



VICTORIA

ANNUAL REPORT

1983

DIRECTOR
OF
CONSUMER AFFAIRS

A. Ferla.

VICTORIA

Report

of the

DIRECTOR OF CONSUMER AFFAIRS

for the

Year ended 30 June 1983

*Presented to both Houses of Parliament pursuant to the provisions of
Section 8A of the Ministry of Consumer Affairs Act 1973*

MELBOURNE

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1982-84

MINISTRY OF CONSUMER AFFAIRS



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12 April 1984

The Honourable Peter Spyker, MP
Minister of Consumer Affairs
500 Bourke Street
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Sir

ANNUAL REPORT 1982-83

Pursuant to Section 8A of the Ministry of Consumer Affairs Act 1973, I have the honour to present the ninth Annual Report of the Director of Consumer Affairs, for the year ending 30 June 1983, for presentation to both Houses of Parliament.

Yours sincerely

David Hall

David Hall
Director of Consumer Affairs

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PART I

1. INTRODUCTORY COMMENT BY DAVID HALL, DIRECTOR OF CONSUMER AFFAIRS

My appointment to the position of Director took effect from 12 December 1983. I am therefore presenting a report covering the work of the Ministry under the direction of two of my predecessors, and predating considerably my appointment.

Given my brief association with the Ministry, I would wish to make only two observations by way of introductory comment to this Report.

First, very clearly the Ministry has had a turbulent period of rapid change, having major consequences for all areas of its work. Inevitably such change has caused anxiety for many people but it has also brought new challenges and an important degree of revitalisation for many who can see the full potential of what is now offered.

The fact that the Ministry has achieved fundamental change so quickly across so many of its functions, is testimony to the goodwill, high motivation and determination of staff and the sensitivity and ability of those who managed the reform process. Particular tribute must be paid to John King who has left me a sound organisational framework on which to build.

The second area of special note is the awesome responsibility of the Ministry as a front line agent in attempting to achieve 'fair markets' for goods and services. The notion of the 'fair market' is not nearly as simple as it sounds.

Great care is needed to avoid patronising and over protective approaches to safeguarding consumer interests on the one hand while on the other hand not glossing over the very real disadvantages faced by many consumers and providers in market places that are becoming increasingly complex. Achieving a fair balance is the major challenge facing the Ministry. To do this, staff of the Ministry need to be able to assume the role of 'the mediator', the person who genuinely stands in the middle and helps both 'sides' to get the facts straight, to clarify misconceptions, and to work in a spirit of co-operation.

Sound beginnings have been made and I am personally excited by the positive spirit within the Ministry and among most of those with whom it deals.

I am delighted to be part of the Ministry, and look forward confidently to being able to document significant further developments in my next Annual Report.

2. MESSAGE FROM JOHN B KING, ACTING DIRECTOR 4 JANUARY 1983 TO
12 DECEMBER 1983

The Labor Party came to office in April 1982 with a program of significant reforms in the area of Consumer Affairs. It quickly became apparent to the Ministers, firstly the Honourable J J Ginifer and then his successor the Honourable Peter Spyker, that the Ministry of Consumer Affairs was inappropriately organised and resourced to implement the Government's program. Accordingly, the Minister sought and obtained the co-operation of the Public Service Board in conducting a review of the Ministry's strategies and structure. The review team, led by Dr Mike Heppel of the Public Service Board, was drawn both from within and outside the Public Service. The Review Report was made available to the Minister and Government in December 1982. Following consideration of the Report, the Minister indicated the Government's acceptance of the major thrust of the Report's recommendations.

On 4 January 1983, I was seconded from the position of Principal Consultant (Major Projects) in the Office of the Public Service Board to the position of Acting Director of Consumer Affairs; the office of the Director had become vacant following the resignation of Mr J O Miller on his joining the Ministry of Transport.

My brief as Acting Director included the following major objectives:

- to assess and advise the Minister on the detailed recommendations of the Report, having regard to the Government's acceptance of the major thrusts of the Report and, where considered appropriate, to proceed to implement the recommendations;
- progressively and with appropriate consultation to implement the proposed new organisation structure for the Ministry and to redeploy existing resources and employ new resources according to the Government's program priorities;
- to review and make appropriate changes to the internal management information systems, operating policies and procedures of the Ministry and to improve both internal and external communication and consultation;
- to ensure the development and implementation of the Government's high priority policy initiatives.

Major Thrusts of the Review Report

The Report was released publicly by the Minister in February 1983. Unfortunately the criticisms it contained of the Ministry were highlighted in the media and the Parliament; there was relatively little

public discussion of the major recommendations. It might, therefore be useful to summarise those recommendations here.

- (a) The Ministry should embrace as its primary objective the creation of fair market places for goods and services via adoption of the following operational strategies:
- regulatory activity to ensure that codes of conduct are established, observed and modified to reflect the changing environment; where appropriate to implement positive regulation through legislation;
 - remedial activity to ensure that consumers have appropriate avenues for redress;
 - educational activity to ensure that the operations of markets and the ethical standards consistent with fair markets are understood by the participants in the markets;
 - information-giving activity to ensure that consumers have sufficient information to be able to operate in the market on an equal footing with traders.
- (b) The Ministry should develop an appropriate policy formulation capacity which would include continuous monitoring of the environment, developing effective links with external interest groups (including industry and commerce, consumer groups, community groups, unions and the like) and providing appropriate consultative mechanisms to enable external input into the development of policy initiatives.
- (c) A significant strengthening of the Ministry's consumer education activities and the targetting of those activities to specific markets and disadvantaged groups. Establishing networks with Government, community, trader and other organisations (accompanied by an appropriate grants program) to facilitate educational activities.
- (d) Improvement in the Ministry's accessibility to the community to be achieved by physical relocation of the Ministry to more appropriate premises, the development of a program for the regionalisation of services, the establishment of a Customer Information Unit serviced by a computerised data base and an improved telephone system to provide better access.
- (e) The abolition of the Consumer Affairs Bureau, Residential Tenancies Bureau and the complaint handling activities of the Motor Car Traders Committee

and their replacement by a Conciliation Branch which would give emphasis to the conciliation of disputes between consumers and traders.

- (f) The abandonment of the policy of proliferation of single purpose Tribunals and the consolidation of dispute adjudication activities into a single Tribunal which would have a jurisdiction covering the full range of disputes arising from transactions in the market place. Similarly, it was recommended that there be a single Licensing Authority rather than a proliferation of single purpose authorities.
- (g) Strengthening of the Ministry's activities in law enforcement and regulation, and the encouragement of industry self regulation where appropriate. Increasing the emphasis on the establishment of product (including product safety) and packaging standards.
- (h) The development of management services to enable the Ministry to end its reliance on the inadequate services being provided by the Department of Labour and Industry.

These major thrusts were embodied in a total of 64 specific recommendations.

The Change Program

In January, at my request, the Public Service Board seconded Mr D J Hourigan from the Board's office to act as Implementation Co-ordinator.

In January, the Minister constituted an Implementation Committee to report directly to him. This Committee comprised the Acting Director as Chairman, the Implementation Co-ordinator, two staff representatives (D Walter, C Gatt), two members of the Review Team (S Fitts, F Donovan), two Ministerial appointees (D Nelthorpe, K Setches, MLA), and the Ministerial Adviser.

The pace of implementation of change and the extent of achievement of these major objectives has to a large extent been governed by the availability of resources. The Review Report indicated the need for a minimum of 35 additional staff (from 115 to 150) and an increase in the non salaries vote line items of over \$500,000. However, because of the difficult State budgetary situation in 1982/83, virtually no additional resources could be made available to assist the implementation of the change program.

Accordingly, it was necessary to establish, in conjunction with the Minister, specific priorities for the implementation of change, particularly where resources were involved. As a first step in establishing priorities, each of the specific recommendations were

examined by internal working parties. These parties were drawn from all levels of staff within the Ministry and roughly two-thirds of all staff were involved in working parties. All staff were invited to make inputs into the activities of working parties. A Management Committee with elected staff representation was established and met weekly to advise the Acting Director. In addition, a Staff Committee was established with one elected representative (below supervisor level) from each branch of the Ministry to provide grass roots feedback to the Acting Director and Implementation Co-ordinator on the implementation of the change program. Regular meetings were scheduled with the representative of the Victorian Public Service Association. These mechanisms facilitated the processes of two way communication within the Ministry and proved to be significant factors in gaining the organisation's commitment to change.

It was agreed that the first priority should be to establish and set in place the new senior management structure, the members of which would then share the responsibility for implementation of the balance of the priorities for change. The organisation chart as at 30 December 1982 and the current chart are on pages 13 and 14.

The five Assistant Director positions were advertised, drawing approximately 600 applications, both from within and outside the Public Service. The interviewing committee comprised Ms C Benn (from Department of the Premier and Cabinet), Mr Hourigan and myself, as Chairman. It is the task of such a committee to advise the Permanent Head, with the Permanent Head making the decision, subject to oversight of the Public Service Board. In particular, I wish to record my gratitude to Ms Benn, who gave so unstintingly of her wisdom and time both in and out of office hours. The selection process was laborious, not just because of the number of applicants involved, but because of the rigor with which it was done to ensure the best available candidates were appointed. It is most pleasing to me to record that the process produced what has turned out to be a team of five outstanding appointees, three of whom are women.

The second major organisational priority was accorded to the development within the Ministry of its own management services activities, with particular emphasis on personnel and staff development matters, budgetary control and development and management information systems. The high priority given to these areas reflected concern for the low level of staff morale, the personal uncertainty which staff felt as a result of the criticisms of the Ministry contained in the Review Report, the fact that expenditure was significantly exceeding the 1982/83 budget allocation and the lack of appropriate information available to senior management on which to base decisions. To exemplify progress in these areas, I report that there is now a comprehensive staff development program designed to meet the needs both of individual staff members and of the organisation, computer based word processing has been introduced and planning for the computerisation of registry, file management, statistical and information data base functions is progressing satisfactorily with a view to implementation in 1984. Through a combination of improved internal systems and staff dedication, but without additional resources,

productivity has improved in a number of areas.

With regard to budgetary matters, the Ministry grasped the opportunity of working with the Department of Management and Budget in the development of program budgeting. Program budgeting has enabled each of the Ministry's programs and sub-programs to be prioritised, thus assisting in the allocation of scarce resources. At the same time program outputs have been identified and agreed for which the Ministry's divisions can be held accountable.

The third area given priority was the development of Cabinet submissions and Bills with a view to implementing the Government's legislative program. (For details see Part I, Section 3.)

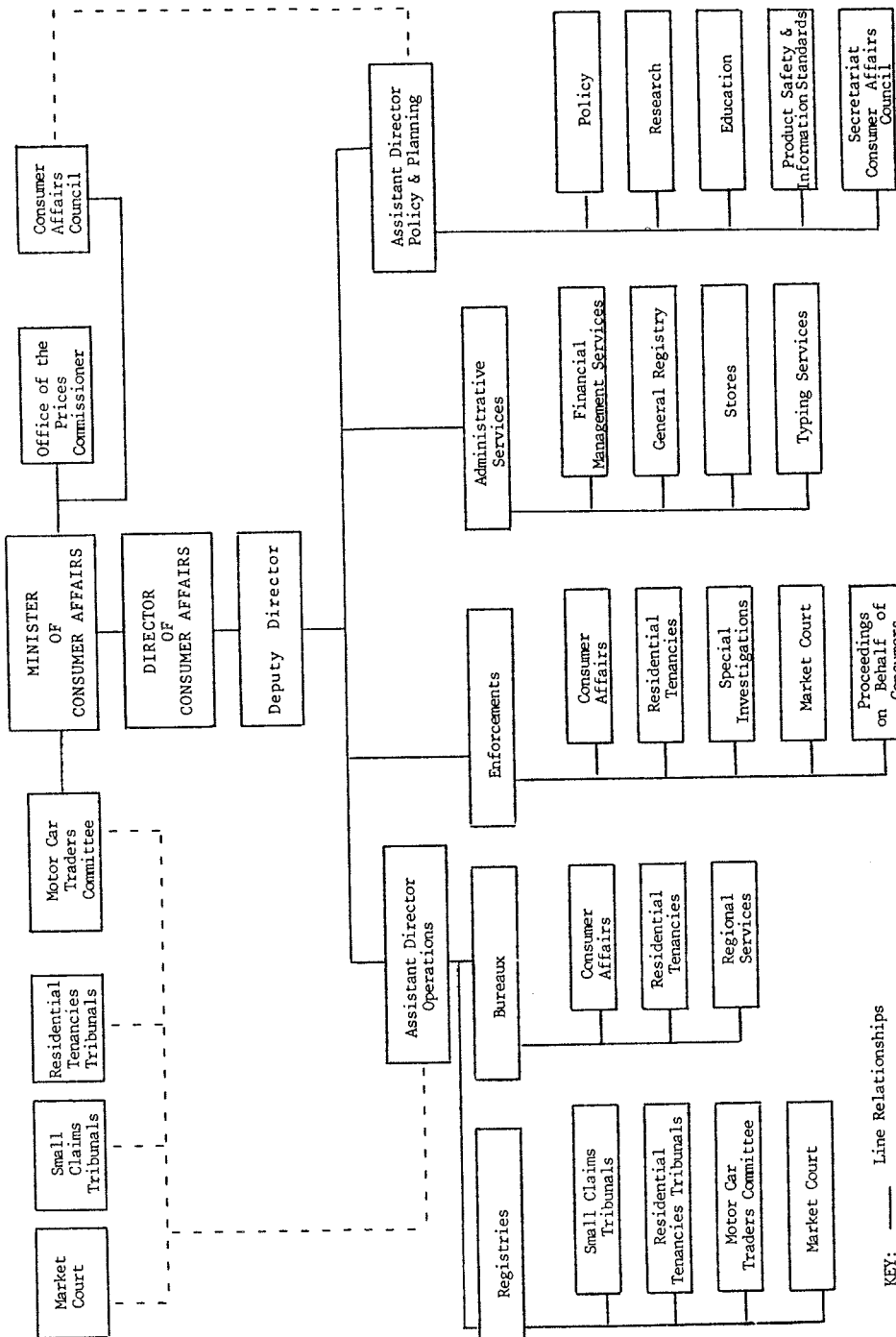
In addition, work has been largely completed on two major pieces of legislation which it is anticipated will be introduced into Parliament in 1984.

Of necessity, the primary emphasis of the change program has been on internal change. It was my view that until our resources were more appropriately deployed, it was not feasible to undertake the systematic development of community linkages and consultation recommended in the Review Report. Nevertheless, the Ministry did commission the development of two discussion papers dealing respectively with the aims and objectives of the Ministry and consultative processes. These papers were combined in a single document, "The Donovan Report" (named for the author, Frances Donovan), which has been widely circulated for comment amongst relevant groups. This activity represents a most useful start in ensuring the Ministry's continuing relevance to the community.

There have been some priority matters on which progress has not been made. Of most significance is the Ministry's accommodation. The tight budgetary situation has not allowed the Government to fund the Ministry to enable it to move to more appropriately located accommodation. Regionalisation of services, with the exception of the opening of a shop front at Footscray, has not been able to be resourced. Lack of resources both in terms of the Ministry's and the Government's priorities has not permitted to date the significant further development of community education activities. Funding has not been available to develop further a community group grants program, a factor which has limited the extent of the Ministry's community consultation activities.

In concluding my comments, I would like to pay a tribute to the Ministry's staff. They are a highly dedicated group of officers who have given me their unstinting support and loyalty in what has been, for them, an uncertain and difficult period. In particular, I should like to thank Mr D J Hourigan for his contribution as Implementation Co-ordinator; his dedication and wise advice have been greatly appreciated. Finally, it is a privilege to have had the opportunity of working with the Honourable Peter Spyker, in the re-organisation of the Ministry.

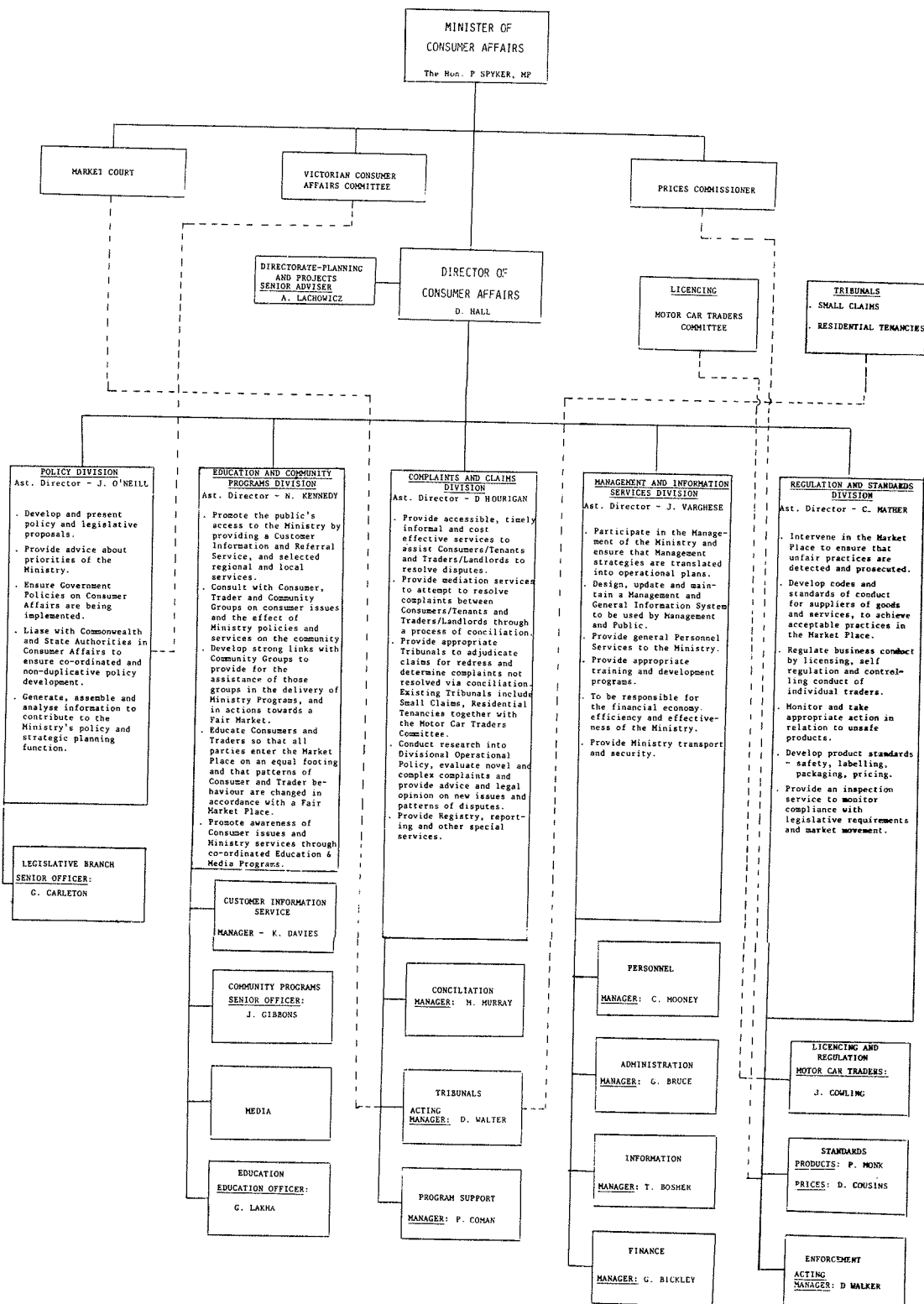
ORGANIZATION CHART
MINISTRY OF CONSUMER AFFAIRS



KEY: — Line Relationships
 - - - Staffing Relationships
 (Statutory Bodies Associated with the Ministry)

MINISTRY OF CONSUMER AFFAIRS

ORGANISATION CHART



3. LEGISLATION

The Ministry of Consumer Affairs is now responsible for the administration of the following Acts:

- Act 6815 Disposal of Uncollected Goods Act 1961
- Act 6973 Building Contracts (Deposits) Act 1962
- Act 8276 Consumer Affairs Act 1972
- Act 8408 Motor Car Traders Act 1973
- Act 8442 Ministry of Consumer Affairs Act 1973
- Act 8486 Small Claims Tribunals Act 1973
- Act 9196 Market Court Act 1978
- Act 9151 Credit Reporting Act 1978
- Act 9514 Residential Tenancies Act 1980
- Act 9702 Fuel Prices Regulation Act 1981
- Act 9704 Petroleum Retail Selling Sites Act 1981.

Three pieces of amending legislation passed through the Parliament during 1982/83. In addition a number of other Acts were before Parliament at the time of writing this Report.

a. Residential Tenancies (Amendment) Act 1982

Under the provisions of the principal Act - the Residential Tenancies Act 1980 - the special rights given to tenants of prescribed or controlled premises would have been phased out over a two year period from 9 November 1981.

Prescribed or controlled premises are defined under Part V of the Landlord and Tenant Act 1958. Basically they are dwellings let prior to 1 February 1954 under a current tenancy agreement which commenced prior to 1 January 1956, provided that the tenant has not signed a lease for three years or more since 1 January 1956.

In addition, prescribed or controlled premises also include those declared by order of the Governor-in-Council as a result of a recommendation of the former Rental Investigation Bureau following a complaint by the tenant that the rent was excessive.

The purpose of the amendment was to maintain the protection afforded to tenants of prescribed or controlled premises.

The amending Act came into operation on 4 November 1982.

b. Consumer Affairs Committee Act 1983

A central recommendation of the Review into the Ministry was:

"The Consumer Affairs Council be replaced by a new body, the Victorian Consumer Affairs Committee".

The Consumer Affairs Committee Act 1983 puts this recommendation into effect.

c. Beer Prices Regulation (Temporary Provisions) Act 1983

The purpose of this Act is to give to the Prices Commissioner appointed under the Trade Prices Regulation Act 1981, temporary power to control the maximum price of beer sold by breweries.

The Act was part of the package of legislation introduced by the Government to amend the Liquor Control Act 1968 to abolish the minimum price for packaged beer.

The Act has not yet been proclaimed.

d. Small Claims Tribunals (Amendment) Act 1983

The amending Act provides for:

- an increase in the jurisdictional limit from \$1,500 to \$3,000;
- the Small Claims Tribunals hearings to be open to the public unless the Tribunal directs otherwise;
- residential bodies corporate to be included in the definition of 'consumer';
- the Tribunals to amend an order, if a mistake or error has occurred, upon payment of a prescribed fee. (The fee is yet to be determined.) This fee is refundable if the amending order is made.

These provisions apply to claims lodged with the Tribunals on or after 2 November 1983.

e. Motor Car Traders (Amendment) Act 1983 and Regulations

The major amendment provides for the licencing of wholesalers and auctioneers. In addition, the monetary limits on the statutory warranty have been amended and removed from the Act to be included in the Regulations.

The regulations also specify that any one claim against the Motor Car Traders Guarantee Fund is limited to \$20,000.

This amending legislation comes into operation on 21 December 1983, except for Section 4 which prohibits consignment selling of motor vehicles.

f. Consumer Affairs (Product Safety) Act 1983

This Act allows the Minister of Consumer Affairs to prohibit the sale and distribution of dangerous consumer goods either on an interim basis (28 days) or permanently.

The Minister can ban the sale and distribution of dangerous goods either by giving recognition to a decision of a competent safety authority of another State or the Commonwealth to ban those goods, or upon the recommendation of the Director of Consumer Affairs.

This Act comes into operation on 1 February 1984.

g. Employment Agents Act 1983

The main aspects of the Act provide for:

- the licensing of employment agents in Victoria;
- regulatory provisions for employment agents, especially in relation to the charging of fees from job seekers and maintaining trust accounts;
- redress for complainants by extending the jurisdiction of the Small Claims Tribunals to cover employment matters;
- penalties for misleading advertising of job opportunities and offers of employment;
- injunctions for repeated unfair conduct by employment agents by providing that the Director can take such agents to the Market Court.

A proclamation date for the Act is yet to be fixed.

h. Consumer Affairs (Item Pricing) Bill 1983

The Bill together with supporting Regulations is intended to ensure that the current status quo of item pricing in the larger type of self-service supermarkets will be retained. The passage of the Bill through Parliament at the Spring 1983 session has been delayed.

i. Interstate Uniformity of Legislation

Much of the legislation administered by the Ministry and especially some measures currently being developed transcend State boundaries.

Circumstances can be such that legislation is developed by agencies in isolation, and in an attempt to overcome this ad hoc development, the foundation was laid during the year under review, for a more formal approach to the development of uniform consumer legislation.

Following a resolution of Ministers of Consumer Affairs, a national working party on uniform consumer legislation was established. At the time of writing this Report the working party had its first meeting and is currently considering matters such as "Fair Trading" legislation, which will mirror at a State level the consumer protection provisions - Part V - of the Trade Practices Act; uniform packaging and labelling laws; and product safety and information standards. In addition, a joint Tourism and Consumer Affairs working party on uniform regulation of travel agents has met over a period of time.

In relation to the Credit Act, there has been a close and continuing liaison between this Ministry and the Department of Consumer Affairs, New South Wales. The legislation will, in relation to all substantive policy matters, be uniform between these two States. The legislation has not yet been finalised.

Finally the Ministry has also been involved in the development of a uniform Door to Door Sales Act, and it is hoped that a final model Bill will be available in the near future.

4. ENFORCEMENT

a. Staffing/Workload

During the year the section, which previously consisted of seven officers was enlarged by the transfer to it of one part time officer working two and a half days per week. The workload imposed on the section nearly doubled. The number of files created requiring investigation in 1981/82 amounted to 262. In the current year, 450 files were created.

Reference to the following table shows that the major increase took place in the area of unsubstantiated allegations. A coherent enforcement policy needs therefore to be established in order to ensure an efficient use of existing resources.

ANALYSIS OF COMPLETED ALLEGED BREACH INVESTIGATIONS

| | <u>1981/82</u> | <u>1982/83</u> |
|--|----------------|----------------|
| Prosecuted Successfully | 21 | 17 |
| Prosecuted Unsuccessfully | - | 2 |
| Offence Established | | |
| - Decision not to Prosecute | 50 | 59 |
| - Warnings Issued | 13 | 44 |
| No Apparent Breach | | |
| - Allegations Unjustified | 52 | 214 |
| Investigations Inconclusive | | |
| - Evidence Inadequate | 86 | 22 |
| Trader in Liquidation or Disappeared | 8 | 21 |
| Lapse of Time Prevented Prosecution | 7 | 11 |
| Section 64 Action Resolved by Reply | 8 | 3 |
| Referred to Trade Practices Commission | 4 | 7 |
| Referred to Other Departments | 4 | 9 |
| | <hr/> | <hr/> |
| | 240 | 409 |

NOTE: The above figures relate to files, not to the number of offences disclosed which is shown in Part III, Table 8.

b. Training

During July and August 1982, two officers of the Enforcement Section attended the 7th Investigation Course, conducted by the Detective Training School of the Victoria Police.

The content of the course, together with the opportunity to extend and consolidate liaison with representatives of other enforcement authorities, has proved of great worth and the Chief Commissioner of Police and the staff of the Detective Training School are thanked for providing the opportunity to Ministry officers to participate.

c. Residential Tenancies

Of the 450 investigation files opened on alleged breaches during the year, 89 related to residential tenancies matters, but as reported last year most of the breaches detected were due to ignorance rather than malice or intent, and were remedied without prosecution.

d. Motor Car Traders

There is still ample evidence that consumers are suffering considerable losses attributable to the activities of unscrupulous motor car traders. This applies especially to consumers who deal with

unlicensed traders or who fail to check with previous owners on the history of the car.

The practice of odometer tampering is still widespread and, while unlicensed trading and odometer tampering usually go hand in hand, the latter is by no means confined to backyard traders. Failure by traders to notify the Transport Regulation Board of changes in ownership, especially when the car is sold in the trade, is a serious obstacle to enforcement of the legislation prohibiting tampering with odometers.

e. Proceedings on Behalf of Consumers

Part 1A of the Consumer Affairs Act allows the Director of Consumer Affairs, with the consent of the Minister, to institute or defend proceedings on behalf of consumers, provided that the Director is satisfied that the consumer has a course of action or a good defence and that it is in the public interest.

In investigating consumer complaints, those powers of the Director are borne in mind by officers of the Ministry. Before they are invoked however, each case must be considered carefully and in appropriate circumstances legal advice sought. The Director must evaluate whether or not the issue in dispute is best resolved by way of negotiation rather than the institution of court proceedings.

In one case involving a home renovation company a successful defence was mounted on behalf of a consumer in the Magistrates Court and \$1037 costs were awarded to the Ministry.

5. CONSUMER AND TRADER EDUCATION

a. Overview

The year 1982/83 in Consumer and Trader Education can be summarised as a 'holding operation'. Activities were largely built on previous years' achievements, such as addressing various trade and community groups, distribution of printed material, responding to media enquiries, and liaison with various departments and organisations.

Activities and work programs were substantially affected by resource constraints and uncertainties generated pending the Ministry's Management Review. Difficult priority choices were made, resulting, for example, in the Ministry being unable to attend the Commonwealth/States Consumer Education Officers Conference.

b. Objective

The Ministry's objective was to inform and educate consumers and traders with a view to assisting in the achievement of a 'fair market place' within the constraints of manpower and budget. The following activities were undertaken in 1982/83 to help achieve this objective.

c. Activities

Talks and Addresses

A total of 56 talks and addresses were given by officers of the Ministry during the year:

| | |
|--|----|
| Trade and Professional Organisations | 8 |
| Educational Institutions/Employment Programs | 19 |
| Ethnic Organisations | 5 |
| Community Groups/Service Clubs | 19 |
| Information and Referral Organisations | 5 |
| | — |
| | 56 |
| | — |

Provision of Printed Material and Advice

The Education Officer received approximately 2,000 enquiries from the public, especially from teachers, students, and community organisations for printed material and information through letters, phone calls and personal visits.

The Ministry continued to produce a wide variety of publications on consumer issues. In particular, an Information Sheet on bag searches at retail stores was prepared in 1982/83. It briefly outlined the rights and obligations of the retailer and the legal position of parties involved. This was distributed to all large retailers and supermarkets and published through the Victorian Retailers' Association.

For a full list of Ministry publications, see Part III, Section 9.

Film

Film Victoria completed an animated cartoon film entitled "Buyer Beware" for the Ministry which is available on 35 mm and 16 mm as well as on U-matic 3/4" and 1/2" VHS video-cassettes in English and seven other languages.

Media Activities

Press releases, interviews and talk-back programs were the main media activities undertaken in 1982/83. Given resource constraints on the Ministry, these activities were largely in response to media requests.

Liaison Activities

Education Department: Work was commenced on developing a consumer education syllabus and material suitable for primary schools. This is currently being pursued.

Victorian Commercial Teachers' Association (VCTA): Discussion took place with the VCTA for proposed Ministry participation in in-service seminars for teachers of consumer education.

Department of Youth, Sport and Recreation: Assistance was given in the preparation of a publication entitled 'What You Should Know About Fitness Centres'.

Direct Selling Association of Victoria: Officers assisted the DSA in the organisation, judging and presentation of a schools consumer education competition.

Royal Agricultural Show of Victoria: The Ministry assessed and advised on the contents and value of show bags offered for sale at the Royal Melbourne Show, September 1982. This exercise proved valuable in detecting potentially hazardous items and in helping to raise product standards.

Participation in Elderly Citizens' Week: The mobile van was used to distribute material in the City Square.

6. REGIONAL SERVICES

The Ministry has continued to provide the public of Victoria residing outside the metropolitan area with a service - which is based on regular visits to five regional offices and outlying districts by a mobile unit.

It is generally accepted that country residents are disadvantaged with regard to access to the services provided by the Ministry, so the concept of utilizing a mobile information unit to visit cities and towns throughout Victoria has met with universal acceptance.

Regrettably, due to various constraints, visits to some locations have not been as regular as desired.

However, visits to Regional Offices located at Ballarat, Bendigo, Wangaratta and Traralgon have continued on a regular monthly basis, and in the case of Geelong, fortnightly. These visits are now well known to local community groups and many referrals are received from these groups.

The Ministry's involvement with community groups in regional centres has proved to be a valuable link, which will have to be developed further.

TABLE A
TOTAL CONTACTS OF SERVICE

| Regional Offices | Geelong | Ballarat | Bendigo | Traralgon | Wangaratta | Total |
|--|------------|------------|------------|------------|------------|--------------------|
| Interviews Conducted | 293 | 106 | 78 | 101 | 43 | 621 |
| Alleged Breaches Investigated | - | 1 | 1 | - | - | 2 |
| Complaints Taken | 43 | 24 | 35 | 38 | 35 | 175 |
| Discussions with Traders/Consumers at Premises/Homes | 10 | 11 | 5 | 6 | 15 | 47 |
| Enquiries on Existing Complaints | 14 | 11 | 18 | 8 | 11 | 62 |
| Residential Tenancies Enquiries | 48 | 20 | 17 | 6 | 4 | 95 |
| Telephone Calls In/Out | 416 | 153 | 145 | 160 | 86 | 960 |
| Talks to Media/Community Groups etc. | 1 | 5 | 1 | 2 | 9 | 18 |
| TOTAL ACTIVITIES OF CONTACT | 825 | 331 | 300 | 321 | 203 | <u>1980</u> |

TABLE B
SERVICES PROVIDED THROUGH MOBILE UNIT

| | |
|---|------------|
| Number of Towns Visited | 117 |
| Number of Days on the Road | 92 |
| Interviews conducted in Mobile Unit relating to: | |
| Existing Consumer Complaints | 33 |
| General Consumer Enquiries | 988 |
| Trader Enquiries | 9 |
| Residential Tenancy Enquiries | <u>151</u> |
| | 1,181 |
| Interviews conducted at Trader's Premises relating to Consumer Matters | 151 |
| Formal Complaints Taken | 67 |
| Talks to Schools, Service and Community Organisations, Trader Groups, Media Interviews etc. | 151 |

Regional Services staff have attended training programs for Citizens Advice Bureaux volunteers and fulfilled other public speaking engagements with various community groups, service organisations and trade associations throughout Victoria.

Public awareness of the work of the Ministry has continued to be generated by the media through their ongoing co-operation with Regional Services staff.

The Public Service Board Management Review of the Ministry recommended amongst other things, improved accessibility to the Ministry, establishment of networks with community groups, business and other organisations to facilitate a reciprocal flow of information, and the development of effective community consultation.

In confirming the Ministry's policy to make its services more accessible a budgetary allocation was made for the establishment of a shop front office to service the Western Suburbs.

Following negotiations, a lease has been signed for premises located at 20 Droop Street, Footscray. The Office will be run as a pilot program, taking account of the desire to be more accessible, approachable and visible. Hours of operation are Mondays and Tuesdays, and Wednesday evenings.

The Western Suburbs Regional Office was opened by the Minister of Consumer Affairs on Thursday, 25 August 1983.

7. PRODUCT SAFETY

During 1982/83, the Ministry continued to receive reports of unsafe and hazardous products.

Part IV "Safe Design and Construction of Goods" of the Consumer Affairs Act allows for a product to be banned only if the product does not comply with standards that are prescribed by regulation. The development of standards is usually a lengthy process and consequently Part IV of the Act can be considered to be of limited application in relation to individual unsafe products which emerge on the market from time to time without any warning. With such products, speed is essential in order to prevent injury or death of unsuspecting consumers.

In the past, the Ministry has been reasonably successful in having hazardous products withdrawn from sale by negotiation. However, after a wide ranging investigation of product safety the Consumer Affairs Council considered that this situation was unacceptable and in its 1980/81 Annual Report recommended that product safety legislation be enacted in Victoria.

The present Government strongly supports the need for product safety legislation as is evident from the proclamation of the Consumer Affairs (Product Safety Act) 1983.

8. COMMONWEALTH/STATE CONSUMER PRODUCTS ADVISORY COMMITTEE

The Ministry has continued to be involved with the operation of the Commonwealth/State Consumer Products Advisory Committee (CSCPAC) and a representative of the Ministry attended meetings of CSCPAC in Hobart in August 1982 and Adelaide in March 1983.

CSCPAC comprises one member of each of the Commonwealth authorities involved in consumer matters and one member representing the Consumer Affairs authorities in each state/territory. The Committee also has a representative from the Standards Association of Australia, who acts as a consultant.

This forum has again been most valuable in exchanging product safety information between states and in developing product information and safety standards. These standards can be incorporated in State and Federal legislation whenever required.

The major areas currently being considered by CSCPAC are:

- Children's toys
- Babies dummies
- Fibre content labelling
- Marking of gold and silver articles
- Motor vehicle jacks, stands and support ramps
- Hoists for vehicles and general use.

9. STATUTORY BODIES ASSOCIATED WITH THE MINISTRY

During the year under review there were five such bodies which relied on the Ministry to provide administrative and secretarial support.

a. Consumer Affairs Council/Consumer Affairs Committee

In April 1982, the Council initiated an investigation into desirable reforms to Victorian consumer legislation as regards misrepresentation, misleading advertising, and misleading or deceptive conduct generally. This project came to fruition in the year under review when a comprehensive report was submitted to the Minister. This was subsequently published in the Council's Annual Report.

The Consumer Affairs Committee Act 1983 was assented to on 21 June 1983 replacing the Consumer Affairs Council with a Consumer Affairs Committee.

The planning for the establishment of the Consumer Affairs Committee is proceeding.

b. Small Claims Tribunals

The Small Claims Tribunals are now in the eighth year of operation. The four full time and four part time referees also serve as members of the Residential Tenancies Tribunal. The Senior Referee is also the Chairman of the Residential Tenancies Tribunal.

The Referees of the Tribunals are appointed by the Governor-in-Council from the ranks of barristers, solicitors and persons qualified as Stipendiary Magistrates.

The Small Claims Tribunals adjudicate over disputes between consumers and traders. The Act provides that decisions made by the Tribunals are final and binding on all parties to the proceedings.

Tribunal hearings have been conducted at the offices of the Ministry at 500 Bourke Street, Melbourne, and at other centres throughout the state.

During the year 1982/83, there has been an increase in both the frequency and number of hearings at country and metropolitan centres.

Hearings were conducted at the following centres outside Melbourne:

| <u>Centre</u> | <u>Number of Days on Which Hearings were Conducted</u> |
|---------------|--|
| Bairnsdale | 4 |
| Ballarat | 13 |
| Benalla | 17 |
| Bendigo | 14 |
| Cobram | 3 |
| Geelong | 19 |
| Horsham | 1 |
| Mildura | 2 |
| Morwell | 18 |
| Sale | 1 |
| Seymour | 7 |
| Springvale | 43 |
| Swan Hill | 1 |
| Tatura | 6 |
| Warrnambool | 10 |
| Wodonga | 6 |

Throughout the year there has been a continuation of the policy previously adopted to have both the Residential Tenancies Tribunal and Small Claims Tribunals conduct hearings at one and the same location, as all Referees of the Small Claims Tribunals are also Members of the Residential Tenancies Tribunal.

c. Residential Tenancies Tribunal

The Residential Tenancies Tribunal came into existence with the proclamation of the Residential Tenancies Act 1980 on 9 November 1981.

The four full time and four part time referees of the Small Claims Tribunals serve also on the Residential Tenancies Tribunal.

The Chairman of the Residential Tenancies Tribunal is also the Senior Referee of the Small Claims Tribunals.

The jurisdiction of the Tribunal is prescribed by Section 17 of the Residential Tenancies Act 1980 which states:

"Subject to this Act, the Tribunal has jurisdiction to hear and determine an application under this Act relating to any matter arising in relation to a tenancy agreement of premises situated in Victoria."

The number of applications lodged with the Residential Tenancies Tribunal have continued to rise dramatically.

In the period 1 July 1982 to 30 June 1983, 8,354 applications were received as compared with 2,218 applications lodged in seven months of the previous year.

The Tribunal was established less than 19 months ago and it is difficult to predict at what level application numbers will stabilize. However taking the June 1983 figure of 928 claims as a basis, it is estimated that the number of applications will continue to grow in the next year to at least 12,000 applications per year.

The allocation of resources, such as administrative and typing staff, and hearing and waiting areas has not kept pace with the volume of applications and delays in processing of applications have inevitably occurred.

The Residential Tenancies Tribunal is also responsible for hearing disputes over "prescribed premises" as defined in the Landlord and Tenant Act 1958. An amendment to the Residential Tenancies Act in November 1982 ensured continuation of the category of 'protected tenants' which was to have been abolished by the original legislation as proclaimed on 9 November 1981. This added further to the workload imposed on the staff as an additional 82 applications within this particular jurisdiction had to be processed and scheduled for hearing.

The majority of cases were heard at 500 Bourke Street, Melbourne. However, between July and September 1982, occasional use was obtained of a hearing room at the Workers Compensation Board at 570 Bourke Street, so that extra hearings could be scheduled.

The Tribunal also sat at the following regional centres: Bairnsdale, Ballarat, Benalla, Bendigo, Cobram, Geelong, Horsham, Mildura, Morwell, Sale, Seymour, Springvale, Swan Hill, Tatura (Shepparton), Warrnambool and Wodonga.

Reference to Part III, Table 6 shows that of the 7,598 applications determined in the period, 82.7% were landlord initiated and 17.3% tenant initiated. Landlords seeking possession of premises accounted for 75.4% (4,737) of the 6,280 landlord-initiated claims which were determined. 52.8% of the applications seeking possession were withdrawn, prior to, or at the hearing, indicating that either the landlord had gained possession or that the alleged breach of the tenancy agreements had been rectified.

Tenants' applications showed that the most common disputes involved non-return of bond monies, essential repairs to premises and reduction of fixed-term tenancy agreements.

The high proportion of applications lodged by landlords as opposed to tenants must be related to the requirement placed on landlords to apply to the Tribunals whenever they seek possession of premises outside the terms of the tenancy agreement or seek to reimburse costs from the security deposits paid to them. On the other hand, tenants may submit their complaints for resolution by conciliation, thus obviating in many cases the need to lodge claims with the Tribunal.

d. Motor Car Traders Committee

The Motor Car Traders Committee is a statutory body appointed by the Governor-in-Council under the Motor Car Traders Act 1973.

The functions of the Committee as stated in Section 7(2) of the Act are:

"to report upon any particular matter relating to trading in motor cars in Victoria referred to it for investigation and report by the Minister; and generally to give effect to this Act by exercising such powers and performing such duties as are conferred or imposed on it by or under this Act."

The Motor Car Traders Act 1973 came fully into operation in December 1974. Originally it came under the jurisdiction of the now disbanded Chief Secretary's Department, and on 25 October 1976, the Motor Car Traders Committee and relevant staff were transferred to the Ministry of Consumer Affairs.

On 1 January 1979, the Ministry of Consumer Affairs Act was amended to include the Motor Car Traders Act as an Act to be administered by the Ministry of Consumer Affairs.

These administrative changes, together with the amendment in 1979 of the Ministry of Consumer Affairs Act, imposed on the Director the responsibility of administering and hence reporting on the operation of the Motor Car Traders Act. However, under Section 7A of that Act, the Committee is also required to report directly to Parliament on its own activities.

Statistical information reflecting the workload in this section for the year under review is:

| | |
|--|-----|
| Processing of New Applications Approved by the Committee | 256 |
| Processing of Notification of Change on Existing Licences | 369 |
| Consumer Complaints Handled | 758 |
| Mechanical Inspections Conducted | 90 |

For enforcement of the Motor Car Traders Act see Part I, Section 4d.

e. Prices Commissioner

Under the provisions of the Fuel Prices Regulation Act 1981, a Prices Commissioner was appointed on 4 August 1982.

The Prices Commissioner has the power to fix and declare the maximum price at which any declared fuel can be sold.

A staff of three assists the Prices Commissioner in the performance of his duties. During the year staff have been actively involved in the preparation of two major reports by a Special Advisory Group (consisting of the Prices Commissioner, representatives from Energy Policy and Analysis Pty Ltd, and the Victorian Department of Minerals and Energy).

The first report of the Special Advisory Group, entitled "Petroleum Marketing, Pricing and Related Matters", was completed in November 1982. A second report examining divorcement (preventing oil companies from operating their own retail outlets) and franchisee protection is currently being prepared.

Staff of the Prices Commissioner's office have also dealt with non-petrol pricing matters. A detailed investigation of beer prices at football grounds is being undertaken. The Ministry is represented on a committee considering the economic effects of the abolition of the minimum price of packaged beer. In addition, the Ministry is involved in a working party with the Victorian Dairy Industry Authority, considering new milk price determination procedures.

Between August 1982 and June 1983, 113 written complaints concerning prices were dealt with by the staff in the Prices Commissioner's Office.

10. ADMINISTRATIVE SERVICES

a. Administration

During 1982/83 the Administrative Services Branch was responsible for all of the Ministry's accommodation, security, stores, transport, typing and special operations functions. Further, the branch liaised closely with the personnel and accounting sections of the Department of Labour and Industry, which provided services to the Ministry.

At the time of writing this Report the Ministry is being re-structured and in accordance with the recommendations of the Review Report issued by the Public Service Board, the Management and Information Services Division is being established, to be responsible for all areas of administration including Personnel, Finance, Accommodation, Freedom of

Information, Word Processing and Typing Services, Systems Management, Management Review, Security, Stores, Transport, Registry and Special Projects. The Assistant Director, Management and Information Services, took up his duties in May 1983.

The establishment of this Division should allow the Ministry to stand alone in the future, without being reliant on assistance from the Department of Labour and Industry. The assistance rendered by that Department, particularly in the areas of personnel, accounts, legal services, stores provision and administration, has been of considerable benefit and is gratefully acknowledged.

However, the development of program budgeting as mentioned in Part I, Sections 2 and 11, could not proceed without the immediate establishment of an efficient and effective Management and Information Services Division within the Ministry.

b. Accommodation

Throughout the year, the Ministry has experienced considerable accommodation difficulties. The process of securing alterations to existing office facilities has proven to be extremely slow, particularly in the knowledge that the present accommodation is not suitable for public tribunal hearings.

Approaches are being made to the Public Works Department to provide for the public and staff more suitable accommodation, thereby creating a more receptive atmosphere for the settling of disputes.

c. Security

Frequent attendance by large numbers of the public, particularly for the conduct of tribunal hearings, has posed security problems. Incidents involving verbal abuse and physical threats, generally directed at members of the staff or Tribunal Referees, have occurred. This is an unfortunate result of some Tribunal hearings where one of the parties to a dispute may refuse to accept the order made.

Following the establishment of an internal working party to examine the issue of security, moves are proceeding to install appropriate and effective security alarm systems to counter this problem.

d. Transport

The Ministry now has a fleet of six vehicles, comprising five cars and a specially fitted and equipped van for servicing the Ministry's activities in Victoria's regional centres.

Four of the cars were purchased in April 1982, and have all since been fully utilized at a rate of approximately 30,000 kms per annum. Late in the year one of the Ministry's vehicles, while being used for

inspectorial purposes, was damaged beyond repair when set on fire by an unknown person. The Police have been asked to investigate this matter.

During the year the van suffered damage during a severe windstorm whilst travelling in the Colac area. A sharp wind gust caused the van's pop-up roof to be torn from the vehicle.

e. Freedom of Information Code

Following the introduction of the Freedom of Information Code, on 5 January 1983, the Officer in Charge of Administration has been processing requests for access to files and documents. These requests have been few in number, but extensive in nature, and have consequently required detailed attention to meet the spirit and provisions of the Code. Three such requests were received prior to 30 June 1983. The Freedom of Information Act replaced the code on 5 July 1983.

f. Support Services

There is an increasing demand on registry and stores areas of the Ministry, as workloads in all areas expand. Inevitably, such support functions will require additional attention as the work of the Ministry grows.

11. FINANCE

Throughout the year the Ministry's financial activities were constrained by the Budget and the absence of an independent Finance Branch. Only the Finance Manager had been appointed by 30 June 1983.

In the latter half of the year, great emphasis was placed on the introduction of Program Budgeting. Ministry officers, with the assistance of officers from the Department of Management and Budget and the Audit Office have worked towards presenting the Ministry's accounts in a format suitable for Program Budgeting for implementation in the 1983/84 State Budget.

STATEMENT OF RECEIPTS AND PAYMENTS
FOR FINANCIAL YEAR ENDED 30/6/83

| <u>Payments</u> | <u>1982/83</u> | <u>1981/82</u> |
|--|----------------|----------------|
| Annual Appropriation | | |
| Salaries and Allowances | 1,784,677 | 1,283,583 |
| Overtime | 10,823 | 7,784 |
| Travelling and Subsistence | 35,392 | 33,557 |
| Office Requisites | 88,699 | 48,698 |
| Books and Publications | 7,671 | 8,005 |
| Postal and Telephone | 21,542 | 20,545 |
| Motor Vehicles | 7,691 | 17,036 |
| Incidental Expenses | 57,160 | 28,763 |
| Consultants and Special Projects | 104,510 | - |
| Payroll Tax | 104,625 | 75,143 |
| Consumer Affairs Council | 30,348 | 17,073 |
| Motor Car Traders Committee | 96,465 | - |
| Market Court | 2,528 | 894 |
| Tenants Advice Service-Grant | - | 60,000 |
| | <hr/> | <hr/> |
| | 2,352,131 | 1,686,616 |
| <u>Departmental Trust Funds - Payments</u> | | |
| Motor Car Traders Guarantee Fund | 372,072 | 338,055 |
| Residential Tenancies Fund | 1,315,670 | 456,225 |
| | <hr/> | <hr/> |
| | 1,687,742 | 794,280 |
| <u>Receipts</u> | | |
| <u>Departmental Trust Funds</u> | | |
| Motor Car Traders Guarantee Fund | 410,313 | 383,968 |
| Residential Tenancies Fund | 2,232,621 | 801,745 |
| | <hr/> | <hr/> |
| | 2,642,934 | 1,185,713 |
| | <hr/> | <hr/> |

PART II

1. RETAIL INDUSTRY - ITEM PRICING IN SUPERMARKETS

The debate on the requirements for item pricing in supermarkets continued at a rather heated level in our community throughout the year.

It had a twofold effect on the Ministry:

- Some hundreds of letters, petitions, and personal representations from consumer organisations, women's and church groups, unions, and individuals supporting the retention of item pricing were received.
- Organisations representing retail interests campaigned vigorously against the retention of item pricing.

The Ministry was faced with the task of exerting a moderating influence on the opposing sides and ensuring that the focal point of the argument, the retention of the current and general status quo of item pricing in supermarkets, was not overshadowed by the multitude of other issues presented.

On 10 June 1983, the Minister of Consumer Affairs issued for public comment a Draft Proposal for a Bill on Item Pricing. This resulted in further submissions to the Ministry.

At the time of writing this Report, the Minister tabled in Parliament the Consumer Affairs (Item Pricing) Bill 1983 (see Part I, Section 3h).

Since 1980 the Ministry was represented on an interstate working party on Electronic Checkout Systems and Item Pricing in Supermarkets comprising South Australia (convenor), New South Wales, Victoria, the Commonwealth and the National Standards Commission. The working party has finalised its research and has presented its final report to the Standing Committee of Consumer Affairs Ministers.

Ministers agreed to publish the report which should be available to the public in the near future.

2. PACKAGING INDUSTRY

a. Deceptive Practices in Packaging

Under the Consumer Affairs Act 1972, the Governor-in-Council has powers to proclaim by regulations a number of controls relating to packaging.

Agreement was reached with all other States that such regulations would be developed on a uniform basis. Industry welcomed the commitment to uniformity on the grounds that most packaged goods are marketed nationally by the manufacturers.

The Victorian Ministry became a member of the Standing Committee on Packaging (SCP) which consists of Weights and Measures bodies in all States and is chaired by the National Standards Commission. The arrangement was that the Ministry would be responsible for the development of all policy matters relating to the proposed legislation, while Weights and Measures would advise on technical and enforcement matters.

SCP has now progressed sufficiently to allow it to issue a proposal for a "Uniform Model Deceptive Practices in Packaging Legislation" and final agreement should be reached between the States in the coming year.

The overall scope of the proposed "Model" legislation has been expressed in its preamble as follows:

"To prohibit in relation to the packaging for sale and selling of articles usage of a package such as to induce a viewer of the package to believe by reason of the apparent capacity of the package that it is likely to contain a greater quantity of an article than it does."

Close co-operation has been maintained with the Victorian Weights and Measures Branch throughout the year and the advice of the Superintendent and his staff on all technical matters relating to packaging is gratefully acknowledged.

b. Departmental Responsibility

A number of management reviews of the Public Service Board in the previous years have recommended that the question of the location of the Weights and Measures, and in particular the case for its location in the Ministry of Consumer Affairs, be investigated.

At the time of writing this report Ministerial agreement was reached for the transfer of administrative responsibility for packaging and labelling functions from the Weights and Measures Branch of the Local Government Department to the Ministry of Consumer Affairs.

c. Interdepartmental Consultative Group on Packaging and Labelling

The Ministry has chaired a Consultative Group on Packaging and Labelling. This group, which is made up of representatives of the Weights and Measures Branch of the Local Government Department, the Health Commission, Department of Agriculture, Victorian Railways, and Ministry for Economic Development, acts as a forum for the exchange of information, particularly addressing inconsistencies or duplication of prescription between Victorian Government agencies on packaging and labelling issues.

A number of problem areas have been identified and measures have been recommended to resolve these problems.

The Group is currently in abeyance, pending referral of any matters by relevant Ministers or group members.

3. BUILDING INDUSTRY

a. New Home Construction

Close liaison has been maintained throughout the year with the Local Government Department on matters relating to the house building industry. That Department is responsible for the administration of the House Builders Liability Act which provides for an industry administered guarantee scheme for the construction of new homes.

Reference to previous Annual Reports will show that the Ministry adopted a critical attitude towards some provisions of that Act because of the large number of complaints received from home buyers. Representations were also made to the Department with proposals for amendments.

During the year under review a number of amendments were made to the House Builders Liability Act resulting at least in part in a reduction in complaints.

Towards the end of the year under review the Minister for Local Government established a working party to assess further the operation of the Act and to report to him in the coming year.

The Ministry is represented on the working party together with industry bodies, and community and consumer representatives.

b. Extensions and Renovations

During the year under review the Ministry was represented on another Local Government Department working party. Its principal task was to investigate the feasibility of extending the House Builders Liability Act to cover home renovations, alterations, additions and repairs.

Over the years the Ministry has received many complaints related to faulty workmanship, lack of expertise in running a business, liquidations, bankruptcies and general unethical conduct by some home renovators. The consequence usually was that home owners were left with unfinished work and no possibility of redress.

The working party has now reached the stage of preparing a draft Bill encompassing its recommendations.

c. Residential Building Disputes Tribunal

In May 1980, the Ministers of Consumer Affairs and Local Government agreed that a framework for a dispute handling mechanism attuned to the special characteristics of the Building Industry should be developed.

As a result of the Ministerial agreement, the Director of Consumer Affairs convened an informal working party made up of industry bodies, the approved guarantors under the House Builders Liability Act, the Local Government Department and the Ministry of Consumer Affairs.

The Working Party issued a discussion paper in August 1982 which created considerable public interest and 35 submissions, mainly from trade and professional organisations, were received. Further meetings of the working party considered the various submissions and in June 1983 a final paper was presented to the then Acting Director.

At the time of writing this report a Local Government working party is reviewing the House Builders Liability Act. As the concept of the Residential Building Disputes Tribunal is closely associated with this, further consideration of the Tribunal will be in the light of the working party's report.

d. Kitchen Renovations

The Ministry of Consumer Affairs together with the Victorian Chamber of Manufacturers assisted in the formation of the Australian Kitchen and Bathroom Institute which was formally inaugurated in September 1982. This attempt at self-regulation by an industry is an encouraging feature, especially as in past years a number of kitchen renovators have gone into liquidation.

e. House Cladding

The Ministry has continued its representation on a committee, established by the Standards Association of Australia, to formulate standards of manufacture and fixing for the multiplicity of cladding products together with a standard form of guarantee/warranty and a standard contract.

Many of the cladding products are manufactured overseas and although their use may be appropriate in their countries of origin they may not be suitable for Victorian conditions. The Ministry is therefore supporting the Standard Association of Australia in its endeavour to finalise the relevant standards.

4. EMPLOYMENT AGENTS INDUSTRY

Over past years complaints have been consistently received by the Ministry about false or misleading advertising of employment opportunities.

The complaints referred to :

- Sale of franchises promising exaggerated earning opportunities;
- Sale of trucks and vans claiming that the purchase money would be recouped through haulage contracts;
- Casting houses, hairdressing colleges and modelling schools promising lucrative employment opportunities as a result of expensive training programs.

Submissions were also received from such organisations as Job Watch on various malpractices in the employment area.

Liaison was established with the Ministry of Employment and Training which had accumulated a large dossier of complaints against employment agencies such as:

- advertising of non-existent jobs;
- charging of fees to applicants;
- pressure on applicants to take unsuitable jobs; and
- lack of professional service, especially by the smaller agencies.

The national computer complaints statistics showed that more complaints were received in Victoria against employment agents than in any other State in Australia.

In order to remedy this unsatisfactory situation a joint submission with the Ministry of Employment and Training was made to introduce appropriate legislation. At the time of writing this report the Employment Agents Bill passed through both Houses of Parliament to come into operation on a date to be proclaimed (see Part I, Section 3g).

5. SWIMMING POOL INDUSTRY

The Ministry continued with its participation in a Standards Association of Australia Committee to review the "Australian Contract for Supply and Construction of a Swimming Pool" (AS2160C-1978). At the time of writing this report the review has been completed and it is expected that a revised standard contract will be available early in 1984.

The Swimming Pool Association of Victoria Limited has encouraged all its members to use the Standard Contract and has actively participated in the current review. The Ministry welcomes this move and acknowledges the Association's co-operation in the handling of complaints lodged with the Ministry against its members and its advice on all technical issues relating to the construction of swimming pools.

6. CREDIT INDUSTRY

a. Credit Cards

A new form of revolving credit has recently emerged - the credit card issued to finance a specific consumer purchase. The credit granted is in excess of that required to purchase the item and credit providers seek to retain customers by offering continuing credit.

The Ministry handled a number of enquiries and complaints from consumers and is concerned that consumers under this type of arrangement do not receive adequate information about their liabilities at the time of purchase. This is in contrast to the more traditional forms of credit, that is, hire purchase.

b. Legislative Developments

During the year ending 30 June 1983 considerable development work took place for the implementation of the Credit Act 1981.

The Credit Act 1981 was passed by Parliament in the Spring Session of 1981 but has not yet been proclaimed. The legislation represents a major reform of the law relating to the advance of credit to consumers. The broad principles of the Act can be summarised as

follows:

- To establish a qualified and effective administration to supervise the credit industry through a licensing system;
- To equate all the various forms under which credit may be provided so that the rules applicable will be essentially the same and will be referrable to the substance rather than the form of the transaction;
- To provide for the disclosure of the actual cost of credit in dollars and cents and by way of annual percentage rate;
- To provide in a more extensive way the type of regulation and protection that presently exists in relation to hire purchase to all forms of credit;
- To provide a mechanism by which debtors suffering genuine hardship can obtain credit from immediate enforcement of a credit contract.

Since the introduction of the legislation in Parliament in 1981 both the Ministry of Consumer Affairs and the Law Department have received many submissions from the finance, retail and consumer sectors. All submissions were extensively considered as part of a major review of the legislation. As a result considerable amendments were found to be necessary before the legislation could commence operation.

During this period a close and continuing liaison with the New South Wales Department of Consumer Affairs was established and both States are endeavouring to redress disuniformity between the Credit legislation passed in each State in 1981, and to increase protection under the legislation largely within the confines of the Molomby Report's philosophy. (The Molomby Report dealt with fair consumer credit laws and was commissioned by the Victorian Attorney-General in 1971.) As part of the process of implementation of the legislation, considerable progress on the administrative structures necessary to operate the legislation has occurred. Preliminary work on licensing procedures, regulations and forms has also commenced.

The work was done by a team of three officers with legal training, who were drawn from other duties in the Ministry, headed by a Legal Consultant to the Public Service Board who was seconded to this project. However, by mid 1983 only one officer was still available to continue on this project.

Subsequent to June 1983 considerable work has continued in reviewing the legislation. As a result two revised Credit Acts have been prepared.

7. MOTOR VEHICLE INDUSTRY

A distinction should be drawn between motor vehicle complaints referred to below and allegations of breaches of consumer legislation raised earlier in Part I, Section 4d of this report. Complaints involving breaches or allegations of breaches in respect of new and used vehicles are investigated by specialist inspectors of the Enforcement Section who determine whether or not prosecution is warranted.

a. New Vehicles

The downward trend in new vehicle complaints continued during the year (1980/81 - 524, 1981/82 - 503, 1982/83 - 475). A variety of factors influenced this decline.

The Ministry has established reporting systems with manufacturers and their franchised dealers. The co-operation which now exists between the parties ensures, in the main, that consumer complaints are often resolved speedily and in a non-partisan manner.

It is hoped that a continuing improvement in quality control, competitiveness within the industry, and the maintenance of the good working relationship initiated by the Ministry, will further reduce the incidence of consumer complaints and continue to facilitate the resolution of those complaints.

b. Used Motor Vehicles

As with new vehicles, there was a reduction in the number of complaints received through the Complaints and Claims Division (1980/81 - 1087, 1981/82 - 1030, 1982/83 - 873).

Complaints about used vehicles showed the following percentage breakdown:

| | <u>%</u> |
|---|----------|
| Defective vehicle at purchase | 23.32 |
| Warranty claims disputed by dealers | 17.71 |
| Disputes arising over cancellation of contracts for a variety of reasons including "price higher than elsewhere", overcommitment etc. | 17.26 |
| Unsatisfactory repairs to a purchased vehicle | 17.04 |
| Questionable sales methods | 6.95 |
| Others | 17.72 |

Traders, who in the past were the subject of a significant number of serious complaints, have adopted a more reasonable attitude towards consumers and the resolution of complaints.

This is especially true of those traders who hold manufacturers' franchises. A contributing factor must be the reporting systems established with manufacturers who are concerned about their image and consequently watch closely over the complaints lodged against their franchise dealers.

It is the experience of Ministry staff that consumers with motor vehicle complaints are quick to lodge them by appearing at the Ministry's office, often within 24 hours after the purchase. They expect immediate assistance, and to be effective, the conciliation process has to be initiated promptly.

8. INSURANCE INDUSTRY

a. Insurance of Property

The tragic bushfires of 1983 served to demonstrate that consumers do not always appreciate the fundamental principles of insurance. For example, the essential difference between indemnity and replacement, the necessity for full and open disclosure, and a need to relate the real value of property to the sum assured.

Nevertheless, it was heartening to observe the co-operation that prevailed between this Ministry, insurance companies and the Insurance Council of Australia in the handling of consumer insurance problems in the wake of the fires.

Officers involved in this area reported that the complaints and enquiries they received were satisfactorily resolved, or that the complainant was given an explanation of the rights and obligations between himself and his insurance company.

b. Insurance Brokers

The Ministry handled a number of complaints from consumers when several brokers closed down their operations without having passed on consumers' premiums to the relevant insurance companies. The affairs of some of these brokers are subject to investigation for misappropriation and gross negligence.

This area is currently the subject of investigation at the Commonwealth Government level.

9. FURNITURE REMOVAL INDUSTRY

The Ministry was actively involved in promoting a training course for removalists through the Footscray College of Technical and Further Education in an effort to minimise the difficulties experienced by consumers when moving house.

The intention of the course is to establish formal training and certification for all operators presently in the industry as well as providing young unemployed persons with an opportunity to acquire skills, knowledge, and attitudes to obtain and retain employment.

The course has the support of the industry itself, and in time should reduce the problems experienced in this area.

10. TRAVEL INDUSTRY

A serious default by a travel agent during 1983 highlighted the need for regulation in the travel industry.

In March 1983, the travel agent Pan Continental Pty Ltd, ceased trading. Its principal director fled Australia with the company assets including consumers' payments for tours and airline tickets.

The Ministry was able to give some redress regarding airline tickets in this instance. The Ministry continues to be active in a joint Commonwealth/States working party on the Uniform Regulation of Travel Agents.

11. CREDIT REPORTING INDUSTRY

During the year under review there were eighteen formal complaints lodged about information recorded with Credit Reporting Bureaux under the provisions of the Credit Reporting Act 1978.

As a result of the Ministry's investigations the records were amended in a number of instances.

A common cause of complaint was that whilst judgements obtained against consumers were inevitably recorded, the fact that a judgement has been satisfied was not always noted.

Other complainants have been refused credit on the basis of information contained in their records, which, although correct at face value, has not been objectively assessed or followed up by credit providers.

The Ministry is constantly called on to advise consumers of the provisions of the Credit Reporting Act 1978, or to counsel them in managing their dealings relating to the obtaining of finance.

PART IIIS T A T I S T I C A L T A B L E STABLE 1Analysis of Consumer Complaints
Product/Service Classification - 1980/81 to 1982/83

| | <u>1980/81</u> | | <u>1981/82</u> | | <u>1982/83</u> | |
|---------------------------------------|----------------|----------|----------------|----------|----------------|----------|
| | <u>No.</u> | <u>%</u> | <u>No.</u> | <u>%</u> | <u>No.</u> | <u>%</u> |
| <u>Food and Beverages</u> | | | | | | |
| Food Products | 100 | .84 | 97 | .80 | 75 | .68 |
| Beverages | 32 | .27 | 30 | .25 | 19 | .17 |
| Other | 23 | .19 | 16 | .13 | 5 | .04 |
| | <hr/> | | | | | |
| SUB TOTAL | 155 | 1.31 | 143 | 1.18 | 99 | .90 |
| | | | | | | |
| <u>Clothing, Footwear and Drapery</u> | | | | | | |
| Clothing | 421 | 3.56 | 428 | 3.53 | 387 | 3.42 |
| Footwear | 213 | 1.80 | 167 | 1.38 | 131 | 1.19 |
| Accessories | 84 | .71 | 125 | 1.03 | 42 | .38 |
| Drapery | 38 | .32 | 48 | .40 | 40 | .36 |
| Trousseau | 2 | .02 | 3 | .02 | - | - |
| Other | 16 | .13 | 9 | .07 | 14 | .12 |
| | <hr/> | | | | | |
| SUB TOTAL | 774 | 6.54 | 780 | 6.44 | 614 | 5.59 |

Consumer Durables

| | | | | | | |
|--|-------|-------|------|-------|------|-------|
| Electrical Goods etc. | | | | | | |
| Washing Machines, Diswashers Drying Cabinets | 105 | .89 | 112 | .93 | 82 | .74 |
| Stoves | 70 | .59 | 78 | .64 | 59 | .53 |
| Refrigerators and Freezers | 153 | 1.29 | 153 | 1.26 | 106 | .96 |
| Television | 101 | .85 | 101 | .83 | 77 | .70 |
| Air Conditioners | 85 | .72 | 103 | .85 | 113 | 1.02 |
| Heaters | 104 | .88 | 110 | .91 | 74 | .67 |
| Small Appliances | 62 | .52 | 65 | .54 | 64 | .58 |
| Radio, Hi-Fi, etc. | 153 | 1.29 | 167 | 1.38 | 296 | 2.44 |
| Other | 127 | 1.07 | 93 | .77 | 123 | 1.12 |
| Used Electrical Goods etc. | 25 | .21 | 4 | .03 | 26 | .23 |
| Furniture | 318 | 2.69 | 373 | 3.08 | 383 | 3.48 |
| Furnishings | | | | | | |
| Carpets and other Floor Coverings | 207 | 1.75 | 293 | 2.42 | 182 | 1.65 |
| Curtains & Blinds | 110 | .93 | 98 | .81 | 86 | .78 |
| Hard Floor Coverings | 46 | .39 | 57 | .47 | 79 | .71 |
| Other | 7 | .06 | 13 | .11 | 49 | .44 |
| Hardware and Kitchenware | 56 | .47 | 130 | 1.07 | 70 | .63 |
| Other | 7 | .06 | 16 | .13 | 14 | .12 |
| | <hr/> | | | | | |
| SUB TOTAL | 1736 | 14.68 | 1996 | 16.24 | 1856 | 16.09 |

Repair of Electrical Goods etc.

| | | | | | | |
|---|-------|------|-----|------|-----|------|
| Washing Machines, Dishwashers, Drying Cabinets | 116 | .98 | 91 | .75 | 100 | .91 |
| Stoves | 12 | .10 | 11 | .09 | 8 | .07 |
| Refrigerators & Freezers | 78 | .66 | 67 | .55 | 62 | .56 |
| Television | 106 | .90 | 90 | .74 | 91 | .82 |
| Air Conditioners | 18 | .15 | 10 | .08 | 15 | .13 |
| Heaters | 15 | .13 | 10 | .08 | 11 | .10 |
| Small Appliances | 25 | .21 | 16 | .13 | 10 | .09 |
| Radio, Hi-Fi, etc | 61 | .52 | 45 | .37 | 84 | .76 |
| Other | 24 | .20 | 30 | .25 | 23 | .20 |
| | <hr/> | | | | | |
| SUB TOTAL | 455 | 3.84 | 370 | 3.06 | 404 | 3.68 |

Motor Vehicles and Other
Transport Equipment

| | | | | | | |
|---------------------------|-------|-------|------|-------|------|-------|
| New Motor Vehicles | 529 | 4.47 | 503 | 4.15 | 475 | 4.32 |
| Used Motor Vehicles | 1087 | 9.19 | 1030 | 8.51 | 873 | 7.94 |
| Parts & Accessories | 176 | 1.49 | 186 | 1.54 | 203 | 1.84 |
| Motor Bikes & Trail Bikes | 86 | .73 | 93 | .77 | 106 | .96 |
| Other Transport Equipment | | | | | | |
| Caravans | 87 | .74 | 83 | .69 | 72 | .65 |
| Boats and Outboard Motors | 54 | .46 | 60 | .50 | 49 | .44 |
| Trucks | 57 | .48 | 36 | .30 | 29 | .26 |
| Other | 77 | .65 | 70 | .58 | 66 | .60 |
| Other | 8 | .07 | 13 | .11 | 18 | .16 |
| | <hr/> | | | | | |
| SUB TOTAL | 2161 | 18.27 | 2074 | 17.13 | 1891 | 17.21 |

Repair & Servicing of
Motor Vehicles

| | | | | | | |
|------------------|-------|------|-----|------|-----|------|
| Mechanical | 400 | 3.38 | 411 | 3.39 | 397 | 3.61 |
| Electrical | 4 | .03 | 11 | .09 | 16 | .14 |
| Panel Beating | 80 | .68 | 87 | .72 | 87 | .79 |
| Exchange Engines | 57 | .48 | 67 | .55 | 62 | .56 |
| Towing Storage | 17 | .14 | 15 | .12 | 27 | .24 |
| Other | 49 | .41 | 36 | .30 | 33 | .33 |
| | <hr/> | | | | | |
| SUB TOTAL | 607 | 5.13 | 627 | 5.18 | 622 | 5.66 |

Building and Construction

| | | | | | | |
|--|-----|------|-----|------|-----|------|
| New Home Construction | 307 | 2.60 | 290 | 2.40 | 154 | 1.40 |
| Extensions and Renovations: | | | | | | |
| Concreting, Blockwork, Brickwork etc. | 140 | 1.18 | 239 | 1.97 | 242 | 2.20 |
| Fences and Walls | 78 | .66 | 68 | .56 | 68 | .61 |
| Carpentry | 23 | .19 | 15 | .12 | 40 | .36 |
| Painting and Decorating | 59 | .50 | 77 | .64 | 70 | .63 |
| Plumbing | 104 | .88 | 87 | .72 | 84 | .76 |
| Electrical Work | 24 | .20 | 27 | .22 | 28 | .25 |
| Roofing and Insulation | 122 | 1.03 | 110 | .91 | 112 | 1.01 |
| Cladding | 86 | .73 | 72 | .59 | 59 | .53 |
| Other | 230 | 1.94 | 155 | 1.28 | 83 | .75 |

(Contd) ...

| | | | | | | |
|--|-------|-------|------|-------|------|-------|
| Supply of Packages- Kitchens, Garages, etc. | 171 | 1.45 | 194 | 1.60 | 130 | 1.18 |
| Building Products | 240 | 2.03 | 285 | 2.35 | 283 | 2.57 |
| Swimming Pools | 85 | .72 | 117 | .97 | 105 | .95 |
| Gardening | 95 | .08 | 116 | .96 | 75 | .68 |
| Other | 6 | .05 | 6 | .05 | 4 | .03 |
| | <hr/> | | | | | |
| SUB TOTAL | 1770 | 14.96 | 1858 | 15.35 | 1537 | 13.99 |

Miscellaneous Products

| | | | | | | |
|--|-------|------|------|-------|------|------|
| Communications-Newsletters, Books, Periodicals etc. | 211 | 1.78 | 216 | 1.78 | 236 | 2.14 |
| Tools and Equipment | 32 | .27 | 18 | .15 | 46 | .41 |
| Sporting Goods | 70 | .59 | 63 | .52 | 66 | .60 |
| Jewellery, Watches & Clocks | 329 | 2.78 | 329 | 2.72 | 270 | 2.45 |
| Toys and Musical Instruments | 66 | .56 | 74 | .61 | 62 | .56 |
| Photographic Equipment | 39 | .33 | 39 | .32 | 58 | .52 |
| Chemical Products | 48 | .41 | 96 | .79 | 78 | .71 |
| Animals, Pets and Livestock | 34 | .29 | 27 | .22 | 37 | .33 |
| Other | 350 | 2.96 | 461 | 3.81 | 166 | 1.51 |
| | <hr/> | | | | | |
| SUB TOTAL | 1179 | 9.97 | 1323 | 10.93 | 1019 | 9.27 |

Transport & Energy Services

| | | | | | | |
|-------------------------------------|-------|------|-----|------|-----|------|
| Postal & Telephone Services | 27 | .23 | 16 | .13 | 28 | .25 |
| Public Utilities & Fuel Supplies | 121 | 1.02 | 93 | .77 | 87 | .79 |
| Travel | 199 | 1.68 | 184 | 1.52 | 178 | 1.62 |
| Other | 94 | .79 | 114 | .94 | 142 | 1.29 |
| | <hr/> | | | | | |
| SUB TOTAL | 441 | 3.73 | 407 | 3.36 | 435 | 3.96 |

Insurance

| | | | | | | |
|-----------------|-------|------|-----|------|-----|------|
| Life | 30 | .25 | 50 | .41 | 77 | .70 |
| Travel | - | - | 23 | .19 | 38 | .34 |
| Health | 37 | .32 | 77 | .64 | 65 | .59 |
| Motor Vehicle | 176 | 1.49 | 229 | 1.89 | 244 | 2.22 |
| Fire | 6 | .05 | 45 | .37 | 21 | .19 |
| Household | 158 | 1.34 | 202 | 1.67 | 217 | 1.97 |
| Marine | 8 | .07 | 12 | .10 | 18 | .16 |
| Consumer Credit | 55 | .46 | 42 | .35 | 49 | .44 |
| Other | 107 | .90 | 73 | .60 | 66 | .60 |
| | <hr/> | | | | | |
| SUB TOTAL | 577 | 4.88 | 753 | 6.22 | 795 | 7.26 |

Finance

| | | | | | | | |
|-----------------------|-----|------|------|-----|------|-----|------|
| Credit Cards | 8 | .07 | 12 | .10 | 4 | .36 | |
| Store Cards | 15 | .13 | 13 | .11 | 14 | .12 | |
| Chattel Mortgage | 5 | .04 | - | - | 3 | .02 | |
| Lay-By | 7 | .06 | 7 | .06 | 7 | .06 | |
| Hire Purchase | 139 | 1.17 | 75 | .62 | 65 | .59 | |
| Lease | 4 | .03 | 4 | .03 | 3 | .02 | |
| Personal Loan | 20 | .17 | 58 | .48 | 46 | .41 | |
| Real Estate Mortgages | - | - | 20 | .17 | 18 | .16 | |
| Other | 66 | .56 | 20 | .17 | 15 | .13 | |
| SUB TOTAL | | 264 | 2.23 | 209 | 1.73 | 175 | 1.59 |

Real Estate and Accommodation

| | | | | | | | |
|--------------------------|-----|------|------|-----|------|-----|------|
| Investment | 6 | .05 | 10 | .08 | 6 | .05 | |
| Purchase | 109 | .92 | 109 | .90 | 106 | .96 | |
| Lease and Rental | 205 | 1.73 | 98 | .81 | - | - | |
| Short Term Accommodation | 48 | .41 | 68 | .56 | 75 | .68 | |
| Other | 20 | .17 | 19 | .16 | 25 | .22 | |
| SUB TOTAL | | 388 | 3.28 | 304 | 2.51 | 212 | 1.93 |

Miscellaneous Services

| | | | | | | |
|--|-------|-------|-------|-------|-------|-------|
| Professional Services | 321 | 2.71 | 366 | 3.02 | 330 | 3.00 |
| Semi-Professional Services | 387 | 3.27 | 315 | 2.60 | 438 | 3.98 |
| Household Services | 356 | 3.01 | 333 | 2.75 | 351 | 3.19 |
| Educational | 44 | .37 | 33 | .27 | 29 | .26 |
| Entertainment, Restaurant, Catering | 101 | .85 | 108 | .89 | 86 | .78 |
| Work at Home Schemes | 7 | .06 | 6 | .05 | 4 | .03 |
| Other | 105 | .89 | 133 | 1.10 | 85 | .77 |
| | <hr/> | | | | | |
| SUB TOTAL | 1321 | 11.17 | 1294 | 10.69 | 1323 | 12.04 |
| <u>TOTAL</u> | 11828 | 100% | 12108 | 100% | 10982 | 100% |

NOTE:

Percentage sub-totals may not total exactly because of rounding of decimal places.

TABLE 2

Analysis of Consumer Complaints
Practice Classification - 1980/81 to 1982/83

| | <u>1980/81</u> | | <u>1981/82</u> | | <u>1982/83</u> | |
|------------------------|----------------|---|----------------|-----|----------------|-----|
| | No. | % | No. | % | No. | % |
| <u>Advertising</u> | | | | | | |
| Health and Safety | - | - | 6 | .04 | 1 | .00 |
| Price | - | - | 90 | .58 | 32 | .26 |
| Quantity | - | - | 1 | .01 | 1 | .00 |
| Sponsorship, Approval | - | - | 6 | .04 | 1 | .00 |
| Specification, Goods | - | - | 139 | .89 | 105 | .87 |
| Nature of Services | - | - | 9 | .06 | 2 | .01 |
| Free Gifts/Special | - | - | 58 | .37 | 41 | .34 |
| Availability | - | - | 16 | .10 | 4 | .03 |
| Conditions of Sale | - | - | 29 | .19 | 1 | .00 |
| Other | - | - | 11 | .07 | 5 | .04 |
| <u>Representations</u> | | | | | | |
| Health and Safety | - | - | 4 | .03 | - | - |
| Price | - | - | 23 | .15 | 17 | .14 |
| Quantity | - | - | - | - | 2 | .01 |

(Contd) ...

| | | | | | | |
|-----------------------|---|---|-----|-----|----|-----|
| Sponsorship, Approval | - | - | 1 | .01 | - | - |
| Specification, Goods | - | - | 120 | .77 | 33 | .27 |
| Nature of Services | - | - | 5 | .03 | - | - |
| Free Gifts/Special | - | - | 10 | .06 | 6 | .04 |
| Availability | - | - | 11 | .07 | 4 | .03 |
| Conditions of Sale | - | - | 77 | .49 | 17 | .14 |
| Other | - | - | 14 | .09 | 2 | .01 |

Advertising and Representations

| | | | | | | |
|-----------|-----|------|-----|------|-----|------|
| Other | - | - | 2 | .01 | - | - |
| <hr/> | | | | | | |
| SUB TOTAL | 937 | 6.16 | 632 | 4.06 | 274 | 2.27 |

Packaging and Labelling

| | | | | | | |
|-------------------------------------|----|-----|----|-----|----|-----|
| Safety Label, Instructions | 2 | .01 | 5 | .03 | 4 | .03 |
| Operating Instructions | 19 | .12 | 22 | .14 | 17 | .14 |
| Contents, Description of | 14 | .09 | 12 | .08 | 10 | .08 |
| Deceptive Packaging | 7 | .05 | 6 | .04 | 6 | .04 |
| Date of Manufacture on Packaging | 10 | .07 | 4 | .03 | 2 | .01 |
| Other | 12 | .08 | 22 | .14 | 14 | .11 |
| <hr/> | | | | | | |
| SUB TOTAL | 64 | .42 | 71 | .46 | 53 | .44 |

Sales Methods

| | | | | | | |
|--------------------------------|-------|------|-----|------|-----|------|
| Unsolicited Product or Service | 59 | .39 | 57 | .37 | 57 | .47 |
| Door to Door Sales | 20 | .13 | 21 | .13 | 26 | .21 |
| Auctions | 7 | .05 | 6 | .04 | 4 | .03 |
| Mail Order Sales | 338 | 2.22 | 707 | 4.54 | 325 | 2.70 |
| Overticketing | - | - | 3 | .02 | 1 | .00 |
| Other | 481 | 3.16 | 190 | 1.22 | 104 | .86 |
| | <hr/> | | | | | |
| SUB TOTAL | 905 | 5.95 | 984 | 6.32 | 517 | 4.29 |

Prices and Charges

| | | | | | | |
|-------------------------|-------|------|-----|------|-----|------|
| Charge Above Quote | 197 | 1.30 | 118 | .76 | 121 | 1.00 |
| Industry Pricing Policy | 16 | .10 | 3 | .02 | 3 | .02 |
| Overcharging | 634 | 4.17 | 681 | 4.37 | 487 | 4.04 |
| Other | 91 | .60 | 168 | 1.08 | 215 | 1.78 |
| | <hr/> | | | | | |
| SUB TOTAL | 938 | 6.17 | 970 | 6.23 | 826 | 6.86 |

Quality of Product or Service

| | | | | | | |
|--|------|------|------|------|-----|------|
| Installation | 122 | .80 | 246 | 1.58 | 224 | 1.87 |
| Servicing or Repair | 1223 | 8.04 | 1169 | 7.51 | 644 | 5.35 |
| Unavailability of Product Component or Service | 141 | .93 | 70 | .45 | 107 | .88 |

(Contd) ...

| | | | | | | |
|---|-------|-------|------|-------|------|-------|
| Unsafe or Hazardous Product or Service | 76 | .50 | 80 | .51 | 63 | .56 |
| Unauthorised Repairs | 64 | .42 | 59 | .38 | 36 | .29 |
| Defective at Purchase | 3711 | 24.41 | 2713 | 17.42 | 3831 | 31.83 |
| Defective after Purchase | 387 | 2.54 | 1320 | 8.48 | 156 | 1.29 |
| Damage to Consumer | 570 | 3.75 | 530 | 3.40 | 381 | 3.16 |
| Weight/Measure to Unpacked Goods | 5 | .03 | 4 | .03 | - | - |
| Other | 75 | .49 | 221 | 1.42 | 55 | .45 |
| | <hr/> | | | | | |
| SUB TOTAL | 6374 | 41.92 | 6412 | 41.18 | 5504 | 45.73 |

Contracts

| | | | | | | |
|---|-------|-------|------|-------|------|-------|
| Harsh or Unconscionable Contracts | 157 | 1.03 | 216 | 1.39 | 59 | .49 |
| Non Disclosure or Misrepresentation of Terms | 740 | 4.87 | 667 | 4.28 | 251 | 2.08 |
| Retention of Bond | 134 | .88 | 56 | .36 | 4 | .03 |
| Other Landlord/Tenant Disputes | 26 | .17 | 42 | .27 | - | - |
| Cancellation of Contract | 706 | 4.64 | 550 | 3.53 | 596 | 4.95 |
| Non Supply of Goods and Services | 1153 | 7.58 | 2013 | 12.93 | 2040 | 16.95 |
| Non Performance of Contracts | 595 | 3.91 | 671 | 4.31 | 203 | 1.68 |
| Other | 270 | 1.78 | 162 | 1.04 | 144 | 1.19 |
| | <hr/> | | | | | |
| SUB TOTAL | 3781 | 24.87 | 4377 | 28.11 | 3297 | 27.39 |

Guarantees and Warranties

| | | | | | | |
|-----------|-----|------|-----|------|-----|------|
| SUB TOTAL | 753 | 4.95 | 596 | 3.83 | 353 | 2.93 |
|-----------|-----|------|-----|------|-----|------|

Offers of Redress

| | | | | | | |
|-------------------------------------|-----|------|-----|------|-----|------|
| Provision of Credit Note | 65 | .43 | 66 | .42 | 51 | .42 |
| Provision of Replacement | 6 | .04 | 22 | .14 | 14 | .11 |
| Repair - No Replacement - Refund | 470 | 3.09 | 474 | 3.04 | 553 | 4.59 |
| No Refund Policy or Seller | 200 | 1.31 | 290 | 1.86 | 239 | 1.98 |
| Insistence on Repair | 6 | .04 | 9 | .06 | 34 | .28 |
| Other | 16 | .10 | 16 | .10 | 29 | .24 |
| <hr/> | | | | | | |
| SUB TOTAL | 763 | 5.02 | 877 | 5.63 | 920 | 7.64 |

Credit Practices

| | | | | | | |
|---|-----|------|-----|------|-----|------|
| Repossession | 56 | .37 | 64 | .41 | 54 | .44 |
| Debt Collection | 173 | 1.14 | 120 | .77 | 22 | .18 |
| Deposits or Lay-Bys | 218 | 1.43 | 295 | 1.89 | 137 | 1.13 |
| Incorrect Interest or Credit Charges | 29 | .19 | 43 | .28 | 41 | .34 |
| Over Commitment | 11 | .07 | 16 | .10 | 2 | .01 |

(Contd) ...

| | | | | | | |
|--------------------------|-------|------|-------|------|-------|------|
| Documentation Complaints | 14 | .09 | 10 | .06 | 12 | .09 |
| Credit/Insurance Rebates | 27 | .18 | 35 | .22 | 2 | .01 |
| Other | 162 | 1.06 | 70 | .45 | 21 | .17 |
| | <hr/> | | | | | |
| SUB TOTAL | 690 | 4.54 | 653 | 4.19 | 291 | 2.41 |
| <u>TOTAL</u> | 15205 | 100% | 15572 | 100% | 12035 | 100% |

NOTES

1. Percentage sub-totals may not total exactly because of rounding of decimal places.
2. A number of classifications have been added as from 1 July 1981.

TABLE 3

Small Claims Tribunals
Analysis of Claims Determined - Product/Service
Classification - 1980/81 to 1982/83

| | <u>1980/81</u> | | <u>1981/82</u> | | <u>1982/83</u> | |
|---------------------------------------|----------------|------|----------------|------|----------------|------|
| | No. | % | No. | % | No. | % |
| <u>Food and Beverages</u> | | | | | | |
| Food Products | 4 | .18 | 1 | .04 | - | - |
| Beverages | - | - | - | - | - | - |
| Other | - | - | - | - | 1 | .03 |
| SUB TOTAL | 4 | .18 | 1 | .04 | 1 | .03 |
| <u>Clothing, Footwear and Drapery</u> | | | | | | |
| Clothing | 107 | 4.78 | 124 | 5.10 | 150 | 4.23 |
| Footwear | 36 | 1.61 | 33 | 1.36 | 47 | 1.32 |
| Accessories | 5 | .22 | 13 | .54 | 5 | .14 |
| Drapery | 11 | .49 | 9 | .37 | 14 | .39 |
| Other | 10 | .45 | 3 | .12 | 5 | .14 |
| SUB TOTAL | 69 | 7.56 | 182 | 7.51 | 221 | 6.23 |

Consumer Durables

Electrical Goods, etc.

| | | | | | | |
|--|-----|-------|-----|-------|-----|-------|
| Washing Machines, Dishwashers Drying Cabinets | 30 | 1.34 | 13 | .54 | 22 | .62 |
| Stoves | 12 | .54 | 6 | .25 | 10 | .23 |
| Refrigerators and Freezers | 35 | 1.56 | 28 | 1.16 | 28 | .59 |
| Television | 16 | .71 | 18 | .74 | 19 | .34 |
| Air Conditioners | 16 | .71 | 16 | .66 | 33 | .93 |
| Heaters | 32 | 1.43 | 24 | .99 | 31 | .87 |
| Small Appliances | 4 | .18 | 3 | .12 | 3 | .08 |
| Radio, Hi-Fi etc | 25 | 1.12 | 22 | .91 | 35 | .99 |
| Other | 21 | .94 | 6 | .25 | 24 | .68 |
| Used Electrical Goods etc. | 8 | .36 | 23 | .95 | 9 | .25 |
| Furniture | 56 | 2.50 | 91 | 3.75 | 103 | 2.90 |
| Furnishings: | | | | | | |
| Carpets and Other Floor Coverings | 59 | 2.64 | 85 | 3.51 | 131 | 3.69 |
| Curtains and Blinds | 40 | 1.79 | 31 | 1.28 | 60 | 1.69 |
| Other | 8 | .36 | 3 | .12 | 7 | .20 |
| Hardware and Kitchenware | 6 | .27 | 8 | .33 | 7 | .20 |
| Other | 16 | .71 | 15 | .62 | 14 | .39 |
| <hr/> | | | | | | |
| SUB TOTAL | 384 | 17.17 | 392 | 16.18 | 536 | 15.11 |

Repair of Electrical Goods etc.

| | | | | | | |
|--|----|------|----|------|-----|------|
| Washing Machines, Dishwashers Drying Cabinets | 26 | 1.16 | 18 | .74 | 33 | .93 |
| Stoves | 5 | .22 | 3 | .12 | 7 | .20 |
| Refrigerators and Freezers | 8 | .36 | 14 | .58 | 31 | .87 |
| Television | 12 | .54 | 19 | .78 | 36 | 1.01 |
| Air Conditioners | 2 | .09 | 6 | .25 | 12 | .34 |
| Small Appliances | - | - | - | - | 3 | .08 |
| Radio, Hi-Fi etc. | 6 | .27 | 9 | .37 | 22 | .62 |
| Other | 6 | .27 | 5 | .21 | 21 | .59 |
| <hr/> | | | | | | |
| SUB TOTAL | 70 | 3.13 | 82 | 3.38 | 165 | 4.65 |

Motor Vehicles and Other Transport Equipment

| | | | | | | |
|----------------------------|-----|-------|-----|------|-----|------|
| New Motor Vehicles | 23 | 1.00 | 37 | 1.53 | 48 | 1.35 |
| Used Motor Vehicles | 182 | 8.10 | 125 | 5.15 | 157 | 4.43 |
| Parts and Accessories | 41 | 1.80 | 36 | 1.49 | 52 | 1.47 |
| Motor Bikes | 11 | .40 | 6 | .25 | 24 | .68 |
| Other Transport Equipment: | - | - | - | - | 45 | 1.27 |
| Caravans and Campervans | 17 | .70 | 8 | .33 | 10 | .28 |
| Other | 30 | 1.30 | 25 | 1.03 | 3 | .08 |
| Other | 10 | .40 | 1 | .04 | 3 | .08 |
| <hr/> | | | | | | |
| SUB TOTAL | 314 | 14.04 | 238 | 9.82 | 342 | 9.64 |

Repair and Servicing of Motor Vehicles

| | | | | | | |
|---------------|-------|-------|-----|-------|-----|-------|
| Mechanical | 163 | 7.20 | 182 | 7.51 | 317 | 8.93 |
| Electrical | 13 | .50 | 20 | .83 | 6 | .14 |
| Panel Beating | 35 | 1.50 | 27 | 1.11 | 52 | 1.47 |
| Other | 42 | 1.80 | 41 | 1.69 | 39 | 1.10 |
| | <hr/> | | | | | |
| SUB TOTAL | 253 | 11.31 | 270 | 11.14 | 413 | 11.64 |

Building and Construction

| | | | | | | |
|---|----|------|----|------|-----|------|
| New Homes | 37 | 1.60 | 47 | 1.94 | 52 | 1.47 |
| Extensions and Renovations: | | | | | | |
| Concreting Blockwork, Brickwork, etc. | 85 | 3.80 | 83 | 3.43 | 192 | 5.41 |
| Fences and Walls | 34 | 1.52 | 38 | 1.57 | 64 | 1.80 |
| Carpentry | 14 | .63 | 27 | 1.11 | 22 | .62 |
| Painting and Decorating | 33 | 1.48 | 33 | 1.36 | 52 | 1.47 |
| Plumbing | 74 | 3.31 | 63 | 2.60 | 76 | 2.14 |
| Electrical Work | 19 | .85 | 22 | .91 | 26 | .73 |
| Roofing and Insulation | 23 | 1.03 | 26 | 1.07 | 45 | 1.27 |
| Cladding | 3 | .13 | 18 | .74 | 26 | .73 |
| Other | 74 | 3.31 | 92 | 3.80 | 64 | 1.80 |
| Supply of Packages - Kitchens, Garages, etc. | 43 | 1.92 | 33 | 1.36 | 36 | 1.01 |
| Building Products | 37 | 1.65 | 81 | 3.34 | 83 | 2.34 |

(Contd) ...

| | | | | | | |
|----------------|-----|-------|-----|-------|-----|-------|
| Swimming Pools | 25 | 1.12 | 36 | 1.49 | 33 | .93 |
| Gardening | 27 | 1.21 | 29 | 1.20 | 33 | .93 |
| Other | 19 | .85 | 23 | .95 | 7 | .20 |
| <hr/> | | | | | | |
| SUB TOTAL | 547 | 24.46 | 651 | 26.87 | 811 | 22.86 |

Miscellaneous Products

| | | | | | | |
|--|-----|------|-----|------|-----|------|
| Communications - Newspapers Books, Periodicals etc. | 7 | .31 | 4 | .17 | 47 | 1.32 |
| Tools and Equipment | 3 | .13 | - | - | 5 | .14 |
| Sporting Goods | 27 | 1.21 | 20 | .83 | 22 | .62 |
| Jewellery, Watches and Clocks | 44 | 1.97 | 70 | 2.89 | 62 | 1.75 |
| Toys and Musical Instruments | 7 | .31 | 8 | .33 | 10 | .28 |
| Photographic Equipment | 8 | .36 | 5 | .21 | 14 | .39 |
| Chemical Products | 3 | .13 | 8 | .33 | 9 | .25 |
| Animals, Pets and Livestock | 25 | 1.12 | 10 | .41 | 29 | .82 |
| Other | 31 | 1.39 | 22 | .91 | 7 | .20 |
| <hr/> | | | | | | |
| SUB TOTAL | 155 | 6.93 | 147 | 6.07 | 205 | 5.77 |

Transport and Energy Services

| | | | | | | |
|---------------------------------------|-----|------|----|------|-----|------|
| Post and Telephone Services | - | - | - | - | - | - |
| Public Utilities and Fuel Supplies | 7 | .31 | 13 | .54 | 17 | .48 |
| Travel | 85 | 3.80 | 37 | 1.53 | 66 | 1.86 |
| Other | 18 | .80 | 48 | 1.98 | 74 | 2.09 |
| <hr/> | | | | | | |
| SUB TOTAL | 110 | 4.92 | 98 | 4.04 | 157 | 4.43 |

| | | | | | | |
|--|-------|------|------|-------|------|-------|
| <u>Insurance</u> | 13 | .58 | 25 | 1.03 | 129 | 3.64 |
| <u>Finance</u> | 4 | .18 | 4 | .17 | 9 | .25 |
| <u>Real Estate and Accommodation:</u> | | | | | | |
| Investment | - | - | - | - | - | - |
| Purchase | 1 | .04 | 1 | .04 | - | - |
| Lease and Rental | - | - | - | - | 2 | .06 |
| Short Term Accommodation | 1 | .04 | 8 | .33 | 17 | .48 |
| Other | 2 | .09 | 5 | .21 | 3 | .08 |
| | <hr/> | | | | | |
| SUB TOTAL | 4 | .18 | 14 | .58 | 22 | .62 |
| | | | | | | |
| <u>Miscellaneous Services</u> | | | | | | |
| Professional Services | 51 | 2.28 | 48 | 1.98 | 105 | 2.96 |
| Semi-Professional Services | 50 | 2.24 | 70 | 2.89 | 195 | 5.50 |
| Laundry and Dry Cleaning | 44 | 1.97 | 74 | 3.05 | 109 | 3.07 |
| Other Household Services | 43 | 1.92 | 68 | 2.81 | 45 | 1.27 |
| Educational | 4 | .18 | 5 | .21 | 50 | 1.41 |
| Entertainment, Restaurant, Catering | 9 | .40 | 13 | .54 | 19 | .54 |
| Other | 8 | .36 | 41 | 1.69 | 14 | .39 |
| | <hr/> | | | | | |
| SUB TOTAL | 209 | 9.35 | 319 | 13.17 | 537 | 15.14 |
| | <hr/> | | | | | |
| <u>TOTAL</u> | 2236 | 100% | 2423 | 100% | 3548 | 100% |

(Contd) ...

NOTE

Percentage sub-totals may not total exactly because of rounding of decimal places.

In addition to the total of 3548 determinations, there were a further 714 cases registered with the Tribunals which were settled by the parties prior to the hearings.

TABLE 4
Small Claims Tribunals
Analysis of Claims Determined - Practice
Classification - 1980/81 to 1982/83

| | <u>1980/81</u> | | <u>1981/82</u> | | <u>1982/83</u> | |
|--|----------------|-------|----------------|-------|----------------|-------|
| | No. | % | No. | % | No. | % |
| <u>Advertising and Representations</u> | 20 | .88 | 79 | 3.09 | 50 | 1.41 |
| <u>Packaging or Labelling</u> | - | - | - | - | 2 | .06 |
| <u>Sales Methods</u> | 7 | .31 | 2 | .08 | 2 | .06 |
| <u>Prices or Charges</u> | | | | | | |
| Charge above Quote | 22 | .97 | 62 | 2.43 | 101 | 2.85 |
| Overcharging | 127 | 5.59 | 96 | 3.76 | 199 | 5.61 |
| Other | 57 | 2.51 | 23 | .90 | 10 | .28 |
| SUB TOTAL | 233 | 10.25 | 181 | 7.08 | 364 | 10.26 |
| <u>Quality of Product or Service</u> | | | | | | |
| Installation | 41 | 1.80 | 22 | .86 | 5 | .14 |
| Service of Repair | 840 | 36.96 | 1281 | 50.12 | 1124 | 31.56 |
| Unavailability of Product Component or Service | 129 | 5.67 | 192 | 7.51 | 87 | 2.45 |
| Unsafe or Hazardous Product or Service | 35 | 1.54 | 5 | .12 | 12 | .34 |

(Contd) ...

| | | | | | | |
|-------------------------------------|-------|-------|------|-------|------|-------|
| Unauthorized Repairs | 10 | .44 | 14 | .55 | 15 | .42 |
| Defective at Purchase | 47 | 2.07 | 111 | 4.34 | 174 | 4.90 |
| Defective after Purchase | 622 | 27.36 | 213 | 8.33 | 597 | 16.83 |
| Damage to Consumer's Property | 113 | 4.97 | 131 | 5.13 | 344 | 9.70 |
| Weight or Measure of Unpacked Goods | 1 | .04 | - | - | 5 | .14 |
| Other | 95 | 4.18 | 121 | 4.73 | 40 | 1.13 |
| | <hr/> | | | | | |
| SUB TOTAL | 1933 | 85.04 | 2090 | 81.77 | 2403 | 67.73 |

Credit Practices

| | | | | | | |
|--|-------|------|----|------|----|-----|
| Repossession | 1 | .04 | 1 | .04 | - | - |
| Debt Collection | 1 | .04 | - | - | - | - |
| Deposits and Lay-Bys | 24 | 1.06 | 72 | 2.82 | 20 | .56 |
| Exorbitant or Incorrect Interest or Credit Charges | - | - | 1 | .04 | 2 | .06 |
| Over Commitment | - | - | - | - | - | - |
| Documentation Complaints | - | - | - | - | - | - |
| Rebates (Credit and Insurance) | 2 | .09 | 18 | .70 | 3 | .08 |
| Other | 13 | .57 | 1 | .04 | - | - |
| | <hr/> | | | | | |
| SUB TOTAL | 41 | 1.80 | 93 | 3.64 | 25 | .70 |

Contracts

| | | | | | | |
|--|-------|------|----|------|-----|-------|
| Harsh and Unconscionable Contracts | - | - | 3 | .12 | 5 | .14 |
| Non Disclosure and Misrepresentation of Terms | 1 | .04 | 1 | .04 | 99 | 2.79 |
| Retention of Bonds | - | - | 1 | .04 | - | - |
| Other Landlord/Tenant Disputes | - | - | - | - | - | - |
| Disputes Concerning Cancellation of Contracts | 18 | .79 | 5 | .20 | 39 | 1.10 |
| Non Supply of Goods and Services | 11 | .48 | 17 | .67 | 305 | 8.60 |
| Non Performance Within a Reasonable Period | 8 | .35 | 10 | .39 | 116 | 3.27 |
| Other | 7 | .31 | 3 | .12 | 6 | .17 |
| | <hr/> | | | | | |
| SUB TOTAL | 45 | 1.98 | 40 | 1.56 | 570 | 16.07 |

Guarantees and Warranties

| | | | | | | |
|--------------------|-------|-----|----|-----|----|-----|
| Statutory | - | - | 1 | .04 | - | - |
| Express Warranties | - | - | 14 | .55 | 10 | .28 |
| Other | 1 | .04 | 1 | .04 | - | - |
| | <hr/> | | | | | |
| SUB TOTAL | 1 | .04 | 16 | .63 | 10 | .28 |

Offers of Redress

| | | | | | | |
|---|-------|------|------|------|------|------|
| Provision of Credit Note | - | - | 1 | .04 | - | - |
| Provision of a Replacement | - | - | 3 | .12 | 2 | .06 |
| Repair - No Replacement or Refund | 1 | .04 | - | - | 12 | .34 |
| No Refund Policy of Seller | 19 | .84 | 14 | .55 | 109 | 3.07 |
| Insistence that Consumer Pay for Repair | - | - | 27 | 1.06 | 53 | 1.49 |
| Other | - | - | 10 | .39 | - | - |
| | <hr/> | | | | | |
| SUB TOTAL | 20 | .88 | 55 | 2.15 | 176 | 4.96 |
| <u>TOTAL</u> | 2273 | 100% | 2556 | 100% | 3548 | 100% |

NOTE

1. Percentage sub-totals may not total exactly because of rounding of decimal places.
2. A number of classifications have been added as from 1 July 1981.

TABLE 5
Analysis of Residential Tenancies
Disputes Handled

| | 1981/82 | | 1982/83 | | | |
|--------------------------------------|---------|------|---------|--------|-------|-------|
| | TOTAL | % | L/LORD | TENANT | TOTAL | % |
| Documentation Complaints | 31 | 2.2 | | 60 | 60 | 1.80 |
| Bonds (including insurance) | 373 | 26.8 | 45 | 692 | 737 | 22.08 |
| Rent | 335 | 24.1 | 39 | 611 | 650 | 19.47 |
| Repairs and Maintenance - urgent | 18 | 1.3 | 2 | 44 | 46 | 1.38 |
| Repairs and Maintenance - general | 257 | 18.5 | 11 | 546 | 557 | 16.69 |
| Termination | 192 | 13.8 | 94 | 396 | 490 | 14.68 |
| Quiet Enjoyment - Including Entry | 68 | 4.9 | 2 | 142 | 144 | 4.31 |
| Locks and Security Devices | 5 | 0.4 | | 6 | 6 | 0.18 |
| Assignment and Sub-letting | 3 | 0.2 | 4 | 4 | 8 | 0.24 |
| Abandoned Premises | 31 | 2.2 | 229 | 13 | 242 | 7.25 |
| Miscellaneous | 78 | 5.6 | 73 | 325 | 398 | 11.92 |
| TOTAL | 1391 | 100% | 499 | 2839 | 3338 | 100% |

The overall total number of disputes (3338), is larger than the number of actual complaints received (2571), since one complaint may involve more than one area of dispute.

TABLE 6
RESULTS OF APPLICATIONS TO RESIDENTIAL TENANCIES TRIBUNAL FROM 1.7.82 TO 30.6.83

| APPLICANT | TYPE OF APPLICATION | APPLICATION WITHDRAWN | SETTLED AT HEARING | APPLICATION DISMISSED | ORDER MADE BY TRIBUNAL | TOTAL APPLICATIONS | ANALYSIS OF TYPE OF APPLICATION | |
|---|------------------------------------|-----------------------|-----------------------|-----------------------|------------------------|------------------------|---------------------------------|---------------------------------|
| L A N D L O R D 82.7% of all Applications | S.127 POSSESSION OF PREMISES | 2503 (52.8%) | 250 (5.3%) | 525 (11.1%) | 1459 (30.8%) | 4737 (100%) | 75.4% | |
| | S.111 ABANDONED PREMISES | 19 (7.9%) | - | 3 (1.3%) | 218 (90.8%) | 240 (100%) | 3.8% | |
| | S.77 RETENTION OF SECURITY DEPOSIT | 40 (27.2%) | 6 (4.1%) | 20 (13.6%) | 81 (55.1%) | 147 (100%) | 2.3% | |
| | S105 COMPENSATION | 125 (13.0%) | 45 (4.6%) | 103 (10.7%) | 692 (71.7%) | 965 (100%) | 15.4% | |
| | S. 23 GENERAL DISPUTE | 19 (30.2%) | 17 (27.0%) | 14 (22.2%) | 13 (20.6%) | 63 (100%) | 1.0% | |
| | OTHER APPLICATIONS | 34 (26.6%) | 4 (3.1%) | 16 (12.5%) | 74 (57.8%) | 128 (100%) | 2.1% | |
| | SUB-TOTAL (1) | 2740 (43.6%) | 322 (5.2%) | 681 (10.8%) | 2537 (40.4%) | 6280 (100%) | 100% | |
| | T E N A N T | TYPE OF APPLICATION | APPLICATION WITHDRAWN | SETTLED AT HEARING | APPLICATION DISMISSED | ORDER MADE BY TRIBUNAL | TOTAL APPLICATIONS | ANALYSIS OF TYPE OF APPLICATION |
| | 17.3% of all Applications | S. 105 COMPENSATION | 82 (17.8%) | 68 (14.8%) | 80 (17.4%) | 230 (50.0%) | 460 (100%) | 34.9% |
| | | S. 23 GENERAL DISPUTE | 166 (28.7%) | 81 (14.0%) | 86 (14.9%) | 245 (42.4%) | 578 (100%) | 43.9% |
| OTHER APPLICATIONS | | 56 (20.0%) | 40 (14.3%) | 39 (13.9%) | 145 (51.8%) | 280 (100%) | 21.2% | |
| SUB-TOTAL (2) | | 304 (23.0%) | 189 (14.4%) | 205 (15.6%) | 620 (47.0%) | 1318 (100%) | 100% | |
| | TOTAL (1 & 2) | 3044 (40.0%) | 511 (6.7%) | 886 (11.7%) | 3157 (41.6%) | 7598 (100%) | | |

TABLE 7Residential Tenancies Complaints, Interviews and Telephone Enquiries

Complaints Received: 2,571

Interviews and Telephone Enquiries Handled by Staff:

| | <u>Landlords</u> | <u>Tenants</u> | <u>Total</u> |
|---------------------|------------------|----------------|---------------|
| Interviews | 2,678 | 4,835 | 7,513 |
| Telephone Enquiries | 31,692 | 44,570 | 76,262 |
| | <u>34,370</u> | <u>49,405</u> | <u>83,775</u> |

TABLE 8Analysis of Prosecutions

| | <u>Convicted</u> | <u>Dismissed</u> | <u>Total</u> |
|---|------------------|------------------|--------------|
| <u>Consumer Affairs Act 1972</u> | | | |
| Section 13 (1) (g) | 1 | | 1 |
| 15 (1) | 2 | | 2 |
| 20A | 1 | | 1 |
| 64 | 1 | | 1 |
| SUB TOTAL | 5 | | 5 |
| <u>Motor Car Traders Act 1973</u> | | | |
| Section 14 | 9 | | 9 |
| 23 | 1 | | 1 |
| 26 | 8 | | 8 |
| 29 | 7 | 2 | 9 |
| 36 | 2 | | 2 |
| 40 | 39 | | 39 |
| 41 | 18 | | 18 |
| SUB TOTAL | 84 | 2 | 86 |
| <u>Residential Tenancies Act 1980</u> | | | |
| Section 40 | 1 | | 1 |
| 122 | 1 | | 1 |
| SUB TOTAL | 2 | | 2 |
| <u>Building Contracts (Deposits) Act 1962</u> | | | |
| Section 3 | 1 | | 1 |
| <u>Crimes Act 1958</u> | | | |
| Section 176 | 1 | | 1 |
| <u>TOTAL INFORMATIONS HEARD:</u> | 93 | 2 | 95 |

TABLE 9PRINTED INFORMATION MATERIAL AVAILABLE FROM THE MINISTRY OF
CONSUMER AFFAIRSBrochures

What You Should Know About:

Buying a Car
Carpets
Funerals
Household Removals
Household Appliances

Directory of Consumer Assistance

Be Sure Before You Sign

Small Claims Tribunals

Your Rights as a Consumer (also available in Arabic, Italian, Greek,
Serbo-Croat, Spanish, Vietnamese, Turkish)

Residential Tenancies booklets

Customer Dissatisfaction Reporting Systems (mainly for traders)

Photoprinted Material

Case Studies & Teachers' Notes

Bag Searches

Summary of Legal implications of bag searches

Pyramid Selling

Door to Door Sales

The Market Court

Motor Car Traders Act

Secondhand Vehicle Check List

Summary of Consumer Protection Legislation in Victoria

Goods Sales & Leases Act (brief explanatory notes)

Lay-By Guidelines

Use of Credit Notes

Mail Order

Ministry of Consumer Affairs: Services Provided

Poster

Be a Responsible Consumer (available in six other languages)

Films & Video

"Rip-Offs" (16mm and 35mm)

"Buyer Beware" (16mm and 35mm)

"Buyer Beware" (Video 3/4" tape in 8 languages)
(1/2" tape will be available early 1984)

"Good Buy" (16mm) - 2 copies

"Six Billion \$ Sell" (16mm) - U.S.

"Kicking Tyres is Not Enough" or "How to Buy a Used Car" (16mm) U.S.

"Consumer Power: Advertising" (16mm) U.S.

"Steering Clear of Lemons" (16mm) U.S.

"Alice in Label Land" (16mm) U.K.

Consumer Information Brochures prepared by other government departments
or trade associations

The Traps in Renovating (reprint from National Times)

Buying a Home (Ministry of Housing)

Guide to Swimming Pools (Victorian Swimming Pool Association)

Do It Yourself Home Check List (Architects Inspection Service)

Yellow Pages Guide to Better Buying

The Burning Question - Children's Nightwear (Standards' Association of Australia)

Fuel Consumption Guide 1983 (previous years also available)
(Commonwealth Department of Resources & Energy)

Investment in Tree Farming Co-Ops or Syndicates (Forests Commission)

Borers in New Homes (Forests Commission)

Your Guide to Life Insurance (Life Insurance Federation of Australia)

What is it worth to You? assessing home contents - Insurance Council

It's Your Castle - What is it worth to You? (I.C.A.)

Motor Vehicle Insurance - The Shoppers' Guide (I.C.A.)

TABLE 10

LIST OF PUBLIC OFFICE HOLDERS WHO DECLARED THEIR PECUNIARY INTERESTS TO
THE MINISTER

In accordance with instructions issued by the Honourable John Cain, Premier of Victoria, the following Senior Officers and Crown Appointees declared their pecuniary interests to the Minister during the year under review.

| | | |
|--------------------------------|---|---------------------------------------|
| Mr J B King | - | Acting Director of Consumer Affairs |
| Mr A Lachowicz | - | Senior Adviser (Directorate) |
| Mr G D Johnstone | - | Referee, SCT(1) and RTT(2) |
| Mr R L Crisp | - | Referee, " " |
| Mr L W Maher | - | Referee, " " |
| Mr K H Bell | - | Referee, " " |
| Mr M J Redfern | - | Referee, " " |
| Mr A J Duggan | - | Referee, " " |
| Mr A J Bradford | - | Referee, " " |
| Ms D A Fitzgerald | - | Referee, " " |
| Mr F A Plata | - | Referee, " " |
| Ms R Musolino | - | Referee, " " |
| Dr A Fels | - | Prices Commissioner |
| Mr H G Lander | - | Chairman, Motor Car Traders Committee |
| Chief Inspector B Barnfield | - | Member, " " " " |
| Mr F D Wray | - | Member, " " " " |
| Mr J L Trevenen | - | Member, " " " " |
| Mr J E Howard | - | Member, " " " " |

-
- (1) SCT - Small Claims Tribunals
(2) RTT - Residential Tenancies Tribunal

