



Fair
Trading

NSW Fair Trading

Year in Review: 2014-15



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NSW Fair Trading: 2014-15 at a glance

Legislative change	
Acts administered	42
Regulations administered	29
Bills assented to	1
Acts repealed	4
Regulations repealed	3
Services provided to the public	
Requests for service <i>(Includes all requests for information, services and transactions)</i>	7,203,160
Website visitor sessions	4,251,938
Mobile website visitor sessions	343,993
Phone enquiries received	1,075,457
Rental bond transactions	561,908
Counter enquiries	9,683
Consumer and trader complaints about marketplace transactions	46,973
Public seminars, information sessions and education activities	2,150
Seminar, information sessions and education activity participants	65,326
Information on registers as at 30 June 2015	
Occupational and business licences on registers	452,478
Registry Services records on registers	38,712
Electrical safety certifications – declared articles on registers	5,113
Compliance and enforcement actions	
Inspections	10,411
Investigations	1,745
Plumbing Inspection and Assurance Service inspections	67,391
New electrical safety certifications – declared articles	1,470
Penalty notices issued	823
Prosecutions	499
Civil proceedings	92
Total compliance related activities	82,431
Agency as at 30 June 2015	
Staff FTE count (Full Time Equivalent)	708.79
Fair Trading Centres throughout NSW	19
Community grants funding allocation	\$19,352,636
Expenditure budget	\$127.4 M

About NSW Fair Trading

Our Vision

NSW Fair Trading serves the consumers and traders of NSW. Our vision is to ensure an ethical, fair and efficient marketplace for all.

Our Goals

Fair Trading has a set of robust goals backed by legislation and in our role as both a market regulator and a consumer protection agency.

Fair Trading's goals are as follows:

- Provide for a safe and fair marketplace;
- Enhance compliance in the marketplace;
- Help consumers and traders understand their marketplace rights and obligations;
- Be an effective, integrated and innovative agency.

Our priorities

- Implement the Government's better regulation initiatives and law reform priorities;
- Focus our compliance and regulatory resources on the areas of greatest risk of consumer detriment in the market and intervene as efficiently & effectively as possible;
- Support consumers and traders to understand their marketplace rights and to meet their obligations;
- Become a more effective regulator by improving our planning processes, finding innovative ways of doing business and increasing staff capability.

Our functions - What we do

NSW Fair Trading safeguards consumer rights, regulates specific industries and occupations, and advises traders on fair and ethical business practice.

The laws we administer set the guidelines for fairness in the countless daily transactions between consumers and traders.

We mediate consumer complaints and enforce compliance through licensing, inspections, investigations, prosecutions and other disciplinary actions.

Both consumers and traders can access our website or phone the Fair Trading Contact Centre on 13 32 20 to obtain information on their rights and responsibilities, or seek assistance with resolving disputes.

Selected Fair Trading services are also provided through Service NSW service centres across NSW.

Service delivery

Objectives

- Provide the community and industry with easy access to Fair Trading's information and services;
- Ensure traders in both metropolitan and regional areas have access to the latest information concerning rules and regulations that apply to their business.

Strategies

- Effective education, information and services;
- Management and coordination of communication channels and resources to support Fair Trading's service delivery including regional outreach, seminars/events and new services;
- Provide face to face access to Fair Trading's subject matter expert staff.

Highlights

- 94% of 46,973 complaints about marketplace transactions worth up to \$716 million were successfully resolved without recourse to a tribunal or court;
- Website visitor sessions have increased by almost 2.4% to 4.25 million, while our mobile website was visited over 343,993 times through the year;
- 65,326 people attended Fair Trading's 2,150 information sessions, talks and seminars across the state;
- 98% of all residential rental bond refunds were processed within our guarantee of service timeframes;
- 1,075,457 telephone enquiries were received in the Contact Centre, Fair Trading Centres across the state and other areas across the agency with 95.6% calls to the Contact Centre answered within our guarantee of service;
- 1,173 real estate agents attended a My Place program and 674 members attended Real Estate Institute originated events;
- 860 travel agents were visited or contacted to ensure that they were aware of the Travel Agents Act being repealed;
- 511 small business owners were visited and supplied with information on regulations that may impact their business.

Service delivery snapshot

Service-level statistics	2014-15
Requests for service	7,203,160
Rental bond transactions	561,908
Residential rental bonds held in trust	754,423
Value of residential rental bonds in trust	\$1.202 billion
Consumer and trader complaints about marketplace transactions	46,973

Guarantees of service

NSW Fair Trading sets a high standard of quality customer service.

We measure our performance against a set of customer guarantees every year.

Guarantee of service criteria

Telephone enquiries

We answer 90% of all telephone enquiries within 5 minutes.

Complaint handling and dispute resolution services

We finalise 85% of general consumer complaints or disputes between parties within 30 working days of receiving the complaint. In other cases we contact the parties within 30 working days to advise them of actions being taken.

Issuing of licences

After receiving all relevant information from the applicant and other agencies, we issue 85% of new licences within 30 working days.

Some licence types such as Tattoo Operator licences may take additional time to finalise due to checks that must be carried out with external agencies.

We issue 85% of home building licence renewals within 2 working days and 90% of property and business licence renewals within 14 working days - provided they are not affected by disclosures or statements relating to an applicant's fitness to continue the business.

Rental bond refunds

Provided both parties to a bond have agreed, we will deposit 90% of refunds to a bank account within 2 working days or by postal cheque within 4 working days of receiving the claim form.

In cases where we are required to notify either party to a bond, refunds are generally issued within 20 working days of receiving the claim form.

Completed investigations finalised

We finalise 90% of investigations within 180 days of commencement. Some investigations may take additional time to finalise due to their complex nature and the requirement to partner with external agencies or service providers.

GIPA applications finalised

We process 100% of all applications for information under the *Government Information (Public Access) Act 2009* (the Act) within the timeframes specified in section 57 of the Act. This is 20 working days, except where we have to consult with third parties or retrieve records from a repository.

The timeframe can also be extended by negotiation with the applicant.

Customer feedback

Compliments, suggestions and complaints about our services help us know what we are doing right and where we can improve our services. If we can't resolve a customer complaint on the spot, we will contact the customer by phone or email within 4 working days or send a written response within 20 working days.

Co-operative registrations

We aim to process 85% of new co-operative registrations within 28 days of receipt of finalised documents.

Association registrations

We aim to process 85% of approved applications for name reservation and registration of incorporated associations within 5 working days of receipt. Completed annual summaries of financial affairs (Form A12) are processed within 10 working days of receipt.

Guarantee of service results

Performance measures	Target	2014-15
Telephone enquiries answered within 5 minutes	≥90%	95.6%
Consumer and trader complaints finalised within 30 working days	≥85%	94.7%
Consumer and trader complaints resolved successfully	≥70%	94.0%
New property & business licences Issued within 30 working days	≥85%	86.2%
Renewed property & business licences issued within 14 working days	≥90%	93.9%
New home building licences issued within 30 working days	≥85%	81.0%
Renewed home building licences issued within 2 working days	≥85%	94.6%
Straight direct deposit bond claims processed in 2 working days	≥90%	96.2%
Straight cheque bond claims processed in 4 working days	≥90%	98.6%
Bond claims requiring notification issued within 20 working days	≥90%	98.6%
Completed investigations finalised within 180 days	≥90%	85.3%
GIPA applications finalised within timeframes	100%	99.3%
Customer feedback complaints finalised within 20 working days	100%	94.1%
Registration of new Co-operatives processed within 28 days	≥85%	100%
Registration of Incorporated Associations processed within 5 days	≥85%	85.5%
Registration of Association name reservations processed within 5 days	≥85%	86.0%
Association annual financial summaries processed within 10 days	≥85%	94.7%
Total services achieving published standards	≥90%	76.5%
Customer satisfaction	≥90%	90%
Accuracy of information provided	≥95%	91.4%
Community take-up rate*	≥700	975.2

*Average number of services requested per 1,000 people in NSW – Based on ABS statistics of 7.41 million (as at June 2013).

Access to Information

Fair Trading Telephone enquiries

In 2014-15, Fair Trading answered 1,075,457 telephone enquiries on general fair trading matters, bonds, strata and tenancy, business licensing, home building and Registry Services matters (cooperatives, associations, funeral funds, limited partnerships and solicitor corporations).

The Fair Trading Contact Centre (FTCC) provides a single, expert Fair Trading access point for customers and delivers 1st tier dispute resolution.

Of the calls received by the FTCC, 95.6% were answered within our Guarantee of Service standard of 5 minutes.

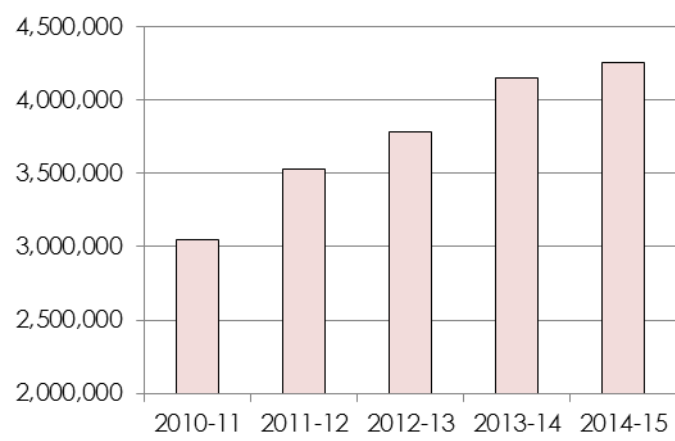
Telephone enquiries

	Enquiries
Rental bonds, strata and tenancy enquiries	377,035
Home building enquiries	156,883
General fair trading enquiries	157,600
Business Licensing Information Service	16,161
Business Licensing Administration Service	35,941
Registry services enquiries	28,537
Fair Trading Centre enquiries	86,809
Other enquiries	216,491
TOTAL telephone enquiries	1,075,457

Fair Trading website

The Fair Trading website continues to provide easy access to the most current information for consumers and traders in NSW. Over 4.25 million visits were made to the website during the year - an increase of almost 2.4% from the previous year.

Website visits by year



In 2015 the website homepage was redesigned with a fresh look. The redesign aimed to make it easier to navigate the site from the homepage and incorporated our engagement tools as well as highly visible consumer alerts. Early feedback has been positive.

Our mobile website received 343,993 visits during the year, an increase of 31.4% from the previous year. We completed a project to integrate our website and mobile website content management systems, which will allow us to better respond to the increasing need of consumers for access to information and services using mobile devices.

During the year we implemented an audio option across pages on our website, extending the accessibility of our information by allowing people to listen rather than read information. This option is also available for some community language pages on the website. This audio option was used 8,210 times during the year.

424 publication titles were available to download and print from our website, including 251 website pages that could also be downloaded and printed as fact sheets. 29 of the fact sheet titles were available in up to 33 languages and 152 as large print format fact sheets.

Social media

The Fair Trading Facebook page continues to grow in importance as both an engagement tool and a quick, effective and direct way to respond to consumer queries. The Facebook page now has over 46,000 likes and our posts generated over 71,000 stories across the year.

Our presence on Twitter continued to gain momentum as a tool for communicating and engaging with our customers with 745 new followers during the year, bringing our total followers to 4,029.

As well as daily messages to accompany all Fair Trading media releases, Twitter strategies were built into all our major communication campaigns.

We increased our presence on YouTube with seven new videos, bringing the total to 312 videos available from our channel. These included *Help with tenancy problems* (English, Arabic, Chinese, and Vietnamese), *Pack some peace of mind*, *Understanding property prices* and *Licensed and loving it*. Our videos were viewed 60,126 times during the year.

eNews

We continued to provide targeted eNews services to our customers through news feeds, email newsletters and alert services.

During the year subscribers to our email newsletter services increased across all newsletters:

- *The Letterbox* saw a 0.9% increase to 11,061 subscribers;
- *Foundations* had a 144% increase to 61,413 subscribers;
- *What's new* received a 16% increase to 11,738 subscribers;
- *Property industry news* saw a 194% increase to 44,524 subscribers; and
- *Auto Torque* had a 55% increase to 2,427 subscribers.

Electronic enquiries

In addition to obtaining information over the phone or in person, our customers were able to lodge questions online through Fair Trading's website.

In 2014-15, Fair Trading responded to 30,581 electronic enquiries on a range of service delivery areas.

Breakdown of electronic enquiries

Product Description	Enquiries
Fair Trading	10,124
Tenancy, Bonds, Parks	4,637
Retail	4,863
Other Services	2,158
Community, Strata	1,677
Construction	2,053
Property	875
Information Media and Telecommunications	655
Financial and Insurance Services	284
Utilities	140
Professional Scientific and Technical Services	177
Accommodation and Food	247
Education and Training	216
Employment, Investment, Gambling	167
Transport Postal and Warehousing	144
All other electronic enquiries	2,164
TOTAL	30,581

Access to services

A range of Fair Trading services contribute to fairness and equity for individuals and growing prosperity across NSW. Information for consumers and traders allows individuals and businesses to understand their rights and obligations and to function effectively in the marketplace.

Fair Trading provides a range of service delivery channels to assist consumers and traders in accessing information in a way that meets their needs.

Licensing services

Fair Trading's licensing services protect consumers and assist traders by maintaining and improving the integrity of industries vital to the NSW marketplace. This is achieved through checking qualifications, criminal records, bankruptcy and insolvency, company histories and previous licence records.

NSW has a rigorous licensing regime which aims to ensure that only properly qualified, fit and proper individuals, tradespeople or corporations are issued with licences to operate in certain industries or to contract with consumers.

Licensing for trade work, for example, is an important aspect of maintaining a high quality and robust residential building industry, which protects consumers and builders alike.

In recent years Fair Trading has worked to assist small businesses in areas such as accessing a range of licensing services online, including renewing their licence and updating their details.

During 2014-15 Fair Trading administered 22 business and property services licence and certificate types and 31 residential building work licence and certificate types under a number of separate Acts and Regulations across a diverse range of industries involving property, motor vehicles, pawn broking, second-hand goods, tattooing, building work, trade work and specialist trade work.

Legislation which covered Fair Trading's licensing services during 2014-15 included:

- Conveyancers Licensing Act and Regulation;
- Home Building Act and Regulation;
- Motor Dealers Act and Regulation (repealed December 2014);
- Motor Vehicle Repairs Act and Regulation (repealed December 2014);
- Motor Dealers and Repairers Act and Regulation (commenced December 2014);

- Mutual Recognition (Automatic Licensed Occupations Recognition) Act and Regulation (commenced December 2014);
- Occupational Licensing (Adoption of National Law) Act and Occupational Licensing National Law;
- Pawnbrokers and Second-hand Dealers Act and Regulation;
- Property, Stock and Business Agents Act and Regulation;
- Tattoo Parlours Act and Regulation;
- Valuers Act and Regulation.

Licensing functions enable Fair Trading to:

- maintain registers including online licence check facilities;
- maintain standards by requiring compliance with licence conditions; and
- support enforcement by defining who can lawfully supply services within a licensed industry.

We also contribute to minimising barriers to employment entry into an industry by processing applications within published service delivery performance standards, providing easy access and channel choice for the lodgement of applications and payment of licensing fees, and minimising red tape for small business through efficient administrative processes.

In December 2014 automatic mutual recognition laws commenced allowing specific licensed electricians from Queensland, Victoria and the Australian Capital Territory to work in NSW without obtaining a NSW licence.

Fair Trading now provides building and trade licensees with the option to renew their licence for three years instead of one, saving 20% on fees.

Lifetime licence numbers have improved efficiency for builders and tradespeople, and also enhanced consumer protection and awareness by providing continuity of the licence record, should a licensee leave and later return to the industry.

In 2014-15, 32,935 new licences and certificates were issued and 127,635 existing licences and certificates were renewed, resulting in a total of 452,478 licences on registers across all business, property services and home building licensing areas.

86% of the 15,844 new business and property services licences and 81% of the 17,486 new

building and trade licences or certificates were processed within our Guarantees of Service.

94% of the 60,181 renewed business and property licences and almost 95% of the 67,454 renewed building and specialist trade licences and certificates were processed within our Guarantees of Service.

Additionally, 1,711 building and specialist trade licences were upgraded by variation requests with 471 licences cancelled or suspended.

Licence and certificate types currently on registers

Licence or certificate type	New	Total
Motor dealers	381	3,532
Motor vehicle repairers and tradespeople certificates	3,324	106,523
Pawnbrokers and second-hand dealers	115	685
Property, stock and business agents	3,579	32,445
Real estate certificates	7,723	21,988
Valuers	296	3,226
Conveyancers	90	1,213
Builders and specialist tradespersons	17,091	281,980
Tattoo Parlour operators and Tattooists	336	886
TOTAL	32,935	452,478

Rental Bonds

Rental bonds custodial services provide tenants, landlords and property owners with confidence that bonds are used for their rightful purpose and are quickly available when required.

According to our Guarantee of Service, provided both parties to a bond have agreed on who should receive the bond, refunds are usually deposited to a bank account within 2 working days or issued by postal cheque within 4 working days of receiving the claim form.

This standard was met in 97.8% of rental bond refunds. At 30 June 2015, 754,423 residential rental bonds to the value of \$1.202 billion were held in trust.

Residential rental bonds held in trust

	2012-13	2013-14	2014-15
Bonds lodged	275,388	284,915	295,052
Bonds refunded	252,340	261,736	266,856
Bonds held in trust	703,158	726,337	754,423
Total enquiries processed	428,143	434,291	484,736

Registry Services

Fair Trading administers legislation for the registration and maintenance of public registers for the administration of associations, co-operatives, funeral funds, cooperative housing societies, limited partnerships, solicitor corporations and boarding houses.

Registry Services entities currently on registers

Entity type	New	Registered
Incorporated associations	1,768	36,097
Co-operatives	6	604
Funeral funds	-	28
Co-operative housing societies	-	5
Starr-Bowkett societies	-	11
Limited partnerships	20	860
Incorporated limited partnerships	16	133
Solicitor corporations	-	76
Boarding houses	143	898
TOTAL	1,953	38,712

We continued a campaign, commenced in the previous year, to improve the governance of incorporated associations by ensuring compliance with their annual financial reporting obligations.

The campaign to date has resulted in reductions of 32% for tier 1 (large) associations and 16% for tier 2 (small) associations' non-compliance rates.

The campaign is ongoing and is expected to continue to result in increased compliance outcomes for these important community organisations. During the year 4,829 compliance actions were also undertaken in relation to associations.

Associations compliance actions

Compliance action	2014-15
Notices to produce documents	22
Notices to show cause	2,609
Cancellation of registration	2,198

We utilised social media channels such as Facebook & Twitter to reach the vast community audience as an additional avenue to support compliance objectives and remind incorporated associations of their financial reporting obligations.

Invitations were issued to non-compliant incorporated associations to attend free information seminars outlining the support offered by Fair Trading and assisting them to understand their reporting obligations.

During 2014-15, 55 incorporated associations seminars were delivered across NSW, with 2,243 people in attendance.

Complaint Handling

Information is provided to consumers, tenants and traders on their rights and responsibilities under fair trading legislation to assist both parties to resolve marketplace issues.

Where parties cannot agree between themselves, a complaint can be lodged with Fair Trading and we will negotiate between the parties in an attempt to resolve the matter. Complaint handling is conducted throughout a network of 19 Fair Trading Centres and a Specialist Complaints Service located in Penrith.

During 2014-15, we received 46,973 consumer complaints to the value of \$716 million, 94% of which were resolved without the need for recourse to a court or tribunal.

Consumer and trader complaints

Market sector	2012-13	2013-14	2014-15
Real estate	1,444	3,754	6,455
Home building	7,774	7,988	8,518
Fair trading	33,942	33,366	32,000
TOTAL	43,160	45,108	46,973

Top 10 consumer complaints in 2014-15

Product Description	Complaints	%
Residential Tenancy, Bonds & Parks	4,045	8.6%
Electrical, Electronic, Whitegoods and Gas Appliance sales	3,079	6.6%
Automotive (Used) sales	2,441	5.2%
House Construction	2,282	4.9%
Furniture, Furnishings, Manchester sales	2,216	4.5%
Clothing, Footwear, Accessories, Jewellery sales	1,997	4.3%
Automotive repairs and maintenance	1,735	3.7%
Automotive (new) sales	1,614	3.4%
Travel & Tourism services	1,410	3.0%
Property purchase or sales	1,082	2.3%
All other complaints	25,072	53.5%
TOTAL	46,973	100%

Tenancy complaint handling

In 2014-15 we handled a total of 4,045 complaints regarding a broad range of tenancy and property management related issues. This followed the introduction of Fair Trading's enhanced information and complaint handling services for tenancy matters launched in late 2013.

Of these complaints, we were able to resolve 95% of those successfully without customers needing to pursue the matter through the NSW Civil and Administrative Tribunal (NCAT).

Tenants, landlords or agents can access the service which provides a convenient avenue for the early resolution of tenancy disputes and has resulted in a significant rise in tenancy matters being handled by Fair Trading.

A campaign to promote Fair Trading's free tenancy complaint service encouraged uptake of the service by renters, landlords and agents.

A new video *Help for renters* (in English, Arabic, Vietnamese and Chinese) was a key tool for promoting the service, as well as the *Help for renters* brochure which was distributed to stakeholders and front counter service centres, complementing our usual communication channels.

A dedicated online complaint form for tenancy complaints was developed for this new service. Together with our general and home building online complaints forms and our online enquiry form, these are now mobile-friendly and easy to use across mobile devices.

Strata scheme mediation

The use of mediation to settle strata and community scheme disputes continues to be a success. Fair Trading has helped many parties resolve their disputes without the need for formal adjudication. The mediation process often restores relationships and allows many side issues to be resolved along with the main dispute.

In 2014-15, we received 30,642 strata scheme enquiries with 1,320 applications for mediation. Of those, 266 were successfully managed prior to mediation and 382 applications were successfully resolved by mediation. Of the remaining applications, 462 were declined by the respondent and 210 were not settled by mediation.

Since the introduction during 2014-15 of the Strata Management System, many functions are now automated and allow for more effective management of strata enquiries and mediations.

The new system also holds over 15,000 historical mediation records covering the past 15 years.

Strata scheme mediations	
Successfully mediated applications	382
Case Managed applications prior to mediation	266
Applications not settled by mediation	210
Applications declined by a party	462
Total mediations finalised	1,320

As part of Fair Trading's community education program, 24 strata information seminars with 908 attendees were run across NSW during the year.

Fair Trading is also a regular speaker at Strata Communities Australia industry seminars for strata scheme managers.

Home building dispute resolution

Fair Trading investigated 1,973 complaints to check compliance with the *Home Building Act 1989* along with 331 investigations into breaches of the *Electricity (Consumer Safety) Act 2004* and *Gas Supply (Consumer Safety) Regulation 2012* matters.

272 home building, 1,150 electrical and 239 gas field audit inspections were undertaken on a random basis during compliance campaigns.

2,342 mediations and onsite inspections were conducted to assist in home building dispute resolution.

46 Notices to Show Cause were issued resulting in a total value of \$237,000 in fines and seven licences being cancelled and/or the licensee disqualified from holding a licence.

366 penalty notices were issued for offences totalling \$404,500 in fines. Successful prosecutions were undertaken for 261 offences totalling \$727,545 in penalties.

Mobile friendly complaint & enquiry forms

Mobile friendly online complaint forms were launched on the Fair Trading mobile website on 4 May 2015, increasing accessibility for consumers.

Consumers can now lodge complaints and enquiries about goods and services, home building or tenancy issues on the go using their smartphones, tablets or other mobile devices.

The new forms are much simpler and faster to use. More than 80% of complaints lodged with Fair Trading are online.

MyInspections

In July 2014, Fair Trading introduced a new MyInspections gateway which allows users to pay fees and submit documents related to plumbing and drainage work in the Sydney, Illawarra, Newcastle and Blue Mountains areas.

This applies to all on-site plumbing and drainage work in the areas where Fair Trading conducts inspections. In addition to paying fees, the licensee can complete and submit the required Notices of Work, Sewer Service Diagrams and Certificates of Compliance.

This online system has streamlined these functions and reduced red tape for industry participants.

Community grants

Community grants are provided to not-for-profit organisations for the provision of community education and advice and advocacy services for tenants, retirement village residents and consumers who need assistance with personal financial difficulties.

In 2014-15, Fair Trading administered five programs with over \$19.3 million in funding. Our partnership with funded not-for-profit groups provides complementary service provision, in that we provide information, regulation and remedy, while the community sector specialises in the provision of advocacy and assistance for vulnerable consumers.

These programs also assist in ensuring these important services are made available to consumers across the state.

Community grants funding allocation

Funding allocations*	2014-15
Tenants Advice and Advocacy Program	\$9,755,319
Financial Counselling Services Program	\$6,520,011
No Interest Loans Scheme	\$2,357,168
Aged Care Supported Accommodation Service	\$473,211
Home Building Advocacy Service	\$246,907
TOTAL	\$19,352,636

*All figures exclude the GST payable on grants.

Service NSW

Delivery of one stop shops for government services is a key commitment of the NSW Government. As Service NSW service centres have rolled out across the state, Fair Trading has transferred its counter services to the new centres.

The process commenced in August 2013, and the transfer of all counter services to Service NSW was completed on 19 June 2015.

Fair Trading continues to retain its regional focus and presence delivering complaint handling, community engagement and compliance programs through its regionally based Consumer Protection Officers.

While our counter services have ceased, Fair Trading is ensuring that local consumers and businesses are aware of the ongoing Fair Trading services available in their communities through an extensive community engagement program, My Place Programs and local networks.

Community engagement

Inspiring local communities

Fair Trading has in place an extensive community education program to educate consumers, traders and licence holders about their rights and responsibilities.

Our education priorities support targeted programs for vulnerable consumers, industry and licensed traders, and those impacted by legislative reform.

Independent market research has demonstrated that our community education programs effectively increase people's knowledge of their consumer rights and empower them to resolve consumer disputes.

As legislative reforms were implemented during 2014-15, we rolled out a series of focussed industry education seminars across the state.

Education sessions operated in partnership with industry group representatives enabling us to reach a wide audience of those affected by the changes.

Last year, Fair Trading ran more than 2,150 community engagement events right across NSW which attracted over 65,326 consumers and traders.

My Place programs

Fair Trading's wide-ranging community education program includes the flagship *My Place* events which see Fair Trading staff spend a week in a local community to conduct seminars, information stands and trader education activities.

Fair Trading expert speakers are also proactive in visiting local high schools, TAFE colleges, seniors groups, retirement villages, migrant groups, mothers' groups, men's sheds, juvenile justice centres and a range of other community organisations to run short information seminars.

Real estate compliance lectures

Fair Trading's Consumer Protection Unit (CPU) provides a number of proactive presentation programs to assist real estate practitioners in understanding and complying with the *Property Stock & Business Agents Act 2002*.

CPU staff attend My Place Programs to provide free information sessions and to undertake inspections of local businesses to determine compliance. In addition to this, CPU staff attend and present at seminars organised by the Real Estate Institute.

These programs offer a unique opportunity for Fair Trading to engage with traders in forums where they can ask questions and hear issues their peers may be experiencing.

Attendance at these information sessions and seminars allows real estate agents to gain credit points for their continuing professional development requirements.

This year 1,173 agents attended a My Place program and 674 members attended Real Estate Institute originated events.

Repeal of the Travel Agents Act

As a result of the *Travel Agents Repeal Act 2014*, a proactive education and audit program was conducted across the metropolitan area to visit travel agents, and confirm that licence details, and all references to the Travel Compensation Fund were removed from their business.

Inspectors conducted face to face and desktop audits totalling 860 traders.

It was ascertained from discussions with agents that they were largely aware of the new requirements to remove any mention in their business of their old licence, and also any reference to the Travel Compensation Fund.

Where agents stated they had not received the Commissioner's information letter of June 2014, they were furnished by Consumer Protection Officers with a copy for their information.

Supporting consumers and traders in the marketplace

Objectives

- Engage with NSW consumers and traders to increase awareness of, and compliance with, their rights and obligations, and to raise awareness of the role of Fair Trading;
- Identify and inspect industries or activities that attract novice traders and are capable of significant market appeal to consumers.

Strategies

- Conduct educational campaigns to support legislative reform and compliance activities at both the state and national level;
- Conduct educational programs targeting consumers and traders and specific programs targeting more vulnerable communities;
- Develop inspection programs designed to gradually increase the level of regulator response, from trader education through to prosecution, over a number of phases.

Highlights

- Launched training providers education campaign in February 2015;
- Held *Think Smart* multicultural media conference in October 2014 with over 80 people attending;
- Held *Fair Trading Week* in October 2014 with 60 local events across NSW;
- Conducted *I love my local business* competition with 1,600 entries and votes received;
- Hosted nine *home building business expos* attracting more than 1,200 attendees;
- Attended 6 metropolitan and regional shows including the Royal Easter Show with over 1,100 show bags inspected;
- Inspected over 800 inflatable swimming pools;
- Conducted inspections of fuel price signs along major arterial roads to ensure that consumers receive accurate price per litre information and compliance with the price board requirements of the Fair Trading Regulation 2012.

Supporting Consumers

Training providers' education campaign

Fair Trading led a time-critical education response to an emerging issue within vulnerable communities by developing and implementing an education campaign about inappropriate conduct by training providers and marketers in relation to VET FEE-HELP courses.

The campaign complemented our compliance activities and encouraged greater awareness and understanding among vulnerable consumers in particular, about their rights and obligations under the Australian Consumer Law (ACL), before signing up for a training course. The then Minister for Fair Trading launched the campaign in February 2015.

Resources with the key message that "*a free gift could cost you thousands*" were translated into Spanish, Chinese, Vietnamese, Arabic, Hindi and Korean. Over 900 information kits were distributed to consumers, educators and service providers, including training providers, between February and May 2015.

Four presentations were conducted around Sydney, attended by over 100 service providers, community workers and educators.

The developed campaign materials were provided to our fair trading colleagues in other Australian jurisdictions for their own implementation of the campaign.

Seniors

Scam Awareness and *Shopping Rights* are our most popular talks for seniors. Fair Trading works with Probus, Lions, Men's Sheds, local Councils and many others to ensure that our information is available for a wide audience.

During 2014-15, we undertook 314 seminars targeting seniors, with 10,646 participants. Research has demonstrated significant increases in the knowledge of participants, with 89% of attendees rating them as excellent, or very good, with the remaining 11% rating them as good.

Gas safety

We amplified public warnings relating to gas safety by conducting awareness-raising activities timed with the introduction of a NSW ban on the sale of gas area heaters. To support compliance with the ban and protect consumers from the hazard of carbon monoxide poisoning from non-compliant heaters, a communications strategy was implemented which included dedicated web page fact sheets for retailers, suppliers and consumers, respectively.

We also implemented comprehensive communications related to the "lunchbox" (portable gas) cooker ban in NSW, which resulted in broad awareness and engagement, including 275,220 visits to Fair Trading's new Lunchbox Cookers web page during March 2015.

International students

In February 2015 we distributed approximately 31,000 copies of the *Consumer Guide for International Students* to language, tertiary, high school and technical educational organisations across NSW.

Young People

We produced interactive and engaging presentations, supporting young people to understand their rights in the marketplace.

Some of the presentations delivered in partnership with high schools, TAFE, juvenile justice centres, and youth centres included:

- 'Revved Up' information for buying a car;
- 'Moving Out of Home' for residential tenancy;
- 'Money Stuff' examining contracts, looking at hot topics such as mobile phone contracts, high school formals and schoolies week; and
- 'Your Shopping Rights'.

Independent market research has demonstrated that young people are more empowered and have a greater knowledge of the marketplace as a result of undertaking these programs. Almost 5,100 young people participated in our seminars.

Multicultural community

Information sessions to the multicultural community have increased significantly throughout the past year. Information has been specifically developed to meet the needs of non-English speaking migrants and refugees, in consultation with the specialist agencies that support them during their transition. In 2014-15 we reached 7,258 people from culturally and linguistically diverse (CALD) backgrounds.

Product safety campaigns

We continued to engage consumers, parents, carers and home owners in product safety messages and campaigns, including 31 product safety talks to supported playgroups with some of our very vulnerable consumers.

These aimed to inform targeted audiences about product recalls as well as other topical information including measures to reduce life-threatening hazards, especially for children, such as blind cords, elevated open windows, pool safety and unsafe toys.

Fair Trading also supported a September campaign 'Don't be a tool - DIY safety' by product safety regulators nationally, timed to coincide with Fathers' Day.

Window safety: Kids don't fly campaign

In the lead up to the 2018 legal requirement to install window safety devices in strata schemes, we continued to promote these vital window safety measures.

We updated our Strata living booklet to include the window safety requirements, with 20,000 printed copies distributed through strata seminars and events during 2015.

We placed an advertisement, 'How safe are your windows?' in NSW Police Legacy's Child safety handbook. The handbook targets parents, carers and teachers, with 55,000 copies distributed to 450 schools in NSW.

We continued to promote our 'Window locks save lives' video suite (available on YouTube) and collaborated with the Royal Children's Hospital in Melbourne for the reuse of the videos in Victoria.

Blind cord safety campaign

A blind cord safety campaign pilot provided website safety tips, Fair Trading-branded blind cord safety pack giveaways, social media engagement and promotion in a leading parenting publication, *Sydney's Child*. We partnered with Kidsafe NSW for a targeted distribution of the safety packs.

Pool safety

We disseminated information to consumers and the property industry to advise them of future pool safety laws. We led an Australia-wide 'Safer pool choices' campaign during November, and supported the Australian Competition and Consumer Commission (ACCC) national portable pool safety communications campaign over summer 2014-15.

Supporting Businesses & Traders

Toy and Product Safety education and awareness program

In August 2014 Fair Trading conducted an education and awareness campaign on toy safety for traders from non-English speaking backgrounds selling unsafe toys in the discount variety sector.

In the lead up to the Christmas period, the campaign was designed to alert traders to the importance of toy product safety issues.

Activities included advertising in press and radio in some of the major community languages, and distribution of translated information by Fair Trading investigators during their store visits and inspections.

In June 2015, Fair Trading hosted two seminars in Sydney, again targeting CALD traders who engage in buying and selling consumer goods, including toys, to assist them with a better understanding of regulations that apply to their business.

Held in Haymarket and Kogarah, these seminars provided valuable information to small business operators about product safety and running a business in NSW.

Translated information including Fair Trading USB cards containing product and electrical safety matters, ACCC information sheets and case studies of traders who had been fined and/or prosecuted for selling unsafe products were distributed to attendees. The inspection process in relation to these goods and the traders' rights and responsibilities was also explained.

In addition to the seminars, the campaign included community language radio segments, a translated media release and articles. The education program was well received.

To assist the CALD communities, Fair Trading Consumer Protection Officers, over the course of two weeks, visited small traders who may deal with the acquisition or sale of toys or goods where product safety matters come into play.

This field work also afforded Fair Trading the opportunity to collect some statistics on what type of toys or products use lithium button batteries. These batteries have caused increasing emergency department presentations and have the ability to cause serious injury or death when ingested.

We extended the campaign's toy safety messages to consumers, through online and social media engagement and by updating our toy safety checklist.

This incorporated content from a pre-Christmas toy safety campaign implemented by state and national product safety regulators.

511 traders were visited in total and 132 traders requested to be placed on an ACCC email update database.

I love my local business

The successful *I love my local business* Facebook competition was held for a third year. The competition shines a light on great business practices by asking consumers to nominate their favourite local business.

Winners from different NSW regions were selected by an independent panel, which included the NSW Small Business Commissioner.

The competition achieved over 80 positive media stories and close to 1,600 total entries and votes - an increase of 14% from the previous year where 1,400 were received.

Home shows

During the year we coordinated exhibition stands at the Sydney HIA Home Show and the Home Buyers and Property Investor Show.

Projecting the key theme of '*Check your tradie, check your rights*', the Sydney HIA Home Show featured a rolling presentation of tips and home building essentials for consumers.

Around 6,000 fact sheets, publications and promotional items were provided to 2,000 visitors on topics such as resolving disputes, insurance under the Home Building Compensation Fund, becoming an owner-builder, building a pool, strata living and major changes to home building laws.

We also produced a practical new consumer brochure '*Building or renovating? Checks to make before you build*' featuring checklists for key stages of the building process.

Promotional items included magnets reminding consumers to check a tradesperson's licence before they hire them.

Our 2014 Home Buyers and Property Investor Show stand supported 1,500 visitors with vital information on what they should know before investing in property.

Home building business expos

Since 2009, NSW Fair Trading has been facilitating a series of free Building Business Expos, aimed at educating licence holders and their business partners in relation to business improvement strategies and regulatory requirements within the home building industry.

Since the program commenced, approximately 11,000 people have attended 71 events, which attract continuing professional development points.

In 2014, Fair Trading again crossed the state hosting nine 'Building business expos', which attracted more than 1,200 attendees. With a focus on business management, builders, tradespeople and employees received support with their rights and responsibilities and dispute resolution, while gaining updates and practical advice on home building reforms and plumbing information.

Informed by previous participant feedback, the new format for the expos interspersed presentations with opportunities for attendees to network and speak with Fair Trading experts, Government agencies and industry partners under the one roof. Attendees reported high satisfaction with the event.

Participant feedback included:

"I found all the speakers to be very knowledgeable and engaging. I walked away feeling that it was 3 hrs very well spent... I would highly recommend attendance to any builder."

"The information and the speakers were all fantastic, engaging and all really relevant to the building industry and to me trying to establish my small construction business."

Given the positive response from these industry education and awareness programs, eight expos have been scheduled during the second half of 2015.

Home building reforms

To engage builders and tradespeople ahead of major home building reforms that commenced in early 2015, we distributed a dedicated issue of our *Foundations* industry eNewsletter to more than 60,000 subscribers.

An education campaign used radio advertisements targeting tradespeople in regional and metropolitan areas, an online search campaign and advertorial in *Renovating Magazine* as well as our usual channels: website,

social media and seminars. In addition, our home building contracts were updated and a more accessible Consumer building guide was developed.

The radio campaign reached out to more than 160,000 of our audience and Facebook also proved to be a successful way to both reach and engage with our audience, reaching more than 100,000 users and engaging with more than 4,000 people on reform related messages.

The campaign resulted in over 18,000 visitors to the website information and 5,000 downloads of the updated contracts.

Motor Dealers and Repairers reforms

We informed the motor vehicle industry about legislative changes that were introduced under the *Motor Dealers and Repairers Act 2013* which commenced in full on 1 December 2014.

We explained the key changes in a mail-out to around 35,000 motor industry businesses and licence holders and published information on our website.

We promoted the changes in social media as well as a range of motor vehicle industry journals and magazines through advertisements and editorial and issued a special bulletin of *Autotorque*, our eNewsletter for the motor vehicle industry.

The *Car Buyers Guide*, our key publication for consumers when looking to buy a motor vehicle, was updated and published as an interactive online document, allowing users to complete checklists and follow active links to relevant websites.

Building and construction industry changes

With Fair Trading now administering building and construction industry security of payment laws, we updated and transitioned information to the Fair Trading website and promoted the new retention trust scheme for construction projects over \$20 million.

This followed public consultation on the proposed changes to the security of payment regulation, communicated through core communications channels, including an article in our *Foundations* eNewsletter to home building licensees.

We also communicated the commencement of mutual recognition across east coast states, of certain electricians' licences.

New property agent requirements

We informed licensees about new requirements, including a commissions warning for agents to include in their agency agreements and about new trust account online registration requirements.

We also communicated the launch of a new underquoting guide on agents' responsibilities to convey reasonable and informed selling price estimates for marketed property.

Education & Information Programs

Fair Trading Week 2014

NSW Fair Trading Week is a week-long celebration to raise awareness about consumer and trader issues in the community and has been run annually since 2000.

In 2014 it was held from 27 - 31 October with the theme *Fair Market, Fair Go*, accommodating a number of sub-themes.

- *Fair rental market* – We held a special launch of our new Tenancy Complaint Service for CALD communities at one of our regular *Think Smart* events. The Fair Trading Minister attended and also launched a number of new information resources on renting, in community languages;
- *Fair Business* – The week coincided with the 'I love my local business' competition;
- *Fair home building market regulation* - The week concluded with the launch of a new video '*Licensed and Loving it*', available on YouTube and viewed by more than 3,500 viewers.

It featured candid 'vox pop' interviews with tradespeople attending a 2014 Building Business Expo, reinforcing the value a licence brings to consumers in terms of qualifications, training and experience to do the job at hand.

A shortened version of the video was also screened at the 2015 HIA Building & Business Industry Awards.

60 local events were held across the state during the week, including a My Place program at Kiama and the Family Fun Day at Orange, with a total of 1,663 attendees.

Other local activities included 95 compliance operations, 24 trader visits, 24 information stalls and 31 seminars and talks.

Reaching out to young people

Money Stuff program

Our *Money Stuff Challenge* competition aims to educate students about how to avoid the pitfalls of being a modern consumer.

In a long-standing partnership with NSW Education, the Challenge provides NSW high school students in years 8-10 with the opportunity to participate in a rewarding activity that meets some of the learning outcomes of the NSW Commerce syllabus.

Students are asked to use their new knowledge to select a consumer issue, identify a consumer message and develop it into a creative, entertaining and informative electronic presentation or tool that appeals to their classmates and other peers.

In 2014 the competition attracted 412 entries involving more than 1,200 students from 58 schools across NSW. Entries came in a range of forms including short movies, websites, smart phone apps, electronic magazines and presentations.

The People's Choice category provides students, their families, friends and the general public with the opportunity to vote online for their favourite entry. In 2014, over 5,000 votes were cast over a two week period for 18 finalists.

The then Minister for Fair Trading awarded prizes to the winners of the 2014 Money Stuff competition at the Money Stuff Youth Forum and Awards Ceremony, held at the Powerhouse Museum on 10 October, 2014.

Reaching out to seniors

2015 saw the launch of a completely revamped seniors guide during Seniors Week. The new compact, full-colour, large print guide primarily targets seniors with lower consumer literacy who do not access information online, and was informed by our 2013 research on vulnerable seniors.

Within the first four months of its launch, more than 13,000 copies were distributed. The guide has been sent to approximately 430 libraries across the state - a recommendation of the research into vulnerable seniors commissioned by Fair Trading in 2013.

Our smaller publication for seniors '*What we can do for seniors*' was included in Ageing, Disability and Home Care (ADHC) show bags at the Easter Show seniors hub.

We used the 2015 Seniors Discount Directory to extend the reach of our information to 1 million Seniors Card members in NSW, with information relevant to seniors such as avoiding scams, consumer guarantees and using a licensed tradesperson, published across 12 pages of the directory.

Fair Trading also supported a national social media and online campaign led by Consumer Affairs Victoria. It highlighted consumer protection messages directed towards seniors using the tagline '*Older and wiser*'.

Reaching out to multicultural communities

Think Smart program

Our Think Smart education program for culturally and linguistically diverse (CALD) communities has been in place since 2002. The program delivers information and education directly to CALD groups through partnerships with community organisations and multilingual media.

The program raises awareness of fair trading issues and services using a variety of information resources, public relations events and grass roots community activities.

We provide information for traders and consumers in 33 languages, including those of new and emerging communities, through our website. There are currently 38 Think Smart partners comprising 29 community organisations and 9 multilingual media outlets.

Think Smart multicultural media conference

We hosted our annual *Think Smart* multicultural media conference in Parramatta in October 2014. The conference was attended by over 80 people including Think Smart partners, community organisations, workers and leaders, educators, service providers and government agencies.

At the conference, the then Minister for Fair Trading launched our new DVD resource '*Help with tenancy problems*' (in Arabic, Mandarin and Vietnamese).

The DVD is a valuable educational resource for tenants, landlords, real estate agents, educators, community workers and intermediaries and highlights how Fair Trading can help with tenancy problems through its free Tenancy Complaint Service.

Think Smart consumer rights and small business seminars

We continued to run seminars and workshops for Think Smart partners, community workers and service providers to keep them up-to-date on consumer issues and legislation changes.

Our information sessions targeting Farsi speaking new migrants were attended by 40 participants. The sessions were run in Parramatta and Penrith in collaboration with the Australian Iranian Association.

Think Smart seminars also target culturally and linguistically diverse (CALD) small business operators, providing information on a range of relevant topics including the Australian Consumer Law and product safety.

To enhance this support we have developed a number of partnerships to address some of the other issues traders also need information about.

In September 2014, 60 people attended our Think Smart on Consumer Rights seminar and small business seminar at Fairfield RSL Club where alongside Legal Aid NSW, NSW Office of Liquor, Gaming and Racing, NSW Civil and Administrative Tribunal (NCAT) and the Telecommunications Industry Ombudsman (TIO), we provided information about consumer rights and available services.

This seminar was conducted in collaboration with Fairfield Emerging Communities Action Plan (FECAP), consisting of Fairfield City Council, Fairfield Migrant Resource Centre and the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS), and was supported by the Australian Securities and Investments Commission, the Office of the NSW Small Business Commissioner and the Australian Taxation Office and also presented information about the range of services they provide to small business.

As part of the My Place program a partnership has been developed with the Office of the NSW Small Business Commissioner, whose staff now attend My Place events to support local traders to understand the range of services available.

In collaboration with the City of Sydney we conducted a small business seminar primarily targeting the Chinese speaking community at the Novotel Hotel Haymarket in June 2015. The seminar was attended by over 90 people.

Plumbing health checks in remote Aboriginal communities

Fair Trading's Plumbing Inspection Assurance Service (PIAS) team and the Coordinator Aboriginal Programs conducted important Plumbing Health Checks in Aboriginal communities in Walgett, Lightning Ridge and Bourke.

This new program aims to improve health and wellbeing in remote Aboriginal communities and offers annual plumbing health checks in communities with limited access to tradespeople to provide locals with a better understanding of and capacity to ensure optimal operation of plumbing and drainage systems.

Fair Trading partnered with Aboriginal housing providers, Barriekneal Community and Housing Ltd, MurdiPaaki Regional Housing Corporation Ltd and Nulla Nulla local Aboriginal Land Council to make the most of the new initiative.

The first round of plumbing health checks conducted in 2014 in Lightning Ridge and Walgett revealed that the majority of properties inspected had only minor issues. One of the common issues raised by tenants was septic tanks releasing foul odours, and specialist staff from Fair Trading were able to provide advice to tenants on possible causes as well as a range of simple solutions.

In the second round, conducted in June 2015 in Bourke, 60 properties were inspected as part of the program, with minor repairs made on the spot by Fair Trading and aboriginal MPA apprentices to 35 properties. 53 properties were identified for major repairs.

One property was even identified as having Infinity cable installed – a serious safety issue which was brought to the attention of the housing provider and immediately made safe.

The program supports improved maintenance forward planning for housing providers and educates tenants about the impacts of flushing chemicals into the system, building or planting over sewer and stormwater lines and altering or interfering with overflow gully heights and existing drainage systems.

It also educates tenants and housing providers about the appropriate use of drinking water supply and backflow prevention to prevent contamination, identifying water conservation and rainwater harvesting opportunities and prevention of scalding.

Master Plumbers Association of NSW CEO, Paul Naylor, said the association was extremely pleased

to be invited by Fair Trading to participate in the program.

"It was great to see two first year apprentices from Master Plumbers Apprentices Ltd (MPAL) work under supervision of MPAL staff and Fair Trading to help local residents improve the quality of their lives. It was a very positive and rewarding experience for all those who participated and we look forward to being involved in future program delivery.

This is an outstanding initiative and I congratulate Fair Trading and the State Government for their foresight and commitment to Indigenous communities.

I also thank the suppliers who generously provided materials for the program – Caroma Industries Ltd, Vinidex Pty Ltd, Plumbers' Supplies Co-op, Elson Australasia Pty Ltd, Plastec Australia Pty Ltd, Geberit Pty Ltd, Fix-A-Tap Australia Pty Ltd and Bromic Pty Ltd."

Fair Trading would like to thank all those involved who have assisted and supported this program and the communities, Fair Trading is looking forward to assisting other remote Aboriginal communities in NSW and making this an annual program.

Operation Show15

As an important part of Fair Trading's continuing efforts to promote and ensure product safety in the marketplace, Operation Show15 spanned three months, covering Sydney and regional NSW agricultural shows.

In the lead up to the Royal Easter Show presented by the Royal Agricultural Society, Fair Trading conducted pre-show inspections of 349 show bags.

Although compliance was good, 19 items were required to be either removed from the show bags or rectified. Inspections were again conducted on the Show's opening day resulting in 100% compliance which continued for the duration of the show.

Regional shows were inspected during March and April 2015. Those shows were located in Newcastle, Castle Hill, Camden, as well as the Sydney Family Show at Moore Park and Hawkesbury show.

Approximately 800 show-bags were inspected during the course of those visits.

'Pack some peace of mind' campaign

Fair Trading contributed to the launch of a two month, national advertising and public relations campaign informing consumers about changes to national travel legislation and urging them to '*Pack some peace of mind*'.

The campaign was implemented as part of the Travel Industry Transition Plan, and sets out the national reforms to travel agents' regulation and the Travel Compensation Fund (TCF).

We worked collaboratively with other states and territories to deliver media releases, website updates, radio interviews and through a targeted distribution of consumer factsheets at travel exhibitions.

We also contributed to a social media strategy which saw the promotion of the '*Pack some peace of mind*' website, which featured a video, as well a social media competition.

National inflatable swimming pool inspection program

As part of a national program involving all State and Territory Fair Trading regulators, Consumer Protection Officers were involved in an extensive three phase inspection program of businesses that sold or were most likely to sell inflatable pools.

This was due to the new *Consumer Goods (Portable Swimming Pools) Safety Standard 2013* which requires all portable pools and their packaging to carry warning labels about the active supervision of children and the pools' appropriate storage when not in use.

The first inspection phase was conducted in February 2014, prior to the new mandatory standard commencing, with two further inspection phases being conducted after the standard commenced on 30 March 2014.

NSW Fair Trading conducted over 800 inspections which resulted in 37 penalty notices being issued (totalling \$20,350), 34 trader warnings and one matter under investigation.

The compliance rate has doubled to 65% since the February inspections.

Fuel signage - Operation Oder

Fair Trading continues its presence in the marketplace ensuring service station operators are complying with fuel pricing regulations (signage and displayed price). To this end operations were carried out in October 2014 and April 2015 to ascertain the rate of signage compliance and that octane ratings were appropriately displayed.

The October inspections were conducted in the metropolitan area covering 554 service stations resulting in 100% compliance.

In April, 726 service stations were inspected across the State. While compliance was generally good, six penalty infringement notices were issued for offences of 'not display fuel types' and one for dual pricing. The dual pricing was in the order of a one cent per litre discrepancy and was immediately rectified.

Monthly social media campaigns

Every month, the states and territories take turns leading social media campaigns through the Education and Information Advisory Committee (EIAC) to assist in a cohesive and consistent approach to Australian Consumer Law communications.

We supported other agency-led campaigns by promoting messages through social media channels, media releases, and online web content and we led two campaigns: '*Safer pool choices*' in November 2014 and '*Don't get burnt*' in January 2015. The '*Don't get burnt*' campaign message was issued through 19 Facebook posts, with an average reach of 16,898 people per post.

Plumbing presentations and trade shows

Fair Trading's Plumbing Inspection Assurance Service (PIAS) staff conducted a range of industry education programs during 2014-15, including information seminars to introduce the industry to the new *MyInspections* online facility, which is used to pay plumbing and draining audit inspection fees and submit necessary documentation to Fair Trading.

PIAS also attended various trade shows organised by the Master Plumbers Association and conducted presentations to TAFE students undertaking the Certificate IV in plumbing to inform them of their roles and responsibilities after they obtain their licence.

Automatic mutual recognition for east coast electricians

New mutual recognition laws were introduced in 2014-15 to make it easier for certain electricians working across Queensland, Victoria and NSW to be qualified to work across state borders.

For a licence to be recognised in another east coast state the electrician's principal place of residence must be in one of these states and their licence must be current. The requirements regarding equivalent licences are set out on the Fair Trading website.

Deck and balcony safety guide

In view of a number of accidents and deaths in NSW and other states involving unsafe balconies and decks, Fair Trading produced a *Deck and Balcony Safety Guide*, which can be downloaded from the Fair Trading website.

Balconies, decks, balustrades and railings must be built to the *Building Code of Australia* and relevant

Australian Standards and must be regularly inspected and maintained. They must be able to take the pressures typically placed on them.

Under NSW tenancy laws, landlords must provide and maintain rented premises in a reasonable state of repair.

Revised consumer building guide

When a tradesperson contracts to do residential building work worth more than \$5,000, they must give consumers a copy of the *Consumer building guide* before they sign the contract.

Based on industry and consumer feedback, NSW Fair Trading streamlined the guide into a convenient 2-page document that contains essential information on each party's rights and responsibilities.

The updated guide reflects the new laws and can be downloaded from the Fair Trading website.

Enhancing compliance with fair trading laws

Objective

Develop proactive inspection programs to determine the level of compliance within key industries and professions regulated by Fair Trading.

Strategy

Using complaint data and marketplace intelligence, identify those industries that have the greatest propensity to cause consumer detriment if left unchecked.

Highlights

- Operation Kuban: Overt intelligence-gathering programs in the real estate industry;
- Operation Gavel: Covert Real Estate underquoting inspection program;
- Operation Belaya: Targeted intelligence-driven real estate compliance programs.

Consumer protection

Fair Trading has a dedicated Consumer Protection Unit (CPU). This unit responds to matters unable to be resolved through the normal customer service complaint process or where a breach of legislation administered by Fair Trading is likely to have occurred. These matters are initially handled as a trader visit to determine the extent of the offence, if any.

A range of enforcement actions may be used in achieving compliance, including trader warning; penalty infringement notice; prosecution; or the matter may be referred for a more in-depth investigation.

The CPU also assists other Fair Trading business units including National Projects, Investigations and Enforcement as well as product safety, Australian Consumer Law and educating traders of their legislative responsibilities.

Over and above its core business, the CPU has also conducted a number of operations in the following areas.

Real estate

Under the *Property, Stock and Business Agents Act 2002*, agents who have held trust monies in the preceding financial year are required to have their trust books and records audited, and where 'qualified', lodged with the Commissioner for Fair Trading. The following operations were conducted

by the Consumer Protection Unit in relation to the property industry.

Dip sampling

Traders who had not lodged a 'qualified' audit were picked at random and requested to supply copies of their trust account audits. The results were then risk-assessed, and Consumer Protection Officers visited traders to conduct a general audit of their trust records.

Of the 33 agents identified as medium risk, three traders were referred for further investigation, 12 were issued with penalty infringement notices, one had ceased to trade and 14 resulted in no further action being proposed.

Of the eight traders identified as high risk, one was identified as already the subject of an investigation, four were issued with penalty infringement notices and the remaining three resulted in no further action being warranted on those occasions.

Qualified audits

The Consumer Protection Unit conducted 75 trader visits on those businesses who had reported less serious trust account 'qualifications'.

As a result of those visits, four traders were referred for further investigation; nine were issued with penalty infringement notices; six minor qualifications were rectified with 10 traders being given written warnings reminding them of their obligations to comply with the legislation.

Of the traders visited, 13 had ceased to operate and 33 were recommended for no further compliance action to be taken.

Operation Belaya: CBD and Inner City

Operation Belaya continued the examination of qualified audits, focussing on assisting Chinese-speaking agents with field education on their professional responsibilities.

In total 256 agencies were inspected, with 836 licence and certificate holders checked. 24 penalty infringement notices were issued covering a range of breaches including incorrect signage; audit not lodged; fail to prepare reconciliation; fail to prepare trial balance; failure to complete continuing professional development before renewal of licence/certificate; unlicensed; fail to lodge qualified audit; failure to supervise; and not have professional indemnity insurance.

A number of instances of anomalies appeared which may indicate underquoting. Some of those matters are still under investigation and legal action.

Operation Kuban: Northern Beaches and Southern Region Locations

Consumer Protection Officers conducted real estate compliance inspections to ensure all individuals were appropriately licensed or certificated and had completed their continuing professional development as required.

Operation Kuban also took into account more recent qualified audits to ensure matters as identified had either been rectified or whether further investigation was warranted.

Agents' sales files were also reviewed to establish any issues around underquoting. Operation Kuban targeted the Northern Beaches where 74 agencies were visited resulting in 16 penalty notices being issued and 285 sales files inspected.

Similarly, the Southern Region was later targeted where 155 agencies were visited resulting in 19 penalty notices being issued and 111 sales files inspected.

Operation Gavel: Covert Real Estate inspection program

During September 2014, it was decided on the strength of intelligence gathered during Operation Kuban that an underquoting operation be planned. Operation Gavel undertook to target traders for underquoting.

Two covert teams posing as couples of interested buyers made visits to open houses to attempt to obtain an estimation held out to them of the target property price. This was followed by general audits of those traders in the week following price discussions, to obtain records of the sales agreement and the price listed therein. There was no evidence upon documentation checking, of any underquoting.

Teams also attended and observed the conduct of real estate auctions and did not detect any breaches. No subsequent overt checks were made of agencies in relation to existing sales agreements.

Expired real estate corporation licences

An operation was formulated, based around a report of expired property corporation licences. Consumer Protection Officers conducted agency inspections to determine if corporations were trading illegally.

Of the 64 traders visited during the operation, 36 had ceased trading; two were issued formal warnings; and five were issued with penalty infringement notices for being unlicensed; not obtaining audit; supervision offences; and professional indemnity insurance.

The other 23 traders were found to be compliant. Eight traders restored their licences and two formally surrendered their licences.

Toy and product safety

Every year, consumer protection officers respond to marketplace issues related to toy and product safety. In the lead up to the Christmas marketing period, a concentrated effort is made to ensure optimum toy safety for consumers at that time of high demand.

Annual toy survey

44 staff from across Fair Trading were deployed into the field, inspecting 17,822 products across 738 businesses. 125 toys were retrieved from the field and assessed. 97 toys were sent for testing and 95 failed resulting in 35 penalty infringement notices being issued, seven matters referred for prosecution and one warning letter issued. As part of the survey, Fair Trading and other regulators placed a heavy focus on toys sold by discount variety sector stores.

Toy wholesalers

Following on from the Annual Toy Survey, a mid-year operation was undertaken to assess and educate toy wholesalers. 124 traders were visited with six traders exhibiting non-compliant goods which were immediately removed from sale. Traders were given education material and in most cases, supplied their email address to be subscribed to the ACCC product safety updates.

Home building

The *Home Building Act 1989* protects consumers by requiring builders and tradespeople to be licensed for the residential building work that they do. The licensing regime establishes standards in relation to competence, probity, contracts, statutory warranties and home warranty insurance to protect consumers against faulty or incomplete work.

Fair Trading targeted offences under the *Home Building Act 1989* through compliance programs that are conducted by carrying out unannounced visits to construction sites targeting building and specialist work (electrical, plumbing and gas, air conditioning and refrigeration work).

Public warnings and recalls

Portable butane 'lunchbox' cookers

NSW Fair Trading issued a public warning on 4 March 2015 under section 86A of the *Fair Trading Act 1987*, advising consumers not to buy portable butane cookers, commonly known as lunchbox cookers.

Testing of samples of the cookers undertaken at the request of state and territory gas regulators showed that the cookers did not operate as required by the Australian Standard (AS 2658-2008 'LP gas – Portable and mobile appliances'.)

The test results showed that the cookers' shut-off valves, known as overpressure devices, do not operate as intended and are non-compliant with the Standard.

This means that the cookers could pose serious safety risks, for example the gas cylinder in the cookers may become overheated and could explode if the shut-off valves don't operate as intended.

It was recommended that consumers don't buy these cookers and if they have older models of these type of cookers, stop using them and safely dispose of the cookers and the canisters.

This was the biggest news story for Fair Trading during the year, especially on social media. In March 2015 the Lunchbox Cookers public warning page on the Fair Trading website received 275,220 visits due to the extensive media coverage.

Unapproved USB chargers

Fair Trading issued a public warning to consumers on 26 June 2014, advising them not to buy unapproved or uncertified USB charges for phones and other devices following the tragic death of a young woman in the Gosford area.

Certain electrical articles have been declared under the *Electricity (Consumer Safety) Act 2004* to need approval before they can be sold in NSW.

Chargers are a declared article and it is an offence to sell unapproved chargers or any other declared article that is not approved.

Inspiration Homes

Fair Trading warned the public on 17 March 2015 against dealing with any unlicensed home builders or building companies for work valued over \$5,000.

Fair Trading specifically warned the public not to enter into contracts with 'Inspiration Homes' (Inspiration Homes Pty Ltd, ACN 140 929 175), as it

is an unlicensed entity. Neither Inspiration Homes nor its director, Mr Nikola Vujasin, holds a contractor licence to contract or to do residential building work in NSW.

Consumers who were interviewed by Fair Trading believed in every case that they were contracting with the company for the construction of their homes.

It was evident that Inspiration Homes were engaging sub-contractors, ordering materials and advertising as the builder.

Fair Trading is concerned that Inspiration Homes will continue to present itself as a licensed home builder both in NSW and overseas to contract to do work and will take deposits from consumers and leave incomplete and/or unsatisfactory work.

Fair Trading is continuing to examine the operations of Inspiration Homes and its associated entities.

Infinity cables

Fair Trading led the work that resulted in a national recall of Infinity cables was announced on 27 August 2014 as they failed to meet mandatory electrical safety standards from a poor quality plastic insulation coating.

The electrical cables are commonly used for household electrical wiring.

While there is no immediate safety threat, the cables may fail and break down over time.

The recall, initiated by the Australian Competition and Consumer Commission (ACCC), relates to all white TPS and orange round infinity mains power cables. Olsent power cables, sourced from Infinity Cable Co Pty Ltd, are also affected.

The recall covered the 18 national suppliers responsible for 85% of all cables sold in Australia.

Under the terms of the recall, suppliers agreed to resource the inspection, removal and replacement of affected cable installed around Australia that is unsafe because of its location or accessibility in specific premises.

All state and territory electrical and consumer regulators, including NSW Fair Trading, formed a taskforce to formulate a uniform response to cables installed throughout Australia. It wrote to over 140 known suppliers throughout Australia seeking information about the distribution of cables.

Suppliers were advised that Fair Trading will use its enforcement powers under electricity safety, building and consumer laws to help traders and consumers resolve disputes, or where traders are found to be in breach of their responsibilities.

Fair Trading undertook an investigation into the supply of these cables which resulted in prosecution action against the director of Infinity Cable being commenced in the Supreme Court for breaching section 16(1) of the *Electricity (Consumer Safety) Act 2004* for selling unsafe electrical products.

The maximum penalty under the Act is \$82,500 for an individual and \$825,000 for a company.

Enforcement Actions

Matthew Geoffrey Rixon

After a long campaign to protect consumers and bring Matthew Rixon to justice, 2014 was the year that saw Mr Rixon convicted in the Supreme Court and sentenced to jail.

Mr Rixon undertakes unlicensed fencing, decking and minor building works. The work is generally of inferior quality or incomplete. He is known to operate across NSW in areas including Newcastle, Sydney and Sutherland as well as the ACT.

Mr Matthew Rixon operates under various aliases and false company names including:

- Matt Geoffrey or Matthew Ewing;
- Shire Property Services Pty Ltd;
- Duke Builders;
- Rixco Fencing Pty Ltd;
- Deck A Day Pty Ltd;
- Quality Building Solutions Pty Ltd;
- Affordable Fencing Solutions;
- Tomaree Building Services; and
- Quality Fencing Solutions.

Mr Rixon was prosecuted by NSW Fair Trading in early 2013, resulting in fines of \$72,500 and orders of compensation totalling \$6,246.

He had already been previously issued with 28 penalty infringement notices totalling \$19,000.

Public warnings on Matthew Rixon and companies were issued by the former Minister and the Commissioner for Fair Trading on 23 May 2012, 23 July 2012, 19 October 2012 and 13 April 2013.

On 17 April 2013, the NSW Supreme Court made consent orders permanently banning Mr Rixon

from undertaking any residential building and landscaping work in NSW.

In early 2014, NSW Fair Trading presented evidence to the court that Mr Rixon had been knowingly operating in NSW in breach of the orders made.

On 9 May 2014, the NSW Supreme Court found Mr Rixon guilty of contempt of court by breaching those orders.

On 19 September 2014, Matthew Rixon was sentenced to 18 months imprisonment.

The Sentence was suspended provided that, throughout the period of the term, Mr Rixon is of good behaviour; complies with the order of the Court made on 17 April 2013; and undertakes 300 hours community service.

Fair Trading has commenced further contempt proceedings against Mr Rixon in the Supreme Court.

Charbel Khoury / Switchiton / Switchworx

Fair Trading issued a public warning to consumers on 19 June 2014 not to deal with Mr Charbel Khoury or his company, Switchiton Electrical Services Australia Pty Ltd.

In November 2012 Parramatta Local Court ordered Mr Khoury to pay \$31,162 in fines and costs, and ordered him to pay \$50,000 in compensation to consumers affected by his substandard work when he operated under the company name of Switchworx Electrical Pty Ltd.

Mr Khoury was also disqualified from holding a licence for a period of three years by Fair Trading but was discovered to be operating again under the new company Switchiton Electrical Services Australia Pty Ltd.

Mr Khoury does substandard work, cutting corners on safety, and coerced consumers into paying for unnecessary and expensive works. He advertises in local newspapers and online in the Yellow Pages.

In February 2015 Parramatta Local Court ordered Mr Khoury to pay \$20,000 in fines and costs for breaching the *Crimes Act 1900* for false and misleading conduct.

He also entered into undertakings under the Australian Consumer Law, preventing him from working in the NSW home building industry until 2018. If he breaches these undertakings, he will be subject to penalties of \$15,000 for each instance.

Motor Dealers

Fair Trading's commitment to reducing the number of repeat offenders and deterring others from engaging in criminal acts is demonstrated by our recent successful prosecutions.

In 2014-15, several individuals were convicted for various breaches under the former *Motor Dealers Act 1974* (now repealed) and the *Crimes Act 1900*.

Christopher Andrew Gilbert

In January 2015, Mr Christopher Andrew Gilbert was found guilty of selling 11 separate cars he had purchased at auction, online or by private sale which he registered in his own and his parents' names. He then swapped the number plates and arranged for the odometer readings to be reduced and a false service history created for each car.

He was fined \$2,000, ordered to pay \$70,000 in compensation to his victims and must complete 500 hours of community service.

Son Giang Tran Nguyen

In February 2015, following a severity appeal in the District Court, Mr Son Giang Tran Nguyen was fined \$2,000 and ordered to pay over \$57,000 in compensation for offences including fraud, dishonestly and deceptively obtaining financial advantage and using false documents.

The Local Court judgement handed down a sentence of imprisonment, which was upheld by the District Court to be served by way of an Intensive Correction Order.

Mounzer Mohamed Hamed, Ahmad Hamed and Bilal Ali Hawchar

In May 2015, three Sydney men – Mounzer Mohamed Hamed, Ahmad Hamed and Bilal Ali Hawchar pleaded guilty to odometer tampering in the Parramatta Local Court and paid a total of \$67,812 in compensation.

In addition, Mounzer Mohamad Hamed was ordered to perform 500 hours of community service and Bilal Ali Hawchar was ordered to perform 200 hours of community service.

Nader Soliman trading as Prestige Australian Fleet Pty Ltd

In April 2015, a Burwood used-car dealer, Nader Soliman trading as Prestige Australian Fleet Pty Ltd, was ordered to pay \$16,142 in fines and legal fees for breaches of the former *Motor Dealers Act 1974* (now repealed).

Mr Soliman and his company, Prestige Australian Fleet, was found guilty of committing 13 offences against the Act, including two instances of selling vehicles without the required roadworthy certificates as well as fabricating roadworthy certification.

In addition, the trader was found to have been trading unlicensed after Fair Trading suspended his Motor Dealers licence in July 2014.

Despite what their business name purported, this trader was far from 'prestige', committing offences including poor record keeping, fabricating roadworthy inspection report serial numbers, and failing to obtain the buyers signatures on sales contracts.

Mr Soliman operated two Prestige Australian Fleet used car yards at 2 Junction Street, Granville and 182 Hume Highway, Lansvale.

Property, Stock and Business Agents

Rachel Jena Kwawegen

In September 2014, Rachael Kwawegen was sentenced to 15 months imprisonment for the misappropriation of funds held by The Strata Agency Pty Ltd. Parramatta Local Court Magistrate Bruce Williams convicted Ms Kwawegen for misappropriation of funds under the *Property, Stock and Business Agents Act 2002*.

The Court sentenced the defendant to a nine month non-parole period, and ordered her to pay compensation and costs in the amount of \$103,000.

Between August 2010 and February 2013, Ms Kwawegen, who was the sole director and licensee in charge of The Strata Agency Pty Ltd, transferred funds from numerous strata trust accounts to general accounts, which she then accessed for her own personal use.

On 29 January 2014, Fair Trading cancelled Ms Kwawegen's licence and disqualified Ms Kwawegen from being involved in the direction, management or conduct of the business of a licensee for a period of 15 years.

Michael Andrew Etherington

On 13 April 2015 Mr Michael Andrew Etherington was convicted of fraudulently converting money from trust fund accounts.

Mr Etherington fraudulently converted \$155,000 by transferring this amount from two trust accounts

and putting that amount to his own use and use by Etherington Consulting Pty Ltd.

Mr Etherington also fraudulently converted \$81,317.26 by depositing this amount into a business account and not a trust account and putting that amount to his own use and use by Etherington Consulting Pty Ltd. The court sentenced Mr Etherington to a 12 month Intensive Correction Order commencing 13 April 2015.

In December 2014 Fair Trading cancelled the licence and declared Mr Etherington disqualified from holding a licence for a period of six years and disqualified him from being involved in the direction, management and conduct of the business of a licensee for six years.

Fair Trading also cancelled the licence and declared Etherington Consultancy Pty Ltd disqualified from holding a licence for a period of six years and also disqualified from being involved in the direction, management and conduct of the business of a licensee for six years.

Australian Consumer Law

In February 2015, a serial conman was jailed for 15 months – the first time that a person has been jailed for an offence under the Australian Consumer Law in NSW.

Peter Noel Anthony Sorensen was found guilty of defrauding mining companies of over \$124,000 in a scam involving fake advertising.

The Parramatta Local Court heard that Mr Sorensen sent invoices to eight mining companies demanding payments for advertisements he claimed to have placed in magazines. The publications never existed. Despite this, Mr Sorensen received nearly \$124,500 from the mining companies involved.

Mr Sorensen has also been ordered to pay \$100,000 in compensation across eight mining companies.

Mr Sorensen was previously convicted for the same charges in October 2013 and was ordered to pay fines and penalties of \$43,200 and compensation of \$96,000 across five mining companies within 28 days.

In sentencing Mr Sorensen, the Court took into account that he continued to scam businesses after being sentenced for his first offences and he failed to pay compensation ordered by the court.

Peter Noel Anthony Sorensen has appealed the severity of his sentence.

Joint Operations

Motor vehicles

In addition to responding to complaints, Fair Trading undertakes inspections of the motor vehicle industry and works collaboratively with other agencies such as NSW Police and Roads and Maritime Services.

In addition, Fair Trading has a strong relationship with other stakeholders associated with the sale of motor vehicles and regularly receives and analyses information to identify the entities that pose the highest risk to consumers.

Fifth Wheeler RVs

In September 2014, Fair Trading issued a public warning about the safety of Australian RV Gooseneck 5th wheeler trailers and Hijacker Fifth Wheel Assembly Hitches due to non-compliance with Australian Design Rules.

The vehicles were sold by Play Mor Pty Ltd; Newcastle RVs Pty Ltd; and Newcastle RV Specialists Pty Ltd over the past four years. The companies' former director is James Fredrick Kaufmann.

Play Mor Pty Ltd and Newcastle RVs Pty Ltd are now in liquidation. Newcastle RV Specialists Pty Ltd is now trading as RV Specialists Pty Ltd.

Fair Trading worked closely with the Australian Competition and Consumer Commission (ACCC), Roads and Maritime Services and the Department of Infrastructure and Regional Development about the safety issue.

Counterfeit goods

Fair Trading has used the Australian Consumer Law to remove counterfeit goods from the marketplace.

The Australian Consumer Law provides fines of up to \$220,000 for individuals who engage in false and misleading conduct and \$1.1 million for a body corporate.

Cosmetics

In July 2014, Fair Trading raided two Sydney CBD retail sites and one Western Sydney warehouse, after information was received that they were dealing in counterfeit cosmetics, including the world renowned "Mac" brand. More than 8,000 counterfeit products have been seized as a result of the raids.

The raids followed a Fair Trading investigation into consumer complaints about products they had purchased from a Sydney retailer.

Alarmingly, one complainant reported experiencing burns to her face after using the counterfeit products. Others reported that it was not until the product packaging had been opened that it became obvious they had purchased a fake due to a different colour and consistency to the genuine article.

Fair Trading acted on information from the cosmetic company and their trademark investigators that these stores have been selling counterfeit "Mac" goods.

Fair Trading will continue working to ensure the fakes are removed from sale. The raid is part of an ongoing commitment to protect consumers and businesses by removing counterfeit goods from the marketplace.

Footwear and designer goods

In July 2014 Fair Trading also raided a western Sydney retail outlet selling counterfeit footwear, assorted designer label clothing and accessories.

More than 450 pairs of assorted counterfeit shoes, in excess of 350 assorted items of counterfeit clothing, and over 150 counterfeit purses, handbags and wallets were seized as a result of the raid.

The raid followed a Fair Trading surveillance operation targeting counterfeit goods in the marketplace involving both covert and overt investigation strategies.

Fair Trading worked closely with brand protection experts to ensure fake goods are removed from sale.

In November 2014 Fair Trading seized hundreds of Nike and ASICS brand footwear in a raid at a home in Hurlstone Park, in Sydney's inner-west. More than 560 pairs of counterfeit Nike and ASICS brand footwear were seized from the makeshift warehouse, which had been under investigation by Fair Trading for about a month.

More than 400 counterfeit designer goods were also seized at a retail shop in Sydney's Double Bay, the fifth successful raid in 2014.

Fair Trading had been monitoring the retailer's activities with brand protection officers in the months leading up to the raid and had conducted covert purchases at the store.

The list of designer goods seized included handbags, wallets, cosmetic jewellery, scarves, sunglasses, adult and children's clothing, cufflinks, ties, belts and caps.

Knock-off brands seized included Chanel, Louis Vuitton, Gucci, Tiffany & Co, Burberry, Dior, Prada, Versace, Dolce & Gabbana, Hermes, YSL and more.

Advanced analytics capability

Fair Trading is at the forefront of innovation within the NSW Government, collaborating with organisations such as the Advanced Analytics Institute (AAI) University of Technology Sydney, a world-leader in research on big data, data sciences and data analytics.

During 2015, Fair Trading and AAI have been working closely on the development of an 'Analytics Model to Support Strategic Decision Making in a Regulatory Environment'.

The outcome of this project is the development of an analytics capability to assist Fair Trading in safeguarding the rights of consumers whilst minimising any unnecessary burden on complying regulated entities through a transition to a risk-based, outcome-focused regulatory model.

Activities among market sectors regulated by Fair Trading are associated with complex and time-evolving behaviours where risks and issues emerge dynamically.

Fair Trading is working closely with AAI to detect and understand emerging risks and issues appearing in the industry sectors we regulate using state-of-the-art pattern mining and data analytics technologies.

National compliance activities coordinated through CDRAC

The National Projects team plays an important role in ensuring that NSW Fair Trading leads and contributes a number of national projects coordinated through the Compliance and Dispute Resolution Advisory Committee (CDRAC).

CDRAC's primary function is to ensure that compliance and dispute resolution across Australia is coordinated, efficient, responsive and where appropriate, consistently applied. As Chair of CDRAC, Fair Trading plays a significant leadership role in coordinating matters at a national level.

Australian Consumer Law (ACL) regulators around Australia continue to focus on working more collaboratively under the 'one law, multiple

regulators' model to best utilise resources and achieve desired outcomes for Australian consumers.

During 2014-15, Fair Trading contributed to 10 national projects, including training providers, real estate agent services, property spruikers and rent to buy schemes, was/nor pricing, cash back schemes, travelling con men, portable pools, credit card charge-backs, most complained about businesses nationally and discount variety stores.

Travelling con men

Travelling Con Men (TCM) are typically unlicensed tradespeople who go from door to door, offering home repair services. The individuals commonly are from overseas. In most instances a TCM will make misleading representations about the quality of services to be offered and use high pressure sales tactics to gain work. They often require cash payments, and offer to take elderly consumers to their bank to withdraw cash.

The TCMs usually disappear, leaving the job unfinished or completing it to a very poor standard. The traders rarely comply with the Australian Consumer Law (ACL), particularly the unsolicited selling provisions.

Consumers are often left out of pocket, and require the services of reputable tradespersons to complete or rectify the poor quality work. TCMs often exploit the vulnerability of their victims, and often target the elderly.

Due to an increase of activity in various states and territories, NSW is leading a number of national strategies which will assist in disrupting TCM activity across Australia.

In 2014-15 NSW Fair Trading received 653 TCM related phone calls with 193 of these calls relating to NSW. Fair Trading investigated 21 matters with \$36,800 in fines levied against three companies and eight individuals.

Fair Trading provided assistance to the NSW Police regarding an unidentified male posing as an Australian Taxation Office Investigator and demanding (and receiving) \$260,000 in back taxes. The offender was identified by Fair Trading from CCTV footage and criminal charges were laid by Police. The matter is currently before the Court.

Cross Border liaison and assistance was provided to Victorian Justice regarding the Annual Traveller Convention held in Colac, Victoria in October 2014.

Training providers

NSW Fair Trading initiated a national project after identifying an increase in NSW complaints in the vocational education market sector which indicated that consumers may be exposed to risks of false, misleading and exaggerated claims.

A further analysis revealed emerging trends relating to unscrupulous training organisations and marketers offering incentives such as iPads and cash, to indigenous and vulnerable consumers who were unknowingly signing up for training courses funded by student loans through the Commonwealth Government's VET FEE-HELP scheme.

In February 2015, NSW Fair Trading launched an education campaign 'A free gift could cost you thousands' and conducted 42 covert inspections.

In March 2015, NSW Fair Trading and the Australian Competition and Consumer Commission established a joint taskforce to investigate a number of training organisations and marketers.

During the year, NSW Fair Trading also conducted a series of forums for community workers who assist vulnerable consumers, outreach days in regional communities (with Legal Aid NSW) and included information about the marketing of training in many of the ongoing community presentations delivered to consumers around NSW.

Following discussions with consumer law and education regulators including NSW Fair Trading, on 1 January 2015 and 1 April 2015, the Commonwealth introduced new standards for new and existing Registered Training Organisations (RTOs) that hold these organisations responsible for the actions of third-party marketers and assessors they engage.

Since 1 April 2015, training providers and marketers are banned from offering incentives such as iPads for courses funded by VET FEE-HELP loans.

NSW Fair Trading continues to liaise with other vocational education and training regulators, including the Australian Skills Quality Authority and the Commonwealth Department of Education and Training, to coordinate compliance activities and promote regulatory reform. Project activities are continuing beyond 30 June 2015, including joint taskforce investigations, supplier education and consumer education initiatives.

Real estate agent services

Although each jurisdiction regulates its own real estate industry, NSW has recently commenced and is leading a research-based project to assist ACL regulators in gaining a better understanding of issues and emerging trends at a national level.

The work will also identify lessons learned by sharing information, experiences and best practice models.

Was / Now pricing

This project involved the identification of retailers using discounted sale prices, particularly 'was' versus 'now' pricing as a promotional tool.

Nationally, the project resulted in 230 products being examined and 36 notices issued to traders so regulators could check the accuracy of savings represented to consumers. As a result, three education and warning letters were issued.

A major retailer took corrective action when the advertised 'was' price was not able to be established for an inkjet printer, taking out advertisements in major newspapers in capital cities and offering affected consumers a gift card for the difference between the higher 'was' price and the amount paid by consumers. NSW has two matters under ongoing investigation.

Property spruikers / rent to buy schemes

The CDRAC component of this project was recently finalised and involved educative and compliance strategies aimed at preventing consumer and investor detriment resulting from property spruikers targeting prospective investors with promises of easy and quick wealth creation through property investments and other techniques such as rent-to-buy schemes.

Nationally, 20 substantiation notices were issued to entities and associates. Legally-enforceable undertakings were given to regulators by at least five traders who promised they would modify their behaviour, including changing their advertising and to stop making misrepresentations.

The investigations also prompted legal action against at least 10 entities. 67 traders also received education and warning letters.

Following a coordinated investigation between NSW and ACCC, the ACCC has instituted proceedings in the Federal Court against Mr Rick Otton and We Buy Houses Pty Ltd.

Cash back schemes

This project involved the identification of cash back offers in the marketplace and a review of representations made to consumers about these offers.

Regulators were checking that retailers and manufacturers were providing offers as promised and consumers received their money back with ease and within a reasonable time.

Nationally, 40 cash back schemes were examined with substantiation notices issued to 21 traders.

Regulators communicated through mainstream and social media to inform the industry and consumers of their rights and obligations regarding cash back offers.

Travel and Accommodation

A national working group has been established to determine the key consumer protection issues and identify systemic conduct of traders at a national and state based level, since the deregulation of Travel Agents in 2014.

Portable pools

As a result of a mandatory standard commencing 30 March 2014, ACL regulators conducted inspections over three phases to ensure that portable pools being offered for sale complied with labelling requirements under the safety standard.

The requirements alert consumers to the significant risks pools pose to children.

From the 876 inspections conducted in NSW by Fair Trading and the ACCC, 91 non-compliant products were detected which resulted in 37 penalty notices being issued (totalling \$20,350), 34 warning letters and one ongoing investigation.

Civil litigation

Court / Tribunal	Act / legislation	No. of matters
Supreme Court - Injunction	Australian Consumer Law (NSW)	1
Supreme Court - Contempt	Supreme Court Rules	1
District Court	-	1
Administrative Appeals Tribunal	Mutual Recognition Act	1
Administrative Decisions Appeals Tribunal	Administrative Decisions Tribunal Act	2
NSW Civil and Administrative Tribunal	Civil and Administrative Act	1
	Home Building Act	63
	Motor Dealers Act	4
	Motor Vehicle Repairs Act	1
	Privacy and Personal Information Protection Act	1
	Property, Stock and Business Agents Act	16
TOTAL CIVIL PROCEEDINGS		92

Penalty notices and disciplinary actions

Act / Regulation*	Penalty Notices			Disciplinary actions	
	Defendants	Offences	Penalties	Licence Suspensions	Disqualifications & cancellations
Australian Consumer Law (NSW)	61	71	\$39,050		
Electricity (Consumer Safety) Act	28	31	\$46,000		
Fair Trading Act	6	6	\$3,300		
Home Building Act	200	366	\$404,500		
Motor Dealers Act	47	107	\$93,940		7
Motor Dealers and Repairers Act	10	16	\$31,570		
Motor Vehicle Repairs Act	8	8	\$44,000		3
Pawnbrokers and Second-hand Dealers Act	4	5	\$3,740		
Plumbing and Drainage Act	1	1	\$1,100		
Property, Stock and Business Agents Act	185	209	\$210,650	7	30
Residential Tenancies Act	3	3	\$1,210		
TOTAL	553	823	\$879,060	7	40

Prosecution results

Act / Regulation*	Defendants	Offences	Penalties
Australian Consumer Law (NSW)	36	73	\$96,337
Crimes Act	15	105	\$37,027
Electricity (Consumer Safety) Act	2	2	\$7,449
Fair Trading Act	2	3	\$5,144
Gas Supply Act	1	1	\$3,087
Home Building Act	33	172	\$325,463.54
Motor Dealers Act	13	80	\$117,051
Motor Vehicle Repairs Act	1	1	\$6,384
Property, Stock and Business Agents Act	4	11	\$107,446
Trade Marks Act	1	19	\$11,653
TOTAL	108	467	\$717,041.54
Total prosecutions**		499	
Total successful prosecutions***		467	
% successful prosecutions		94%	

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

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

*** Successful prosecutions means prosecutions resulting in conviction as well as prosecutions where the offence is proven but a conviction not recorded.

Regulatory reform and red tape reduction

Objective

Implement effective and efficient regulation to achieve a fair and competitive marketplace.

Strategy

Deliver a significant legislative reform agenda in consumer and industry regulation through continuous review and reform, reducing existing red tape and removing unnecessary regulation.

Overview

Fair Trading reviews and develops the regulatory framework for consumer goods and services in NSW, including accommodation and property services, and home building.

We co-ordinate community consultation and prepare options for Government decision-making.

Fair Trading plays a leading role in negotiations with other jurisdictions to achieve a nationally consistent marketplace.

The foremost priority is that NSW marketplace regulation, currently involving 41 different pieces of legislation (plus a further 29 associated regulations), provides for simple, uncomplicated services for customers and ensures traders are not unduly burdened by compliance requirements.

Highlights

- New home building laws commenced;
- New motor dealers and repairer laws commenced in December 2014;
- Amendments to real estate laws commenced in September 2014;
- Underquoting guidelines released in May 2015;
- Administrative responsibility for security of payment laws transferred to Fair Trading in December 2014;
- Automatic mutual recognition for east coast electricians commenced operating in December 2014;
- Licence requirements for NSW travel agents repealed on 1 July 2014;
- National Construction Code (comprising Building Code and Plumbing Code of Australia) made available for free download in February 2015.

Snapshot

Snapshot as at 30 June 2015	
Pieces of legislation administered	41
Regulations administered	29
Bills assented to	1
Acts repealed	4
Regulations repealed	3

Legislative reform initiatives

Home building

The NSW Government commenced new home building laws over several dates in late 2014 and early 2015 (the *Home Building Amendment Act 2014* and the *Home Building Regulation 2014*).

The commencement of these laws marks the completion of the review of the *Home Building Act 1989*.

The review was done by Fair Trading during 2012-2014 and involved extensive public consultation. The bulk of the reforms identified in the review have now been implemented and are now being monitored to see how the new laws are working.

Among a host of changes to update NSW's home building laws, the reforms included:

- stronger penalties to deal with traders who repeatedly ignore licensing and insurance requirements;
- clarification of statutory warranties for home owners against defective work;
- changes to rules governing home building contracts to introduce new requirements that regulate when consumers can be charged progress payments; and
- cutting red tape for owners who want to do minor works on their own home.

Fair Trading is also undertaking further work to examine reform options for the statutory insurance scheme under the Home Building Act, the 'Home Building Compensation Fund'.

Motor vehicles

Following an extensive review and public consultation process, new laws for motor dealers and repairers commenced in December 2014 - the *Motor Dealers and Repairers Act 2013* and the *Motor Dealers and Repairers Regulation 2014*.

The new laws provide greater consumer protection and information such as:

- improved disclosure requirements for motor dealers;
- statutory warranties are now more consistent with consumer guarantees under the Australian Consumer Law (ACL);
- Fair Trading officers have new powers to issue orders to licensed dealers and repairers to fix faults without a consumer having to take legal action;
- penalties for odometer tampering have doubled; and
- a freely available online motor dealer and repairer licence check facility.

Community seminars were held throughout NSW to educate motor dealers, repairers and recyclers about the new laws. Fair Trading has also been in ongoing communication with industry associations to help them educate their members and to facilitate the implementation of the new laws.

Other action is underway to implement the Government's response to the report of the NSW Legislative Assembly Select Committee on the Motor Vehicle Repair Industry.

Real estate

In September 2014, a statutory review of the Property, Stock and Business Agents Regulation was completed. The main changes were:

- removal of obsolete references and repetition;
- introducing a unique identifying number for general trust accounts; and
- allowing the use of various technologies for record-keeping and communication.

In December 2014, some additional minor changes were made to the Regulation regarding the commission warning statements and cooling off statements.

In May 2015, the Hon Victor Dominello MP, Minister for Innovation and Better Regulation, released revised real estate industry guidelines dealing with underquoting. The guidelines aim to assist real estate agents to better understand their

responsibilities to vendors and purchasers when valuing and marketing properties.

Fair Trading will be undertaking additional action to better deal with underquoting later in 2015.

Strata and community schemes

Culminating almost five years of work and comprehensive consultation, Fair Trading finalised drafts of the Strata Schemes Management Bill 2015 and the Strata Schemes Development Bill for release for a period of public consultation prior to being put to Parliament in late-2015, and, subject to approval, and the development of Regulations, commence the new legislation mid-2016.

The more than 90 proposed reforms to the current strata schemes legislation have been informed by extensive research and public consultation. This includes around 3,000 submissions to the government's discussion paper in 2012.

The planned release of the Bills will form the final round of public consultation to update 50 year-old strata laws. Phases of consultation included a strata position paper released in 2013, extensive roundtable and key stakeholder meetings with industry and strata experts, the release of the discussion paper, inviting comment on reform options, and an extensive online consultation by Global Access Partners from December 2011 to February 2012.

The proposed reforms in the draft Bills include lifting standards and accountability for strata managing agents, providing a new democratic and transparent scheme for collective sale and renewal of strata schemes, providing a new strata defects bond scheme to better manage defects, and addressing smoke drift and parking problems in schemes.

Egg labelling

NSW led an inter-jurisdictional working group that developed an options paper that was presented at the Legislative and Governance Forum on Consumer Affairs (CAF) meeting on 12 June, 2015 in Melbourne.

CAF Ministers considered options to enhance consumer confidence and certainty regarding egg labelling. Five options were presented for Ministers' consideration, which formed the basis of a wider discussion before any decisions were made on the next steps for the project.

At that meeting, State and Territory Consumer Affairs Ministers, together with the Commonwealth, agreed to prepare a draft national standard on egg labelling for consideration by CAF Ministers to

enhance consumer confidence and certainty around egg labelling. Officials will consult with affected stakeholders and prepare a cost benefit analysis.

In a significant victory for the leadership of NSW Fair Trading on this issue, CAF agreed in June 2015 that Consumer Affairs Australia and New Zealand (CAANZ), led by NSW, would provide options to Ministers to enhance consumer confidence and certainty around egg labelling.

This would include options for improving the effectiveness and enforceability of the voluntary *Model Code of Practice for the Welfare of Animals – Domestic Poultry 4th Edition* (the Model Code) and the development of a draft National Information Standard on free-range eggs.

This work would also need to take into account the outcomes of legal proceedings being instituted by the Australian Competition and Consumer Commission (ACCC) against free-range egg producers.

The draft standard will include a statement of when the 'free range' label may be used, having regard to recent ACCC case law. Officials were asked to include in the draft standard other potential 'category' labels.

During the course of the consultation the CAF will engage with Agricultural Ministers.

Security of payment

In December 2014, the administrative responsibility for the *Building and Construction Industry Security of Payment Act 1999* was transferred from NSW Procurement to Fair Trading.

Following public consultation in January 2015, we amended the Building and Construction Industry Security of Payment Regulation 2008 to introduce new measures designed to protect subcontractors' retention monies held under construction contracts in the event of head contractors becoming insolvent.

Under the new measures, head contractors for construction projects valued over \$20 million are required to hold retention money in a specially designated trust account and to provide annual reports on the accounts to the Commissioner. The new measures came into effect on 1 May 2015.

Residential parks

Work continued during the year on implementing major reforms to the residential parks laws in line with the Government's earlier election commitment.

A draft Regulation to support the new *Residential (Land Lease) Communities Act 2013* was released in October 2014 for four months public consultation.

The Regulation is now in the process of being finalised. It is expected that these important new laws will commence later in 2015.

Some of the main reforms in the new Act include:

- new rules of conduct for operators and sanctions for non-compliance;
- mandatory education for all new operators;
- a community-based approach to dealing with increases in site fees;
- improved processes for making, amending and enforcing community rules;
- new arrangements for disclosure of information to prospective home owners;
- new rules to clarify and streamline the process for owners who wish to sell their home on site.

Co-operatives National Law

NSW Fair Trading, as the lead jurisdiction, continued to assist the other States and Territories working towards the staged commencement of their Co-operatives National Law (CNL) or equivalent legislation.

The CNL is the legislation for the new regulatory scheme for co-operatives under the Australian Uniform Co-operative Laws Agreement. The full benefits of the CNL reforms for NSW registered co-operatives will be achieved once all the States and Territories have commenced their new laws.

These CNL reforms include:

- the introduction of uniform template laws with the option to use alternative consistent legislation;
- cross border business reform where automatic authorisation arrangements replace the need for a co-operative to register in each state or territory;
- simplification of financial reporting and audit requirements for small co-operatives;
- provision of more flexible funding options through co-operative capital units; and
- responsibilities and duties for directors and officers of a co-operative updated and made consistent with the *Corporations Act 2001* (Cwth).

NSW also amended its Local Regulations by way of the Co-operatives (New South Wales) Amendment (Transitional) Regulation 2014, to

clarify arrangements for the appointment of inspectors and the operation of delegations under the CNL.

These amendments were made in response to internal legal advice about these matters. The rationale for these amendments was shared with the other states and territories through the CNL Working Party, and notified to stakeholders by way of the subscriber eNewsletter, the *National Co-operatives Law Update*.

Red tape reduction activities

Automatic mutual recognition

When the Council of Australian Governments determined on 13 December 2013 that it would no longer pursue a national occupational licensing scheme, the states undertook to investigate approaches that would increase labour mobility and deliver net benefits for businesses and governments.

To this end, the States agreed to work together via the Council for the Australian Federation to develop alternative options for minimising licensing impediments to improving labour mobility.

NSW determined that it would implement automatic mutual recognition of licences which are prescribed. Automatic mutual recognition is like a driver's licence. It entitles the holder of a licence in one State to be deemed to hold the equivalent licence in NSW and therefore to be responsible for all the obligations under the respective law.

Since 1 December 2014 automatic mutual recognition has operated for east coast electricians.

Travel agents

In accordance with the national Travel Industry Transition Plan which was agreed by relevant Ministers in December 2012, the licence requirement for NSW travel agents was repealed on 1 July 2014.

Travel agent businesses now operate under the Australian Consumer Law. The Travel Compensation Fund will be closed by 31 December 2015 thereby completing the transition for the travel industry to the contemporary consumer protection framework.

Building Ministers Forum

The main responsibility of the Building Ministers Forum is to oversee the Australian Building and Construction Codes Board, which is a standard-setting body.

NSW has two participants in the Forum being the Minister responsible for building codes (Minister for Planning) and the Minister responsible for the plumbing standards (Minister for Innovation and Better Regulation, formerly Minister for Fair Trading).

Since 2 February 2015 the National Construction Code which comprises the Building Code and the Plumbing Code of Australia has been available free as the Ministers agreed to provide the necessary funding to the Board.

Legislation administered by Fair Trading

Throughout 2014-15, Fair Trading administered a total of 45 separate pieces of legislation and 32 regulations.

As at 30 June, 2015 however, a total of 41 separate pieces of legislation and 29 regulations were administered by Fair Trading.

- *Competition and Consumer Act 2010*, Schedule 2 (Australian Consumer Law)
- *Agricultural Tenancies Act 1990*
- *Associations Incorporation Act 2009*
- *Associations Incorporation Regulation 2010*
- *Boarding Houses Act 2012*, Part 1 (except sections 3(b) and (c)), Part 2, Part 5 (except section 104), Schedule 2 (except Part 2) and sub-schedules 3.3 and 3.6
- *Boarding Houses Regulation 2013*, Part 2
- *Building and Construction Industry Security of Payment Act 1999*
- *Building and Construction Industry Security of Payment Regulation 2008*
- *Business Names (Commonwealth Powers) Act 2011*
- *Community Land Management Act 1989*
- *Community Land Management Regulation 2007*
- *Consumer Claims Act 1998*
- *Consumer Claims Regulation 2014*
- *Contracts Review Act 1980*
- *Conveyancers Licensing Act 2003*
- *Conveyancers Licensing Regulation 2006*
- *Co-operative Housing and Starr-Bowkett Societies Act 1998*
- *Co-operative Housing and Starr-Bowkett Societies Regulation 2005*
- *Co-operatives (Adoption of National Law) Act 2012*
- *Co-operatives National Law NSW*
- *Co-operatives National Regulations NSW*
- *Co-operatives (New South Wales) Regulation 2014*
- *Credit (Commonwealth Powers) Act 2010*
- *Electricity (Consumer Safety) Act 2004*
- *Electricity (Consumer Safety) Regulation 2006*
- *Fair Trading Act 1987*

- *Fair Trading Regulation 2012*
- *Fitness Services (Pre-paid Fees) Act 2000*
- *Fitness Services (Pre-paid Fees) Regulation 2011*
- *Funeral Funds Act 1979*
- *Funeral Funds Regulation 2011*
- *Gas Supply Act 1996*, section 83A (remainder Minister for Resources and Energy)
- *Gas Supply (Consumer Safety) Regulation 2012*
- *Holiday Parks (Long-term Casual Occupation) Act 2002*
- *Holiday Parks (Long-term Casual Occupation) Regulation 2009*
- *Home Building Act 1989*
- *Home Building Regulation 2014*
- *HomeFund Restructuring Act 1993*, sections 14, 15, 16 and Schedule 2 (remainder Minister for Finance and Services)
- *Landlord and Tenant Act 1899*
- *Landlord and Tenant (Amendment) Act 1948*
- *Landlord and Tenant Regulation 2015*
- *Motor Dealers and Repairers Act 2013*
- *Motor Dealers and Repairers Regulation 2014*
- *Mutual Recognition (Automatic Licensed Occupations Recognition) Act 2014*
- *Mutual Recognition (Automatic Licensed Occupations Recognition) Regulation 2014*
- *Occupational Licensing (Adoption of National Law) Act 2010*
- *Occupational Licensing National Law (NSW)*
- *Partnership Act 1892*, in so far as it relates to the functions of the Registrar of the register of limited partnerships and incorporated limited partnerships and to the setting of fees to be charged for maintaining that register, jointly with the Attorney General and the Minister for Finance and Services (remainder, the Attorney General)
- *Pawnbrokers and Second-hand Dealers Act 1996*
- *Pawnbrokers and Second-hand Dealers Regulation 2008*
- *Personal Property Securities (Commonwealth Powers) Act 2009*, Attorney General, except

- parts; Division 2 of Part 2 of Schedule 1 and clause 24 of Schedule 1, jointly the Attorney General, the Minister for Finance and Services and the Minister for Fair Trading
- *Plumbing and Drainage Act 2011*
 - *Plumbing and Drainage Regulation 2012*
 - *Prices Regulation Act 1948*
 - *Property, Stock and Business Agents Act 2002*
 - *Property, Stock and Business Agents Regulation 2014*
 - *Residential (Land Lease) Communities Act 2013*
 - *Residential Parks Act 1998*
 - *Residential Parks Regulation 2006*
 - *Residential Tenancies Act 2010*
 - *Residential Tenancies Regulation 2010*
 - *Retirement Villages Act 1999*
 - *Retirement Villages Regulation 2009*
 - *Storage Liens Act 1935*
 - *Storage Liens Regulation 2014*
 - *Strata Schemes Management Act 1996*
 - *Strata Schemes Management Regulation 2010*
 - *Tattoo Parlours Act 2012* (jointly with the Minister for Police and Emergency Services)
 - *Tattoo Parlours Regulation 2013*
 - *Valuers Act 2003*
 - *Valuers Regulation 2010*

Legislation repealed during 2014-15

- *HomeFund Commissioner Act 1993* (repealed 29 June 2015)
- *Motor Dealers Act 1974* (repealed 1 December 2014)
- *Motor Dealers Regulation 2010* (repealed 1 December 2014)
- *Motor Vehicle Repairs Act 1980* (repealed 1 December 2014)
- *Motor Vehicles Regulation 2011* (repealed 1 December 2014)
- *Travel Agents Act 1986* (repealed 1 July 2014)
- *Travel Agents Regulation 2011* (repealed 1 July 2014).

View from the Inside

Corporate Planning

NSW Fair Trading, like most NSW public sector agencies, is facing significant change over the next few years.

In order to plan our approach to service delivery in this changing environment, Fair Trading's planning team held a dedicated strategic planning day in late 2014 to identify a number of strategies to be implemented as part of a strategic planning program to be undertaken over the coming years.

Following extensive consultation and feedback across the agency, a new Corporate Plan was prepared, setting the direction for achieving our objectives over the next few years.

The new Corporate Plan is available on the Fair Trading website.

Market sector focus

A key feature of the new Corporate Plan is its facilitation of industry sector plans for the key business areas we regulate such as real estate & property, building & construction, motor vehicles, product safety and Australian Consumer Law (ACL).

The Corporate Plan was prepared at a time of significant change both within and outside of Government, the consequences of which cannot be fully anticipated. Accordingly, as a living document, we will continue to adjust the Plan over time to account for these impacts.

In the meantime, every Fair Trading officer will be able to identify where their own efforts contribute to the achievement of the Plan's goals and our collective endeavours to have "one customer focus, one team, and one integrated solution" – essentially, one Fair Trading.

One Fair Trading

The "One Fair Trading" initiative was born in Executive strategic planning discussions late in 2014 where it was unanimously agreed that we needed to find ways to work more collaboratively and effectively across Fair Trading.

The initiative was formally launched by Commissioner Rod Stowe in March 2015. In his address to all Fair Trading staff across NSW, Mr Stowe said:

"In essence, One Fair Trading is a shared understanding that, as an organisation, we have

common goals and need to work collectively across the Divisional divide to achieve them. It is an ethos which breaks down our organisational silos; and definitely does not include acrimonious finger-pointing when things go wrong".

Making the One Fair Trading ideal a reality involves three key principles:

- one customer focus;
- one team; and
- one integrated solution.

In practical terms, that means utilising all of our Fair Trading resources with a clear focus on outcomes, rather than simply on outputs. It also means having one accountable lead officer for each project from beginning to end.

Key projects

Several projects have already been delivered, or are underway, to help make the One Fair Trading ideal a reality:

- Experience Fair Trading, which aims to give staff an idea of how different business units operate and the functions that they perform by spending time in that area;
- Comprehensive orientation program tailored to Fair Trading's unique role as a consumer protection agency;
- Consistent expression of interest (EOI) process for internal vacancies;
- Greater rigour and transparency in Executive decision making;
- Creation of a central project management capacity inside the Commissioner's Office;
- Reviewing key processes across Fair Trading; and
- Enhancing Fair Trading's information management and data analysis capacity.

Our workforce

In June 2015, NSW Fair Trading had 740 employees, and a full-time equivalent (FTE) workforce of 708.79.

Women comprise 60% of our overall workforce and 32% of our senior executives. The average age of our workforce is 47 and as group we have an average of 11 years' experience working at Fair Trading.

Diversity and inclusion

Fair Trading is committed to maintaining and developing a diverse and inclusive workforce that is reflective of the community we serve.

In August 2013 a large proportion of employees participated in a Diversity and Inclusion Survey. The survey identified perceptions of, and the relationship between, diversity, inclusion and business performance.

85% of those surveyed reported having a clear understanding of the value that diversity brings to Fair Trading.

The Department of Finance, Services & Innovation (DFSI) has launched several cultural education programs for its employees. 96% of our senior executives have undertaken a two day face to face Aboriginal Cultural Education Program developed by the Centre for Cultural Competence Australia.

73% of our workforce has already completed the Online Aboriginal Cultural Education Program (OCEP), a competency-based course administered by TAFE NSW.

Government sector employment reforms

In February 2014, the government implemented the most significant legislative reform in public sector employment arrangements in over 40 years, the *Government Sector Employment Act 2013*. A significant aspect of this reform aims to create a single, leaner, flatter, and more mobile executive structure.

Fair Trading remains well positioned to implement these reforms and in the coming year, work will continue to be undertaken to align our executive structure with these design principles. Employee-related savings have been achieved by reducing the percentage of staff with excess recreation leave balances (30+ days) from 14.1% to 5.8% over the last year.

myPerformance - development planning

Fair Trading has a strong tradition of engaging staff and participating in performance and development planning. This year 100% of staff (683) completed performance development plans and met at least once with their manager to review the plan.

myPerformance is DFSI's new performance development process which follows an annual cycle with three formalised review periods and ongoing conversations.

It is supported by *myCareer*, the people and talent management software used to capture the objectives developed through the *myPerformance* process. It is a fully integrated resource used for tracking progress towards objectives, and will evolve into a one-stop-shop that systemises the employee lifecycle.

Experience Fair Trading program

Experience Fair Trading aims to give staff an idea of how different business units operate and the functions that they perform by spending time in that area.

The program commenced in April 2015, and aims to build better relationships between staff and create valuable networks across the agency.

Some of the activities nominated to date have included accompanying staff on trader visits, while presenting a seminar, sitting in with the Licensing branch, joining a building or motor vehicle inspector as they do their inspections, and observing staff taking calls in the Fair Trading Contact Centre.

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