with is licensed and can perform the type of work the consumer requires.

Continuing Professional Development

The continuing professional development program for the building and construction industry came into effect on 1 March 2004. Holders of contractor licences and qualified supervisor certificates for building and swimming pool building are now required to undertake continuing professional development on an ongoing basis. The program will assist industry participants to improve their knowledge and skills, bring about improvements to the quality of construction, create a more robust and sustainable building industry and protect the interests of consumers.

The program has been revised and simplified with the assistance of an Industry Reference Group, comprised of a wide range of key stakeholders. The revised program was implemented on 1 March 2005. Booklets explaining the program were distributed in February to the 26,000 licensed builders and pool builders.

Builders and pool builders now receive an Annual CPD Statement with their licence renewal notice, which they are required to complete to show the number of program points they have earned for the previous year.

The specialist trades, comprising electricians, plumbers, drainers and gas fitters, and air conditioning and refrigeration mechanics, were due to commence the program on 1 July 2005. However, because of the current review of licensing, the implementation of any further continuing professional development programs has been deferred until the outcomes and the impacts of the licence review, if any, on the program are known.

Review of Licensing

The Minister for Fair Trading announced on 2 May 2005 that a review of licensing in the NSW home building industry would be conducted by former ICAC Commissioner Irene Moss and architect Kevin Rice.

The review is to examine the current regime, including entry requirements and categories of licences, to assess whether it is appropriate and relevant in the modern building industry. Since licensing was introduced in 1972 the industry has changed. This is highlighted by the increase in the number of current licences, from 16,000 in 1973 to 166,928 in 2005.

The terms of reference setting out the scope of the review were also released on 2 May 2005. It is expected that the review will present its report and recommendations by 30 September 2005.

The terms of reference for the review include considering whether:

- the range of building activity covered by licensing is appropriate
- the monetary threshold (\$1,000) for requiring residential building work to be contracted by a licence holder is appropriate
- the discrete licensing of individual, partnership and corporate entities is appropriate
- licence categories should be aligned with building types such as those referred to in the Building Code of Australia (e.g. low, medium and high-rise)
- the licensing of persons not contracting directly with homeowners is appropriate
- licensing should apply to the broader construction industry.

The review is to also assess the adequacy of entry requirements for licensing purposes including: training and education of industry participants; competency standards; and the role of licence testing and accreditation. The review is to examine the appropriateness of existing legislative conditions placed on licences and other authorities, including the period that authorities remain valid, and whether there is scope for commonality and consider the need for differential fee structures for the issue and renewal of licences and other authorities.

Building Consultants - pre-purchase property inspections

The licensing of building consultants involved in pre-purchase property inspections commenced on 1 January 2004. Many consumers utilise the services of building consultants when buying a home. The licensing and control of the operation of consultants who undertake this type of building inspection provides a level of comfort to home-buyers that the person they choose has the appropriate qualifications and experience to properly undertake this important work and that their services are provided in a professional and ethical manner.

A total of 465 licences were issued in 2004-2005 to individuals and entities to undertake pre-purchase property inspections.

Home warranty insurance

Introduction of Market Practice Guidelines

The final report of the NSW Home Warranty Insurance Inquiry was released in October 2003. The Government endorsed the thrust of the principal recommendations. The Inquiry found that home warranty insurance should continue to be provided by the private sector and made seven primary recommendations for reform of the scheme to ensure its transparency and accountability as well as its accessibility

and affordability to builders and the level of protection provided to homeowners.

An interim NSW Home Warranty Insurance Scheme Board has been established to oversee the scheme. The Scheme Board will be established on a formal basis on commencement of the relevant provisions of the *Home Building Amendment Act 2004* which received assent on 15 December 2004. It is anticipated that the legislative amendments will commence during the second half of 2005.

The Inquiry recommended the introduction of market practice guidelines to be developed in conjunction with insurers. It was further recommended that the guidelines be mandatory with compliance by insurers to be monitored. Development of the guidelines was overseen by the interim Scheme Board. Insurers and building industry organisations were consulted widely throughout the development of the guidelines.

The guidelines commenced on 1 September 2004 with the various provisions taking effect progressively from that date. The guidelines address issues such as underwriting procedures, premium rates, publication of information, assessment of eligibility, service standards, written reasons for decisions, outsourcing, intermediaries and complaint handling/dispute resolution. The guidelines form part of the amended conditions of approval for insurers to operate in the home warranty insurance market in New South Wales.

The guidelines are designed to bring more transparency and accountability to the provision of Home Warranty Insurance. Core features of the guidelines include making the following information publicly available:

- insurers' general underwriting guidelines and examples of premiums to be charged
- the standard forms builders must complete and information builders must provide, to help the insurer consider applications for insurance

- the details of each insurer's service standards and the service standards of intermediaries
- the contact details of each insurer and their complaints handling process so that builders know how their concerns will be handled.

Development of Claims Handling Guidelines and data reporting requirements

Also arising from the implementation of the recommendations of the NSW Home Warranty Insurance Inquiry the Interim Scheme Board is overseeing the development of claims handling guidelines and data reporting requirements. These further insurer governance provisions, which are nearing completion, will also form part of the conditions of approval to provide home warranty insurance in New South Wales. The claims handling guidelines which are being developed in consultation with insurers will address issues such as procedures, service standards, publication of information, third party service providers and the provision of written reasons for decisions.

As part of this process it is also proposed that the *Home Building Regulation 2004* be amended to provide for the deemed acceptance of a claim where it has not been determined after 90 days of its receipt by an insurer. This is the case in Victoria. At present, in New South Wales, a claim is deemed to be refused if it has not been determined after 45 days of its receipt by an insurer. This triggers a right of appeal to the Consumer, Trader and Tenancy Tribunal with subsequent cost implications for consumers.

The Office of Fair Trading and the Interim Scheme Board have regulatory responsibilities in respect of the home warranty insurance scheme. As part of these regulatory responsibilities, data is required on claims and policies from insurers in order for the operation and financial progress of the scheme to be appropriately monitored to ensure that it is operating effectively for homeowners, builders and the Government.

The guidelines form part of the amended conditions of approval for insurers to operate in the home warranty insurance market.

Licensing Activity

Licence type	New 03-04	New 04-05	Currently Registered
Building	13,554	13,109	166,928
Conveyancers	134	125	589
Motor Dealers	453	398	3,924
Pawnbrokers & Second-hand Dealers	267	214	1,098
Property, Stock, & Business Agents	2,523	2,593	26,980
Public Weighbridge	10	10	82
Real Estate Certificates	8,020	4,906	15,482
Trade Measurement Services	42	18	204
Travel Agents	133	111	1,464
Valuers	216	109	2,955*
Total	25,352	21,593	219,706

* On 30 March 2005 the implementation of the *Valuers Act 2003* abolished the licence category of "non Practising Valuer". The figure of 2955 represents the number of "Practising Valuers" registrations as at 30 June 2005.

The entry of additional insurers into the market has eased the difficulties previously faced by builders in obtaining insurance...

New Home Warranty Insurers

Prior to the Government commissioning the NSW Home Warranty Insurance Inquiry there were two insurers approved to provide home warranty insurance to builders in NSW. The implementation of the recommendations of the Inquiry and other changes to the regulatory regime has assisted in creating the conditions for a viable and stable insurance scheme. During the reporting period two insurance companies were approved to provide home warranty insurance in New South Wales, and other insurers have also expressed interest. There are now five major insurers approved to operate in the market plus a specialist insurer providing cover for owner-builders.

The entry of additional insurers into the market has eased the difficulties previously faced by builders in obtaining insurance with insurers having to face greater competition for market share. Builders are now able to receive approvals in a matter of days. Some easing of insurance costs has also been seen with a reduction in premiums.

The incidence of insurers seeking indemnities and bank guarantees has also fallen off markedly as competition has returned to the home warranty market.

Corporate Governance

The Corporate Governance Branch is responsible for ensuring that appropriate procedures are in place so the business of the Home Building Service is conducted in an honest, open and ethical manner. After its first full year of operation, the Branch has achieved positive results, particularly:

- the creation of a Home Building Service Professional Conduct and Ethics intranet site on Fair Trading's intranet
- processing and making determinations on Freedom of Information requests

- documenting and, where appropriate, investigation of complaints
- conducting audits of Home Building Service activities
- performing a secretariat role for the Home Building Service Corporate Governance Committee
- actioning requests from external authorities such as the ICAC and the Ombudsman
- establishing a Gifts and Benefits Register; a Conflict of Interest Register; and a Secondary Employment Register

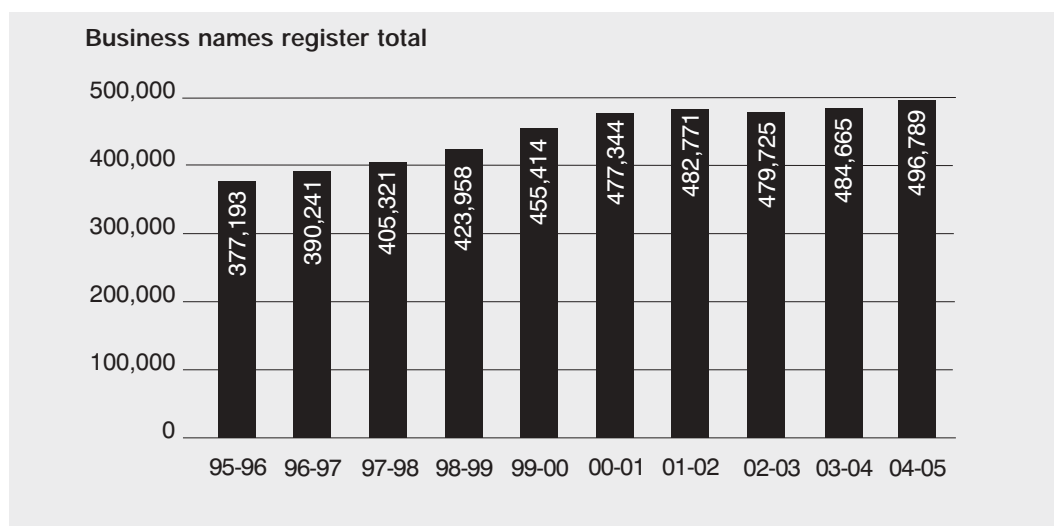
Business Licensing

Property Services Continuing Professional Development requirements

The *Property, Stock and Business Agents Act 1941* introduced mandatory continuing professional development (CPD) as a mechanism for increasing professionalism in the industry through the promotion of high standards. It provides industry participants with the means for responding effectively to change, adopting new work practices and enriching their knowledge and skills. CPD points may be obtained through a variety of training programs including face to face learning, on the job learning, watching a video, on-line learning, learning through CD-ROM and even by teaching certain type of continuing professional development activities.

The Commissioner for Fair Trading has developed Guidelines which provide a broad range of activities that can earn CDP points by providing both compulsory topics and priority learning areas. Continuing professional development training is available from a number of training providers including private providers, industry associations and TAFE.

Since the commencement of this requirement in 2003 the real estate industry has embraced



the change with a high level of compliance and very small percentage of requests for exemptions.

Travel Agents legislation changes

Recent legislative reviews of the Travel industry have recommended the introduction of mandatory qualification requirements in terms of training and experience and a basic level of competency. The *Travel Agents Regulation 2001* introduced a straightforward minimum qualification for a person in charge of the day-to-day conduct of a travel agency.

The new requirements seek to address the risks where consumers have limited access to information, allowing them to assess and compare the competencies of different service providers. This will enhance demand for services due to consumer confidence and enhance the reputation of the travel industry.

New valuers registration legislation

In New South Wales the property valuation industry is regulated in order to protect consumers from loss resulting from their dealings with valuers. The *Valuers Act 2003* and the *Valuers Regulations 2005*, which commenced on 31 March 2005, establishes a new regulatory framework more appropriate to the contemporary marketplace. The legislation simplifies licensing and disciplinary procedures, removes unnecessary requirements, enhances consumer protection and aims to raise the competency and professional standards of valuers.

The registration procedure reduces the number of categories of valuer registration from five to one and the registration period is increased from one to three years. The new disciplinary provisions allows the Commissioner for Fair Trading to issue a

notice to a registered valuer to show cause why disciplinary action should not be taken against them. The Commissioner may also publish a public warning of the risks in dealing with a specified registered valuer or person associated with the activities of valuers. The new provisions encourage changes in a valuer's conduct to achieve compliance with the new laws.

Business Names Registration

In response to the recommendations of the National Competition review, the *Business Names Act* was reviewed to remove requirements that impose on costs business where a public benefit could not be established.

The new *Business Names Act 2002* and associated legislation commenced operation on 5 October 2004. The new legislation streamlines the business name requirement and introduces efficiencies in the business registration process such as abolishing fees charged for updating details on the Business Names Register, exempting businesses that trade exclusively over the Internet from the requirement to register a business name, allowing the registration of multiple business names subject to certain conditions, restricting the minimum age for an individual applicant to 16 years or older and abolishing the requirement for interstate traders to have a resident agent in New South Wales. The Regulations include the power to correct entries on the Business Name Register, penalty notices for offences under the Act and issue of certificates of authority to authorised officers under the Act.

The positive impact that the legislation has on the operation of the marketplace is evident from both a competition and effectiveness perspective.

Since the commencement of this requirement in 2003 the real estate industry has embraced the change...



Publications

Print publications

Publications play a critical role in delivering Fair Trading information and education to safeguard consumer rights and advise business and traders on fair and ethical practice in the marketplace. During the year 23 new and 33 revised print publication titles were produced for distribution, bringing the total of Fair Trading print publications at the end of the year to 192 (176 titles). Our customers obtained these from Fair Trading Centres across NSW, by attending community events, from targeted mail-outs or intermediaries such as real estate agents and community organisations. They also accessed them electronically from the Fair Trading website and the NSW Government Online Bookshop.

Website

The Fair Trading website is an important tool in providing access to information and services to our customers. By using the website, customers can access our information outside business hours and directly from home. Moreover, those residing in regional areas of NSW are provided with greater access to our services through the website.

Our website provides access to:

- over 780 web pages of information
- 327 publications available for download (205 titles)
- 120 publications in languages other than English (26 titles in up to 25 languages).

The site is accessed by our customers over 100,000 times each month. This year the most popular publications accessed from the site were: Business names booklet, Tenancy handbook, Renting guide and Strata living booklet. The most popular web information pages were about registering a business name and access to Fair Trading forms.

During the year the website was improved in a number of ways including:

- A new property services on-line licence check facility

- On-line feedback forms in six community languages
- More information for seniors.

New and revised publications

Publications available only in electronic format are marked *

Corporate Publications:

- *Advertising checklist for the use of media staff**
- *Building Insurers' Guarantee Corporation and Fair Trading Administration Corporation report 2003-2004*
- *Customer service standards: our guarantee of service – English, Arabic*, Chinese*, Greek*, Italian*, Vietnamese**
- *Fair Trading: serving consumers and traders in NSW 2003/2004*
- *Rental Bond Board – Annual Report 2003/2004*
- *We can help you – English, Arabic*, Bosnian*, Chinese*, Croatian, Farsi*, Fijian, Filipino*, Greek*, Hindi*, Indonesian*, Italian*, Japanese*, Khmer*, Korean, Macedonian*, Polish*, Portuguese*, Russian*, Serbian*, Spanish*, Tamil, Thai*, Turkish*, Vietnamese*

Property and Tenancy Publications:

- *Agency agreements*
- *Buying a home*
- *Changes to strata laws*
- *Discrimination and renting**
- *Living in a community scheme*
- *Living there: information for renters*
- *Moving in: information for renters*
- *Moving out: information for renters*
- *New retirement village laws*
- *Retirement village living*
- *Retirement Villages Act: Dealing with prospective clients*
- *Retirement Villages Act: Financial accounts*
- *Retirement Villages Act: Recurrent charge variations*
- *Retirement Villages Act: Residents committees*
- *Retirement Villages Act: Statements of expenditure*
- *Retirement villages: buying off the plan*
- *Strata living – English, Arabic*, Chinese, Vietnamese**
- *Strata mediation*
- *Tenant databases: information for renters*

- *The renting guide: metropolitan edition*
- *The renting guide: regional edition*
- *The renting guide – Arabic, Chinese, Croatian, Farsi, Greek, Italian, Japanese, Khmer, Korean, Macedonian, Polish, Portuguese, Russian, Serbian, Spanish, Turkish, Vietnamese*
- *The tenancy handbook*
- *Using tenant databases: information for agents*

Building Publications:

- *Becoming an owner/builder*
- *Building a pool*
- *Building consultant licences*
- *Building disputes and resolution*
- *Building inspections: a home buyer's guide*
- *Buying off the plan – Chinese**
- *Continuing professional development program*
- *Electrical safety for workers**
- *Getting a contractor licence*
- *Home building checklist – English*
- *Home building contracts: why you should use one*
- *Home building reforms 2002/03: summary of progress*
- *Home warranty insurance*
- *NSW HIH rescue package: consumers**
- *NSW HIH rescue package: builders and developers**
- *Owner-builder approved courses*
- *Post construction*
- *Renewing your contractor licence*

Consumer Publications:

- *A consumer guide to funerals*
- *A seniors guide to consumer rights*
- *Backpacker accommodation**
- *Booking a holiday through a travel agent**
- *Buying a mobile phone – English, Arabic*, Chinese*, Italian*, Vietnamese**
- *Consumer help for the busy traveller*
- *Credit cards, and 'interest free' deals – English, Arabic*, Chinese*, Vietnamese**
- *Door-to-door sales and telemarketing – English, Arabic*, Chinese*, Greek*, Italian*, Korean*, Spanish*, Vietnamese**
- *Do you have a gas water heater?*
- *Electric room heaters**
- *Fitness industry code of practice**
- *Funeral arrangements*
- *Help with credit problems – English, Arabic*, Chinese*, Vietnamese**
- *Inflatable pools: consumers*
- *Motor vehicle extended warranties**
- *Relationship debt – English, Arabic*, Chinese*, Vietnamese**
- *Scams and how to avoid them – English*, Arabic*, Chinese*, Greek*, Italian*, Korean*, Spanish*, Vietnamese**
- *The car buyers handbook*
- *The hard sell*
- *The seniors' guide*
- *The shoppers' guide**
- *Thinking of buying a plasma TV*
- *Shopping and refunds: information for consumers – Chinese**
- *Toy safety checklist*

- *Using a broker to obtain credit – English*, Chinese**
- *Work from home scams – English, Arabic*, Chinese*, Italian*, Vietnamese**
- *Warranties*

Business Publications:

- *A guide to co-operatives – English, Arabic*, Italian*, Spanish*, Vietnamese**
- *Auto dismantler guidelines – English, Arabic**
- *Business Licence Information Service (BLIS) brochure*
- *Changes to pawnbroking laws: stage 2**
- *Co-operatives development grants program**
- *Co-operative directors – a guide to duties and responsibilities*
- *Co-operative membership*
- *Dealing with business scams – English, Arabic*, Chinese*, Greek*, Italian*, Korean*, Spanish*, Vietnamese**
- *Direct commerce – regulations of door-to-door sales and telemarketing*
- *Good business matters kit*
- *Online services for business*
- *Refunds information for business*
- *Registering and using your business name*
- *Registry of Co-operatives and Associations*
- *Regulation of finance broking in NSW*
- *Setting up an incorporated association – English, Arabic*, Italian*, Spanish*, Vietnamese**
- *The customer service guide**
- *Trade measurement packaging – Arabic**
- *Your statutory warranty poster*

Aboriginal Publications:

- *Buying a car*
- *Discrimination and renting*
- *What REVS can do for you*

Existing publications

Corporate Publications:

- *Annual reports: 1997/1998*, 1998/1999*, 1999/2000*, 2000/2001*, 2001/2002*
- *Fair Trading and the NSW Privacy Law*
- *Fair Trading: serving consumers and traders in NSW 2002/2003*
- *Not happy with the decision?**
- *Our services – English*

Property and Tenancy Publications:

- *Being a landlord*
- *Bidder's guide*
- *Buying into a strata scheme*
- *Changes to property agents law**
- *Conveyancing**
- *Holiday lettings**
- *New auction laws*
- *New laws for holiday vans*
- *Renting holiday homes**
- *Residential park liaison committees*
- *Residential park living*
- *Residential park owners: your main obligations to residents*

- *Residential park residents' rights: what you should do if you hear that the park may close*
- *Retirement village repairs*
- *Retirement village residents' rights: what you should do if you hear that the village may close*
- *Retirement Villages Act: Effect of the new Act on existing contracts*
- *Retirement Villages Act: Strata retirement villages*
- *Strata disputes*
- *Vendor finance*
- *What is a retirement village?*
- *What you should know before you rent – Bosnian*, Dari*, Indonesian*, Tamil**

Building Publications:

- *A builder's guide to customer service*
- *Buying off the plan - English*
- *Consumer building guide*
- *Electrical accidents in 1999*
- *Electrical accidents in 2000*
- *Electrical safety for plumbers*
- *Guide to standards and tolerances*
- *Home building checklist – English, Arabic*, Chinese*, Macedonian*, Vietnamese**
- *Home building contract: for work under \$25,000*
- *Home building contract: for work over \$25,000*
- *Owner-builder approved equivalent qualifications*
- *Protect your home from termites*

Consumer Publications:

- *Bathing your baby*
- *Borrowing money – English, Arabic*, Chinese*, Vietnamese**
- *Buying a used car – English, Arabic*, Chinese*, Italian*, Vietnamese**
- *Car rental-traveller consumer facts**
- *Check the safety of your pool*
- *Child safe blinds and curtains*
- *Consumer rights facts and fallacies**
- *Consumer tips for travellers: authenticity of indigenous art and crafts*
- *Electrical power tools*
- *Electrical safety guide*
- *In good hands: baby products and you*
- *Inflatable products containing polystyrene beads**
- *Introducing comparison rates*
- *Lay-bys information for consumers*
- *Little black book of scams*
- *Love and loans**
- *Nursery furniture and baby products*
- *Pyramid schemes*
- *REVS brochure: cars and boats*
- *REVS poster: one in 5 used cars repossessed*
- *REVS poster: would you buy a car or boat*
- *Safety switches: information for consumers*
- *ScamSmart kit*
- *Shopping and refunds: information for consumers - English*
- *Student guide: understanding your consumer rights*
- *Toughened glass*
- *Vanity publishing**

Business Publications:

- *Advertising: guidelines for business*
- *Baby bath support law*
- *Balloon payments: a guide for business*
- *Building customer relationships*
- *Changes to pawnbroking laws: stage 1*
- *Corded internal window coverings*
- *Credit: guidelines for business*
- *Customer service: guidelines for business*
- *Handling complaints and repairs*
- *How to form a co-operative*
- *Inflatable pools: suppliers*
- *Interest free offers and promotions: a guide for business*
- *Invoice fraud: guidelines for business*
- *Knives brochure*
- *Knives: full kit*
- *Lay-by sales: guidelines for business*
- *Measuring instruments for traders – English*, Arabic*, Korean*, Vietnamese**
- *Model rules for incorporated associations*
- *Our refund policy poster*
- *Petrol price signs**
- *Pre-packed bread – English*, Vietnamese**
- *Recliner chairs: safety guidelines*
- *Reforms to the employment agents industry**
- *Running an incorporated association*
- *Safe electrical goods – English, Chinese*, Vietnamese**
- *Sales methods: guidelines for business*
- *Signage for the sale of meat*
- *The sale of meat*
- *Trade measurement packaging – English*

Aboriginal Publications:

- *Aboriginal housing providers*
- *Are you having problems renting or leasing your home?*
- *Book-up: do you know what you are paying for?*
- *Book-up: what to look for*
- *Don't get caught out with credit*
- *Fair go*
- *Fair go poster*
- *Keeping your kids safe*
- *Know your rights poster*
- *Mad choices*
- *Need credit? Well, think again!*
- *Not just surviving poster*
- *Renting a home*
- *Renting information for Aboriginal housing providers*
- *Shopping refunds and lay-bys*
- *Sorting out your tenancy problems*
- *Starting a business*
- *Thinking of starting a cooperative**
- *Toy safety checklist*
- *Your rights on renting your home*

Advisory Councils

Fair Trading Advisory Council

Ms Margaret Hole, AM

(Chairperson)(C)

Partner, Solicitor in Legal Firm

Ms Narelle Brown (C)

Nominee of the Financial Counsellors
Association of NSW Inc.

Mr Francis (Frank) Burgess, AM (I)

Chief Executive Officer, Institute of
Automotive Mechanical Engineers

Ms Karen Cox (C)

Co-ordinator, Consumer Credit Legal
Centre (NSW) Inc.

Mrs Elizabeth Crouch (I)

Executive Director, NSW Housing
Industry Association

Mr Malcolm Gledhill (O)

Solicitor

Nominee of the Law Society of NSW

Mr Phil Marchionni (C)

Industrial Officer, Australian Association
of Professional Engineers,
Scientists and Managers Australia

Mr David Matthews (C) (I)

Director, Bi-Cam Pty Ltd

Mr Rodi Orantia (O)

Certified Practising Accountant

Dr Gail Pearson (O)

Senior Lecturer, School of Law, Faculty
of Law, University of New South Wales

Ms Gae Pincus (C) (O)

Consultant Lawyer, public policy,
regulatory, human rights, consumer
protection and trade practices

Ms Phillippa Russell (O)

Practising Lawyer and Principal in Strata
Managing company

Mr Peter Shearing (C)

Farmer and Grazier

Member, Social Security Appeals Tribunal

Mr George Varughese (C)

Hon. Secretary, Ethnic Communities'
Council of NSW Inc.

David O'Connor

Commissioner for Fair Trading

Home Building Advisory Council

Mr Greg McCarthy (Chairperson) (I)

Consultant insurance industry

Ms Kim Crestani (O)

Managing Director, Order Architects
Pty Ltd

Ms Elizabeth Crouch (I)

Executive Director, NSW Housing
Industry Association

Ms Penelope Ho (O)

Senior Lawyer, Corporate and
Commercial Law, Blake Dawson
Waldron

Mr Paul Jameson (I)

National Warranty Manager, Promina
Group Ltd

Professor David Lamond (O)

Director, Sydney Graduate School of
Management

Ms Maxine Leeson (I)

Managing Director, Stone-Edge
Homes and Divisional Secretary to
MBA of NSW Pty Ltd

Mr Jacob Mamutil (I)

Manager, Business Development,
NRMA

Mr William Peter Meredith (I)

Director, Housing, Master Builders
Association of NSW

Mrs Gisela Ramensky (C) (O)

Lawyer

Mr Larry Rice (I)

Vice president, B-fair, Licensed
builder

Mr Sam Romeo (I)

Managing Director, Crowne NSW
Pty Ltd, Licensed builder

Mr Salvatore Russo (C)

Lawyer

Mr John Worthington (O)

Building consultant, arbitrator,
mediator, Licensed builder

David O'Connor

Commissioner for Fair Trading

Motor Trade Advisory Council

Mr Francis (Frank) Burgess, AM

(Chairperson) (I)

Chief Executive Officer, Institute of
Automotive Mechanical Engineers (Inc.)

Ms Maria Alessi (I)

Executive Secretary, Institute of
Automotive Mechanical Engineers
(Inc.)

Mr David Allen (O)

General Manager, Compliance Strategy,
RTA

Mr Cecil Bodnar (O)

Australian Workers Union Greater
NSW

Mr Ronald Bowden (I)

Chief Executive Officer, Service Station
Association Ltd

Mr Ian Brown (I)

NSW/ACT After Sales Manager for
Holden Ltd

Mr Garry Hingle (O)

Secretary, Vehicle Division of the
Australian Manufacturing Workers'
Union

Mr Trevor Lawler (I)

Automotive Engineer

Allianz Australia Insurance Ltd

Mr James McCall (I)

Chief Executive Officer, Motor Traders
Association

Mr Robert McDonald (C)

Senior Manager, NRMA Industry
Research, NRMA Insurance Limited

Ms Maryanne Petersen (O)

CEO, Automotive Training Board

Ms Belinda Rendle (I)

Nominee of NRMA Motoring Services

Mrs Margaret Thompson (C)

Company Director, Automotive
Training Australia

David O'Connor

Commissioner for Fair Trading

Property Services Advisory Council

Ms Phillipa Russell (Chairperson) (O)

Lawyer and Strata Managing Agent
Member, Law Society of NSW

Ms Mara Ashmore (C)
President, Property Owners'
Association of NSW

Mrs Cristine Castle (I)
Licensed Real Estate Agent, Vice
President of Real Estate Institute of
NSW

Mr Kevin Clay (I)
Licensed Real Estate Agent, President
of Property Industry Council

Mr Christopher Fitzpatrick (I)
Licensed Real Estate Agent, President
of Real Estate Institute of NSW

Mrs Maria Linders (I)
Managing Director, Linders Strata
Management Pty Ltd

Mr John McIntyre (I)
Solicitor

Mrs Judith Maher (C) (O)
Manager, Complaints, Aboriginal &
Torres Strait Islander Commission

Ms Pamela Morgan (O)
Lecturer in Law, Solicitor

Mr Eric Prince, AM (I)
Manager, Prince Harrington Valuers
Pty Ltd

Mr Donald Wright (I)
Director, Stock and Station Agency

David O'Connor
Commissioner for Fair Trading

Retirement Villages Advisory Council

Mr Malcolm Gledhill
(Chairperson) (O)

Solicitor, Slade Manwaring

Mr Reginald Allen (C)
Retired, Village resident

Shirley Bains (C)
Nominee of the Combined
Pensioners & Superannuants
Association

Mr David Bentley (I)
Manager, Retirement Village

Professor Clifford Blake, AO (O)
Retired

Ms Kathleen Brewster (C)
Retired

Mrs Barbara Burnham (C)
Retired, Member of Retirement
Village Residents Association

Ms Joan Carter (C) (O)
Retired, Nursing qualifications

Mr John Cowland (I)
CEO, Illawarra Retirement Trust

Miss Geraldine Daley (O)
Solicitor, The Aged-Care Rights
Service

Ms Wendy Fisher (C)
Principal Solicitor, The Aged-Care
Rights Service

Mr Ian Hill (C)
Retired

Mr Nick Reid (I)
General Manager, Gandel Group,
Retirement Division

Mr Paul Sadler (I)
CEO, Aged & Community Services
Association of NSW & ACT

Ms Lynne Wilkins (C)
Solicitor, Legal Aid Commission of
NSW

David O'Connor
Commissioner for Fair Trading

Council of the Motor Vehicle Repair Industry Authority

Mr Francis (Frank) Burgess, AM
(Chairperson) (I)

Chief Executive Officer, Institute of
Automotive Mechanical Engineers
(Inc.)

Ms Maria Alessi (I)
Executive Secretary, Institute of
Automotive Mechanical Engineers
(Inc.)

Mr David Allen (O)
General Manager, Compliance
Strategy, RTA

Mr Cecil Bodnar (O)
Australian Workers Union Greater
NSW

Mr Ronald Bowden (I)
Chief Executive Officer, Service
Station Association Ltd

Mr Garry Hingle (O)
Secretary, Vehicle Division of the
Australian Manufacturing Workers'
Union

Mr Trevor Lawler (I)
Automotive Engineer Allianz Australia
Insurance Ltd

Mr James McCall (I)
Chief Executive Officer, Motor
Traders Association

Mr Robert McDonald (C)
Senior Manager, NRMA Industry
Research, NRMA Insurance Limited

Ms Belinda Rendle (I)
Nominee of NRMA Motoring
Services

Mrs Margaret Thompson (C)
Company Director, Automotive
Training Australia

David O'Connor
Commissioner for Fair Trading

Co-operatives Council

Brian Given (Chairperson) (O)
Assistant Commissioner Operations,
Office of Fair Trading, Department of
Commerce

Wesley Anderson (O)
Retired (formerly General Manager,
Family First Credit Union Ltd)

Colin Francis OAM (I)
Chairman of Yeoval Community Hospital
Limited

Rodney Greentree (I)
Chairman, Woodburn Cane Harvesting
Co-operative

Paul Hart (I)
General Manager of Finance and
Administration, Independent Liquor
Group

Helen McCall (C)
Executive Officer, Co-operative
Federation of NSW

Henry Pan OAM (I)
Chairman, Chinese Australian Services
Society Co-operative Ltd

Alison Peters (O)
Deputy Assistant Secretary, Community
Affairs of the Labor Council of NSW.

Marie Winter (I)
Secretary, Co-operative Federation of
NSW

Co-operative Housing & Starr-Bowkett Societies Standards Committee

David Horton (Chairperson) (C)
Retired (formerly Registrar of Co-
operatives)

Ray Anns (O)
Treasury nominee - Principal Adviser,
Microeconomic Reform

Mark Bayly (O)
Acting Manager, Home Purchase
Products and Services, Department of
Housing

Ian Downing (I)
Secretary, Metropolitan Co-operative
Housing Society Group

Christine Gowland (O)
Manager, Financial Analysis - Registry of
Co-operatives & Associations - Office of
Fair Trading - Department of Commerce

Key

C: Consumer Groups

I: Industry Groups

O: Other Groups (including academic,
trade unions, etc)

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Office Locations

1 Fitzwilliam Street Parramatta NSW 2150

Head Office
Tel: 9895 0111
Fax: 9895 0222

REVS

Tel: 13 32 20 or 9633 6333 (7 days)
or 1800 424 988 (outside Sydney)
Fax: 9891 5135

Home Building Service
Tel: 1300 554 668

234 Sussex Street Sydney NSW 2000

Renting Services
Rental Bonds
Tel: 9377 9000 or 1800 422 021
Fax: 9377 9371

Aboriginal Tenancy Information
Tel: 13 32 20 or 1800 500 330

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
Diversity and Equity
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

Level 3A
13 Kildare Road
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

29 Molesworth 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

For help on any fair trading issue call your nearest Fair Trading Centre, or call the specialist service listed below which is relevant to your enquiry. A range of Fair Trading services are also available via Government Access Centres (GACs) and other agency locations throughout regional New South Wales. For details, visit the website www.fairtrading.nsw.gov.au

**Fair Trading
 Centre locations**

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

Fair Trading Centres – call 13 32 20 for general enquiries

Specialist services

- Home Building Service
1300 554 668 ..www.fairtrading.nsw.gov.au/building
- Rental bond13 32 20
- Tenancy13 32 20
- Strata schemes13 32 20
- Aboriginal tenancy ..13 32 201800 500 330(*freecall*)
- REVS13 32 20 or 9633 63331800 424 988(*freecall*)
- Business licences ..9372 9290
- Registry of Co-operatives and Associations
1800 502 042
- Consumer, Trader and Tenancy Tribunal (CTTT)
1300 135 399

TTY 1300 369 889 * Telephone service for the hearing impaired.

Language assistance

Tel. 13 14 50 Ask for an interpreter in your language.

Office of Fair Trading

1 Fitzwilliam Street Parramatta NSW 2150

PO Box 972 Parramatta NSW 2124

Tel. 9895 0111

www.fairtrading.nsw.gov.au 13 32 20