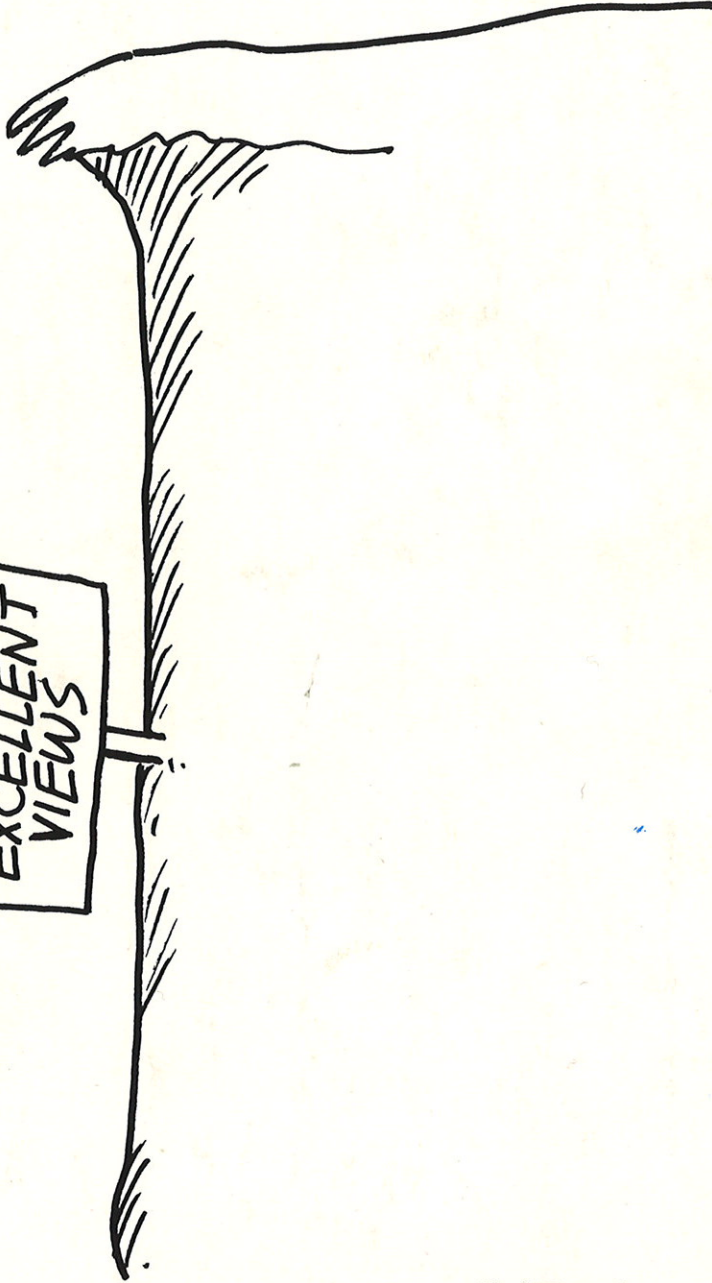


MINISTRY OF CONSUMER AFFAIRS

1988

FOR SALE  
ONE HECTARE  
EXCELLENT  
VIEWS



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ANNUAL REPORT

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VICTORIA

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*Report*

of the

**MINISTRY OF CONSUMER AFFAIRS**

for the

Year ended 30 June 1988

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*Ordered by the Legislative Assembly to be printed*

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MELBOURNE  
JEAN GORDON GOVERNMENT PRINTER  
1988

No. 19



The Honorable Tom Roper M.P.  
Minister for Consumer Affairs

The Hon. Tom Roper, M.P.,  
Minister for Consumer Affairs,  
500 Bourke Street,  
MELBOURNE . 3000

Sir,

**ANNUAL REPORT 1987/88**

Pursuant to Section 8 of the **Annual Reporting Act 1983**, I present to you my report on the activities and operations of the Ministry of Consumer Affairs, for the year ending 30 June, 1988.

The report has been prepared for you to lay before the Houses of Parliament.

This Annual Report incorporates those matters on which I am required to submit a report pursuant to Section 8A of the **Ministry of Consumer Affairs Act 1973** and Section 16 of the **Credit (Administration) Act 1984**.

By virtue of Section 5 of the **Annual Reporting Act 1983**, the laying of this report before both Houses of Parliament is deemed to satisfy the provisions of the legislation for which this Ministry is responsible.

Yours faithfully,

*David Hall*

David Hall  
Director of Consumer Affairs  
3 October 1988



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## TABLE OF CONTENTS

Director's Overview	11
What you need to know to use the Ministry's services	4
Management of Complaints and Breaches of Consumer Protection Legislation	9

---

### 1. PLANNING AND MANAGEMENT TARGETS 21

---

The Market Place	21
Characteristics of Consumers	24
Legislation Assigned to the Ministry	27

---

### 2. STRATEGIES AND OBJECTIVES 33

---

Public Access	33
Community Networks	34
Consumer Complaints	39
Dispute Resolution	52
Product Safety	59
Licensing	66
Rental Housing Inspection	69
Trade Measurement	73

---

### 3. HIGHLIGHTS AND ACHIEVEMENTS 75

---

Legislation	75
Industry/Government Coregulation	75
Residential Tenancy Review	87
Community Credit Program Review	88
Consumer Awareness Campaigns	89
Product Bans	93

<b>4. APPENDICES:</b>	<b>101</b>
1 Regulations made, amended or revoked	102
2 List of Public Office holders who declared their pecuniary interests to the Minister	103
3 Persons employed and Recruitment Table	104
4 Financial Statements:	
A Summary of Receipts	105
B Public Account Program Receipts	107
C Public Account Program Payments	109
D Appendices to Financial Statements	113
E Notes to Administrative Unit Financial Statements	118
F Explanatory Statement	121
G Certification	123
H Auditor General's Report	124
5 Assets Management System Report	125
6 Consumer Affairs 1987/88 Program Structure	126
7 Freedom of Information Arrangements	137
8 Licensing Statistics	140
9 Analysis of Completed Investigations	141
10 Weights and Measures Statistics	142
11 Victorian Consumer Affairs Committee	143
12 Grant Schemes - Approved Projects	145
13 Regional Services Statistics	157
14 Analysis of Consumer Complaints	158
15 Small Claims Tribunals - Analysis of Claims Determined	180
16 Traders subject to:	
A: Prosecutions by MCA	183
B: Prosecutions by Local Authorities under the Weights and Measures Act	192
C: Licensing Objections	194

# MINISTRY OF CONSUMER AFFAIRS 1987/88

## **COMMUNITY INFORMATION & ADVICE SERVICES:**

Grants to a wide range of community organizations have increased from a total of \$45,000 five years ago to the level last year of \$2,056,715. At the same time the number of funded groups increased from 2 to 75.

## **PUBLIC ENQUIRIES:**

General enquiry telephone calls handled have increased by 45% while the average waiting time has been reduced by 79%

## **RENTAL HOUSING REGULATION:**

Applications for hearings before the Residential Tenancies Tribunal have continued to increase to the current level of 24,137.

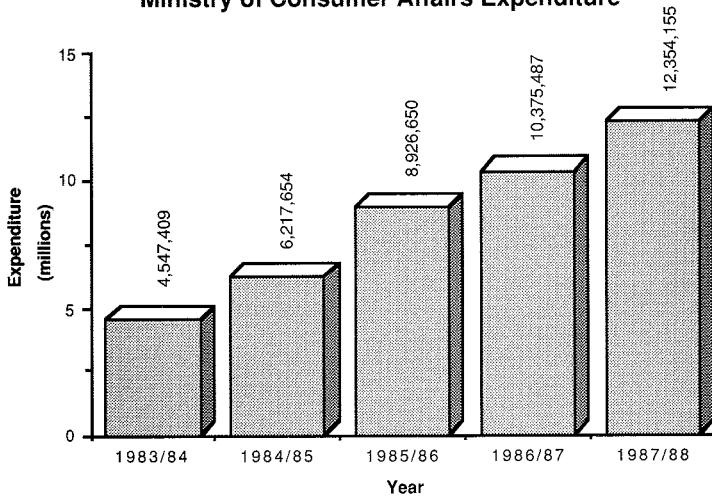
Public waiting times have been reduced to 4 weeks and held there despite the significant increase in numbers of applications.

## **MARKET REGULATION:**

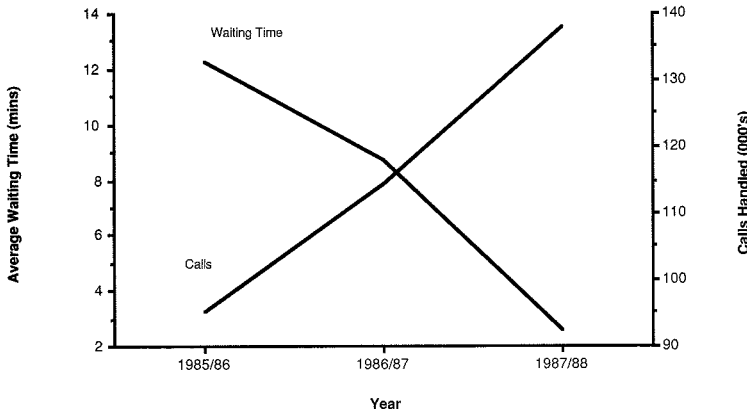
Defendants successfully prosecuted by the Ministry increased from 12 in 1983/84 to 41 in 1987/88. At the same time the number of successful prosecutions increased from 33 to 277.

# MINISTRY OF CONSUMER AFFAIRS 1987/88

## Ministry of Consumer Affairs Expenditure

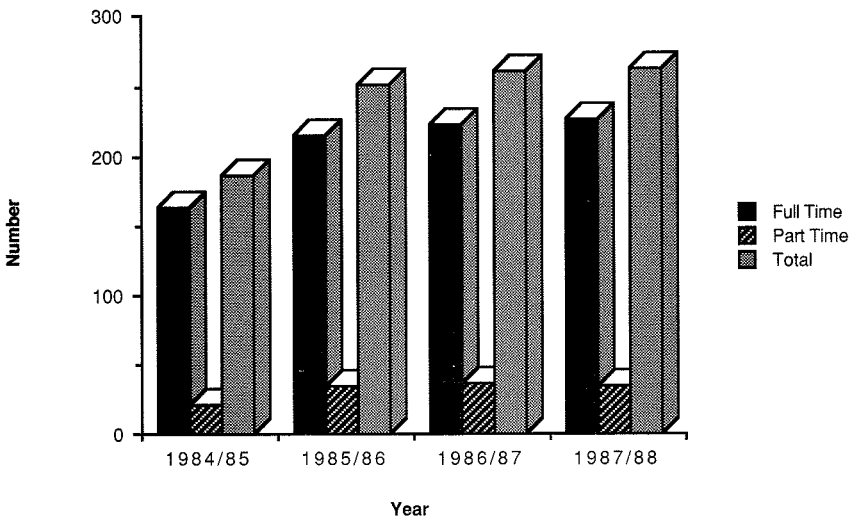


**MINISTRY OF  
CONSUMER AFFAIRS:  
EXPENDITURE**



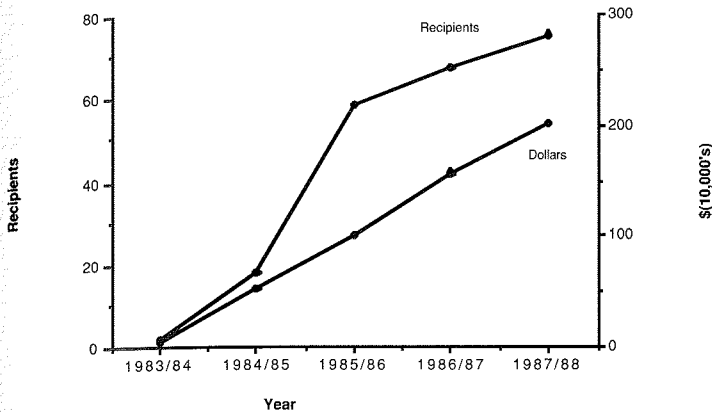
**PUBLIC ENQUIRIES**

## Ministry of Consumer Affairs Staff, 1984-88

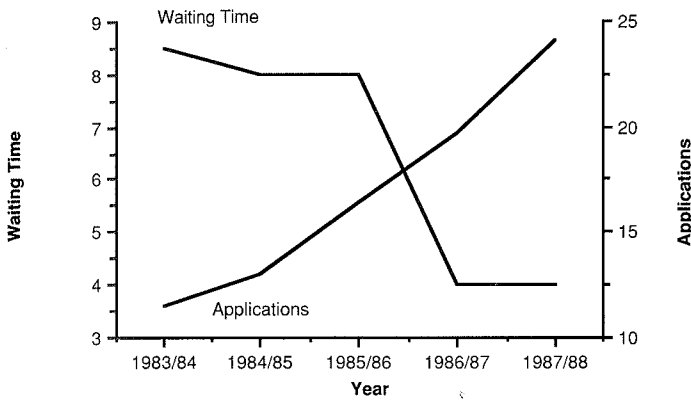


**MINISTRY OF  
CONSUMER  
AFFAIRS  
STAFF, 1984-88**

# MINISTRY OF CONSUMER AFFAIRS 1987/88

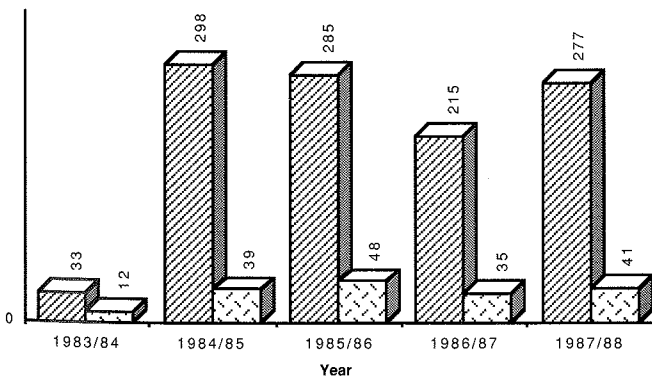


## COMMUNITY INFORMATION & ADVICE SERVICE



## RENTAL HOUSING REGULATION

- ▨ Number of Successful Prosecutions
- ▤ Defendants Successfully Prosecuted



## MARKET REGULATION



---

## WHAT YOU NEED TO KNOW TO USE THE MINISTRY'S SERVICES

### HOW DO YOU FIND US?

#### **Telephone** Metropolitan

We are listed in the white pages on page 47 of the Victorian Government Section under the heading "CONSUMER AFFAIRS - MINISTRY OF"  
See also YELLOW PAGES - Page 3

Telephone Numbers: GENERAL ENQUIRIES AND INFORMATION  
602 8123  
RESIDENTIAL TENANCIES ENQUIRIES  
602 8140

Country The Ministry is listed in the State Government section of all country telephone books. We also have a toll free number: (008) 13 6716

#### **Correspondence**

If you want to write to the Ministry our address is:

Business Address Ministry of Consumer Affairs  
5th Floor  
500 Bourke Street  
MELBOURNE . VIC . 3000

Fax Numbers Our General Fax number is: (03) 602 3443  
Tribunal Fax number is: (03) 670 2446

#### **Personal Visit**

Enquiries Desk Our main reception area is located on the 3rd Floor, 500 Bourke Street, Melbourne. Reception is open to enquiries between 9.00 a.m. - 4.30 p.m. Monday to Friday

Business Hours

#### **Community Organisations**

Local Information Centres By contacting your local Citizens Advice Bureau you can find out how to obtain assistance over a wide range of consumer and other issues.

#### **HOW CAN WE HELP YOU?**

The Ministry helps people with advice, assistance, a referral service or advocacy in relation to virtually any matter involving Consumers, Private and Public Tenancy matters and consumer credit.

## WHAT YOU SHOULD DO

If you have a problem that you think Consumer Affairs may be able to help you with, remember, the first thing you must do is go back to the trader or other party and try to amicably resolve the problem with them.

It is encouraging how many people, upon going back to the other party and calmly stating their complaint, find that the problem can be readily resolved.

### Ring for advice

If however, you have been back and the problem is not settled then the next thing to do is ring the Ministry's General Enquiry number for advice. (You will find that we're not too hard to contact although it's best to try to ring later in the day to avoid the early morning rush). Try to tell us your story as briefly as possible and have all the facts and documents with you before you ring.

It's a good idea to make written notes of all that has transpired prior to contacting us and for future reference if necessary.

### Lodge a written complaint

After having spoken to one of our telephone enquiry staff you will know what to do next and what are your rights and obligations. You may be invited to send us a written complaint. If the matter is urgent or serious you may be asked to come into our office for an interview.

When you come in bring all relevant papers with you. You will be asked to fill in a complaint form and copies will be made of your documents - the originals will be given back to you.

### Interview

You will then be interviewed to find out all the details of your complaint. The trader will then be contacted, asked for their side of the story and an attempt made to either negotiate or conciliate a resolution on your behalf.

### Adjudication

Depending on the nature of the problem, if the matter is not settled at this stage, then you may be directed to the Small Claims or Residential Tenancy Tribunal where a legal and binding order may be made.

### Stamp duty

If you decide to take your unresolved problem to the Tribunal you will be asked to fill in the appropriate application forms and pay a stamp duty application fee of up to \$5.

A copy of your claim will be sent to the other party and a date set for hearing. At any time prior to the Referee ("judge") making an order the parties may settle the dispute themselves.

### Hearings

Hearings are conducted at venues throughout the State, the suburbs and in the Ministry's head office. They are conducted in an informal non-intimidating atmosphere but the Referee's decision is final and binding on all concerned.

### Tribunal Orders

---

## SOME THINGS THE MINISTRY DOESN'T DO

There are lots of things the Ministry cannot, or does not do. Set out below is a list of those things which many people ask us about.

(i) Trader vs. trader complaints

In general terms the Ministry will not interfere in disputes between one trader and another.

(ii) Choice Magazine

Is produced by the Australian Consumers Association, 57 Carrington Road, Marrickville, NSW, 2204.

(iii) Rudeness

The Ministry receives many complaints about discourteous or aggressive behaviour on the part of some traders. Although the Ministry can consult with the trader we have no legal base to stop such activity.

(iv) Censorship

The Ministry has no responsibility for censorship or the maintenance of standards of decency or good taste.

(v) Wages and Employment

Complaints and enquiries regarding wages and conditions of employment or exploitative employment practices should be taken up with the Department of Labour and/or Jobwatch.

(vi) Consumer Price Index

The Consumer Price Index is compiled by the Australian Bureau of Statistics.

(vii) Prices

The monitoring of prices is undertaken by the Office of Prices.

(viii) Disputes between Neighbours

The Ministry cannot intervene in disputes between neighbours about boundary fences, noise, smoke, machinery, trees animals, etc. These matters may best be handled by the Police, Local Council, Environment Protection Authority, Neighbourhood Mediation Centre or a lawyer.

(ix) Intervention in Legal Proceedings or Court Decisions

The Ministry will not intervene in a dispute between a consumer and a trader where the consumer has engaged a lawyer or where legal proceedings are under way. It is not a function of the Ministry to provide legal advice or to give a second opinion where someone doubts, disputes or does not understand legal advice or the decision of a court.

(x) Diesel Fuel Rebate Scheme

This scheme is administered by the Australian Customs Service.

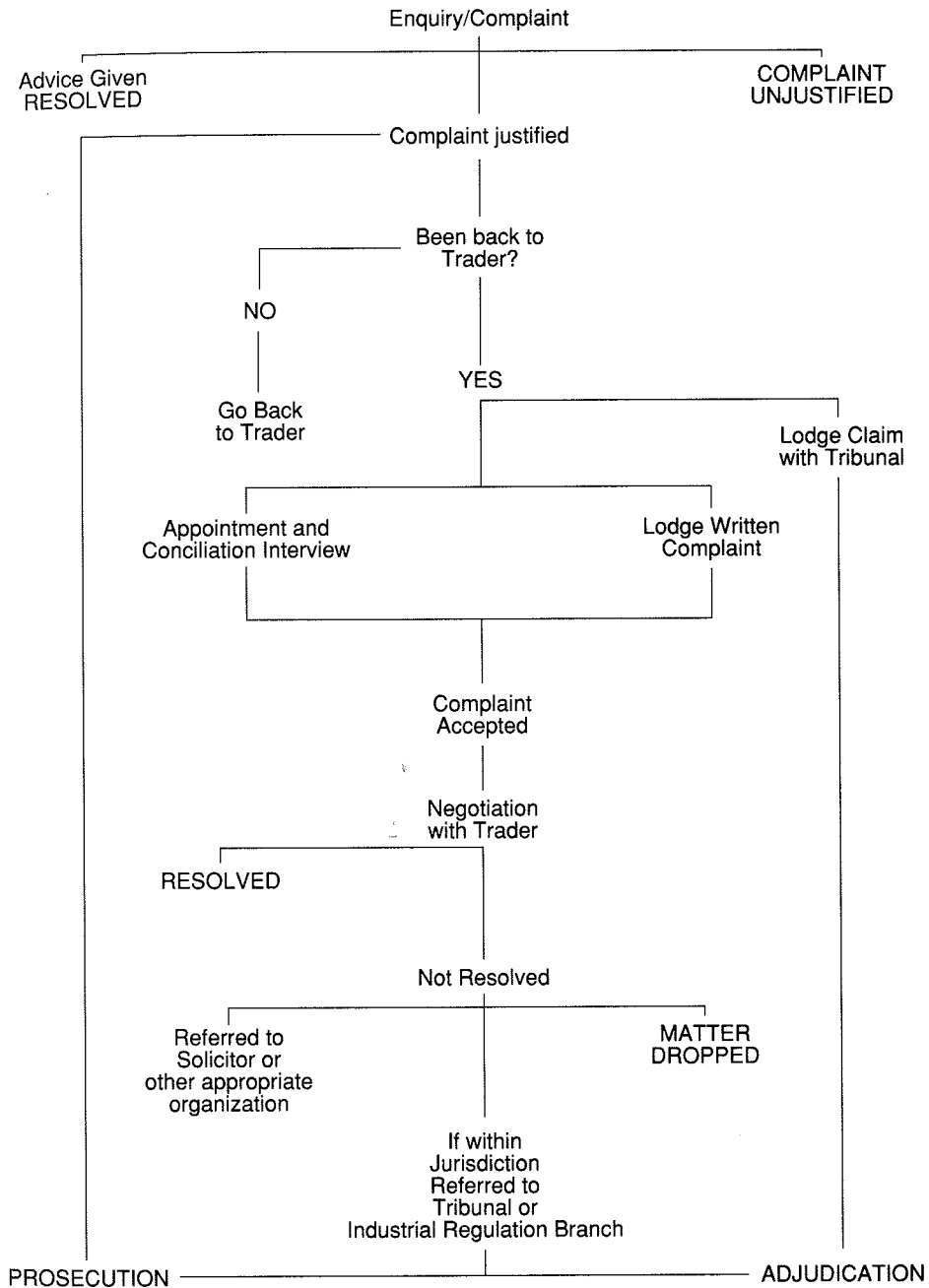
(xi) Government or Semi-government Bodies

(Except Energy or Water Authorities such as the Gas and Fuel Corporation, S.E.C. etc.) Complaints about Government or Semi-Government bodies should be taken up with the appropriate State or Commonwealth Ombudsman.

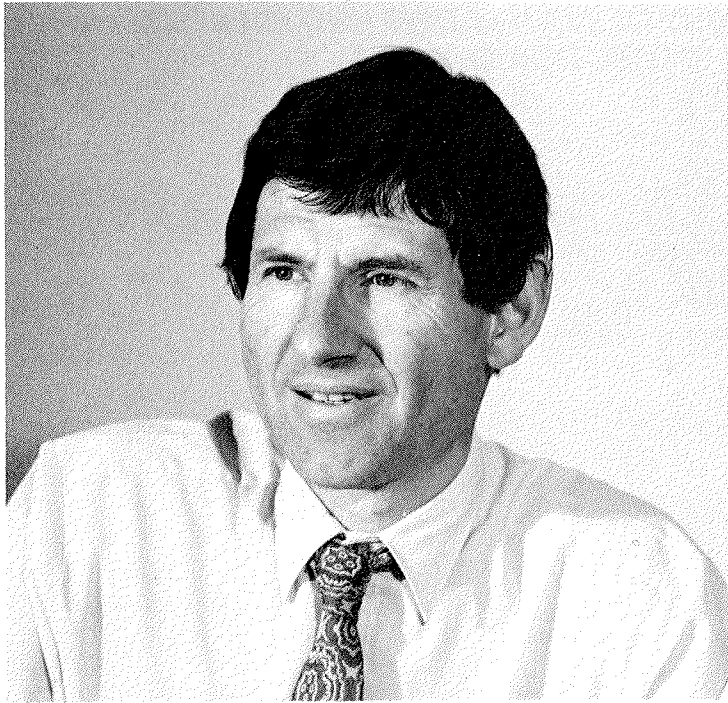
(xii) Free Legal Advice

With the exception of advice about the jurisdiction of the Credit Act, the Ministry cannot give free legal opinions.

# MANAGEMENT OF COMPLAINTS AND BREACHES OF CONSUMER PROTECTION LEGISLATION







David Hall, Director of Consumer Affairs

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## DIRECTOR'S OVERVIEW

In this bicentenary year, it seems appropriate to begin our report with what might be termed 'Proposition 1988':

### **PROPOSITION 1988**

It is probably true that the majority of people setting out to sell goods and services to the public is honest, well-intentioned and of good will.

- but clearly the imperative is to sell; the consumer benefit comes, for the trader, from selling what the consumer needs or has been persuaded to want at a price the consumer will pay.

It is equally true that the minority which does not act fairly and honestly causes disproportionate pain, anguish and hurt to innocent parties - the consumers who put their trust in the trader:

- doubtless harm is also caused to other traders, and the image of business is adversely affected.

By and large, traders are in a relatively powerful position in their dealings with consumers:

- that some consumers may be advantaged does not invalidate the general proposition.

Government intervenes in the market place, through its regulatory and standards bodies, in order to ensure that the benefits of a competitive, pluralistic commercial environment are available to and shared by all, without fear or favour.

### **WHAT'S IT ALL ABOUT?**

Of critical importance to any organisation seeking to serve the public is to reach those who most need assistance, in a timely and effective way.

Much of what the Ministry does is necessarily hidden from public gaze. What we are judged by is often only a part - important though it is - of the total responsibility of the Ministry; to inform, to educate, to make aware, to prompt industry to be more responsible for its own standards of behaviour, to intervene where consumers in general or vulnerable groups are at risk, to persuade, to cajole, ultimately to bring the full force of the law to bear on those who persistently and deliberately transgress.

Clearly, no one organisation can meet all of the needs of all consumers. But it is possible to help promote networks of services that will give consumers enough advice and information for them to be able to take their own action in many instances, or at least to feel more confident in pursuing their rights. To this end, the Ministry provides grants to community and consumer bodies that are able to undertake information, advice, dispute resolution and advocacy services in line with the Government's objectives in the consumer affairs area.

The grants program is one important means of enhancing the access of consumers to 'user-friendly' sources of advice and help. It allows outreach beyond the direct services the

Ministry itself is able to provide and offers a channel for assessing priorities of consumer and community need and for increasing community awareness of consumer issues.

The window of the Ministry for most people (consumers and traders) is our telephone and counter information and advice services - involving what we term the Customer Information Service as the general access point to the Ministry, the specialised services of the Residential Tenancies and Small Claims Tribunal and the Trade Measurement Product Safety and Packaging and Labelling functions. It is pleasing to be able to report that the 'standing joke' of the waiting times to access our main telephone system is now as tired as many over-worn party pieces. The fact is that waiting times have been reduced from an average 8.9 minutes to 2.9 minutes. This does not mean that the individual caller will not suffer unacceptable delays at peak periods. We are trying to improve further our performance in this regard. But clearly there are limits to the resources that can be directed to meeting what are short-term peak loads.

The selection and training of customer information officers is an intensive business and even if Government were to allocate limitless funds to this function, it would not be possible responsibly to provide ears for every mouth that wishes to talk.

We have therefore concentrated on better identifying the underlying problem the customer faces, and quickly providing information that will help the caller to resolve that difficulty. We do not purport to emulate the radio talk-back that allows people merely to ventilate their anger or concern about matters that simply cannot be resolved. We are solution oriented.

## **THEMES AND ISSUES**

Annual reports of the Ministry over the last four years have sought to identify issues and themes affecting its role and responsibilities. In particular, we have tried to document trends in the behaviour and perceptions of traders and consumers that influence the priorities of the Ministry and the way that it goes about its work.

It is clear that the market place in 1988 is more complex and demanding than it was even five years ago. Financial deregulation, economic growth and the promotion of Australian products have all combined to increase the complexity of decision-making for the consumer and the small trader alike.

There has unquestionably been a concentration of power around larger institutions, both in the financial services and retail sectors. There is growing concern about consumer indebtedness (running at about \$1400 for every man, woman and child in Australia). The growth in electronic funds transfer systems and computerised retailing has brought new challenges for clear disclosure of contract conditions, resolution of disputes and protection of privacy.

There are continuing assertions that Australian-made goods are of inferior quality to those which are imported; there is growing awareness of price increases; there is frustration and even anger at inadequate or off-handed service; and resentment that unethical traders seem to be able to continue to catch unwary consumers and carry on trading unchecked.

The continuing upsurge in claims for adjudication by the Residential Tenancies Tribunals highlights the fundamental importance of this jurisdiction. The Tribunals determine matters literally affecting the consumers access to "the roof over one's head" and the livelihood of some landlords. The use of the Fund generated by the interest on tenants' bond monies, both in terms of improved administration and for broader purposes of the Act governing this function is under extensive review and will be the subject of progressive recommendation to the Minister.

It is noteworthy that there is also increasing tension between the desire of many people to see smaller government and a greater measure of industry self-regulation, and constant demands for stronger intervention of Government in problem areas, such as with the health and fitness industry. If broad-based surveys undertaken by the Trade Practices Commission and telephone polling by the ABC are correct, then most people want Government to continue to provide a watch-dog and independent arbiter for consumers in their relationships with traders. Yet, industry asserts that there is too much bureaucratic interference in the market place, and that competition will of itself ensure the necessary protection consumers.

These sort of debates are most graphically illustrated in the discussions about consumer credit legislation. Victoria has re-asserted the importance of clear, uniform credit laws, written in plain English, that are certain in their application, apply to all lenders, and recognise the loan situations in which consumers are at most risk. At the end of the period under review, the Ministry was preparing for perhaps the most significant meeting of Consumer Affairs Ministers in the past decade - a meeting at which decisions critical to the future of consumer credit law would be made.

## **OUR CHARTER**

Victoria's position in the consumer affairs area is very clear. Government offers a range of programs and services that all have as their aim the achievement of fair trading.

Victoria has deliberately maintained and strengthened its separate administration of consumer law and programs, while ensuring that the agency charged with consumer affairs responsibilities relates to a range of relevant other agencies (law enforcement, business and industry, economic and social policy) through appropriate liaison and joint project mechanisms.

The validity of this approach has been borne out in the work the Ministry has done during the year on review of the

consumer credit laws and implementing radically revised housebuilders' guarantee provisions. While there has been extensive consultation with industry, industry groups and Government agencies reflecting commercial and business perspectives on these matters, it has been vital that the Ministry can ultimately determine the course of regulation in these areas from a distinctly consumer-needs orientation.

As the market place becomes more complex, and as consumer needs change in accordance with that complexity, so a Ministry such as ours has to be very clear about its prime objectives. There are priority needs of consumers that we are only just touching on - to try to spread ourselves across other fields would further reduce our capacity to do properly what we know needs much more attention.

By way of example, there is some pressure for the Ministry to expand into the field of what is called 'trader vs. trader' disputes. That is, to help one business to resolve a dispute with another. Without questioning the possible need for such a service, it seems very clear that for MCA to embark on such a course will shift the balance of its relationship with consumers and traders, and is likely to deflect us from acting efficiently and effectively as the 'honest broker' on behalf of consumers in the market place.

What the Ministry can legitimately continue to do is to sponsor liaison mechanisms with industry that promote proper dispute resolution procedures, and the setting of responsible standards for trader response to consumer problems. Concurrently, the Ministry continues to work with industry groups to promote information, education and awareness programs that will strengthen the capacity of both provider and user to build up a fair and effective relationship.

#### **SOME HIGHLIGHTS**

Among the many highlights of the year, there are a few initiatives that stand out. As already mentioned, foremost is the review of the consumer credit legislation, introduced in 1984 but already demonstrably needing reform both to adapt to the requirements of a deregulated market and to make it accessible to the user.

The hearing of the Credit Licence application of HFC Financial Services is the first major test of the effectiveness of the licensing regime in ensuring that the practices of 'mainstream' credit providers are fully in accordance with the principles of the credit legislation, as well as meeting the criteria of fair trading.

The **Travel Agents Act** has been put in place, and is proving to be an effective exercise in co-regulation, with shared responsibility of the industry bodies and Governments of four States. The Scheme is rapidly developing into a truly national, uniform provision for the protection of consumers and guaranteeing the performance of licensed traders.



In a climate of great scepticism, and with the real risk of further failures in the industry, the Code of Practice for the health and fitness industry has undoubtedly led to improved practices, resulting in increased consumer confidence, and providing the basis of a model for other States to adopt. There is still a long way to go, and the Ministry is concerned that many health and fitness clubs have not joined the code administration body - the Fitness Institute of Victoria. But progress is being made, and so far it has not been necessary for Government to impose legislative control which might well inhibit the industry overall.

The **Fair Trading Act** has not had the immediate impact that might have been expected, at least in terms of direct litigation. But it had always been realised that there would be a considerable lead time in having the community generally come to grips with the power of the new legislation as a means of tackling - and preventing - unacceptable behaviour by traders. In this regard, it had been thought that competitors would wish to bring actions under the Act against those who were taking unfair advantage of the market, by making false or misleading claims. This has not yet happened.

It is undoubtedly the case, however, that the very existence of the legislation, and the substantial fines under it, is bringing home to traders in a way that never happened before that the community will not tolerate attempts to play on the susceptibility of some consumers for the impossible bargain or immediate riches beyond one's wildest dreams, or even the perfect product.

Late in the year, another seminal piece of legislation came into effect. The **House Contracts Guarantee Act** gives consumers a whole new range of protections in relation to the single most important purchase any of us makes in our lives. It extends that protection to renovations, maintenance and repair work worth more than \$3,000 (the current ceiling for disputes before the Small Claims Tribunal), while at the same time giving far greater certainty to the industry. This is the essence of the notion of fair trading. It will be some time before the full impact of the new legislation can be assessed. In the meantime, the Housing Guarantee Fund, as the legislative instrument for implementation of the scheme, is working closely with the Ministry to publicise it and to ensure that all builders and building works are registered and claims processed as quickly as possible.

These very real achievements have been posted in a climate of continuing restraint. Over the last three years, the Ministry has implemented productivity improvements totalling \$249,000, as well as the efficiency offsets of four per cent required for the Second Tier National Wage Case this year.

## **NAMING OF TRADERS**

It has become accepted over many years that the Ministry should name in its Annual Reports traders who have come under particular notice. This serves three purposes:

- (a) it draws attention to the activities of traders whose behaviour has been of such concern as to warrant prosecution, action by a Licensing Authority or a Tribunal or warnings from the Minister or the Ministry.
- (b) it highlights the responsibility of the Ministry to monitor the market place so as to report on unacceptable behaviour and practices; and
- (c) it reassures consumers who have brought complaints to the Ministry that their experiences influence Ministry activity, and lead to action that will benefit other consumers and the public generally.

Against this, it must be recognised that the Ministry of Consumer Affairs has access only to part of the picture of the transactions between a trader and a consumer.

It is necessary, therefore, to exercise much caution in highlighting the deficiencies of particular traders in our reports, when it is undoubtedly true that there are many other traders whose behaviour is not better - and perhaps much worse - than those who come to the attention of the Ministry.

Nevertheless, it would be irresponsible for the Ministry not to bring to public notice those traders whose transgressions have necessitated substantial action by the Ministry.

These traders are named in this report and its appendices.

## **LEADERSHIP**

On 10 December 1987, the Premier announced new Ministerial arrangements by which The Honourable Tom Roper became Minister for Consumer Affairs. Peter Spyker, who had led the Ministry through a major reform process, and who had made a signal contribution to giving it a high profile as an umpire of fair trading, became Minister for Property and Services, Minister Responsible for Prices, Minister for Youth Affairs and Minister Assisting the Minister for Labour, as well as retaining the Ethnic Affairs Portfolio. Over a five year period, Peter Spyker built up close relationships with Ministry staff and with a wide variety of consumer and industry groups.

He demonstrated a special capacity to judge the consumer benefit (and conversely the detriment) of the variety of schemes and arrangements offered in the market place. We wish him well in his new portfolios.

Tom Roper brings to the Ministry a breadth and depth of experience and understanding of social and economic issues that have already had significant impact on the Ministry's programs and activities. It is a truism that the organisation that stands still is dying: the level of new activity since Mr.

Roper was appointed Minister will ensure that there is no possibility of stagnation in the foreseeable future!

**MISSION** Mr Roper has indicated to the Ministry a series of new directions, and changes of emphasis for existing programs, which he wishes us to pursue.

These include revitalising and strengthening the Education and Awareness program and publicity and media activities, re-directing the grants programs, providing a sharper focus to the Ministry's enforcement responses, reviewing the performance and direction of Residential Tenancies services across the Ministry and enhancing community liaison and customer services both at the Melbourne office and at a local level.

The implications of these moves for resources is significant. Capital and operating costs, numbers of people and their skills, as well as deployment issues, are being addressed.

The Ministry is actively working with the Minister and with central agencies of government to provide quality responses to the new directions. Various functions will require review, development activities will require upgrading, and renewed attention to funding and strategy for the implementation of the Ministry's information systems plan will be essential for these directions to be fully successful.

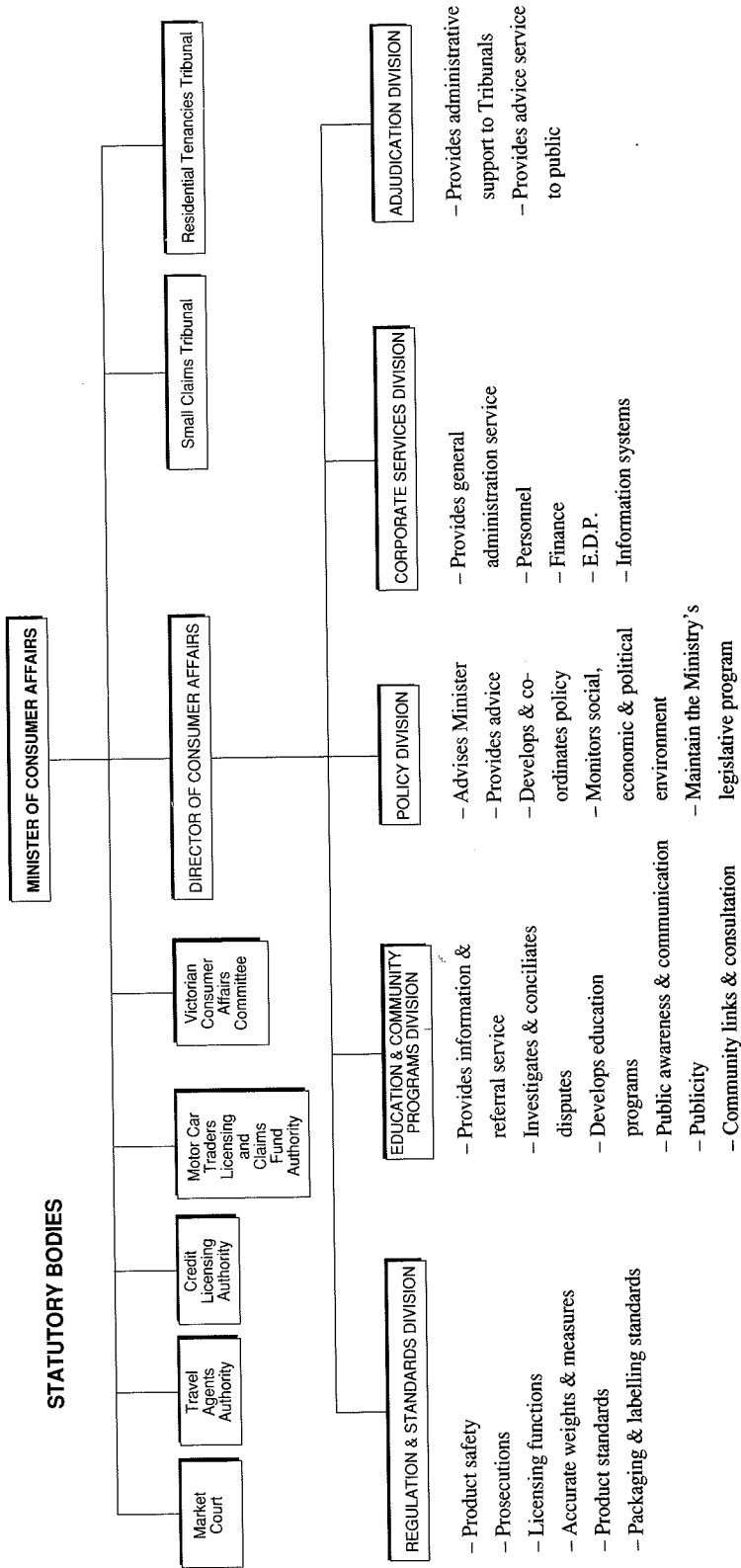
It is useful to re-state the aims of the Ministry at this time of growth and development: there are basically three major objectives that we pursue:

- (a) the resolution of disputes between consumers and traders, involving giving people information and advice, negotiating on their behalf and, ultimately, offering independent adjudication;
- (b) the development and enforcement of safety, information, packaging and other standards aimed at ensuring fair trading in the market place;
- (c) education, information and awareness programs that will enhance the ability of consumers and traders to operate fairly, and to exercise rights and responsibilities to mutual benefit.

One of the difficulties for an organisation constantly exposed to the shoddy aspects of the behaviour of traders and consumers alike is to maintain a belief in the basic tenets of the so-called free marketplace. The Ministry sees the worst features of the intransigence of some traders and some consumers; it all too rarely has the benefit of direct experience of unsolicited acts of generosity. The expression of the 'fair go' ethic that may well characterise most trading can all too easily be blanketed in utter despair at the endless machinations of those who seem to believe they have a right - almost a duty - to indulge in ever more cunning and devious means of deceiving the consumer.

Senior management of the Ministry is involved in a continuing process of planning development and review. Plans are in hand for a major review of the Corporate Plan of the Ministry. The original Plan, put in place during 1985, has served us well, but obviously in a changing climate and with the expansion of the Ministry, re-assessment is needed. The work that has been done with staff at all levels to identify social justice initiatives, and in identifying Budget priorities, will form a solid foundation for this planning exercise.

## STATUTORY BODIES





# PLANNING AND MANAGEMENT TARGETS

## **THE MARKET PLACE**

The Ministry operates in a dynamic socio-economic environment, where the existing conditions influence, if not determine, the nature of the relationship and the extent of conflict between the users and suppliers of goods and services.



*Consumers flood through the doors at the start of the summer sales.*

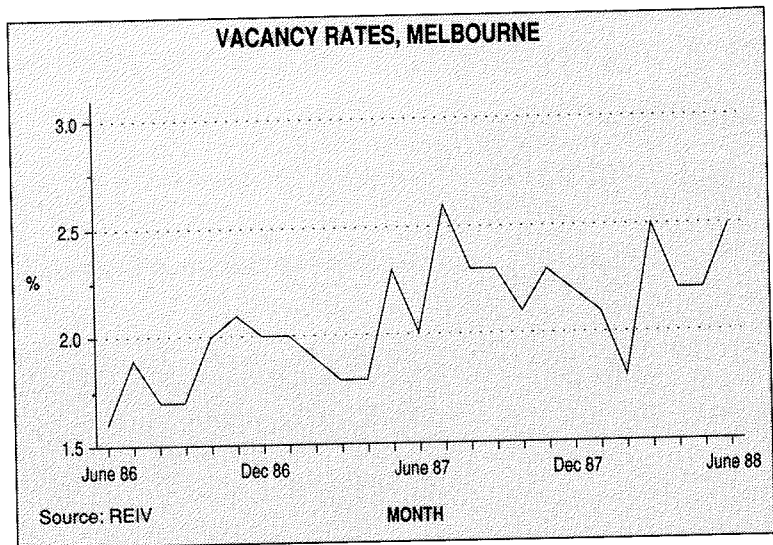
The Ministry, through its ongoing program of research and planning, maintains an understanding of its operating environment so that it can more effectively target its programs and services to areas of need.

It must be acknowledged that the last twelve months, and indeed the last few years, have been characterised by significant economic growth, increasing levels of demand, wage stability and increasing cost of credit. These factors create conditions which dictate the role of this Ministry in the fair operation of the marketplace.

## **INCREASING LEVEL OF DEMAND FOR GOODS AND SERVICES**

The Victorian economy, in the last twelve months, has seen an increasing level of demand for goods and services and an overall level of economic growth.

Victoria has experienced a housing boom in 1987/88, with significant increases in home lending and dwelling approvals. This has largely resulted from a lowering of home interest rates and the reintroduction of negative gearing provisions. Improvements occurred in both ownership and rental sectors with vacancy rates of around 2.5%, indicating a considerable increase in supply of private rental dwellings.

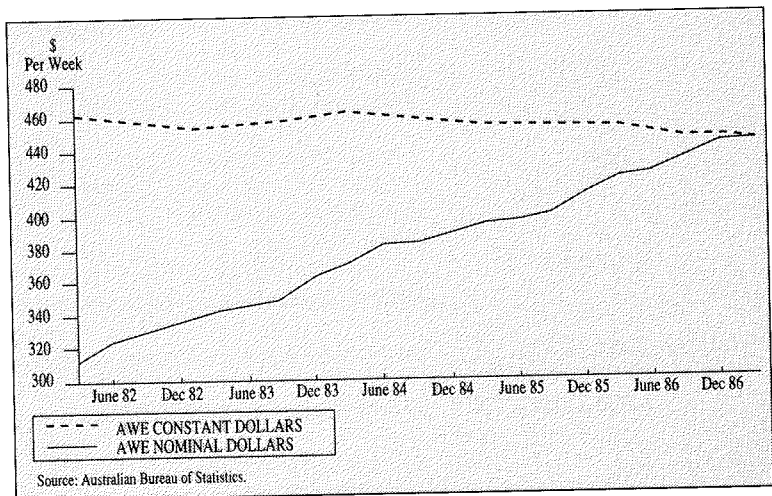


VACANCY RATES,  
MELBOURNE

**HOUSEHOLD  
INCOMES AND  
COSTS**

While the level of demand has been high in the economy, household incomes for a large sector of the community have failed to keep pace with inflation. Demand-driven economic growth has put additional pressure on the already stretched finances of low income families. For many the ready availability of credit has provided easy but temporary escape.

AVERAGE WEEKLY  
EARNINGS (AUSTRALIA)  
NOMINAL AND CONSTANT  
DOLLARS, 1982-1987



High demand has also allowed a record rate of creation of new jobs and Victoria has the lowest unemployment rate in Australia. In addition there is considerable consumer confidence as indicated by the level of consumer spending. It must be noted that while real wages have declined over 1987/88, there has been a rapid increase in numbers employed.

With CPI at 7% for 1987/88, the cost of living has increased at a faster rate than average weekly earnings.

CONSUMER PRICE INDEX  
MOVEMENTS 1987/88  
MELBOURNE

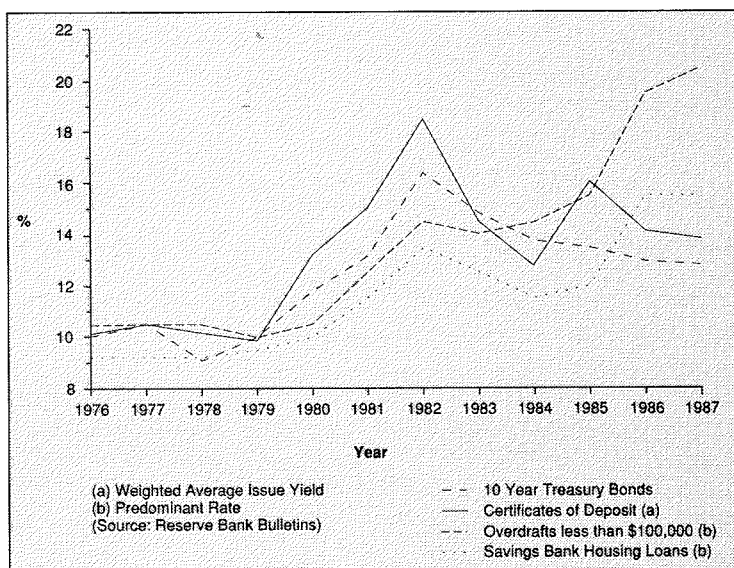
CATEGORY	INDEX JUNE 1987	INDEX JUNE 1988	%CHANGE 86/87-87/88
CPI (All groups)	168.6	180.4	7.0
FOOD	160.5	174.0	8.4
CLOTHING	157.3	170.3	8.3
HOUSING	180.1	189.1	5.0
HOUSEHOLD EQUIPMENT and OPERATIONS	166.7	176.8	6.1
TRANSPORTATION	171.0	180.8	5.9
TOBACCO and ALCOHOL	184.8	199.1	7.7
HEALTH and PERSONAL CARE	172.8	190.8	10.4
RECREATION AND EDUCATION	149.1	160.4	7.6

Source: Australian Bureau of Statistics

**EASY  
AVAILABILITY  
AND COST OF  
CREDIT**

Consumer Credit is costly especially with the current high rate of interest, but it is also readily available, in a 'competitive' deregulated market. The purchase of houses and cars and even the less expensive day-to-day consumption items can be heavily dependent on access to credit.

In an economy facing increasing levels of demand, with household incomes remaining stable and with easy access to credit, a number of households with low income have found themselves financially overcommitted.



INTEREST RATES -  
HISTORICAL COMPARISONS

The deregulated financial market, while it has made the institutions more competitive, has by no means led to lower cost of credit. The ten year historical comparison of interest rates indicates that the cost of credit is now relatively higher than ever before.

There has been a shift in consumer debt from finance companies to banks. Banks today hold over 50% of the consumer lending market compared to 26% in 1976.

June 30	Est. Banks	Finance Coys	Credit Unions	General Financrs	Building Societies	Total Con Credit
1976	26.2	64.2	7.6	1.8	0.1	100.0
1977	30.6	58.4	8.7	2.0	0.3	100.0
1978	34.1	53.9	9.6	2.1	0.2	100.0
1979	37.8	47.9	11.3	2.7	0.3	100.0
1980	40.2	43.3	13.7	2.4	0.4	100.0
1981	43.5	40.2	13.6	2.2	0.4	100.0
1982	45.0	39.1	13.7	1.7	0.5	100.0
1983	50.2	33.1	15.0	1.1	0.5	100.0
1984	54.5	26.7	15.6	1.7	1.4	100.0
1985	54.8	25.1	16.1	1.8	2.1	100.0
1986	50.9	24.5	18.5	3.2	2.9	100.0
1987	50.6	22.3	20.0	4.9	2.2	100.0

Source: Figures provided by Australian Finance Conference

CONSUMER CREDIT DEBT  
MARKET MAJOR LENDERS %

For much of this period consumer lending by the banking industry remained unregulated. In 1984 the Credit Act was introduced for the protection of consumers and to set uniform lending standards.

There exists, as a result of many complex forces, an ever widening gap between the cost of goods and services and the capacity of some consumers to pay. A gap also exists between the informed and the uninformed consumer.

This problem is often exacerbated in the market place by the imbalance that exists between the trader and the consumer. A major function of the Ministry is to identify vulnerable and disadvantaged groups in the community and target programs to redress the balance. Considerable energy has been expended by the Ministry, the Trade Practices Commission, other Consumer Agencies and Community Organisations to find out the areas in which we should be operating and the groups we should be targeting.

**IDENTIFIED  
VULNERABLE  
GROUPS**

The result of that research clearly shows that young people, the elderly, ethnic groups and low income consumers are among the most vulnerable and least knowledgeable about their consumer rights and protections and least likely to have any confidence in pursuing redress for their complaints.

**TRADE  
PRACTICES  
COMMISSION  
SURVEY**

The Trade Practices Commission in its report of December 1987 said that its Survey of Consumer Opinion in Australia demonstrated that a significant minority of consumers, for one reason or another, still did not exercise their basic 'rights'. Further analysis of the survey results identified youth, people with mobility problems and people of ethnic background as consumers least able to resolve their problems.

**COMMUNITY  
CREDIT  
RESEARCH**

Research into Community Credit by a joint working group established by the Ministry revealed issues of great concern in the housing market, the prices of goods and services, poverty levels and credit over commitment.

**TRADER  
SURVEY**

A questionnaire survey was undertaken in 1988 of a large sample of traders who had been the subject of consumer complaints. The major findings of this research indicate that a very high rate of successful resolution of complaints is achieved by Ministry mediation efforts. Of the traders who responded to the survey and knew the outcome of the Ministry's mediation, 80% reported a high degree of satisfaction in their dealings with Ministry officers and the solutions achieved to problems or consumer complaints.

**TELEPHONE  
ENQUIRY SURVEY**

The Ministry conducted a survey of people contacting its general enquiries and information telephone line.

The survey indicated that our typical caller is a female, aged between 20 and 40, who speaks English as her first language. She is employed in a clerical, sales or service occupation, lives in Melbourne and is most likely to come from the Western, Inner Melbourne or North Eastern suburbs. If she lives outside Melbourne she is most likely to come from the Barwon region which includes Geelong and its suburbs. This typical caller has enquiries relating to a product or service with a value of not more than \$500.

This profile of callers compared with Victorian census statistics reveals that the young, the aged, as well as blue collar workers, formed much smaller proportions of the survey sample than they do of the general population. The disproportion was most dramatic for older women and females in blue collar occupations.

This information has been utilised in Ministry plans to develop more effective community awareness and general public information programs promoting consumer rights and protection.

*CONSUMER  
SURVEY RESULTS:  
Age and Sex of  
Respondents\**

(Census (Survey groups) groups)	CIS Survey			1986 Census** Victorians aged 15+			
	Males %	Females %	Persons† %	Males %	Females %	Persons %	
under 20 years (19)	3.9	4.5	4.3	11.8	10.9	11.3	(15-
20 to 40 years (39)	69.6	68.5	69.0	42.4	41.0	41.7	(20-
40 to 60 years (59)	21.6	23.3	22.6	28.2	26.2	27.2	(40-
60 yrs and over (60+)	4.9	3.7	4.2	17.6	21.9	19.8	
Total %	100.0	100.0	100.0	100.0	100.0	100.0	

**SOCIAL  
JUSTICE  
STRATEGY**

As a result of survey findings a package of Social Justice proposals has been implemented.

The Ministry has strengthened its regional presence to ensure that Consumer services are easily accessible for those most in need.

Effective promotion of awareness of consumer rights has been undertaken with four specific campaigns.

- youth and credit drawing on knowledge gained through the Ministry's complaints-handling experience, the licensing process and the outcomes of the National Forum on Overcommitment of Consumer Credit;
- ethnic communities with particular attention given to information about residential tenancies rights and credit awareness;
- elderly people concentrating on areas of particular concern, such as door-to-door and telephone sales, home improvements and pre-paid funerals;

There will be further improvement of front line enquiry services offered by the Ministry.

We will improve the capacity of the Ministry to take strong action to enforce rights and promote acceptable standards of marketplace behaviour.

The Ministry's Community Credit Program, which is part of the Government's Anti-Poverty Strategy, will be expanded.

The Consumer Affairs Grants Scheme will be extended to expand the current community information network.

**LEGISLATION  
ASSIGNED TO  
THE MINISTRY  
OF CONSUMER  
AFFAIRS**

The Ministry of Consumer Affairs has been assigned administrative responsibility for the following Acts:

Weights and  
Measures Act 1958,  
excluding  
Section 58B

Requires the maintenance of standards of mass and measure (and their accuracy) in the context of corresponding Commonwealth and International standards.

Regulates, through the Ministry and Local Government Authorities, the use and testing of weighing and measuring instruments for trade. The Act requires the verification of instruments to specified standards on commissioning and the re-verification of them at prescribed periods of time to maintain their accuracy. Also sets out the manner in which goods, whether weighed or measured in the presence of the purchaser, assembled to the order of a person or pre-packed in advance for sale, may be sold.

Disposal of  
Uncollected  
Goods Act 1961

Regulates the sale of uncollected goods by a repairer seeking to recover the cost of repair, so that the rights of the consumer are protected.

Finance  
Brokers  
Act 1969

Regulates finance brokers through a system of licensing. The Act has provisions relating to misrepresentations and the charging of commissions.

Consumer  
Affairs  
Act 1972

Specifies the powers and functions of the Director and officers of the Ministry of Consumer Affairs in relation to consumer complaints. The Act requires the marking of prescribed merchandise, for example, footwear. Under the Safe Design and Construction of Goods provision of the Act, the Minister can prohibit the sale and distribution of consumer goods that do not comply with prescribed minimum standards, or require the goods to have appropriate warning labels.

It allows the Minister 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 by a competent safety authority of another State or the Commonwealth to ban those goods, or upon the recommendation of the Director of Consumer Affairs.

The Act establishes a Consumer Affairs Committee to advise the Minister.

Ministry  
of Consumer  
Affairs Act  
1973

Is primarily an administrative Act establishing the objectives of the Ministry and the responsibilities of the Director of Consumer Affairs.

Small Claims Tribunals Act 1973	<p>Requires a Referee of the Tribunals to attempt the negotiation and settlement of a claim, and, if unsuccessful, to adjudicate. It covers claims made by consumers as defined by the Act. The Tribunals may hear claims in relation to the supply of goods, the provision of services and contracts of insurance (excluding life assurance).</p> <p>The Tribunals can make a maximum order of \$3,000. Orders thus made have the full force of the law.</p>
Market Court Act 1978	<p>Provides the Director of Consumer Affairs with two avenues to restrain persons who repeatedly engage in conduct which is unfair to consumers.</p> <p>First, the Director can bring an action against a trader before the Court. The Court can, by order, restrain a trader from engaging in unfair conduct.</p> <p>Secondly, the Director can enter into a Deed of Assurance with a trader, which has the same effect as an order of the Market Court but is less costly and time consuming than an action before the Court.</p>
Credit Reporting Act 1978	<p>This Act provides protection for consumers against incorrect information used in assessing credit worthiness. It encompasses agreement reached between the Attorney-General and approved Credit Reporting Agents to bestow certain rights on credit users who want to verify the information kept on their file by the credit agent. The Director of Consumer Affairs also assumes responsibility under the agreement for the investigation of any file allegedly containing wrong information.</p>
Residential Tenancies Act 1980	<p>Section 7, Part II, Sections 64, 71, 77 (4)-(7), 96, 100, 101, 106, 108, 111, 112, 113, 127-135, 136 (4)-(6) and Part VI.</p> <p>Sets out the rights and responsibilities of both the tenant and landlord in relation to residential tenancies.</p> <p>The Act establishes the Residential Tenancies Tribunal to resolve disputes between tenants and landlords. Decisions by the Tribunal are final and binding on the parties.</p>
Chattel Securities Act 1987	<p>Parts 1 and 2 of the Act are administered by the Ministry of Consumer Affairs and provide the legal framework for the operation of the security interest.</p> <p>The rules of priority of competing interest in goods are also established. Part 3 of the Act, which provides for a registration system of security interests in motor vehicles, is administered by the Road Traffic Authority.</p>



- Employment Agents Act 1983 After consideration of comment on a discussion paper issued by the Ministry of Consumer Affairs, it has been decided that there are alternative strategies available under the Fair Trading Act 1985 which more adequately address consumer affairs problems associated with the "employment agents" industry. The Government will not, therefore, proclaim the provisions of the Act which have been overtaken by the Fair Trading Act.
- It is understood, however, that the Department of Labour proposes to seek the proclamation of parts of the Act to overcome specific problems in the theatrical industry.
- Credit Act 1984 Regulates consumer credit and applies to non-corporate borrowers where the amount financed is no more than \$20,000 or the credit contract relates to a commercial vehicle or farm machinery.
- Provides for regulation of the credit industry through a licensing system for credit providers.
- Seeks to ensure that the rules applicable to all forms of credit are essentially the same. The Act requires the disclosure of the actual dollar cost of credit and the annual percentage rate of interest and provides protection for consumers in the enforcement of credit contracts by credit providers. The Act also establishes a mechanism by which debtors suffering genuine hardship can obtain relief from the immediate enforcement of a credit contract by the credit provider.
- Credit (Administration) Act 1984 Provides for the administrative framework for implementing the Credit Act.
- It also provides for the establishment of the Credit Licensing Authority to conduct licensing of credit providers. The Credit Licensing Authority has the power to suspend or cancel a licence where a credit provider is acting in an unfair or illegal manner.
- The Act also provides for the Small Claims Tribunals to hear disputes between consumers and credit providers.
- Fair Trading Act 1985 This legislation is modelled upon the 'prohibitions' or 'protections' found in Division 1 of Part V of the Commonwealth Trade Practices Act, with the accompanying remedy and enforcement provisions.
- Travel Agents Act 1986 The purpose of this Act is to provide for the licensing of travel agents in Victoria. It is part of a consumer protection scheme which involves enactment of substantially similar licensing legislation in each participating State or Territory. The scheme also involves the creation of one compensation fund to cover consumers against failure of travel agents in Victoria, New South Wales, South Australia and Western Australia. (Tasmania, Queensland and the A.C.T. have indicated their intentions to participate).

A Victorian travel agent is required to be licensed under the Act and to be a member of the Compensation Fund. To become a member of the Fund, the agent must satisfy the criteria for financial viability set by the Fund and determined confidentially by independent accountants. Only a person who has been found to be eligible to be a member of the Fund will be able to obtain a licence under the Act.

Motor Car  
Traders Act  
1986

This Act replaced the Motor Car Traders Act 1973. The Act provides that:

- all motor car traders must be licensed;
- there is a three (3) day cooling off period in relation to the purchase of used cars;
- also car traders must use a standard form contract for purchase of used cars;
- the Small Claims Tribunal has the power to rescind contracts up to \$20,000;
- a motor car trader must sell a car with a clear title.
- The Act also establishes a Motor Car Trader Licensing Authority which licenses a motor car trader and a Guarantee Fund Claim Committee which determines claims against the motor car trader guarantee fund.

House  
Contracts  
Guarantee  
Act 1987

Most of the House Contracts Guarantee Act 1987 came into effect on 1 May 1988. This Act replaced Division 1A, Part XLIX of the Local Government Act 1958. The Act provides:

- a guarantee of up to \$40,000 on all new dwelling houses whether built by an approved builder or owner built.
- for the streamlining of the procedures for the sale of owner built houses, removing the necessity of gaining an exemption from the Minister.
- a guarantee of up to \$40,000 on most improvements by approved builders to dwelling houses.
- strict rules and guidelines as to the content of contracts for domestic building works.
- for the Housing Guarantee Fund Limited to be the sole approved guarantor with more control on its operations including an internal appeal mechanism to review decisions and the provision of appeals to the Administrative Appeals Tribunal.

The Fair Trading Act overcomes a fundamental deficiency in the Consumer Affairs Act. As well as prohibiting false and misleading advertising, the Act prohibits misleading oral statements and deceptive conduct as well as false representations in relation to employment. It provides for more adequate penalties, the maximum penalty for a person in contravention is \$10,000 and \$50,000 for a corporation.

The Act provides that the County Court may, on application by the Minister, the Director or any other person, grant an injunction restraining a person from engaging in false or misleading conduct. It also empowers the Minister or Director to apply to the County Court for an order requiring a person to undertake corrective advertising. The Act came into operation, except for Section 46, on 1 April 1986.

Caravan Parks  
and Movable  
Dwellings Act  
1988

Parts 1-5 (inclusive) will, when proclaimed be administered by the Ministry. Part 6 will be administered by the Local Government Department.

The Act sets out the tenancy rights and responsibilities of long term residents of caravan parks, caravan park owners and owners of caravans used by long term residents.

The Act provides that the Residential Tenancies Tribunal can resolve disputes between residents, park owners and owners of caravans.

## STRATEGIES AND OBJECTIVES

Initial public access to the Ministry's services is through the enquiry telephone system, by writing to request help or advice, or by calling in to our public enquiry counter on the third floor of 500 Bourke Street, Melbourne.

### SUMMARY OF PUBLIC ENQUIRIES

	1985/86	1986/87	1987/88
Telephone Calls Handled	95,342	103,296	137,793
Written Enquiries	299	754	660
Counter Enquiries	10,625	12,173	13,206
Complaints Received	10,747	8,937	8,559
Complaints Finalized	10,139	8,777	7,891

The number of complaints received during the year under review is marginally lower than last year which is encouraging in a tighter economic environment. This reduction is attributed to an improved telephone system, the tighter licensing system in some industries that have caused problems in the past, better information and awareness programs and complaint handling assistance from outside community groups.

Conversely, there has been an increase in complexity across many complaint areas which has resulted in a longer investigation and file completion time.

To improve its ability to respond to initial public enquiries, the Ministry has allocated more staff to this function. Operators have been carefully selected and trained for what is a demanding and sensitive role.

Recorded messages were introduced and information manuals have been made available to staff to assist callers.

Provision of up to the minute information to "front line" staff is a priority for the Ministry. Apart from making sure printed material is distributed at the appropriate time, a series of 12 seminars have been conducted on a wide range of relevant topics and are conducted at regular intervals.

### COMMUNITY GROUP TRAINING

Training programs for representatives of community groups from across the State have been commenced to improve understanding of the Ministry's functions as well as equipping people from community groups to take on more initial consumer enquiries. Establishment of a community information network approach to customer services is facilitated by the development of a standard information manual.

During the year we also conducted a survey of telephone enquirers. Some 782 people were surveyed to evaluate our service. Further services evaluation surveys will be conducted. The information obtained will enable further improvement of service delivery.

**COMMUNITY  
SERVICES  
NETWORKS**

A far greater emphasis has also recently been placed on making the Ministry's consumer services more accessible on a geographic basis.

Resourcing community groups to provide a service in regional centres of Victoria is a particularly effective means of delivering Ministry services to a wide range of people across the whole State. The "grass roots" nature of the program ensures that a large number of people are made aware of their rights and obligations in the consumer field.

Months: July 1987 - June 1988						
Region	No. of Visits to Region	No. of Complaints Taken	No. of Enquiries			No. of Media Contacts
			Personal	Telephone	Total	
BARWON	28	85	334	360	694	-
CENTRAL HIGHLANDS	12	10	193	69	262	5
CENTRAL GIPPSLAND	12	6	112	46	158	-
EAST GIPPSLAND	6	5	87	14	101	-
GLENELG	4	6	56	9	65	-
GOULBURN	1	-	-	-	-	-
LODDON CAMPASPE	12	1	110	32	142	2
MALLEE	9	1	90	5	95	9
UPPER MURRAY	12	12	117	105	222	7
WIMMERA	9	-	47	2	49	4
WESTERN SUBURBS (FOOTSCRAY OFFICE)	N/A	489	1448	2755	4203	2
<b>TOTALS</b>	<b>107</b>	<b>615</b>	<b>2594</b>	<b>3397</b>	<b>5991</b>	<b>36</b>

*REGIONAL SERVICES -  
JULY 1987 - JUNE 1988*

*The Mobile Van visits regional centres on a regular basis*



The Ministry also provides a mobile information unit which visits regional centres on a regular basis over 46 weeks of the year. Staff undertake field training and information seminars with local community groups and other relevant organizations. Major training programs were conducted at Mildura, Ballarat and Horsham during the year.

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## COMMUNITY GRANTS

Properly managed grant schemes are an efficient and effective means of extending the Government's capacity to meet its objectives by utilizing the networks of a range of consumer and community groups across Victoria. Over seventy organizations have been resourced to provide a community information network across Victoria.

The Ministry works with funded agencies to ensure that they meet agreed accountability principles. Regular visits to the organizations are made by staff, supported by training and information seminars.

The Ministry's three Grants Schemes are:

- (i) Consumer Affairs Grants Scheme;
- (ii) Residential Tenancies Grants Scheme; and,
- (iii) Community Credit Program.

The 3 schemes together provided grants of \$2.0 million in 1987/88.

### **CONSUMER AFFAIRS GRANT SCHEME**

Provides an alternative and responsive means for the Ministry to fulfil its education, information, conciliation and consultation objectives by servicing consumer and community groups to undertake these roles in their local areas.

Although this grant scheme has limited resources (\$255,000) the Ministry has tried to ensure an appropriate geographic spread of funds and sought to target areas of high need.

(A list of projects funded under the Consumer Affairs Grants Scheme is included in Appendix 12.)

### **RESIDENTIAL TENANCIES GRANT SCHEME**

Provides the opportunity for Residential Tenancy matters to be addressed at a community level through the involvement of community based tenancy groups and other appropriate community and consumer groups. The Grants Scheme aims to provide financial assistance to appropriate non-profit groups for the purpose of:

- Providing information, advice and referral.
- Tenant and landlord education/awareness.
- Tenancy research, consultation and policy advice.
- Tenancy representation.

Residential Tenancies Grants for 1988 after assessment of applications totalled \$688,522.

Performance monitoring of groups continued through a developed and agreed set of program indicators.

Training and Information seminars are also provided by the Ministry to funded groups to ensure consistent performance standards. This training is further supplemented by regular training sessions provided by the Tenants Union of Victoria

through a program developed jointly with the Ministry. In June 1988 the Minister for Consumer Affairs commissioned a review of the residential tenancies functions to address the following issues:

- The general level of knowledge and awareness in the community of rights and responsibilities under the legislation.
- The overall accessibility of the Tribunal and associated services to all groups in the community.
- The effectiveness of existing information and advice services on tenancy matters provided by Government and non-government agencies.
- Improving research capacity on tenancy matters and the private rental market.
- The opportunities for the most effective use of the Residential Tenancies Fund.

Recommendations of the Review will be progressively implemented during the year.

### **COMMUNITY CREDIT PROGRAM REVIEW**

As the Community Credit Program has developed over the past two and half years, projects submitted for funding have improved and become generally more sophisticated.

Aspects of the Anti-Poverty Program are also conducted by Community Services Victoria. An inter-Departmental Committee was established in April 1988 to investigate means of providing better co ordination of these programs. Financial advice, credit advocacy and financial counselling services have been reviewed and recommendations transmitted to the two Minister responsible.

### **COMMUNITY CREDIT PROGRAM**

Under the Victorian Government's Anti-Poverty Strategy this program has piloted funding to a number of community organisations and is now in its third year of funding.

The program aims to:

- Influence the consumer credit industry to be more responsive to the needs of low income people.
- Strengthen the network of credit advocacy for low income people and improve community recognition and understanding of the problems they face.
- Ensure that low income consumers are able to purchase major household items at reasonable prices and on fair terms.
- Improve access by low income people to low cost consumer credit.
- Help low income people plan and organise their finances so that they can meet their financial commitments.

Comprehensive reporting and monitoring procedures have been developed for the program.



The "Christmas without Credit Campaign", funded under the program through the Financial Counsellors Association of Victoria is an example of a project which served to heighten awareness in the community of the pitfalls of credit over the 1987/88 Christmas period.

A total of 31 organizations were approved for grants under the Community Credit Program, totalling \$1,029,690. A list of approved projects is shown in Appendix 12.

## COMMON CONSUMER COMPLAINTS

The Ministry, having received a formal complaint, will attempt to resolve the dispute as efficiently, amicably and promptly as possible.

The Conciliation Branch is the complaint handling arm of the Ministry. The Branch attempts to resolve complaints by use of telephone, letter and on-site meetings with the disputing parties.

During the year under review, the Ministry was able to keep the delay time before initiating action on complaints, to an average of two weeks. During the year the Ministry received 8,559 complaints and finalised 7,891 in the period.

The Conciliation process included 91 on site inspections, which, in the majority of cases, were successful in fully resolving the complaints.

Through "complaints received" the Ministry is able to monitor what is happening in the market place. The Conciliation Branch detects breaches of consumer legislation, unsafe or dangerous products and also unfair trading activities that warrant further investigation and appropriate action.

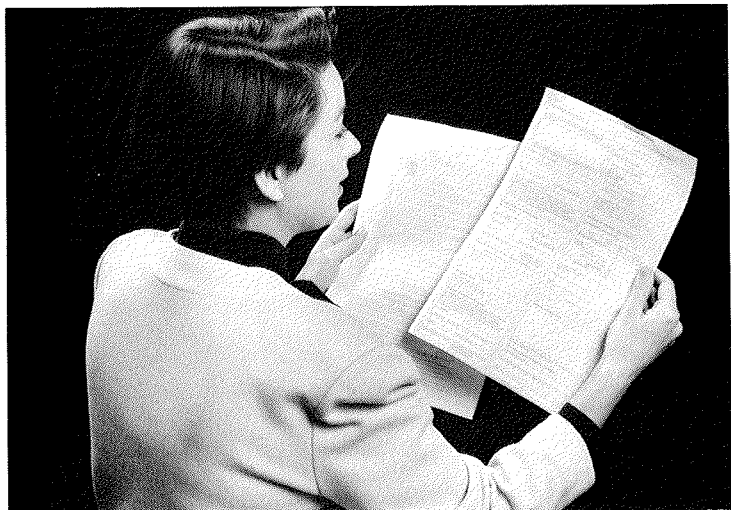
### **MOTOR VEHICLES**

The current financial year saw the introduction of the **Motor Car Traders Act 1986** which except for the provisions on cooling off and the licensing of auctioneers came into effect on 1 August, 1987. The Act was a substantial "update" of the **1973 Motor Car Traders Act**.

### **COOLING OFF PERIOD**

The most important change affecting consumers' rights was the introduction of a three (3) day cooling off period for purchasers of used motor vehicles. These provisions commenced on 1 October 1987.

*The contract for the purchase of a 2nd hand car has been updated as part of the amendments to the Motor Car Traders Act.*



Other improvements were the inclusion of air conditioners under the Government Statutory Warranty, the authority of the Small Claims Tribunal to deal with the rescission of contracts up to \$20,000, the requirement of a Licensed Motor Car Trader to sell a vehicle with a clear title and a re-writing/design of the standard Used Car Contract.

#### **CASE STUDY:**

A consumer returned a car to the dealer for repairs under warranty - only to be told that there was no warranty.

The contract revealed the price of the car - \$1500 - followed by amounts for transfer and stamp duty and an extra amount of \$1499 detailed as work necessary to make the car roadworthy.

The consumer had paid \$2999 plus charges. The trader maintained that the price of the car was only \$1500, ONE CENT under the level at which a warranty applies.

To avoid his obligations, the dealer had split the price of the car. When challenged by the Ministry he agreed to cancel the contract and refund the entire purchase price.

The sale of extended vehicle warranties and Consumer Credit Insurance policies, particularly in instances where finance is involved, is still a matter of concern.



*New amendments  
introduced to  
Motor Car Traders Act.  
'Bogo' cartoon  
courtesy 'The Age'*

#### **CASE STUDY:**

A consumer purchased a used motor vehicle with a contract of sale stating that the vehicle was "sold with a roadworthy".

Shortly after purchase, the consumer received a letter from the Road Traffic Authority requesting a current roadworthiness certificate in order to have the transfer of registration completed.

The consumer immediately contacted the Road Traffic Authority. Enquiries revealed that the label number and place of issue were incorrect and did not relate to the subject vehicle.

## FINANCIAL TRANSACTIONS

The Ministry was called in to assist and after negotiations with the trader, he was persuaded to buy back the vehicle. The R.T.A. is considering prosecution for false documentation and the Ministry is examining referral to the Motor Car Traders Licensing Authority.

- (i) A number of complaints continued to be received in respect of disputed automatic teller machine (A.T.M.) transactions.

It has not often been possible to resolve disputes where the consumer denies a recorded transaction.

There is also concern that the Electronic Funds Transfer Code is not fully effective and that many consumers are not aware of their rights and obligations.

- (ii) Complaints were received for persons with credit problems, or with difficulties in negotiations with credit providers.

- (iii) The Ministry has continuing concern over some finance companies providing extended warranty insurance policies, Life Insurance Policies and Consumer Credit Insurance (C.C.I.) Policies, on credit.

This practice inflates the amount borrowed and correspondingly increases the monthly premium. In many instances, the consumer has no idea what he/she is "buying", as these elements of the contract are not specified.

## INSURANCE

Building, Motor Vehicle, Travel, Health:

Complaints generally related to rejection of claims, which in most cases were technically justified by the companies. However, the Ministry was successful in obtaining a number of ex-gratia payments and/or a review of the company's decision.

## CONSUMER CREDIT INSURANCE

What is C.C.I. It is a sickness, accident and unemployment insurance policy which covers the borrower if he/she becomes disabled as a result of injury or illness or becomes unemployed. The sum insured is the monthly payments that would normally be paid to the credit provider.

C.C.I. Sales A significant factor contributing to problems with the consumer credit insurance is the uninformed nature of the market. In contrast with the situation in the marketing of motor vehicle insurance policies, the marketing of consumer credit insurance and extended warranty cover is directed at networks of introducers, (or dealers) and not the consumers themselves. As a consequence, consumers have little chance of determining fair market prices for the products. From that situation, of course, flows the opportunity to fix prices which enable the payment of excessive commissions and, in many cases, to give to the introducers and not the underwriters the opportunity to set the prices and thus their own commissions.

Example: The base price of an insurance premium may be \$992, that is the amount the insurance company require for the cover. The recommended retail price is \$1984. The base price is doubled and of the total premium paid (\$1984), 50% of this is the dealer's commission. On the loan contract the consumer is probably paying up to 29% interest. Furthermore, there are also special incentives for dealers who reach certain premium figures.

Consumer Credit insurance is also sold with loans from Credit Unions and Banks, but it appears that the "premiums" are not as outrageous.

C.C.I. Policies C.C.I. policies frequently suffer from inconsistent and unfair policy wording, so that consumers are either confused or deliberately disadvantaged.

Some companies do not make any payment on pre-existing conditions and some will not make payment if the condition occurred six months before the policy commenced and reappeared within six months after the policy commenced. In some cases, this is a twelve month period.

With respect to unemployment, the maximum paid by any company is for three months repayment or \$800. One company has it as low as \$500 for two months only.

Two companies do not pay on anxiety and mental conditions.

The level of rebates, or failure to rebate at all are other serious problems which relate to the policy conditions. When a consumer pays out the loan contract, it would be assumed that the C.C.I. cover would automatically cease and the consumer would be entitled to a refund/rebate of that unused portion of the premium. However, that is not the case. The consumer has to ask for a rebate. If there is no such request, then the cover continues regardless of the fact that the loan contract has been paid out.

This clause has the effect of protecting insurance companies from responsibility for informing consumers. CCI rebates should be calculated from the time that cover ceased, that is, the date the loan was terminated (paid out). The insurance companies appear to be aware that there are people who do not know that they are entitled to a rebate. In fact, some policy holders do not even know they have a policy.

The Ministry is continuing to negotiate with the relevant insurance companies to have them make changes to their policies.

A number of consumers have lodged successful claims with the Small Claims Tribunals in relation to C.C.I. issues.

C.C.I. Claims These claims are are often characterised by a denial of liability.

### **CASE STUDY:**

In one example, the consumer had a fall at work resulting in a lengthy period of disablement. The insurance company denied the claim because the consumer had high blood pressure and had been taking medication for several years. ".....from information received it would appear that you were not in good health at the time of effecting your policy. Therefore, we have no option but to deny your claim and advise that your policy will be cancelled from inception."

Some insurance companies also refer to pre-existing conditions when denying claims. For example, a consumer's C.C.I. policy had been in existence for some two years when he suffered severe pain in his lower back and legs after heavy lifting. The consumer was unable to work for more than twelve months and although the insurance company made payments for the early part of the disablement period, they later denied further liability.

When discussing these claims with insurance companies, staff of the Ministry have referred to the environment in which many of the proposal forms are signed. It is frequently a car dealership where papers are signed for the disposal or acquisition of a new or used vehicle. Finance documents, registration papers, comprehensive insurance, extended warranties, protective treatments and finally, the consumer credit insurance proposal form may also be required to be signed. The dealer's representative may be trying to sell CCI insurance because of the lucrative commissions. Documents are sometimes glossed over and little opportunity is provided for thorough appraisal of the proposal form and the relevance of the duty of disclosure. There have been occasions where the consumer has advised the dealers' representatives of a medical condition or recent visit to the doctor but details were ignored.

In cases where a condition is not disclosed and the consumers suffer an injury which has nothing to do with the non-disclosed condition, then the insurer should honour the policy.

### **CASE STUDY:**

A consumer purchased a new vehicle in November 1986. A deposit was paid and finance arranged. The consumer was also sold through finance, an extended warranty package, an exterior finish package for the vehicle, Comprehensive Insurance, Consumer Credit Insurance, Life Insurance and Unemployment Insurance. In other words, the consumer was sold "a hamburger with the lot!"

The total cost of the extras amounted to \$4,315.00!

The purchase price of the vehicle was \$15,457.00 on the road.

Allowing for a trade-in allowance of \$2,000 and deposits totalling \$400, the consumer finally borrowed nearly \$17,400.

The consumer kept up the payments (\$517.00 per month) for several months but gradually fell into arrears. She came to see this Ministry in January 1988 some 14 months after taking out the contract and it became apparent that the consumer could not afford the loan.

Loan contract documents were incomprehensible. Figures on the finance contract could not be reconciled against figures on the purchase agreement without detailed explanation from the trader and the use of a calculator in conjunction with further documentation such as internal invoices/receipts.

The consumer, in short, could not have known with any certainty what were the terms of the contract.

Representations were made to the Finance Company on the basis that the contract was harsh and unconscionable. The vehicle had already been repossessed.

The Finance Company agreed to approach the selling dealer with a view to their obtaining full recourse in respect of the amount of the loan outstanding. This was duly done, and after much persuasion, the dealer finally agreed to pay-out the contract and the consumer was relieved from any further payment pursuant to the contract.

## REAL ESTATE

**"MAKE YOUR GREAT ESCAPE"**  
**"FISHERMAN'S HIDE-WAY"**  
**"COUNTRY LOVERS"**  
**"GOLDEN ACRES"**  
**"BEGINNERS PROPERTY"**  
**"GATEWAY TO EILDON"**  
**"BUSH HAVEN"**

The Sun, Age and Herald newspapers daily contain advertisements in the real estate/property sections offering rural land. Many of these advertisements are eye-catching (words and visual); such as the examples above. The advertising strategy targets the urban resident highlighting the best of rural living.

The number of blocks potentially available for sale number many thousands. These numbers are reflected in the volume of advertising.

Among the regular advertisers (developers) of rural land are: Cellante Property Advisors and Mr L.D. Cellante, Australian Land and Development Company (M. and E.M. Jimenez) and Denis Daniels Estates (H.W. Cholz).

While the Fair Trading Act offers opportunities for redress on false and misleading claims, much of the marketing cleverly confuses rather than overtly misleads, leaving consumers with little redress.

The reality is that the land being sold is often remote and unserviced. It can be of poor capability for development, being highly erosion prone, flood prone or of a high fire hazard. The increased demand for services coupled with the remote locations are causing strains on welfare, housing and public health agencies (where they exist) and municipal councils.

### The Catches

There are five basic problems:

- a) false and misleading claims
- b) failure to disclose restrictions
- c) costs of servicing the land
- d) the actual cost of the land as financed under vendor terms.
- e) the consequent calls by owners for assistance from welfare agencies.

Some complainants advised that the land they purchased did not fit the description as advertised; they could not obtain building permits; access could only be achieved through neighbouring properties and the provision of services such as electricity, gas or water were either expensive or non-existent.

Of concern to this Ministry is the emerging tendency of consumers to enter into contracts without sufficient care or advice, especially when they are purchasing land on vendor terms. Under these terms the developer can usually resume land on first default by the purchaser.

It is imperative that intending buyers seek independent advice if they are in any doubt prior to signing any documents in relation to sale of land, (Community Legal Centres provide free legal advice).

As the issues relating to the sale of rural blocks is of concern to several Ministries, a Sub-Standard Rural Development Task Force with representation from the Ministry of Planning and Environment, Housing and Construction, Consumer Affairs, Community Services Victoria and the Loddon-Campaspe Regional Planning Authority was established to review the situation.

The Ministry of Consumer Affairs, together with the Ministry of Housing and Construction, Planning and Environment and the Loddon-Campaspe Regional Planning Authority has developed a booklet "What They Didn't Tell You About Buying a Bush Block".

The purpose of the booklet is to assist people intending to move to rural areas by providing comprehensive information on how to buy land which is appropriate for their needs and means, and how best to use and develop the land.

Copies of the booklet have been made available to Councils, Community Groups and widely distributed by government agencies.

## **BUILDING**

Prime Cost  
Provisional  
Sums.

Many disputes have arisen this year in relation to increases on prime cost items and provisional sums. (Provisional sums are the unknown factors such as rock encountered in foundations).

At best, these problems may have resulted from a lack of information supplied by the builder to the consumer on initial contract signing or at worst a deliberate attempt by a builder to quote low and inflate the price to the correct level during the course of the contract.

Extension of  
time.

The Ministry is also concerned about some builders who do not adhere to the contract in the notification of unforeseen delays, e.g. bad weather, lack of supply of material, etc. It is becoming a frequent occurrence for builders to claim these extensions of time at the end of the contract as a



Who is the builder?

means of justifying late completion. Builders must notify consumers of these extensions as they happen. The Ministry has previously reported on problems experienced by owner builders, and Kit Home purchasers. The problem is that consumers may not be aware whether the person they engage to build a home is a registered builder or they themselves are classified as owner builders. Some consumers purchase Kit Homes from Kit manufacturers and are then referred to other persons for erection. When defects arise, the consumers are faced with both the supplier and the builder denying responsibility.

When seeking to place a claim with the Housing Guarantee Fund Limited consumers discover that either the builder who built their house is not a registered builder or that they, as owners, have been registered with their local council as owner builders. In either case, they are unable to claim through the Fund.

The Ministry consistently stresses the importance of any person contemplating building a house ensuring that (1) they are dealing with a builder registered with the Housing Guarantee Fund Limited and that (2) the contract has the name of the builder inserted exactly as appears on the Housing Guarantee Fund Register. The Fund should be contacted before contracts are signed.

There are significant penalties (up to \$10,000) under the new **House Contracts Guarantee Act 1987** for builders who do not register contracts under the Fund. The Ministry will be closely monitoring builders in this respect and will prosecute offenders.

Renovation and Extension

As with new homes, the complaint areas can be broadly assessed as:

- (1) Contractual disputes
- (2) Faulty workmanship.

Experience of Ministry staff indicates a distinct lack of professionalism by many builders relating to contractual paperwork and an unwillingness of consumers to check documentation relating to the actual works to be performed.

*Recourse to the Housing Guarantee Fund Limited provides redress when faulty workmanship is performed.*  
*Photo courtesy 'The Herald & Weekly Times.'*



#### Safeguard Checklist

In advising consumers in this area, the Ministry suggests that consumers prior to entering contracts:

1. Obtain several quotes before committing to a builder.
2. Check with the Housing Guarantee Fund that the builder is registered.
3. Check previous work of the builder where practical.
4. Insist on full details of work to be undertaken to be contained in the contract.
5. Ensure methods of payment are documented.
6. Be personally aware of permit requirements of local authorities.

The House Contracts Guarantee Act provides that all domestic building contracts must be carried out by registered builders. The workmanship will be guaranteed, and claims may be placed before the Housing Guarantee Fund.

#### **CASE STUDY:**

A consumer contracted with a builder to build a new home at a cost of \$63,500.

Shortly after the home was completed, several problems became evident and although the builder indicated his intentions to rectify the problems, nothing eventuated.

The Housing Guarantee Fund Ltd. was notified of the problems, however, upon investigation it was found that the property was registered by another company with the same managing director as the builder. Because the contract was signed in the name of the builder who was not a builder registered with the Fund, no guarantee exists on the dwelling house.

Regrettably, at the time of reporting, the items in need of repair have not been attended to.

#### **Floor Coverings**

Floor coverings continue to cause a substantial number of complaints relating to both the consumers satisfaction with the product and the way it was laid.

The two main areas of complaint received by the Ministry, concern carpets and vinyl coverings. The importance of consumers discussing their needs with the retailer prior to making their selection is highlighted by cases brought to our attention.

One of the main and controversial issues concerning carpets is shading. Shading or permanent pile reversal can occur with any cut pile carpet and usually appears as patches of light and dark shades in the carpeted area. The cause of shading is not known and it generally appears after some use.

The Ministry takes the position that carpets prone to shading should bear labels advising of this characteristic and that the consumer should be shown an example of shading prior to purchase.

#### **Concrete**

The main complaints received by the Ministry relate to cracking, colouring and drainage.

Complaints indicate that there is a lack of knowledge of the inherent attributes of concrete by both consumers and traders. For example, a consumer may contribute to the problem by not allowing a period of curing and drying before it can be used, or alternatively, the tradesman fails to advise the consumer on how to care for concrete while it is still curing.

In most cases brought to the Ministry's attention consumers have not in fact received a written guarantee or a written invoice or receipt and have been asked for cash payment. In some instances, consumers only have a phone number on which to contact the trader, often with little result when problems arise.

### **Swimming Pools**

It is pleasing to note that the numbers of complaints received in this field has reduced significantly. The Ministry is supporting continuing action by the Swimming Pool Industry in their efforts to develop industry self regulation.

Prospective buyers are advised to ensure their contract is checked by a third impartial party before signing.

The extra expense involved in seeking impartial advice is small in proportion to the overall cost of the pool. The contract should explain fully what is included in the contract price and what extra costs are likely to be incurred. Consumers are advised to use Australian Standard Contract (AS2160 C of 1984).

### **Cladding**

As in previous years, the majority of complaints relate to door to door sales and to misleading advertising. Some salesmen involved in door to door selling still neglect to advise consumers that they are entitled to cancel a contract within 10 days and in many instances, traders refuse to cancel until the Ministry approaches them.

Of concern to this Ministry, are the lengths some cladding companies go to with advertising in an effort to generate sales. Some advertising is either blatantly misleading or couched in such a way as to bait consumers to enter contracts other than those originally intended.

### **Computers**

The Ministry has received several complaints regarding the purchase and use of computers.

The main areas of concern have been incompatibility of software to hardware. In several instances the consumer has been advised that failure of their equipment was due to user fault. However, upon investigation, it was found that the fault lay with the equipment concerned.

Mail order supply of computer goods has also caused concern.

#### **CASE STUDY:**

A Computer company selling by mail order required full payment before goods were sent to the consumers. However, quite often there was a long delay in sending goods, or faulty goods and part orders were received or, on at least one occasion, nothing was received by the consumer though money had been paid. Of particular concern, is the fact that the trader is still advertising in a computer magazine. However, he appears to be contactable only through a centralized paging system. Regrettably for consumers, he will not always respond to communications from disgruntled customers.

## **Hair Replacement**

Hair replacement is a multi-million dollar industry and many consumers are confused about exactly what Industry treatment they will receive when entering into a contract for hair replacement.

Consumers are advised to be extremely cautious when entering into contracts for hair replacement.

- Consumers wanting advice on their scalp condition, should seek medical advice from a doctor or dermatologist first.
- They should ask the trader to explain the method of treatment in minute detail.
- If a hair piece is a consumer's preference, they should ask how the piece will be fastened to the scalp. Some people are misled into believing that hair will be fused individually to their scalp, and are understandably disappointed when all they receive is a wig glued to their scalp.

Some hair replacements cost hundreds and even thousands of dollars. Consumers would be wise, therefore, to not commit themselves to a contract before thinking carefully about the treatment.

## **Wedding Photographs**

One's wedding day is usually a day to remember; the dress and suits, the church or park, the ceremony, the gifts, the reception and the honeymoon. But what about the photographs and the video film of the occasion?

A number of consumers lodged a complaint with the Ministry last year because they had not received the photographs of their wedding, or because of the poor quality of the finished product.

## **Travel**

Holiday-makers - mostly the elderly - were left stranded in interstate capital cities by several bus companies which went out of business. Two bus companies sold tickets for buses that never arrived to pick up passengers.

Executive Express Bus Company was selling tickets to interstate passengers without any intention of carrying them. When the police and an official of the Ministry of Consumer Affairs inspected the premises in October 1987, a Director of the company admitted that he was collecting money from prospective passengers though there were no seats available for them in any of the buses.

The failure of the bus companies was attributed to fierce under-cutting in the trade.

It is also important to note that such failures are not covered by the Travel Agents Act 1986. Since the company was only selling tickets for buses it owned, it did not require a licence under the Travel Agents Acts 1986 and therefore consumers did not have recourse to the Travel Compensation Fund.



McLachlan cartoon  
courtesy 'The Age'.

#### **CASE STUDY:**

In another case consumers were more fortunate. Tesla Trade and Travel closed its door in August 1987 and sixteen customers had paid approximately \$30,000 for overseas air travel but no tickets had been issued.

One consumer had paid \$1,100 for a one-way fare from Melbourne to Belgrade to go home to his two young sons whose mother had died unexpectedly. Fortunately, the consumer's brother-in-law was able to purchase another ticket for him to avoid a delay in departure.

Although the company was not a licensed travel agent at the time of closure, an application for a licence had been lodged with the Travel Agents Licensing Authority.

The Travel Compensation Fund agreed to make discretionary compensation payments to those consumers affected by the closure, this being the first Victorian claim since licensing was introduced in 1987.

## DISPUTE RESOLUTION

When complaints cannot be resolved by mediation, the matter may be referred to the appropriate independent Tribunal. There are three adjudicative bodies able to make legal and binding orders: the Small Claims Tribunal, the Small Claims (Credit) Tribunal, and the Residential Tenancies Tribunal.

These three bodies are designed to settle disputes quickly, cheaply and in a relatively informal manner.

The Ministry provides the support staff to carry out the functions of these bodies. Referees are independent and not subject to the Ministry; their decisions are final and binding.

### **SMALL CLAIMS TRIBUNALS**

The Small Claims Tribunals deal with disputes between consumers and suppliers of goods and services, limited to a statutory level of \$3000.

Year	Applications
1982/83	3,210
1983/84	3,292
1984/85	3,447
1985/86	3,572
1986/87	3,598
1987/88	3,456

*Number of Claims to  
the Small Claims Tribunal*

The number of applications to the Small Claims Tribunals has levelled over the past three years, for a variety of reasons:

- Better procedures may deter some trader from repeat appearances, leading them to resolve disputes before the consumer makes a claim.
- Sampling of files for the 1987/88 financial year indicated an increasing trend by consumers to make claims around the \$3000 jurisdictional limit. Such claims amount to approximately 15% of all claims lodged.
- As with all court jurisdictions, there may be difficulties after a successful hearing. Four cases of particular concern have come to the Ministry's attention:
  - 1) Mr. David Bailey, house builder of Mulgrave.
  - 2) Bleyer Hair Clinique Pty. Ltd. (trading as the Bleyer Clinic), of Collins Street, Melbourne.
  - 3) Hamdiga Alisic, builder (case study follows)
  - 4) A. Dyer Nominees Pty. Ltd., removalists (case study follows)

## CASE STUDY

Considerable difficulties were experienced by consumers seeking to enforce orders of the Small Claims Tribunals against Hamdiga Alisic regarding building renovations.

In one case, the consumer obtained a quote of \$300—400 from the trader for renovation works. After commencement of the job, the price was raised to \$500. In the course of performing the work, the trader caused damage to the house and splashed paint on furnishings. The trader demanded full payment upon threat of legal action, although not all the work as quoted for was performed.

The consumer applied to the Small Claims Tribunal for a hearing, at which the trader failed to appear. The referee ordered the trader to refund \$300 to the consumer.

As the trader did not comply with the order, the consumer obtained a Warrant of Distress. Execution was unsuccessful due to denial of entry by the trader.

In a further case, the consumer contracted with the trader for the performance of certain renovations to his home for a price of \$1,200. Due to a disagreement over payment arrangements, the trader aborted the job, having been paid \$300 of the contract price.

The consumer sought a refund of monies paid, lodging a claim form with the Small Claims Tribunals. The trader did not appear at the hearing and the referee ordered the return of \$250 by the trader.

As the trader did not comply with the order, the consumer obtained a Warrant of Distress. Execution was unsuccessful due to denial of entry by the trader.

## CASE STUDY

Enforcement difficulties were also experienced by consumers seeking to enforce orders against A Dyer Nominees Pty Ltd.

In one case, the consumer contracted with the trader to remove and store his furniture. Upon subsequently taking delivery of the furniture the consumer noted that considerable damage had been caused to his property and additionally that some items were missing.

The consumer attempted to resolve the dispute with the trader, enlisting the assistance of the Ministry of Consumer Affairs, Conciliation Branch, but due to lack of response by the trader was compelled to apply to the Small Claims Tribunals to adjudicate in the matter.

The trader did not appear at the hearing. The referee ordered the trader to pay a sum of \$2,196.98 in compensation for the consumer's loss.

As the trader did not comply with the order, the consumer obtained a Warrant of Distress. Again execution was unsuccessful due to denial of entry by the trader.

## CREDIT TRIBUNAL

The introduction of this jurisdiction has proven to be highly successful, especially in the area of re-opening unjust contracts.

The Tribunal has dealt with cases involving amounts in excess of \$1 million at one end of the scale, and under \$3,000 at the other end. Frequently, the cases involved traders whose unjust actions have only been able to take place as a result of finance provided by credit providers



who, apart from the providing of that finance, have not in themselves engaged in unjust conduct.

This Tribunal operates on a somewhat more formal basis than the other Tribunals due to the fact that decisions may be appealed to the Supreme Court if the claim involves an amount in excess of \$3,000. Representation both by private legal firms and the Consumer Credit Legal Service has ensured a high standard of representation in cases that have provided the precedents for other Credit Tribunals in Australia.

Three appeals against decisions of the Small Claims (Credit) Tribunal have reached the stage of being set down for hearing in the Supreme Court. Two of these appeals were withdrawn just prior to the date set for hearing, thus leaving the Tribunal decision as the current law. The other was substantially upheld by the Full Court of the Supreme Court.

### **RESIDENTIAL TENANCIES TRIBUNAL**

The Residential Tenancies Tribunal commenced its operations in November 1981 and the rate of applications has grown by an average of 25% per annum. This year was no exception with 24,137 applications lodged, an increase of 22% on last year's figure of 19,743.

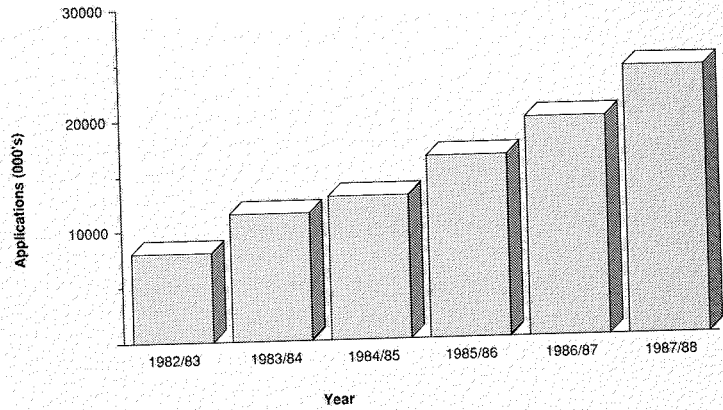
The growth rate of applications reflects changes in the economy. When interest rates drop to a level where rent payments almost equal mortgage payments, tenants vacate to buy their own homes. This leads to potential claims from tenants for return of bonds and reduction of fixed term tenancies, and to potential claims from landlords regarding compensation.

On the other hand, when interest rates increase and liquidity problems arise, tenants default in rent and landlords apply for possession of premises as the landlord has difficulty making payments (mortgage) to the lending agency.

Another factor leading to the growth in numbers of applications is that agents are more frequently taking action where problems arise.

Despite this increase, the average waiting time throughout the year between lodgement and hearing was maintained at 3-4 weeks. This has been achieved through streamlining of administrative procedures, legislative amendments and enhancement of computer systems.

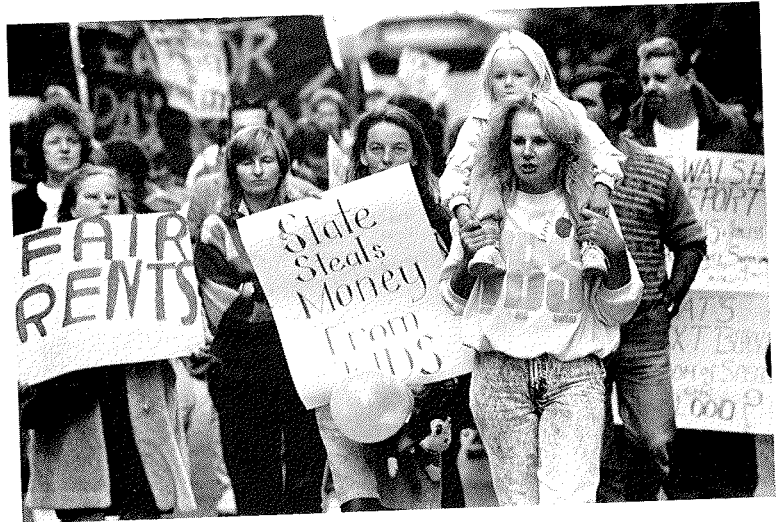
**RESIDENTIAL  
TENANCIES TRIBUNAL  
NUMBER OF  
APPLICATIONS RECEIVED**



**AMENDMENTS TO  
RESIDENTIAL  
TENANCIES ACT**

Amendments to the Residential Tenancies Act in February 1988 updated the monetary amounts that the Tribunal can award from \$1,500 to \$3,000 and improved other aspects of the Tribunal's administrative and judicial functions.

Interim orders in urgent matters similar to the injunctive powers of other courts can now be made. Such orders were made in several cases involving illegal evictions and/or illegal retention of tenants goods.



*Public Housing tenants march to the Residential Tenancies Tribunal, 31st May, 1988. Photo courtesy 'The Age'.*

**CASE STUDY:**

**RESTRAINING ORDERS.**

A Tenant with a two year old son signed a six month lease for a house situated in a farm setting in Kallista and the Landlord advised the house would be demolished in a few years' time. Subsequently, the Landlord informed her that some large trees and out buildings would be pulled down. In view of the proximity of the site of the new house to her rented home, the frequent attendance of workers, the use of a bull dozer,

the removal of a clothes line and imminent removal of the toilet, the Tenant lodged an application with the Residential Tenancies Tribunal for restriction of right of entry by the Landlord.

The Residential Tenancies Tribunal made an injunctive Order under the Residential Tenancies Tribunal Act 1980 on the day the claim was lodged. It restrains the Landlord from entering the premises and amended the application to include breach of quiet enjoyment and unauthorized entry.

Within two days a further hearing took place attended by both parties. By consent the Landlord was granted possession in 26 days time, the Tenant was totally absolved from paying rent, the Landlord was required to pay the Tenant compensation equivalent to a month's rent and work on the property was restricted to defined hours. The Tenant was given liberty to renew proceedings if the determination relating to working hours or facilities was breached.

### **APPLICATION BY SUFFICIENTLY INTERESTED PARTY**

Orders can now be made against, and applications lodged by, persons who are not landlords or tenants provided that the Tribunal is satisfied that they have a valid link to the affected tenancy agreement.

The 1988 amendments to the Act allow a party with an interest in tenancy agreement, other than the landlord or tenant, to ask the Tribunal for permission to apply.

### **CASE STUDY**

The first such request was made in June 1988. In this case, the estate agency managing the property for the landlord had paid out the security deposit to the tenants at the conclusion of their tenancy, in the usual way. What had been overlooked was the fact that the security deposit had originally been paid on the tenants' behalf by the Director of Housing. Under the Act, the refund should therefore have been made to the Director of Housing. The estate agency was faced with the prospect of having to cover the debt to the Director of Housing out of its own funds unless the tenants could be obliged to return the security deposit mistakenly released to them.

The Chairman of the Residential Tenancies Tribunal granted the agency's request for permission to apply at a preliminary hearing and directed that the applicant, the landlord, the tenants and the Ministry of Housing all be given notice to appear at a later date for a full hearing of the matter.

In the end, a further hearing proved unnecessary, as the tenants eventually paid the money over to the Director of Housing and the application was withdrawn.

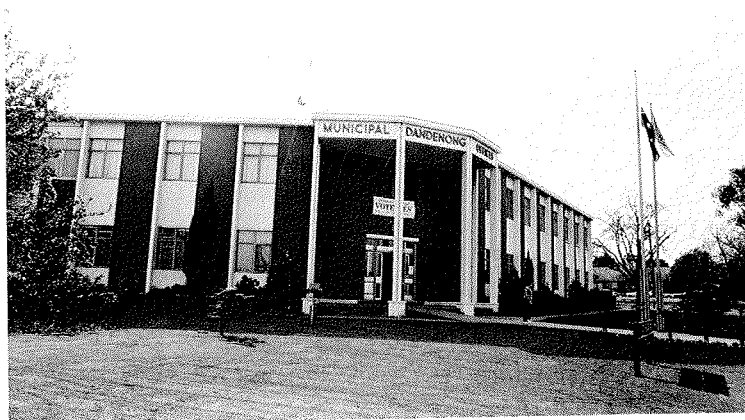
**REGIONAL  
HEARINGS**

As part of the Ministry's policy to provide an efficient service to the public, the Adjudication Division has increased the number of hearings in outer suburban and country venues.

*SUBURBAN AND REGIONAL  
HEARINGS*

Location	No.	Location	No.
Ballarat	38	Mordialloc	135
Bairnsdale	11	Morwell	12
Benalla	10	Northcote	67
Bendigo	36	Oakleigh	91
Brunswick	48	South Melbourne	3
Cheltenham	6	Sale	3
Camberwell	56	Seymour	9
Dandenong	28	Shepparton	17
Geelong	77	Swan Hill	8
Horsham	9	Springvale	94
Knox	23	Warrnambool	15
Korumburra	11	Wodonga	15
Mildura	11	Yarrawonga	1

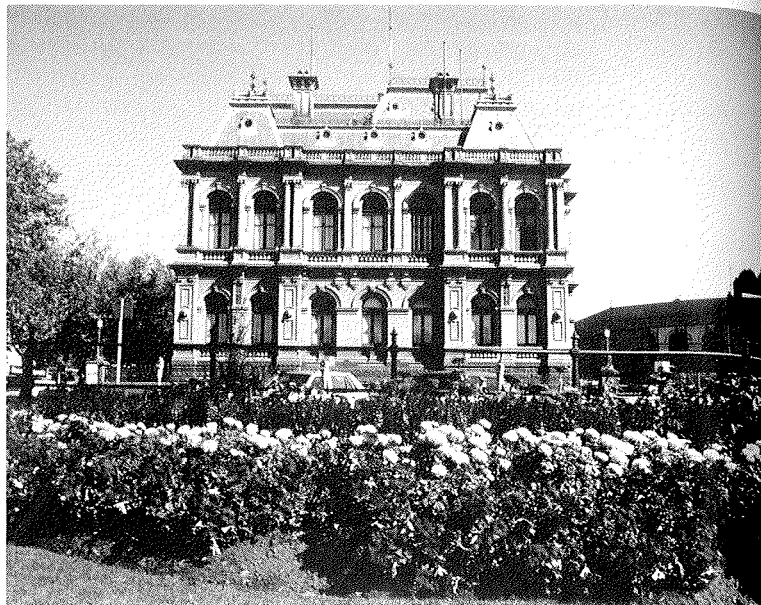
Since early 1988 the Cities of Knox and Dandenong have provided rooms in their Shire Offices for hearings in both the Small Claims and Residential Tenancies jurisdictions. The response from all parties to the hearing process has been favourable in that the waiting times have remained constant at 3-4 weeks and the ease of access and parking has been a bonus.



*Photo courtesy  
City of Dandenong*

The Ministry is currently involved with other Councils where large numbers of applications are being received to provide a similar service.

*Photo Courtesy  
'Bendigo Advertiser'*



## PRODUCT SAFETY

A very important function of the Ministry is to ensure that Consumer products are safe and that dangerous products are removed from the market. The products covered by the safety regulations include:

- childrens toys
- childrens nightclothes
- pedal bicycles
- portable fire extinguishers
- airpots
- spirit stoves

During the year the Ministry investigated 263 products for safety.

Toys and novelties	86
Nursery products	25
Personal use products	34
Automotive parts and accessories	25
Building and construction	25
Consumer durables	24
Sporting, recreational and camping equipment	11
Food and packaging materials	10
Whitegoods, cooling and heating equipment	7
Drapery, manchester, clothing, footwear	6
Furniture	4
Home maintenance products	4
Weapons	6
<b>Total</b>	<b>263</b>

PRODUCT SAFETY  
INVESTIGATIONS

### **ALLEGED HAZARDOUS PRODUCTS REGISTER**

The Ministry's Product Safety Officer continued to work closely during the year with the Commonwealth/State Consumer Products Advisory Committee (CSCPAC) on investigations, notifications and exchanges of information relating to alleged hazardous products. The Commonwealth Attorney-General's Department provides the Secretariat for CSCPAC which co-ordinates the notification of alleged hazardous products between the consumer affairs agencies in Australia.

Since the last report 35 products have been reported through CSCPAC. The Ministry provided 5 entries to the CSCPAC Register of Alleged Hazardous Products.

Products Recalls. Through CSCPAC the Ministry received information on 107 voluntary recalls of various consumer products.

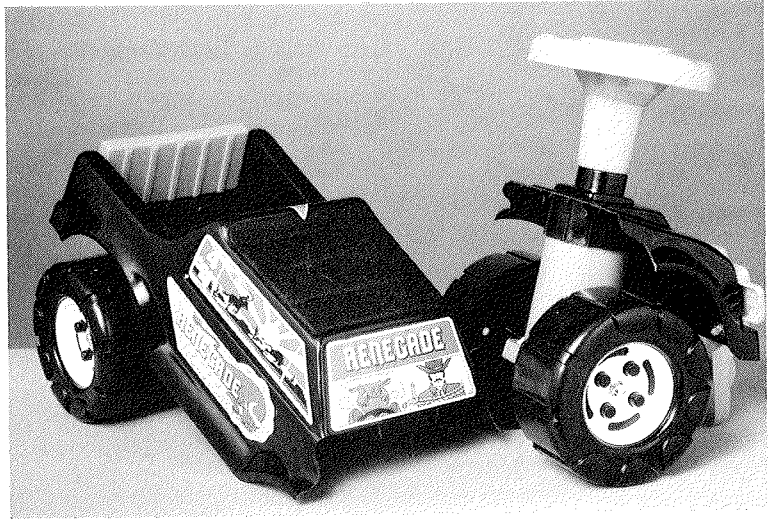
## **PUBLIC WARNINGS**

During the year the Ministry issued public warnings advising consumers about the potential dangers of certain products. Ministerial statements covered the following topics:

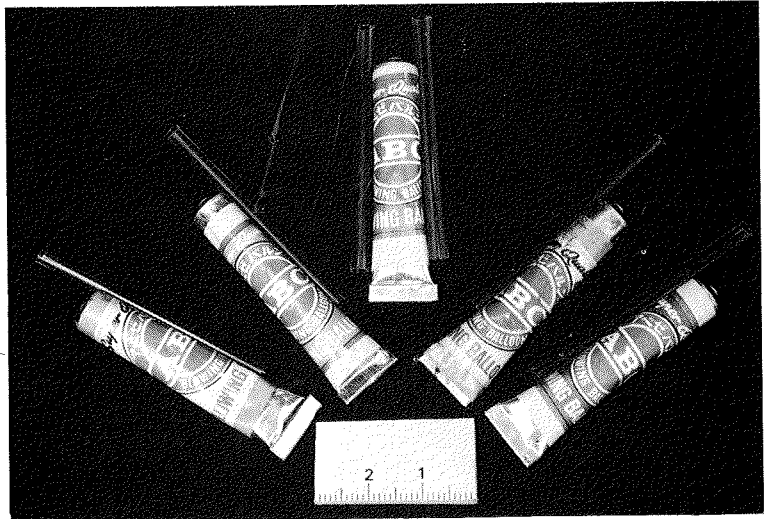
- The need for proper care in handling and storage of fast sealing glues. The call followed the tragic death in Britain of a child who sealed his mouth and nasal passages while trying to open a tube of superglue with his mouth.
- "Mutilation" toys were the subject of examination by a special committee established by the Minister to look at the potential psychological dangers of certain toys promoted for sale to young children.
- Consumers were warned about "under the counter" sales of "Auschwitz" and other similar video games depicting the elimination of Jews in concentration camps. The matter was referred to the censorship review panel in the Attorney-General's Department with a view to getting rid of such videos from this State.
- Parents were warned about the "Mega Boy" child's seat which could be deadly if used in a motor vehicle. The product which is similar in appearance to a child's car seat was inadvertently advertised as a "baby safety seat". The supplier was told to place an appropriate warning label on existing stocks.
- The "Zap-It" liquid refill was the subject of a national recall after tests showed that it was strongly alkaline. The colour of the liquid disappeared a few minutes after being squirted. The liquid was capable of causing serious eye damage.



- BANS** ■ A permanent ban was placed on the supply of "Toyline 4 x 4 Renegade Jeep" after it was found to fracture on frontal impact. The manufacturer recalled 7,500 to 8,000 of the ride-on toys that were distributed nationally.



- A permanent ban was placed on the sale of "ABC Blowing Balloon" kit and other similar kits after it was found that the glue-like substance contained benzene which is a known carcinogen and is highly flammable.





- An interim ban was placed on the sale of "Cresta Fluophone" a novelty telephone, containing a fluorescent tube which lights up when the phone rings. It was discovered that the mains electricity which powered the light could accidentally energise the telephone circuit and cause a fatal shock. The product was promptly recalled and modified satisfactorily.



### **PRODUCT STANDARDS**

As a result of the permanent appointment of a Standards Officer, the Ministry was able, during the year to take a more active role in the product standards field. Important liaisons with key agencies such as State and Federal Consumer Affairs, Standards Association, Trade Associations and Consumer representatives, were developed as was the Legislative base for the maintenance of ever higher standards.

### **CHILDREN'S TOYS LEGISLATION**

The Ministry has joined Standards Association of Australia Committee FP/13 - Matches to develop a safety standard for these products. The Standard is being prepared to cover safety matches, whether in boxes or books.

The Standards Officer also represents the Ministry on the Steering Committee for the Royal Children's Hospital involvement in a National Injury Surveillance Project. The Project, strongly supported by this Ministry and the Health Department, Victoria, will greatly assist child safety programs by highlighting areas for specific attention.

Other issues investigated during the year included:

- Fire extinguishers
- Lifejacket reflective tape
- Bicycle helmets
- Children's furniture
- Appliance energy labelling
- Prams and Strollers
- Car roof racks
- Easter Eggs containing inedible novelties (for compliance with existing ban).

The Consumer Affairs (Product Safety) (Children's Toys) Regulations 1987 came into operation on 1 March, 1988, protecting young children against unreasonable risk of injury or death from ingestion or inhalation of small toys/novelties or components. The Regulations adopt test requirements from Australian Standard AS 1647, Part 2 - 1981 for determining whether the toy or component presents an ingestion or inhalation hazard. The Regulation requires that:

- Any toy intended for a child of less than three years must be marked with the actual age or ages of the children for whom the toy is intended.
- Where the toy is intended for a child less than three years of age the toy, or any component of the toy that may become detached during use, must not present an ingestion/inhalation hazard.

#### **PACKAGED GOODS**

Because of the complex nature of packaged goods and associated industries the officers when investigating any matter have had to consider the effect of the Weights and Measures Act, the Fair Trading Act and the Consumer Affairs Act. This is in addition to having a good knowledge of other Government Departments which administer legislation dealing with articles which are or may be placed in packages.

The officers have continued to make spot purchases of pre-packed articles. All purchases made were examined for compliance with legislation and tested for quantity.

As part of the examination and testing procedures a number of factories and packing premises were visited. Where irregularities were found the factory management was advised of these. Follow up inspections indicated that in almost every instance action has been taken to correct the irregularity and the consumer is not being dis-advantaged.

One special project commenced by the Ministry in 1986/87 year was completed in the time covered by this report. This project was the testing of cartons of Milk and Fruit Juice Drinks packed by a number of milk processors in Victoria.

**COURT ACTION**

The result of these tests was that court action was commenced against 3 companies packing milk and fruit juice drinks. The table below sets out the results of the charges laid before the court:

**PACKAGED DRINKS -  
CHARGES LAID**

charges pleaded guilty to by companies	9
charges proven in court	1
charges dismissed by court	4
charges withdrawn by Ministry	6
<b>TOTAL CHARGES LAID</b>	<b>20</b>

**BREAD WEIGHT**

In response to the question, "How can I be sure that the loaf of bread I buy is the weight the package states?" officers of the Ministry and the Weights and Measures Inspectors for different areas visited large bakeries, hot bread shops and retail stores. The loaves of bread weighed were taken as if each weighing was a single purchase by a consumer. Samples for test were selected from 35 premises in the Melbourne Metropolitan area and 1842 loaves of bread were weighed. Approximately 1/3 of the individual loaves weighed were found to be below the claimed weight.

Since this was the first survey carried out on bread, the Ministry decided to issue warnings rather than commence proceedings under the Act. However, a number of bread shops have been prosecuted for short weight bread by Local Authorities (see Appendix 16). A further survey is planned for 1988/89 and any person found to be supplying short weight bread will be prosecuted.

**PACKAGED  
GRAPES**

As a result of complaints (mainly from interstate) the Ministry inspected and tested packages of grapes being sold in the Wholesale Fruit and Vegetable Market on several occasions.

Contact has been made with the grape packers found with packages short measure. Action on this problem has been commenced by the Ministry in conjunction with the Department of Agriculture and Rural Affairs and the Weights and Measures Inspectors in the major grape growing areas to eliminate the problem.

**PRE MARKETING  
ADVICE AND  
EDUCATION**

Advice on all aspects of packaging is constantly being offered on a wide range of products to persons and companies either:

intending to import pre-packed articles;  
intending to package articles;  
redesigning packages; or,  
repacking articles.

This year Ministry officers examined and offered advice on 3549 items for compliance with the Victorian Weights and Measures Act.

Also, advice was given on over 150 packages in terms of whether or not these packages complied with the Ministry's guidelines on deceptive packaging. Over 60% of the packages complied with the guidelines and with respect to those that did not, advice was given so that the packages could be modified to comply.

The major problems were free space and hidden cavities in walls and lids of the containers.

As part of an education and awareness program in respect of pre-packed articles the Ministry was represented at International Trade Fairs conducted in Melbourne.

At these Trade Fairs intending importers and suppliers are advised of the requirements for pre-packed articles to be sold in Australia and more particularly offered for sale in Victoria.

In addition the officers were part of a team lecturing to representatives of other countries on the laws applicable to pre-packed articles in Victoria and Australia.

An officer was also invited to be part of a team to lecture to the Graphic Design Students as part of their course.

## LICENSING AND LICENSING INVESTIGATION

The Ministry licenses motor car traders, finance brokers, credit providers and travel agents.

The Director has the power under the Credit (Administration) Act 1984, the Finance Brokers Act 1969, the Motor Car Traders Act 1986 and the Travel Agents Act 1986 to object to the granting, continuation and renewal of licences.

The Licensing Investigation Branch conducts investigations and makes recommendations to the Director. As part of these investigations, the Branch reviews an applicant's complaint history and searches of bankruptcy, corporate affairs and police records are also made. These reports may lead to a refusal to grant a licence or a decision to grant a licence subject to conditions or undertakings by the applicant.

### MOTOR CAR TRADERS

On 1 August 1987 the Motor Car Traders Act 1986 commenced and the Motor Car Traders Committee was replaced by the Motor Car Traders Licensing Authority.

The principal functions of the Motor Car Traders Licensing Authority are the consideration of application, the hearing of objections made by the Director of Consumer Affairs, and the Chief Commissioner of Police and the conduct of inquiries into the activities of a licence holder which have come to the Authority's attention.

There has also been established a Guarantee Fund Claims Committee which considers claims on the Motor Car Traders Guarantee Fund lodged by persons who have suffered loss or damage due to the activities of a licensed motor car trader.

The Licensing Investigation Branch has lodged 18 objections during the year which resulted in the cancellation of or refusal to renew licences. Details are set out in Appendix 8 of this report.

The following objections are of particular interest:

### LICENCE OBJECTIONS

- Jay Jacq Pty. Ltd. trading as Anderson Bac

The trader's licence was cancelled by the Motor Car Traders Committee on 20 February 1987. On 30 March 1987 the Magistrate's Court at Melbourne upheld an appeal by the Applicant against the decision of the Committee and ordered the renewal of the licence. The decision of the Magistrate's Court was the subject of an Order to review and on 4 May 1988 in the Supreme Court of Victoria judgement was delivered that the licence be terminated.

- Salbo Pty. Ltd., trading as Westside Car Sales and Motorscene

In this matter objections were lodged to the granting of new licences to Roleystone Pty. Ltd. and Proscal Pty. Ltd. who sought to acquire the two motor car trading businesses conducted by Salbo Pty. Ltd. The objections were upheld. At the same time an enquiry into the continued holding of a licence by Salbo Pty. Ltd. was conducted which led to that licence being revoked on 22 September 1987. An appeal was made to the Magistrate's Court and the revocation of the licence was confirmed on 29 October 1987.

- Steve Vulinovich, Trading as Melbourne Car Centre

Objection was lodged to renewal of the licence based upon a number of grounds including failure to repair cars pursuant to the statutory warranty provisions and convictions for odometer tampering.

The hearing of the objection took place on the 14 June 1988 at the conclusion of which the Motor Car Traders Licensing Authority decided that the licensee had not carried on his business as a Licensed Motor Car Trader honestly, efficiently and fairly and that he was not a fit and proper person to be a licensed Motor Car Trader. Accordingly the Licence was not renewed.

## **FINANCE BROKERS**

The licensing of Finance Brokers is unique in the Ministry in that the Registrar, rather than an Authority or Committee, makes the decision whether a licence is issued. If the Registrar does not issue a licence the applicant has an automatic right of appeal to a Magistrate's Court.

During the year under review 134 new licences were issued. No licences were refused but in a number of cases the licence was granted only after the applicant had agreed to certain undertakings.

Investigations conducted by the Licensing Investigation Branch caused the Director to lodge objections to two applicants for a Finance Broker's Licence. One application was subsequently withdrawn and the other referred to the Magistrate's Court.

## **CREDIT PROVIDERS**

During this year the Credit Licensing Authority renewed 156 licences, granted a further 28 licences, and refused to issue 1 licence. In the majority of hearings the Authority comprised the Chairman and one consumer representative and one finance industry representative.

When the **Credit Act** came into operation in 1985 those credit providers who lodged applications by 31 May, within the first 3 months of the commencement of the legislation, were able to continue operations until their applications were processed and a hearing before the Authority was

held. Nineteen of the original applicants withdrew their applications prior to determination. Twenty-eight new applications for licences were made during the year. Pursuant to Section 42 of the **Credit (Administration) Act 1984** the Director provided reports on every applicant.

Objections were lodged against the granting of licences to:

- National Westminster Finance Australia Ltd. ("Natwest"). Discussions between the parties, including the C.C.L.S. prior to the hearing of the objections led to an agreement being developed whereby Natwest undertook to take certain steps in return for the objections being withdrawn. The major steps included:

- 1) the cessation of writing consumer credit, life, unemployment and mechanical breakdown insurance with regulated credit contracts;
- 2) improving the company's internal operating procedures concerning repossessing and voluntary surrenders of mortgaged goods;
- 3) refunding all sums payable as a result of the decision in Anderson -v- HFC Financial Services Ltd.

- HFC Financial Services Limited ("HFC")

A lengthy preliminary procedure was embarked upon between HFC, the Ministry and CCLS before the hearing eventually commenced on 3 May 1988. Due to the large amount of objection material from CCLS the Authority decided to sit for 3 days each week. The hearing is continuing.

- Avco Financial Services Limited ("AVCO")

The grant of a licence to Avco has been opposed by the Director and CCLS. A preliminary hearing has been conducted and a timetable for the 'discovery' process settled. The hearing of the objections will commence following the determination of the HFC application.

## **TRAVEL AGENTS**

From 1 February 1987 all Travel Agents operating in Victoria and those who proposed to operate had to be licensed.

Travel Agents who carried on business before 1 February 1987 and who applied for a licence and participation in the Travel Agents Compensation Fund before 30 April 1987 were deemed to be licensed until a licence was granted or refused by the Authority or the applicant was refused participation in the Compensation Fund. Special procedures to "fast track" applications lodged by persons who were not operational before 1 February 1987 and who therefore did not receive the benefit of the "deeming" provisions of the legislation were put in place.

A total of 144 new applications were received during 1987/1988.

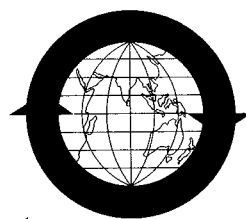
Name of licensee:

Business name(s)  
of licensee:

Licence number:

Category of business:

**LICENSED TRAVEL AGENT**



 VICTORIA

*This decal is displayed by  
licenced Travel Agents*

Objection was lodged to the grant of licences to Haralambos and Vasilios Sevastopoulos trading as Sevastopoulos Travel Service. At the hearing of the applications on 19 October 1987 Vasilios Sevastopoulos withdrew his application and a licence was issued to Haralambos Sevastopoulos subject to certain conditions.

Since the introduction of the legislation 914 licences have been issued.

## **RENTAL HOUSING MARKET**

It still appears that some landlords, agents and tenants are not aware of their rights and responsibilities.

Agreements are still being entered into without tenants being given the mandatory statement of rights. Condition reports are not being considered seriously by both landlords and tenants.

Security deposit disputes remain a major source of complaint with many landlords retaining the deposits (bonds) contrary to the provision of the legislation. Landlords should be aware that the Act has been changed to include a \$1000 penalty for the wrongful retention of bonds.

There also appears to be an emerging problem with tenant versus tenant complaints, which in the main relates to quiet enjoyment. Tenants causing other tenants unreasonable discomfort - that is restricting their rights - leave the landlord with no option but to serve notice on the tenant to cease these actions. If the complaint persists termination of the tenancy agreement may be sought by the landlord.



## **EXCESSIVE RENTS**

There is a considerable variation in the standard of rental accommodation available in Victoria and naturally the rent payable varies accordingly. During the year the Ministry received 166 complaints from tenants that their rent was excessive. The complaint generally arose after the landlord served a notice of rent increase. In the majority of cases the rent was found not to be excessive.

The Ministry investigated a number of complaints where the majority of tenants in a block received a rental increase notice but one or two long term residents did not receive the notice. This special treatment can however back-fire on the long term tenant if the landlord sells the property and long term suddenly receives a notice of a large rental increase from the new landlord. The new rental figure is often not excessive as the new landlord is just bringing the rental on that property into line with the current market rental in that area.

## **NEED FOR REPAIRS**

There are two main types of repairs:

### (a) Cosmetic Repairs

These include painting and general maintenance items which affect the appearance of a property.

### (b) Major Repairs

These repairs can affect a tenant's standard of living and enjoyment of the property and can often cause hardship. Examples include excessive mould or condensation in a property which could affect the health of the tenant or their family.

## **CASE STUDY:**

At a recent inspection an inspector was very lucky to escape serious injury when he fell through the floor of the property in question. When complaining to the elderly tenants, they apologized and stated they had forgotten to mention this problem to him. The inspector has instructed the landlord to carry out repairs on the floor immediately.

## **CASE STUDY:**

- Inside of property has not been repainted for 26 years.
- Tenant could not open any window in the house.
- Hole in wall needed repair.
- Exhaust fans were not operative.
- After negotiations, Landlord attended to all of the above repairs.



*Found at Residential  
Tenancies Inspection*

## **ABANDONED GOODS**

Under the Residential Tenancies Act a former landlord can ask the Director to assess whether or not goods left on rented premises are worthless. During the year, almost 1,000 such requests were received.

In the main the "goods" left behind are rubbish, broken furniture, newspaper etc., but on occasion the goods are quite valuable and in some cases it appears the tenant has left with only the clothes they are wearing.

### **CASE STUDY**

A landlord obtained possession of a property in the Residential Tenancies Tribunal; the tenant at the time was \$850 in arrears of rent. A warrant of possession was obtained and served by the Police. The agent was present. According to the agent, the tenant walked out of the property in a pair of shorts and wearing thongs, even though he was given time to pack his belongings.

The Agent requested an Abandoned Goods inspection under Section 136 of the Residential Tenancy Act. This was duly carried out and because of the value of the belongings at the property, both the Landlord and the Agent were advised that all of the belongings would have to be stored, advertised and taken to Public Auction.

The tenant did not make any attempt to pick up his belongings and the proceeds from the auction were \$2,231, less expenses; net proceeds \$1,659.

## TRADE MEASUREMENT

The testing program of weighing and measuring instruments in use for trade continued satisfactorily.

### LOCAL AUTHORITIES

The service and enforcement activities in the retail area are being carried out by Weights and Measures Inspectors employed by municipal councils. Their functions include the checking of instruments for accuracy, testing of packaged articles and handling consumer queries and complaints. The Weights and Measures Branch is responsible for the overall supervision and the provision of assistance to the inspectors in the performance of their duties.

Appendix 12 contains the statistics on the number of instruments tested by Weights and Measures Inspectors employed in Local Government.



*A fork-lift unloads 500kg weights from the Weights & Measures truck to ensure the accuracy of a weighbridge.*

### SCIENTIFIC SERVICES

Testing of standards used by government authorities and industry was carried out. The standards are used for the calibration of trade instruments such as shop scales, petrol bowsers and weighbridges.

There has also been testing carried out on some unusual items. These include:

- (a) The certification of leather punching bags filled with lead shot and steel darts used for the testing of glass in the Glass Industry.
- (b) Establishing the mass of steel reinforcing rod to settle a dispute.
- (c) Establishing the capacity of beer barrels for local independent brewers for the payment of excise duties.

- (d) Establishing the capacity of domestic medicine cups for two local manufacturers in accordance with SAA standard.
- (e) Establishing the densities of cork floor tiles to settle a dispute between a purchaser and the manufacturer.

Regular service to the general public in metric conversion of units of measurement and technical calculations is provided. The table in Appendix 16 details the number of standards and equipment calibrated during the period of this report.

## HIGHLIGHTS AND ACHIEVEMENTS

The economist's concept of a free market place which operates overall in a fair and balanced manner is predicated on a number of assumptions. It assumes that each person undertakes transactions on the basis of perfect knowledge, is equally competent and experienced, and that there are neutral or at best ethical standards of trading in a context of perfect competition.

Insofar as actual conditions fall short of theoretical ideals, Government intervenes in the market in a number of ways, to redress imbalances. The development of protective and regulatory legislation and the provision of assistance to industry in the development of self-regulatory codes of practice, have been complementary areas of achievement for the Ministry in the last year. Important new legislation has been implemented.

There have also been important achievements in the areas of Credit Law reform and the unification and standardization of trade measurement. Two major advances have been made in the development of uniform and Plain English Credit Law and the final processes of preparation of a National Trade Measurement Bill.

The Ministry is assisting industry to 'regulate' itself, through the development, monitoring and review of codes of practice. Major successes this year have been recorded in the Travel and Fitness Industries, and in the improvement of Electronic Funds transfer systems (E.F.T.S.).

The Ministry has also conducted a number of successful prosecutions to enforce the sanctions of existing legislation.

In summary major achievements for the MCA have been in the following areas:-

NEW LEGISLATION	Motor Car Traders Act 1986 House Contracts Guarantee Act 1987
LEGISLATIVE REFORM	Credit Act
REPRESENTATIVE ACTIONS	Encyclopaedia Britannica Anderson v. HFC Financial Services Ltd. Patersons
ELECTRONIC FUNDS TRANSFER SYSTEMS	Guidelines for a Code of Practice.
PROGRAM REVIEWS	Residential Tenancies Review Community Credit Program/Financial Counselling Program Review
UNIFORM TRADE MEASUREMENT	Ministry involved in the working party developing a National Trade Measurement Bill.

CONSUMER AWARENESS  
CAMPAIGN

Youth & Credit  
Publications Review  
Community Language Publication  
Ethnic media awareness and advertising.

BANNED PRODUCTS

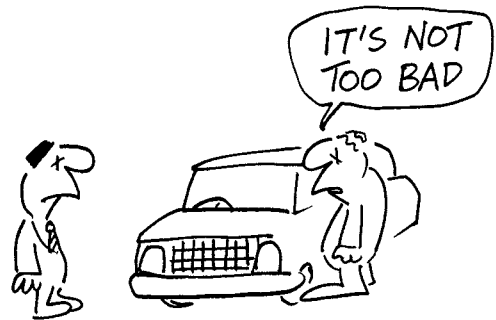
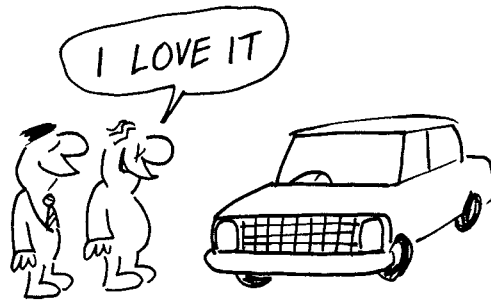
263 products examined for compliance with legislation.

**MOTOR CAR  
TRADERS ACT**

The current financial year saw the introduction of the new **Motor Car Traders Act** which came into effect on 1 August, 1987. Together with the associated Regulations, the Act was a substantial "update" of the **1973 Motor Car Traders Act**.

The most important change affecting consumers' rights was the introduction of a three (3) day cooling off period for purchasers of used motor vehicles. These provisions commenced on 1 October 1987.

3 DAY COOLING OFF...



Cartoon by  
Ron Tandberg

TANDBERG

Other improvements were the inclusion of air conditioners under the Government Statutory Warranty, the authority of the Small Claims Tribunal to deal with the rescission of contracts up to \$20,000, the requirement of a Licensed Motor Car Trader to sell a vehicle with a clear title and re-writing/design of the standard Used Car Contract.

### **HOUSE CONTRACTS GUARANTEE ACT**

The major provisions of the **House Contracts Guarantee Act**, (which replaces Division 1.A. of Part XLIX of the **Local Government Act 1958**) came into effect on 1 May 1988.

The main features of this legislation are that it provides:

- a guarantee of up to \$40,000 on all new dwelling houses built in Victoria whether built by an approved builder or whether owner built;
- for the streamlining of the procedures for the sale of owner built houses and removes the necessity of gaining an exemption from the Minister if sold within three years of a certificate of occupancy being given;
- a guarantee of up to \$40,000 on improvements to dwelling houses performed by approved builders where the contract is for a sum of more than \$3,000. (There are some exceptions where work of a single trade is being performed, e.g. painting);
- for the Housing Guarantee Fund Limited to be the sole approved guarantor but institutes more control on its operations including an internal appeal mechanism to review decisions and the provision of appeals to the Administrative Appeals Tribunal.

A long and complex implementation period has taken place during which officers of the Ministry and the Housing Guarantee Fund Ltd. have spent considerable time and resources establishing procedures for the implementation of the Act. This has included educating and assisting approved builders, renovators, owner builders and the general public to understand the requirements of the new Act. After an initial settling in period it is anticipated all those affected by the Act will be able to appreciate the benefits conferred by the new legislation.

### **CONSUMER CREDIT**

Of great significance in the last year is the work done by the Ministry of Consumer Affairs in regulating the credit industry. The Ministry provides advice as to the operation of the existing credit legislation, considers applications for exemptions from the legislation, considers whether documentation of credit providers complies with the **Credit Act 1984**, considers proposals for reform of the legislation, takes "class" actions in the name of the Director of Consumer Affairs to protect the interests of consumers and is involved in other litigation to uphold the credit legislation, including the decisions of the Credit Licensing Authority and the Credit Tribunal.



Legal advice in respect of the jurisdiction of the **Credit Act 1984** and the operation of specific provisions of the legislation is provided to consumers and the credit industry. It is regarded as an important element of administering the legislation that the Ministry continues to assist consumers and industry to understand their rights and obligations.



Cartoon by  
Ron Tandberg

Applications for Exemptions from the **Credit Act 1984** or from specific provisions of the **Credit Act 1984** are considered. Exemption applications are currently co-ordinated in the Ministry on behalf of all States administering the Credit Legislation.

The Credit Licensing Authority often makes the grant of the licence conditional upon the credit documentation of the credit provider being submitted to the Director of Consumer Affairs for examination. Documents submitted to the Director of Consumer Affairs are considered to ensure that they comply with the **Credit Act 1984**. Where the documentation does not comply the credit provider is advised to amend the documentation.

UNIFORM  
PROVISIONS

Since the commencement of the **Credit Act 1984** the Ministry has been involved in the evaluation of the legislation and consideration of means by which it could be improved. This has occurred through participation in:

- (1) a Credit Reference Group;
- (2) the Working Party reporting to the Standing Committee of Consumer Affairs Ministers (SCOCAM);
- (3) the Federal Treasury Working Party on Consumer Financial Services;
- (4) ongoing consultations with the credit industry, consumer groups, lawyers and academics.

PLAIN ENGLISH

The Ministry is currently working with the Law Reform Commission of Victoria to redraft the credit legislation into Plain English. It is also involved in the development of the Victorian position on the credit issues which are to be discussed at the 1988 SCOCAM meeting. These issues are:

- (1) whether the format of the credit legislation should be detailed prescriptive legislative requirements or broad based principles supplemented by codes of conduct or guidelines;
- (2) whether the credit legislation should be limited to consumer lending or extended to business and home finance;
- (3) whether credit providers should be able to vary interest rates on loans during a contract and if so what restrictions should apply;
- (4) whether the credit legislation should allow administration charges to be charged separately from the interest rate; and,
- (5) whether credit providers should have to be licensed through a positive licensing process;

REPRESENTATIVE  
ACTIONS

The Director of Consumer Affairs has power under the **Credit (Administration) Act 1984**:

- (a) to appear on behalf of specific consumers or on behalf of consumers generally in proceedings before the Credit Tribunal.
- (b) to object to the grant to or holding of a credit providers licence by a credit provider at a hearing before the Credit Licensing Authority.

In the past year the Director of Consumer Affairs has been involved in cases which were in effect representative actions.

## CASE STUDY

### Encyclopedia Britannica

All credit providers whose credit comes within the jurisdiction of the Credit Act 1984 (and which are not specifically exempted from the requirement of a licence) must be licensed by the Credit Licensing Authority. Encyclopedia Britannica provided credit in Victoria between 1 June 1985 and 16 May 1986 without holding a credit provider's licence. The penalty for unlicensed trading under the Credit Act 1984 is loss of the amount financed and credit charges under the credit contract. A credit provider who has provided regulated credit without being the holder of a credit provider's licence can apply to the Credit Tribunal for reinstatement of the amount financed and credit charges. On such an application the Credit Tribunal must determine whether or not the conduct of the credit provider can be excused.

At the hearing before the Credit Tribunal the Director of Consumer Affairs represented 488 Encyclopedia Britannica consumers. The consumers were represented as a class rather than as individuals. The Senior Referee of the Credit Tribunal determined that the liability of the relevant Encyclopedia Britannica consumers was dependent on the date on which the credit contract was entered into. Encyclopedia Britannica's period of unlicensed trading was divided into 3 periods reflecting the culpability of Encyclopedia Britannica. The Senior Referee ordered that Encyclopedia Britannica was not entitled to any credit charges during its unlicensed trading and:

- (a) in respect of the period 1 June 1985 to 21 March 1986 Encyclopedia Britannica was entitled to recover 95% of the amount financed under the contract.
- (b) in respect of the period 22 March 1986 to 6 May 1986 Encyclopedia Britannica was entitled to recover between 92% and 2% of the amount financed in accordance with a formula which was dependent on the date the contract was entered into.
- (c) in respect of the period 7 May 1986 to 16 May 1986 Encyclopedia Britannica was not entitled to recover any of the amount financed.

Encyclopedia Britannica appealed to the Full Court of the Supreme Court of Victoria. The Director of Consumer Affairs represented the interests of consumers at the hearing. The Supreme Court generally upheld the decision of the Credit Tribunal with the exception that it changed Encyclopedia Britannica's entitlement to the amount financed in the first period from 95% to 100%. Encyclopedia Britannica has refunded or credited its consumers accounts in accordance with the determination of the Credit Tribunals as amended by the Supreme Court.

## CASE STUDY

### Anderson v HFC Financial Services Ltd

Mr. Anderson wanted to pay out his contract with HFC early and requested a statement of the net balance due on his contract with HFC from the Credit Tribunal. The calculation of the net balance due was dependent on the interpretation of Schedule 1 of the Credit Act 1984. HFC Financial Services Ltd. contended that Schedule 1 of the Credit Act 1984 produced essentially the same result as an approximation formula known as the "Rule of 78". Mr. Anderson's representatives were of the view that the two formulae produced different results. The interpretation of Schedule 1 of the Credit Act 1984 was referred as a case stated for the opinion of the

Full Court of the Supreme Court. The Director of Consumer Affairs applied to be made a party to the proceedings and represented the interests of consumers generally. He was concerned by the fact that a number of credit providers were using the "Rule of 78" in place of the Schedule 1 method to the detriment of consumers and thus were overcharging consumers who paid out their contracts early. It was argued on behalf of the Director of Consumer Affairs that the Schedule 1 method and the Rule of 78 method of calculating accrued interest did not produce the same result. This view was upheld by the Supreme Court.

As a result of the decision of the Supreme Court in *Anderson v HFC Financial Services* it is now clear that any credit provider who has used the "Rule of 78" method in place of the Schedule 1 method for calculating accrued interest has overcharged consumers. It has been estimated that the total amount consumers were overcharged throughout Australia is in the vicinity of 25 million dollars. The Ministry of Consumer Affairs has had consultations with the credit industry as to the means by which overcharged monies should be refunded. The identification of contracts affected by the decision, the location of consumers concerned and notification and refund process is administratively a mammoth task. The refund process is being monitored by the Ministry of Consumer Affairs. By the end of May 1988 approximately \$1.7 million had been refunded to Victorian consumers.

## **CASE STUDY**

### Patersons

In 1987 Patersons Credit Pty. Ltd. ("Patersons") the credit company which provided credit to the customers of Patersons furniture stores applied to the Credit Licensing Authority for a credit provider's licence. Its application for a licence was refused as the Credit Licensing Authority was not satisfied that:

- (1) Patersons' staff were sufficiently trained or experienced to be able to fulfil the duties required by law of the holder of a credit provider's licence;
- (2) Patersons would perform the duties of a holder of a credit provider's licence efficiently, honestly and fairly; and,
- (3) The person who exercised control over the management of Patersons was of good fame or character or would exercise that control efficiently, honestly and fairly.

Patersons appealed the Credit Licensing Authority's decision to refuse it a licence, to the Supreme Court. The Ministry of Consumer Affairs originally opposed Patersons' appeal in the interests of Patersons' consumers generally and in doing so interviewed numerous consumers about their experiences with Patersons as a credit provider.

After Patersons satisfied the Ministry that there had been major changes to its administration, staff training and credit practices and that Patersons was essentially a company of a different character than that which had been refused a licence by the Credit Licensing Authority the Ministry of Consumer Affairs withdrew its objection to the grant of a credit provider's licence to Patersons.

## **ELECTRONIC FUND TRANSFER SYSTEMS**

Since September 1986 financial institutions who issue debit cards and debit/credit cards for use in Automatic teller machines have been governed by guidelines known as the "Recommended Procedures to Govern the Relationship between the Users and Providers of Electronic Funds Transfer (EFT) systems".

Officers of the Ministry continue to participate in the Working Party that drew up the Recommended Procedures. Since the guidelines came into force the working party has:

- (1) consulted with financial institutions in respect of the re-drafting of their EFT terms and conditions to ensure that they comply with the Recommended Procedures;
- (2) monitored the effectiveness of the Recommended Procedures.

On receipt of an EFT complaint from a consumer the Ministry attempts to resolve the complaint directly with the financial institution involved in accordance with the Recommended Procedures. All EFT complaints are recorded and details provided to the secretariat of the Commonwealth Working Party. Case studies based on consumer complaints have been prepared by the Ministry in an endeavour to identify areas of difficulty with the Recommended Procedures.

The attitude of some financial institutions to resolving EFT complaints leaves much to be desired. The following pattern seems to characterize the situation in all too many instances:

- (1) An initial denial that the withdrawal can be unauthorized on the basis of an infallible belief that the system will never debit an account without the use of both card and PIN.

### **CASE STUDY;**

Ms.P.

Withdrawals totalling \$1,100 were made from P's EFT account without her authorization. P swore a statutory declaration that she did not make the withdrawals in dispute. P advised the Ministry that the EFT card was in her possession at the time of the withdrawals.

She alleged that no one had access to her card or PIN number and that she could verify her whereabouts and the whereabouts of members of her household at the time of the withdrawals. P had lost her EFT card a few months previously and it had been replaced by the EFT card in question. R.E.S.I. Statewide refused to re-credit P's account on the basis that as the PIN number must have been used to make the disputed withdrawals P's PIN number must have been available to the person who made the withdrawals.

- (2) Lengthy delays in handling disputes which inevitably frustrate consumers and contribute to some consumers no longer pursuing the claim.

- (3) In a smaller number of cases, denial of liability on the basis that friends or family may have taken the card and PIN without the consumer's knowledge. This can cause some consumers to drop their complaint for fear of causing embarrassment or harassment to family and friends.
- (4) In a minority of cases, the threat of criminal proceedings if the consumer continues with allegedly false allegations of unauthorized transactions.

### CASE STUDY

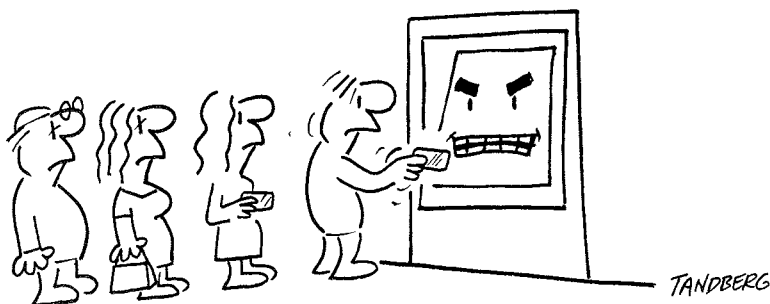
Ms.C.

C's EFT card was kept in a handbag which was stolen. The theft was reported to the police. It was not reported to the V.T.U. Credit Union as C considered that her account was safe as her handbag did not contain a record of her PIN number. The balance of C's account on the date of the theft was around \$90. There was no agreement as to the provision of an overdraft facility. A total of \$2,200 was withdrawn from C's account after the theft. C's salary was directly credited to her account. The financial institution appropriated the whole of C's salary as it came into her account and pressured her into taking out a loan to pay off the unauthorized withdrawals. C was charged with obtaining a financial advantage by deception in relation to the withdrawals.

The case against her was dismissed by the Magistrates Court. Notwithstanding that the criminal charges against C had been dismissed V.T.U. Credit Union still refused to comply with the Recommended Procedures and re-credit C's account. The financial institution denied liability for the withdrawals on the basis that C's failure to advise it of the theft of the card was a breach of the terms and conditions of the card. This dispute is still continuing.

The Ministry is extremely concerned by the fact that some financial institutions are not complying with the Recommended Procedures and has advised the Commonwealth Working Party of its concerns.

Cartoon by  
Ron Tandberg



## CASE STUDY

Ms. J.

J's Wallet containing EFT card was lost when J was in an accident over a weekend. The loss of the card was reported to Premier Credit Union on the Monday following the weekend. J was not aware that the financial institution operated a 24 hour hotline. The balance of J's account prior to the loss of the EFT card was around \$20. J had not made an agreement with the financial institution in respect of the provision of an overdraft facility. Approximately \$300 was withdrawn from J's account after J's card was lost. J's salary was directly credited to her EFT account in the week following the unauthorized withdrawal.

The financial institution appropriated J's salary to cover the \$300 withdrawal and persuaded her to take out an overdraft to cover her living expenses. The financial institution initially refused to comply with their obligations under the Recommended Procedures but ultimately re-credited J's account.

Another area of concern is the unavailability of terms and conditions of Automatic Teller Machines.

On 30 May 1988 an officer of the Ministry of Consumer Affairs attended the premises of 11 financial institutions in the Melbourne Central Business District seeking a copy of the terms and conditions of the electronic funds transfer system facility operated by the financial institution. The fact that the officer was a member of the staff of the Ministry of Consumer Affairs was not disclosed to any of the institutions.

A copy of the relevant terms and conditions was obtained over the counter from only 5 financial institutions. The officer was advised by 3 financial institutions that the terms and conditions were out of stock. Only 1 of the 3 institutions offered, and in fact did send a copy of the terms and conditions to the officer through the post.

The responses of the staff of the remaining financial institutions, Westpac, ANZ and the Bendigo Building Society are worthy of note. The officer of the Ministry attended 3 Westpac branches. All 3 branches refused to provide a copy of the relevant EFT terms and conditions stating that such conditions were only available on the issue of an EFT card. When Westpac's staff were advised that the officer wished to see the terms and conditions of Westpac's EFT card prior to being bound by such terms and conditions the officer was advised that Westpac's policy was not to provide such terms and conditions prior to signing a consumer up for a Westpac EFT card.

Two ANZ branches were attended. The staff at both branches advised that there were no terms and conditions for the ANZ transaction card.

The Ministry officer attended one branch of the Bendigo Building Society and was advised by staff that there were no terms and conditions for the cashcard facility.

The officer found the staff of a number of the financial institutions to be either unhelpful or discouraging. Even where terms and conditions were finally obtained this was often after a wait at the counter of at least 10 minutes or required attendance at a number of different branches of the financial institution before the terms and conditions were obtained. The officer was advised on a couple of occasions that the terms and conditions were standard and not worth worrying about.

### **CASE STUDY**

Mr. B.

Mr. B. lost his State Bank EFT card in March 1987. The loss was reported as soon as it was discovered. It was not discovered until April 1987. A total of \$1,770 was withdrawn from B's account without his authorization. The credit limit on B's account was \$1,500. At the time of the disputed withdrawals the amount owed on his account was \$900. B had carried his PIN number with his EFT card as he was not fluent in English and didn't understand the terms and conditions of the EFT card. State Bank demanded \$2,830.55 from B. On the basis of the Recommended Procedures B was liable for \$1,500 as by keeping his PIN number with his card he had contributed to the loss. B paid the bank \$1,500. The State Bank refused to limit B's liability to \$1,500. B applied to the Small Claims Tribunal. His application was withdrawn as B could not afford to pay the disputed amount into the Tribunal trust fund. This dispute is still continuing.



## TRADE MEASUREMENT

A Working Party which was formed in 1985 by the Federal, State and Territory Governments to develop uniform national Trade Measurement legislation has nearly completed its charter.

The Ministry has seen this as an opportune time to review the State's unique system of weights and measures administration where both state and local government have specified responsibilities. A discussion paper reviewing the current administrative structure and presenting options for change is currently being finalized.



## PROGRAM REVIEWS

### RESIDENTIAL TENANCIES REVIEW

The current **Residential Tenancies Act** came into effect in November 1981 and is administered by the Ministry. In operation for over seven years, the programs implemented by Ministry of Consumer Affairs under the provision of the Act were due for review and evaluation. The Minister established an external steering committee chaired by Mr John Harrowfield M.P. to achieve the following objectives:-

- streamlined service delivery
- an effective Tribunal Service
- knowledge and awareness in the community of protection under the Act.
- co-ordination of research and policy development with the Ministry of Housing and Construction
- effective use of the Residential Tenancies Fund



The following organisations were represented on the Steering Committee:-

- Ministry of Consumer Affairs
- Ministry of Housing and Construction
- Real Estate Institute of Victoria
- Shelter Victoria
- Tenants Union of Victoria

An internal staff team was appointed to service the steering committee, through research and preparation of discussion papers.

The review has involved a comprehensive process of public consultation. Submissions were invited from interested groups and individuals from country and metropolitan regions. This process culminated in a series of public meetings and the wide circulation of a comprehensive discussion paper.

It is anticipated that a final report will be produced in December, 1988 and that the recommendations made will be based largely on issues raised in the consultation process.

**FINANCIAL  
COUNSELLING  
PROGRAM AND  
COMMUNITY  
CREDIT PROGRAM  
REVIEW**

The Community Credit Program was established under the Victorian Government's Anti-Poverty Strategy. Aspects of the Anti-Poverty Program are also conducted by Community Services Victoria.

An inter-departmental committee was established in April, 1988 to investigate means of better co-ordination of these programs with a view to providing more comprehensive and integrated services in each region.

The following organisations were represented in the inter departmental committee:-

- Ministry of Consumer Affairs
- Community Services Victoria
- Department of Premier and Cabinet
- Legal Aid Commission
- Financial Counsellors Association of Victoria
- Consumer Credit Legal Service
- Brunswick - Coburg Financial Counselling Service

A consultant to the committee was appointed and under the committee's direction produced a report on the socio-economic environment in which the program operates, the level of community need and models for improved services.

The report, together with recommendations covering aspects of both programs, has been transmitted to the Minister for Consumer Affairs and the Minister for Community Services Victoria.

## CONSUMER AWARENESS CAMPAIGNS

A review of public information campaigns by the Ministry and research undertaken by the Trade Practices Commission has shown that information aimed at 'consumers' in general has tended only to reach sophisticated consumers with the skills and motivation to understand and make use of it.



Cartoon by  
Ron Tandberg

The Victorian Government's Social Justice Strategy provides a broad policy framework for the work of the Ministry's Education Function. Consequently, information programs and campaigns which target disadvantaged groups have been developed.

Initially, young people and people from non-English speaking backgrounds have been given priority.

### YOUNG PEOPLE AND CREDIT

An education campaign to warn young people of credit over-commitment and encourage a responsible attitude to credit use has been launched.

The campaign uses young people's information networks to convey the message. Popular TV and radio celebrities well known to young people are hosting activities. The main focus of the campaign is a plastic credit card which warns young people of the pitfalls of credit over-use and displays a phone number at Consumer Affairs to ring for advice. The card is currently being widely distributed to schools and financial counsellors and we will soon be able to gauge the response.

*Con Morasco and Slim Whittle at the launch of the Youth & Credit Campaign*



To generate community debate on the issue, a series of Gong Shows and school debates on credit have been organised. The campaign will be ongoing with the development of curriculum materials.

#### **PUBLICATIONS REVIEW**

All Ministry of Consumer Affairs pamphlets and brochures are currently being reviewed to determine whether they address key consumer issues, and for presentation, marketing, and accuracy. Community groups and consumers will be involved in the process of developing and updating materials. When the results of the review are known there will be a complete revamp of the majority of the publications MCA provides.

The Education Branch is currently upgrading its information and resourcing role. Packaging of material for use by Ministry funded community groups, regional services and other community organizations will be available along with videos depicting key programs/activities of the Ministry.

#### **MIGRANT AWARENESS PROGRAM**

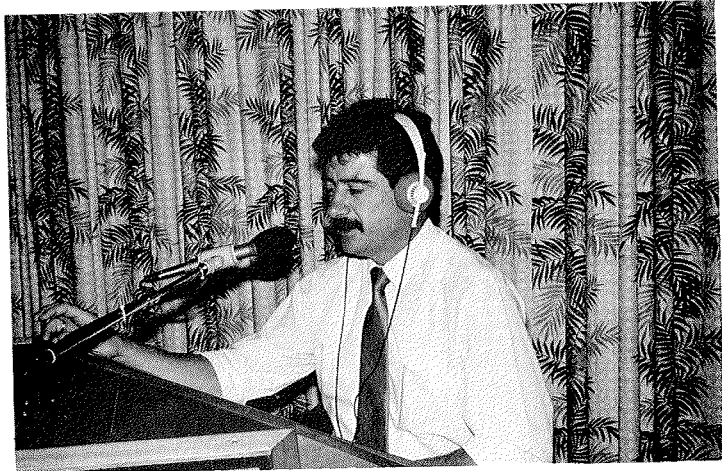
The Education/Media Branch has implemented a Migrant Awareness Program and an officer is to be appointed to deal specifically with ethnic consumer education.

The program entails:

- Regular coverage in ethnic newspapers, radio and TV of consumer, credit and Residential Tenancies issues.
- Development of a video on credit in ten languages for wide community distribution.
- A series of ethnic radio programs on Residential Tenancies.
- Training of ethnic community workers on consumer credit and Residential Tenancies.
- Credit Awareness Campaign.

Community Consultation and Awareness highlights included:

- **Development of media** campaigns resulting in dramatically improved coverage of material intended to warn or educate consumers. As a result, various branches of the media are now actively seeking information and assistance from the Ministry about its activities and a number of regular commitments on radio, in particular, are being undertaken.



*A Ministry Officer recording a segment at 3EA.*

- **Rural Credit Seminar.** These seminars involved Rural Counsellors, Department of Agriculture and Rural Affairs economists and financial counsellors in a training program with specialist MCA staff. Discussions were held with Australian Bankers Association, Australian Finance Conference, Law Institute of Victoria, Australian Society of Accountants, Rural Finance Commission and other organisations.

- **The Industry Liaison Group** was convened and resourced by the Ministry. This forum provided a valuable interchange of viewpoints between industry representatives and the Ministry.



*Industrial  
Liaison Group*

## BANNED PRODUCTS

Since the introduction of the banning provisions under the Consumer Affairs Act a total of 30 consumer products have been banned from sale. During the year the Minister signed orders for three (3) interim bans and two (2) permanent bans.

Product	Reason for Banning	Interim Ban Date	Permanent Ban Date
Cresta Model Fluophone	Telephone with fluorescent tube which is illuminated by 240 mains voltage. Possibility of electrocution.	16/9/87 14/10/87	
Toyline 4x4 Renegade Jeep	Moulded plastic ride-on toy for children aged 18 months to 4 years. Has been shown to fracture on frontal impact	20/1/88	17/2/88
Balloon Blowing Kits, e.g. ABC Blowing Balloon	Novelties for blowing balloon like shapes from a substance containing benzene a known carcinogen which is highly flammable and toxic		25/5/88

In total, 263 products were examined for compliance with safety standards.



## PUBLIC ACCESS AND ENQUIRIES

The Ministry's action to improve its public enquiry telephone system has resulted in a spectacular increase in the number of calls handled and at the same time an equally impressive reduction in the amount of time callers have been required to wait.

The number of calls handled has increased by 45% between 1985/86 and 1987/88 while the average waiting time has been reduced by 79% over that period.

	1985/86	1986/87	1987/88
Telephone Calls Handled	95,342	103,296	137,793
Written Enquiries	299	754	660
Counter Enquiries	10,625	12,173	13,206
Complaints Received	10,747	8,937	8,559
Complaints Finalized	10,139	8,777	7,891

*DETAILS OF TELEPHONE  
ENQUIRIES*

Action is being taken to ensure that in the next year the Ministry's ability to respond to public enquiry will be even further improved.

## PROSECUTIONS AND ENFORCEMENTS

In 1987/88 forty-one different individuals and companies were found guilty of breaches of Consumer Acts, the second highest number ever.

Because of the higher penalty structures built into the newer legislation, in particular the Fair Trading Act 1985, the average fines imposed per defendant for breaches of the Consumer Acts rose from \$614.00 in 1986/87 to \$3,574.00 in 1987/88.

Some of the most notable prosecutions were:

Cloverleaf Services (Aust) Pty. Ltd. was convicted and fined \$10,000 in the Geelong Magistrates Court on 30 November, 1987, for making false and misleading representations to consumers as to the need for roof restoration works. The Company was convicted on six charges of making false representations to consumers that the roof rejuvenation service it offered, had benefits which it did not have. In addition the Company was convicted on six charges relating to false statements as to the need for such services and convicted of one charge of making a misleading statement in its advertising. In summing up the Magistrate stated that the **Fair Trading Act** was intended to prevent unfair and undesirable commercial practices and that the Company had breached the Act by making a number of exaggerated claims. The Court was told that Cloverleaf Services (Aust) Pty. Ltd. had approached consumers at their homes and advised them that unless they had the old concrete tiles on their roof rejuvenated, which included a painting process, the tiles would absorb water during wet weather to such a degree that the consequential weight increase in the tile would cause structural damage to the roof. The Ministry of Consumer Affairs provided expert evidence to the effect that old concrete roof tiles do not absorb water to this extent, and that structural damage would not be caused. The expert evidence provided by the C.S.I.R.O. was to the effect that painting of concrete roof tiles is of cosmetic value only.

In addition 27 claims were lodged against this Company in the Small Claims Tribunal in 1987/88.

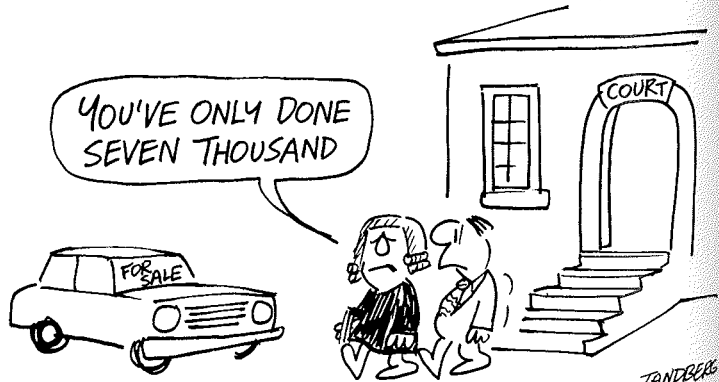
Q. Promotions Pty. Ltd. a company involved in marketing house cladding materials was convicted and fined a total of \$4,200 in the Oakleigh Magistrates Court in September 1987 and the Preston Magistrates Court on 17 September, 1987, for publishing a false and misleading advertising portfolio in respect of cladding material. Mr. L.M. Tierney a person associated with the Company who supplied and fixed the cladding materials was also fined \$4,200 at those hearings for related offences.

The 1987 Annual Report referred to continuing investigations into the sales of a bogus food guide. Those investigations led to the company, Restaurant World Pty Ltd facing charges in the Oakleigh Court on the 12 February, 1988. The Company was convicted and fined \$5,000 on each of two charges relating to statements made concerning the benefits which were available to consumers who purchased a connoisseur card which was accompanied by a restaurant and accommodation directory known as the Pacific Good Food and Accommodation Guide. Two consumers gave evidence that they were told that substantial discounts were available at all restaurants listed in the directory. Officers of the Ministry gave evidence that the discounts were available only at a very small minority of the restaurants listed in the directory. The Company's sales representative was also convicted and fined \$1,000 on one charge under the **Fair Trading Act** arising out of these circumstances.

A motor car trader, Stevo Vulinovich, trading as the Melbourne Car Centre at Frankston was convicted and fined \$20,700 in the Sandringham Magistrates Court on the 18 August, 1987, on a number of charges including tampering with the odometers of two motor vehicles sold to two separate consumers. On appeal to the County Court in June 1988 these convictions were confirmed but the fines were reduced to \$5,700. A salesman employed at the Melbourne Car Centre, Mark Morgan was convicted and fined \$26,500 in the Sandringham Magistrates Court on the same charges. These convictions were confirmed but the fines were reduced to \$7,000 on appeal in the County Court in June 1988.

Mr. Vulinovich subsequently appeared before the Motor Car Traders Licensing Authority which cancelled his motor car trader's licence.

Jay Jacq Pty. Ltd. was convicted and fined in the Melbourne Magistrates Court on 6 May, 1988, for making a false representation concerning the odometer reading of a motor vehicle. The Company was fined \$1,500 for that offence. An additional penalty of \$50 was imposed on the Company for failure to make an entry in its Purchases book. A similar offence was proved against a director of the



Cartoon by  
Ron Tandberg

company, Owen Michael Anderson. Costs of \$400 were also awarded against the defendants. On 4 May 1988 the Supreme Court upheld the Motor Car Traders Licencing Authority's decision to revoke the company's licence. Michael Knight, Patrick Gerard Liddell, Andrew Nischler, Vincent Paul Vella and Arnold Watson were each convicted and fined in various Courts for carrying on the business of dealing in motor cars without being licensed to do so. Each of these persons except Andrew Nischler received relatively low fines in accordance with the penalty provisions of the **Motor Car Traders Act 1973**. Andrew Nischler however was convicted and fined \$2,250 at the Oakleigh Magistrates Court on the 5 May, 1988, reflecting the higher penalty scale now applicable under the **Motor Car Traders Act 1986**.

Mr. Nischler subsequently applied for a Motor Car Traders Licence but this application was refused by the Motor Car Traders Licensing Authority.

Norman George Mackintosh, trading as International Sales Audit, was convicted and fined \$250 in the Oakleigh Magistrates Court on 27 April, 1988, for making misleading statements concerning the profitability of a business activity that could be carried on at a person's place of residence. Those particular charges arose out of a chain letter scheme.

In unrelated incidents six individuals were found guilty of a total of 19 various offences arising out of breaches of the Residential Tenancies Act during 1987/88.

Numerous individuals, Companies and Associations were given warnings during the year, the most significant of which was the Time Share Holiday Resort Industry. Promoters involved in the Industry were using free entry raffles to generate lists of names of possible clients who may be interested in purchasing units in a Time Share Resort. Many complaints were received that this form of advertising was misleading. That situation is currently being monitored by the Ministry in consultation with the Raffles and Bingo Permits Board.

Supermarket scanning machines were also the subject of a number of complaints during 1987/88. Most of the complaints referred to one off situations. In response to those complaints the Ministry has issued written warnings to the supermarkets concerned. The Ministry is also co-operating with the Office of Prices with a view to correcting deficiencies in this area of the market place.

Numerous other complaints were received in respect of false and misleading advertising of one form or another. In most instances the companies or businesses were asked to explain and written warnings were issued.

Steves Liquidation Sales a business conducted by Mrs. Jennifer Ann Caulton, gave the Ministry written undertakings that she would have sufficient stock on hand to satisfy reasonable demand by consumers, before distributing advertising literature for her business. She also agreed to include the name and address of the business on

any advertising literature, so that goods may be returned and a refund obtained, if the goods were not of marketable quality.

Market  
Court

The 1986/87 Annual Report referred to a further Deed of Assurance (a Deed of Assurance is an undertaking entered into by the trader with Ministry of Consumer Affairs to stop unfair or undesirable trading practices), having been drafted to restrain the activities of a household appliance repair service business. That Deed of Assurance under the Market Court Act was entered into by Jacob Moszkowicz and Unit Washing Machine Service Pty. Ltd. on the 5 October, 1987. The terms of the Deed included conditions to the effect that, the trader would amend its advertising material, so that consumers were not misled as to the price of service calls, labour or any other service provided. The trader would give a fair and reasonable quote and ensure that the work is carried out for the agreed price unless a written authorisation is obtained to vary that price. The trader will obtain written approval from the consumer before machines or electrical appliances are removed from the premises of the consumer. The trader will also return goods or parts removed by the trader to the consumer within fourteen days of a request by the consumer.

On 24 December, 1987, Peter Hawryluc trading as Everlasting Impressions of 225 High Street, Northcote entered into a Deed of Assurance with the Director of Consumer Affairs. Mr. Hawryluc was conducting a business of taking photographs and video tapes during the course of weddings. Mr. Hawryluc agreed to conduct his future business activities so that he could ensure that he was able to fulfil all his contractual obligations, that the goods produced would be of marketable quality, that his advertising material would not mislead consumers, that he would deliver within a reasonable time a complete set of all photographs as agreed between himself and consumers. Shortly after Mr. Hawryluc signed the Deed, the Ministry of Consumer Affairs was advised that he had closed his business down. Mr. Hawryluc has not been heard of by the Ministry of Consumer Affairs since that date.

During 1987 an organization trading under the name of the Victorian Children's Road Safety Games came to the attention of the Ministry of Consumer Affairs. The trading name is owned by a company named Dumbarton Pty. Ltd. of High Street, Prahran. Dumbarton Pty. Ltd. was distributing board games to various schools throughout Victoria. The Victorian Education Department submitted a report to the Ministry of Consumer Affairs in which it was stated that in the opinion of the Ministry of Education the games distributed by the business known as the Victorian Children's Road Safety Games were "not suitable for upper primary school students and have little educational merit". On the 16 June, 1988, Dumbarton Pty. Ltd. entered into a Deed of Assurance with the Director of Consumer Affairs in which it gave undertakings, not to distribute educational games on any topic, to Victorian schools, which were not suitable for all children of the age which would reasonably

be expected to attend that particular school. The Company would only leave suitable games with the principal, the vice principal or at the office of the principal, and in all cases would obtain a written receipt from the school for the games. The trader would refrain from making oral or written representations to any person suggesting that the trader was soliciting donations or sponsorship for children's schools or government authorities or children's safety programs.

The 1987 Annual Report referred at length to Get Rich Quick Schemes and chain letters. As stated earlier Norman George Mackintosh was convicted in the Oakleigh Magistrates Court from conduct arising out of such a scheme. That prosecution together with the co-operation of the Victorian Police Department, using their power under the Lotteries, Gaming and Betting Act and with the co-operation given by the Trade Practices Commission has had a significant effect on reducing the magnitude of the problem.

#### Itinerant Traders

A taskforce of Consumer Affairs Inspectors and two Victoria Police Detectives was set up to investigate complaints about itinerant workers operating door-to-door offering services including painting, paving, roof repairs and general house repairs. They took substantial sums of money from consumers for work that was sub-standard and/or incomplete. The victims were almost invariably pensioners.

These traders had been causing problems over many years and the Ministry in conjunction with the police was very keen to identify and prosecute these unqualified, incompetent and unscrupulous traders.

The task force which operated for a period of two months was an outstanding success. 21 people were identified as being involved in this activity and the prosecution of offenders was undertaken by both the Ministry and the Victoria Police.

The Ministry records its appreciation of the Victoria Police for help and co-operation in making this project so successful and for assistance in many other matters.

#### Case Study

One such person, operating alone, whose receipt book was examined, had grossed \$7,000 for the month of July with the cost of materials estimated at \$500 or less. The transactions recorded ranged from \$700 - \$1,500. Victims however frequently allege payments of \$2,000 to \$10,000 leading to the suspicion that a large part of the offender's incomes is never recorded.

Despite the success of the operation in locating and prosecuting offenders it is believed that there are between 80 - 100 families moving around Australia involved in this activity.

Each transaction in which they are involved typically gives rise to at least 3 offences under the door-to-door sales provisions of the **Consumer Affairs Act** and somewhat less frequently to offences under the **Crimes Act** and the **Fair Trading Act**.

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**POSTSCRIPT**

Since the period of this report, there have been major developments in the areas of consumer credit legislation and the protections for consumer financial transactions.

Of especial significance has been the adoption by the Standing Committee of Consumer Affairs Ministers of uniform principles for revised credit legislation. As a consequence, the Victorian Law Reform Commission is working with Ministry officers to prepare such legislation in plain English format.

Additionally, Victoria is convening discussions with financial institutions on matters such as the imposition of charges, separate from the loan contract, and safeguards against abuse of variable interest rate provisions and improved protections for consumers in the use of electronic funds transfer systems, in accordance with SCOCAM decisions.

# APPENDICES



## APPENDIX 1

### REGULATIONS MADE, AMENDED OR REVOKED - 1987/88.

Chattel Securities Regulations 1987

Consumer Affairs (Children's Nightclothes) Regulations 1988

Consumer Affairs (Product Safety) (Children's Toys) Regulations 1987.

Credit (Amendment) (No.2) Regulations 1987

Motor Car Traders Regulations 1987

Credit (Administration) (Licensing Fees Amendment) Regulations 1988

Credit (Administration) (Proceedings of Authority) Regulations 1988

Finance Brokers (Licensing and General) (Fees Amendment) Regulations 1988

House Contracts Guarantee Regulations 1988

Motor Car Traders (Fees Amendment) Regulations 1988

Travel Agents (Fees Amendment) Regulations 1988

Weights and Measures (Fees Amendment) Regulations 1988

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## APPENDIX 2

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

Roderic Armitage	Catherine Laffey
Raymond Bartlett	John Lesser
Marilyn Beebe	Michael Levine
Judy Bretherton	Justine Malban
Desmond Brooks	Peter McMullin
Glenn Carleton	Peter Molony
Jim Clements	David Murden
Neil Cole	Rosemary Musolino
Damien Cremean	John Myers
Bill Ford	Frank Plata
John Fulton	Bruce Reville
Jeanne Gorman	Christine Roberts
David Hall	Margaret Roberts
Mary Hansen	Mary Slade
Duncan Harris	Daniel Slattery
Graeme Harris	Janice Slattery
Paul Hassal	Jenny Steinicke
David Hasset	Robert Taylor
William Holloway	Maria Tarrant
Tim Holt	Peter Thomas
David Jones	Richard Viney
Jacquellyne Kefford	John Trevenan
Colin Kent	Jack Wajcman
Angela Kominos	Marilyn Warren

# APPENDIX 3

## PERSONS EMPLOYED AND RECRUITMENT TABLE

Persons employed as reported to the Department of Management and Budget in the June 1988 Return

	Males	Females	Total
Full time	116	111	227
Part time	20	15	35
<b>TOTAL</b>	<b>136</b>	<b>126</b>	<b>262</b>

### Recruitment

The following table indicates the categories in which recruitment occurred, and numbers of staff in each, for both public service and statutory personnel.

Category	Recruited	Departed	Male	Female	Total
Senior Executive Service	1	1	1	1	2
Administrative	14	16	78	34	112
Clerical	29	21	15	51	66
Keyboard	8	10	-	30	30
Professional	4	4	6	4	10
Inspectorial	-	3	17	-	17
Statutory Appointees (paid)	7	4	25	11	36
<b>Sub Total</b>	<b>63</b>	<b>59</b>	<b>142</b>	<b>131</b>	<b>273</b>
Statutory Appointees (unpaid)	6	3	16	5	21
<b>TOTAL</b>	<b>69</b>	<b>62</b>	<b>158</b>	<b>136</b>	<b>294</b>

# APPENDIX 4

## 4A SUMMARY OF RECEIPTS FOR THE YEAR ENDED 30 JUNE 1988

RECEIPTS	NOTES	CONSOLIDATED FUND		TRUST FUND		TOTAL	
		1987/88	1986/87	1987/88	1986/87	1987/88	1986/87
		\$	\$	\$	\$	\$	\$
Corporate Services Program		63,940	26,161	7,496,983	7,496,983	7,213,177	7,560,923
Community and Consumer Services Program (g)		1,595,840	1,757,145	856,526	856,526	821,495	2,452,366
NET PROGRAM RECEIPTS		1,659,780	1,783,306	8,353,509	8,353,509	8,034,672	10,013,289
Add Administration Costs recouped from Motor Car Traders Guaranteee Fund		9,595	87,587				
Total Consolidated Fund Receipts		1,669,375	1,870,893				
PUBLIC ACCOUNT ADVANCES							
TOTAL ALL RECEIPTS						10,013,289	9,817,978

**SUMMARY OF PAYMENTS FOR THE YEAR ENDED 30 JUNE 1988**

PAYMENTS	NOTES	APPROPRIATIONS - CONSOLIDATED FUND				TRUST FUND			TOTAL
		1987-88	1986-87	1987-88	1986-87	1987-88	1986-87	1987-88	
		Special	Annual	Total	Total	State Accounts	Common-wealth Accounts	Total	
		\$	\$	\$	\$	\$	\$	\$	\$
Corporate Services Program		-	2,370,948	2,370,948	2,299,149	329,866	-	329,866	2,700,814
Community and Consumer Services Program		-	5,494,965	5,494,965	5,190,399	4,158,376	-	4,158,376	9,653,341
<b>NET PROGRAM PAYMENTS</b>			7,865,913	7,865,913	7,489,548	4,488,242	-	4,488,242	12,354,155
Add Administration Costs recouped from Motor Car Traders Guarantee Fund			9,595	9,595	87,587				
Total Consolidated Fund Payments			7,875,508	7,875,508	7,577,135				
<b>PUBLIC ACCOUNT ADVANCES</b>									2,354,155
<b>TOTAL ALL PAYMENTS</b>									<b>10,375,987</b>

## APPENDIX 4B

### PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1988

Ref.	Notes	1987/88	1986/87
		\$	\$
<u>CORPORATE SERVICES PROGRAM</u>			
<u>CONSOLIDATED FUND</u>			
<u>Fees and Charges -</u>			
	Freedom of Information	989	801
	Miscellaneous Receipts		
	Interest on Bank Accounts	25,262	16,092
	Appropriations of former Years	27,566	4,140
	Commission on Group Assurance		
	Premiums	742	693
	Commission on Hospital and Medical		
	Deductions	413	221
	Costs awarded in court proceedings	8,693	4,191
	Small amounts paid in by Departments	275	23
	<b>TOTAL CONSOLIDATED FUND</b>	<b>63,940</b>	<b>26,161</b>
 <u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
	Residential Tenancies Fund	7,345,452	7,213,177
10.	Motor Car Traders Guarantee Fund	151,531	--
	<b>TOTAL TRUST FUND</b>	<b>7,496,983</b>	<b>7,213,177</b>
	<b>TOTAL GROSS PROGRAM RECEIPTS</b>	<b>7,560,923</b>	<b>7,239,338</b>

# APPENDIX 4B

## PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1988

Ref.	Notes	1987/88	1986/87
		\$	\$
<u>COMMUNITY &amp; CONSUMER SERVICES PROGRAM</u>			
<u>CONSOLIDATED FUND</u>			
Taxation -			
	Credit Providers Licences	553,591	555,291
	Finance Brokers Licences	207,735	182,029
1.	Travel Agents	374,960	532,250
Fees and Charges -			
Weights and Measures			
	- Inspection Fees	441,798	468,273
	- Recoups	879	6,881
	Small amounts paid in by departments	4,356	--
	Small Claims Tribunal Application Fees (h)	2,596	2,931
	Surplus cash	9,925	9,490
NET		1,595,840	1,757,145
	Add Administration Costs recouped from Motor Car Traders Guarantee Fund	9,595	87,587
<b>TOTAL CONSOLIDATED FUND</b>		<b>1,605,435</b>	<b>1,844,732</b>
<u>TRUST FUND</u>			
<u>STATE TRUST ACCOUNTS</u>			
	Residential Tenancies Fund	130,652	107,136
	Motor Car Traders Guarantee Fund	725,874	714,359
<b>TOTAL TRUST FUND</b>		<b>856,526</b>	<b>821,495</b>
<b>TOTAL GROSS PROGRAM RECEIPTS</b>		<b>2,461,961</b>	<b>2,666,227</b>

## APPENDIX 4C

### PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1988

Ref.	Notes	Budget 1987/88	Actual 1987/88	Actual 1986/87
		\$	\$	\$
CORPORATE SERVICES PROGRAM				
CONSOLIDATED FUND				
ANNUAL APPROPRIATIONS				
<u>Recurrent Expenditure</u>				
2.	Salaries and Associated Costs	(i) 1,809,000	1,874,770	1,787,765
3.	Operating Expenses	(j) 310,000	315,999	314,006
	Total Recurrent Expenditure	2,119,000	2,190,769	2,101,771
<u>Works and Services Expenditure</u>				
	Administrative Unit Payments EDP Facilities and Services Project	148,000	119,937	137,261
4.	Ministry of Housing & Construction	464,000	60,242	60,117
	Total Works & Services Expenditure	612,000	180,179	197,378
	<b>TOTAL GROSS CONSOLIDATED FUND</b>	<b>2,731,000</b>	<b>2,370,948</b>	<b>2,299,149</b>



# APPENDIX 4C

## PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1988

Ref	Notes	Actual 1987/88	Actual 1986/87
		\$	\$
<u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
		6,962	--
		322,904	406,408
		--	38,779
	(k)	--	38,779
		<b>329,866</b>	<b>445,187</b>
		<b>2,700,814</b>	<b>2,744,336</b>





## APPENDIX 4D

### ADDITIONAL TRUST FUND INFORMATION STATEMENT OF TRUST FUND BALANCES FOR THE YEAR ENDED 30 JUNE 1988

#### (a) General Trust Accounts

	Notes	Cash	Investments	Total
		\$	\$	\$
Motor Car Traders Guarantee Fund	(o)	51,335	1,390,000	1,441,335
Residential Tenancies Fund	(p)	197,192	16,620,000	16,817,192

#### (b) Suspense and Accounting Type Trust Accounts

Departmental Suspense Account		125,000	--	125,000
Housebuilders Liability		9,000	--	9,000

# APPENDIX 4D

## ADDITIONAL TRUST FUND INFORMATION STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS OF EXCESS OF \$200,000 FOR THE YEAR ENDED 30 JUNE 1988

### MOTOR CAR TRADERS GUARANTEE FUND

Ref.	Notes	1986-87	1985-86
		\$	\$
Receipts			
		709,916	692,464
	Licence Fees		
10.	Fines	4,690	8,028
	Section 80 Recoveries	11,268	13,867
11.	Interest on Investments	151,531	-
	Total Receipts	877,405	714,359
Payments			
12.	Salaries and Allowances	398,601	180,808
	General Expenses	109,498	105,783
	Committee Fees	53,316	63,452
13.	Claims against Guarantee Fund	362,941	115,558
	Total Payments	924,356	465,601
	Cash Surplus/(Deficit) for the Year	(46,951)	248,758
	Balance brought forward	1,488,286	1,239,528
	Balance carried forward	1,441,335	1,488,286

## APPENDIX 4D

### ADDITIONAL TRUST FUND INFORMATION STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS OF EXCESS OF \$200,000 FOR THE YEAR ENDED 30 JUNE 1988

#### RESIDENTIAL TENANCIES FUND

Ref.	Notes	1987/88	1986/87
		\$	\$
Receipts			
		5,516,378	5,889,088
		164,851	134,452
		51,689	43,492
		1,743,186	1,253,281
		7,476,104	7,320,313
Payments			
14.	Salaries and Allowances	1,872,840	1,595,190
15.	General Expenses	496,178	407,747
	Computerisation	72,889	75,700
16.	Residential Tenancies Grant Scheme	574,881	219,796
17.	Payments to Tenants and Landlords	73,343	39,052
18.	Bond and Relocation Scheme	467,870	--
		3,558,001	2,337,485
		3,918,103	4,982,828
		12,899,089	7,916,261
		16,817,192	12,899,089

## APPENDIX 4D

### SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30 JUNE 1988

#### SUPPLEMENTARY INFORMATION

Payments from Appropriations of other Departments

As at 30 June 1988, the Ministry had made nil payments from appropriations of other Departments.

#### Resources Received and Provided free of charge

As at 30 June 1988, the Ministry had provided no significant staff resources to other organisations.

As at 30 June 1988, the Ministry had received no significant staff resources from other organisations.

#### STATEMENT OF BALANCES

##### Cash and Investment Balances

As at 30 June 1988, the Ministry had the following cash and investment balances held in accounts outside the Public Account which are administered, held or transacted by the Ministry.

	Cash	Investments	Total	Interest Earned for the year
	\$	\$	\$	\$
Small Claims Tribunal				
Trust Account	36,635	--	36,635	1,429
Suspense Account	12,093	--	12,093	1,804
Advance Account	8,635	--	8,635	4,212
Collections Account	14,992	--	14,992	17,817

##### Debtors

As at 30 June 1988 the following amounts were outstanding

	1987/88	1986/87
	\$	\$
- <u>Debtors of the Ministry</u>		
Accounts Receivable - Weights & Measures	48,046	59,356
Miscellaneous	481	1,241
Salary Recovery	273	55
Recoups -Secondments to other Agencies	9,821	--
Total	58,621	60,652

## APPENDIX 4D

### SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30 JUNE 1988

#### Debtors (continued)

- Amounts collected but not paid to the Public Account	1987/88 \$	1986/87 \$
Weights and Measures	--	--
Total	--	--

#### General Stores on Hand

As at 30 June 1988, the Ministry had \$21,014 stores on hand.

#### Creditors

As at 30 June 1988, the Ministry had the following amounts outstanding:

	1987/88 \$	1986/87 \$
General Expenses	98,112	45,829
Personal Expenses Claims	6,374	2,018
Total	104,486	47,847

#### Capital Commitments

As at 30 June 1988, the Ministry had \$46,445 in Capital Commitments.

#### Leasing Commitments

As at 30 June 1988, the Ministry had nil Leasing Commitments.

#### Balance Outstanding on Loans

As at 30 June 1988, the outstanding loan balances on loans made by the Ministry.

	1987/88 \$	1986/87 \$
Loans under Residential Tenancies Act	467,870	



## APPENDIX 4E

### NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1988

- (a) The financial statements of the administrative unit have been prepared on the basis that the transactions of the Public Account are reported on a cash basis with the exception of payments for salaries and wages which are reported on an accrual basis.
- (b) The financial details provided in Appendix 5B to the financial statements relate to transactions outside the Public Account.
- (c) The financial statements specify only identifiable direct costs and do not reflect the total cost of the administrative unit's operations. The statements do not include amounts paid on behalf of the administrative unit by other administrative units such as the payments by the Department of Management and Budget for superannuation and by the Department of Property and Services for rent, cleaning and telephone services.
- (d) Appropriations to the administrative unit which have been expended on its behalf by the Ministry of Housing and Construction have been included in the financial statements to provide a comprehensive statement of the resources allocated to the Administrative Unit.
- (e) A reference in the financial statements to a 'Budget' figure means:
  - (i) the estimates for recurrent expenditure and works and services expenditure specified in an annual appropriation Act for that year; and
  - (ii) the estimates for special appropriation specified in the Victorian Budget document entitled "Receipts and Program Expenditures" published in respect of that financial year.
- (f) A reference in the financial statements to an 'Actual' figure means the payments actually made by the administrative unit in respect of the item to which it refers.
- (g) The receipts and payments set out in the financial statements include receipts and payments which come within the overall responsibility of the administrative unit whether or not they have been collected or paid by the administrative unit.
- (h) Application fees are paid in cash and by duty stamps. Fees shown represent only cash received by the Ministry.

## APPENDIX 4E

### NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1988 (contd)

(i)	Actual Expenditure 1987/88 comprised:	Budget 1987/88	Actual 1987/88	Actual 1986/87
		\$	\$	\$
	Salaries and allowances	1,532,000	1,588,968	1,516,108
	Overtime and penalty rates	3,000	3,755	3,252
	Payments in lieu of long service leave	10,000	59,714	64,007
	Payroll tax	91,000	94,807	91,218
	State Employees Retirement Benefit Fund - Contribution	4,000	1,314	2,316
	Employers Superannuation Contribution	12,000	12,910	10,943
	Workcare Levy	157,000	113,302	99,921
	Total	1,809,000	1,874,770	1,787,765

(j)	Actual Expenditure 1987/88 comprised:	Budget 1987/88	Actual 1987/88	Actual 1986/87
		\$	\$	\$
	Travelling and subsistence	17,000	10,842	14,037
	Office requisites and equipment, printing and stationery	70,000	79,883	71,482
	Books and publications	13,000	16,021	13,310
	Postal and telephone expenses	54,000	48,407	53,554
	Motor vehicles - purchase and running costs	17,000	18,525	16,274
	Fuel, light, power and water	14,000	12,018	13,296
	Incidentals	19,000	25,076	20,640
	Electronic Data Processing	106,000	98,628	102,747
	Consultants and Special Projects	-	600	8,666
	Standing Committee of Consumer Affairs Ministers	--	5,999	--
	TOTAL	310,000	315,999	314,006

(k) Overall policy responsibility for the Community Employment Program belongs to the Department of Labour. For details of receipts into this trust account, refer to the financial statements of that Department.

(l)	Actual Expenditure 1987/88 comprised:	Budget 1987/88	Actual 1987/88	Actual 1986/87
		\$	\$	\$
	Salaries and allowances	3,225,000	3,123,474	3,195,481
	Overtime and penalty rates	6,000	1,818	6,828
	Payroll tax	192,000	186,808	188,756
	TOTAL	3,423,000	3,312,100	3,391,065

## APPENDIX 4E

### NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1988 (CONT)

(m)	Actual Expenditure 1987/88 comprised:	Budget 1987/88 \$	Actual 1987/88 \$	Actual 1986/87 \$
	Travelling and subsistence	135,000	99,967	117,096
	Office requisites and equipment, printing and stationery	77,000	63,633	79,398
	Book and publications	3,000	3,542	2,984
	Postal and telephone expenses	16,000	27,457	13,818
	Motor Vehicles - Purchase and running costs	113,000	114,875	122,805
	Fuel, light, power and water	8,000	7,863	8,690
	Incidental expenses	108,000	178,544	92,199
	Electronic Data Processing	--	--	8,624
	Stores, equipment and materials	24,000	9,585	18,080
	Total	484,000	505,466	463,694

- (n) Overall policy responsibility for the Youth Guarantee Program belongs to the Department of Labour. For details of receipts into this trust account, refer to the financial statements of that Department.
- (o) The Motor Car Traders Guarantee Fund balance is deposited with the Department of Management and Budget. Funds surplus to operating cost needs are invested with the Victorian Development Fund. Interest from these investments collected during 1987/88 totalled \$151,531
- (p) As at 30 June 1988, the Department of Management and Budget had invested an amount of \$16.62 million from the Residential Tenancies Fund on behalf of the Ministry. Interest from these investments collected during 1987/88 totalled \$1,743,186.
- (q) Total consolidated fund payments exclude some payments included in the budget papers. The budget papers include expenditure incurred by the Department of Industry, Technology and Resources in respect to staff transferred to the Ministry of Consumer Affairs.

## APPENDIX 4F

### EXPLANATORY STATEMENT

1. Decrease in licence fee receipts is partially due to a delay in licence renewal applications. Travel Agent Licensees have one months grace after the expiry of their current licence to lodge renewal applications. In addition, 1986/87 receipts included \$50,550 "once-off" application fees.
2. Additional expenditure was financed by savings in salary expenses in the Community and Consumer Services Program and additional funds provided by the Treasurer. Additional funds were also provided to meet the National Wage Case decision of 14 February 1988.
3. Additional expenditure for Ministry representation at the Standing Committee of Consumer Affairs Ministers conference was financed by the Treasurer.
4. Expenditure was less than anticipated. Major accommodation works did not progress in 1987/88 as originally expected.
5. Expenditure on salaries and associated costs was less than expected. This was partially due to recruitment restrictions placed on the Ministry, and unfilled vacancies at the Weights and Measures branch pending results of an internal review. Savings were used to finance greater than expected salaries and associated costs incurred by the Corporate Services Program.
6. Additional expenditure, mainly relating to legal and related costs, was financed by the Treasurer.
7. Expenditure was greater than anticipated due to additional workloads undertaken by the committee reviewing the possible psychological effects of "Horror and War Toys". A Treasurer's Advance was approved to finance additional costs.
8. A Treasurer's Advance was provided to finance grants approved in excess of the budget allocation.
9. As a result of the proclamation of the Motor Car Traders Act 1986 on 1 August 1987 the 1987/88 budget allocation was no longer required as expenditure could be charged directly to the Motor Car Traders Guarantee Fund.
10. The Ministry has overall policy responsibility for the Motor Car Traders Guarantee Fund. Receipts include fines paid into the Fund by the Attorney General's Department, totalling \$4,690 in 1987/88.
11. Proclamation of the Motor Car Traders Act 1986 on 1 August 1987 authorised the investment of surplus funds held in the Motor Car Traders Guarantee Fund. Interest from these investments collected during 1987/88 totalled \$151,531.
12. Expenditure increased with the proclamation of the Motor Car Traders Act 1986. An additional committee and additional staff were required for increased enforcement activities and processing licence applications.
13. Claims against the Guarantee Fund have increased significantly. This can be attributed to additional rights of claim given to finance companies under the new Motor Car Traders Act 1986. Additional factors include higher costs of motor vehicles and increased repair costs.

14. Increased expenditure was due to the appointment of additional full and part-time referees required to administer the Residential Tenancies Act. Additional expenditure was also required to meet the effect of the National Wage Case decision of 14 February 1988.
15. Increased expenditure relates to additional costs incurred in maintaining client services given a 22 percent increase in applications for Residential Tenancies Tribunal hearings.
16. Actual grants approved during the financial year total \$712,715 representing a significant increase compared to 1986/87 when grants totalling \$349,900 were approved. In accordance with contemporary financial management guidelines grants are paid in quarterly payments.
17. Payments to tenants and landlords have increased as a result of a 22 percent increase in applications for hearings under the Residential Tenancies Act, 1980.
18. To assist low income households in meeting bond payments the Ministry of Housing and Construction administers a Bond and Relocation Scheme. The Scheme which provides interest free loans to approved applicants received a once off supplementary allocation of \$467,870 to help meet an unforeseen level of demand for assistance.

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## APPENDIX 4G

### CERTIFICATION

#### Statement by the Principal Accounting Officer

I certify that the financial statements of the Ministry of Consumer Affairs have been prepared in accordance with Section 11 of the Annual Reporting Act 1983 and the Annual Reporting (Administrative Units) Regulations 1985.

In my opinion the information set out in the financial statements presents fairly the receipts of and payments made by, on behalf of or falling within the policy responsibility of the Ministry for the year ended 30 June 1988, and of the Supplementary Information and Statement of Balances at the end of the financial year.



Finance Manager  
Ministry of Consumer Affairs

#### Statement by the Chief Administrator

I certify that the financial statements of the Ministry of Consumer Affairs have been prepared in accordance with Section 11 of the Annual Reporting Act 1983 and the Annual Reporting (Administrative Units) Regulations 1985.

In my opinion the information set out in the financial statements presents fairly the receipts of and payments made by, on behalf of or falling within the policy responsibility of the Ministry for the year ended 30 June 1988, and of the Supplementary Information and Statement of Balances at the end of the financial year.



David Hall  
Director  
Ministry of Consumer Affairs

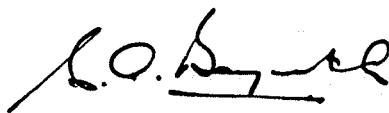
**AUDITOR-GENERAL'S REPORT**

The accompanying financial statements of the Ministry of Consumer Affairs comprising a summary of receipts and payments, a statement of Public Account program receipts and payments relating to that Ministry and appendices and notes to the financial statements have been audited as required by the Annual Reporting Act 1983 and in accordance with Australian Auditing Standards.

The Report of Operations of the Ministry of Consumer Affairs and any reference thereto in the financial statements are not subject to my audit.

In my opinion, the financial statements comply, in all material respects, with the Annual Reporting Act 1983 and present fairly the financial transactions of the Ministry of Consumer Affairs for the year ended 30 June 1988 in accordance with that Act.

MELBOURNE  
23/9/88



C.A. BARAGWANATH  
Auditor General.

Conference Room furniture and fittings

Special furniture for Hearing rooms

#### Office Equipment

These operating assets include photocopiers, microfiche readers, calculators, typewriters, photographic equipment, dictaphones, stereo equipment, shredding machines, automatic staplers and hole punches, audio-visual equipment, refrigerators and other staff amenities and a cash register.

#### Computer and Communications Equipment

The Ministry's operating assets include a mini computer system and associated visual display terminals, personal computers, various computer software applications, modems, sheet feeders and printers, facsimile machines, alphanumeric pagers and telephone answering machines.

#### Leased Assets

The Ministry's office accommodation is leased by the Department of Property and Services but is under the day to day control of the Ministry.



Consultation

Redress and  
Adjudication

Consultation

Conciliation  
Adjudication

## CONSUMER AFFAIRS

### CONSUMER AFFAIRS PROGRAM EXPENDITURE \$000's

Estimate for 1988/89 upper figures, Actual for 1987/88 lower figures.

PROGRAM NUMBER	242	243	TOTAL
	Corporate Services	Community and Consumer Services	
Recurrent Appropriations	2175	6441	8616
	2191	5515	7706
Works & Services Appropriations	628	212	840
	180	41	221
	2803	6653	9456
Special Appropriations	2371	5556	7927
	---	---	---
	---	---	---
	2803	6653	9456
	2371	5556	7927
Trust Funds:			
Motor Car Traders Guarantee Fund	---	971	971
	7	917	924
Residential Tenancies Fund	500	6700	7200
	323	3235	3558
	500	7671	8171
	330	4152	4482
	3303	14324	17627
	2701	9708	12409
% Change 1988/89 on 1987/88.	22.3	47.5	42.1

**NOTE:**

1. Trust and Other Funds exclude appropriations and amount administered by other departments.
2. Totals may not add due to rounding.

## PROGRAM 242

CORPORATE  
SERVICES

### SUB PROGRAM EXPENDITURE SUMMARY

	1987/88 Actual (\$'000)	1988/89 Estimate (\$'000)
Management	571	616
Policy	287	273
Administrative Services	1843	2414
<b>TOTAL PROGRAM BUDGET</b>	<b>2701</b>	<b>3303</b>

### CONSOLIDATED FUND RECEIPTS

The receipts shown are those paid to the Consolidated Fund. They include receipts treated as revenue for general budget purposes as well as receipts specifically allocated to programs, e.g. Commonwealth specific purposes payments, research grants, etc. Receipts associated with the program but not paid to Consolidated Fund are excluded.

	1987/88 Actual (\$'000)	1988/89 Estimate (\$'000)
Miscellaneous Receipts	64	46
Fees and Charges	-	-
<b>TOTAL</b>	<b>64</b>	<b>46</b>

CORPORATE  
AND  
MINISTERIAL  
MANAGEMENTS

OBJECTIVE:

- to foster and develop the goals and objectives of the Ministry and oversight their implementation throughout the organization;
- to establish appropriate mechanisms to provide support and advice to the Minister.

DESCRIPTION:

The Corporate and Ministerial Management Sub-Program comprises two components: Corporate Management and Ministerial Support. Its functions are to set goals, objectives and priorities for the Ministry's operation; to ensure that resources are applied to meet goals and to provide optimum advice and support for the Minister.

POLICY

OBJECTIVE:

To advise on and give effect to the legislative program of the Ministry and to support the work of the Ministry by providing research, legal advice and policy advice across the full range of the Ministry's interests and concerns, and in the context of the Ministry's social, economic and political environment.

DESCRIPTION:

The aim of the Ministry is to achieve and maintain a fair market place. To meet this aim there must be policies which are developed in an informed and co-ordinated way. Such policy development involves the systematic monitoring of the social, political and economic environment, the identification and investigation of key issues, the assessment of options for policy implementation and advice to government and corporate management on consumer affairs policy.

The Ministry also requires support in the areas of research and legal advice to match the increasingly sophisticated environment within which it operates.

During 1987/88 the major activities of the sub program were:

- to assist the Ministry of Housing and Construction in the development of the policy and legislation leading to the Caravan Parks and Movable Dwellings Act 1988.
- participation in the implementation of the House Contracts Guarantee Act 1987;
- participation in the work of a State and Commonwealth working group to review the Credit Act 1984. The Ministry

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is working with the Victorian Law Reform Commission to translate the Credit Act into plain English;

- work commences on a review of the administration of Weights and Measures Act;
- assist other Divisions in the preparation of a number of regulations and regulatory impact statements.
- an evaluation of the effectiveness of the Community Credit Program
- the development, in consultation with NSW and the Commonwealth, of a code of practice for Electronic Funds Transfer; and,
- the co-ordination of the Ministry's contribution to the Social Justice Strategy.

In the period 1988/89 considerable emphasis will be placed on the finalization of the review of credit legislation and development of appropriate safeguards for the use of electronic funds transfer systems. The information labelling provisions of the Consumer Affairs Act 1972 will be reviewed. The operation of the Market Court Act 1978 will also be reviewed. The Division will assist the Corporate Services Division in the on-going development of the Ministry's Corporate Plan. The work commenced in 1987/88 on the administration of Weights and Measures Act 1958 will be completed.

#### ADMINISTRATIVE SERVICES

##### OBJECTIVE:

To provide and develop efficient and effective management and administrative services to meet the needs of the Ministry, and particularly the operation divisions.

##### DESCRIPTION:

Through the Corporate Services Division the sub-program provides efficient and effective management and administrative services to support the Ministry's policy and legislation development program and operational activities.

The sub program co-ordinates the allocation of management and administrative services and resources according to specified needs and pre-determined levels of performance, as observed and monitored by the Division.

It also develops and implements strategies to enhance the performance of Ministry functions, including those within the sub-program. These include management reviews and the refinement of financial, personnel, data services, management information systems, word processing, typing, secretarial and registry services.

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In 1987/88 significant activities included the continued development of computerised office systems as part of a micro-computer strategy.

In 1988/89 a budget provision for accommodation works will see client service areas refurbished to overcome present inadequate security and service facilities for the public.

Despite funding constraints further efforts will be made to implement both the 'FM80' financial management and 'Perspay' personnel/payroll systems.

Development of other systems such as records and assets management will continue.

## COMMUNITY AND CONSUMER SERVICES: PROGRAM 243

### SUB-PROGRAM EXPENDITURE SUMMARY

	1987/88 Actual (\$'000)	1988/89 Estimate (\$'000)
Market Regulation	3381	3952
Community Awareness and Consultation	3357	4260
Redress and Adjudication	2970	6112
<b>TOTAL PROGRAM BUDGET</b>	<b>9708</b>	<b>14324</b>

### **CONSOLIDATED FUND RECEIPTS**

The receipts shown are those paid to the Consolidated Fund. They include receipts treated as revenue for general budget purposes as well as receipts specifically allocated to programs, e.g. Commonwealth specific purpose payments, research grants, etc. Receipts associated with the program but not paid to Consolidated Fund are excluded.

	1987/88 Actual (\$'000)	1988/89 Estimate (\$'000)
Recoup on account of administrative expenses	10	-
Taxation - Credit Providers Licence	553	549
- Finance Brokers Licence	207	205
- Travel Agents Licence	375	550
Farm Milk Tank Verification Fees	130	118
Weighbridge Verification	210	190
Verification of Equipment (Test Room)	29	26
Fabric and Leather Measuring Instruments	12	11
Wholesale Liquid Measuring Instruments	24	22
Other receipts	55	60
<b>TOTAL</b>	<b>1605</b>	<b>1731</b>

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MARKET  
REGULATION

OBJECTIVE;

To maintain fair trading standards and remove unfair business conduct and unsafe and misrepresented products by regulating the market place and ensuring compliance with the relevant legislation.

DESCRIPTION:

This sub-program regulates business conduct, establishes and monitors product standards, prevents products known to be unsafe from being marketed and assesses trading standards, and enforces statutory requirements.

Government intervention to regulate the business sector is needed to minimise consumer exploitation and exposure to malpractice. Activities in this area include the licensing of credit providers, finance brokers, travel agents and motor car traders. With a view to reducing death or personal injury, product standards are developed which lay certain design or construction criteria for particular goods, or provide that the products must be labelled with specific warnings or instructions for use. In addition, there is a capacity to ban (either on an interim or permanent basis), the sale or supply of safe products.

Information standards are also promulgated to enable consumers to assess the relative value of certain products. Packaging requirements are enforced to ensure that a package does not mislead consumers as to the mass, volume or number of units it contains. Trade measurement standards are maintained to preserve the appropriate legal standards of measurement and to ensure correct measurement of physical quantity.

Investigations are conducted to ensure compliance with the Ministry's legislation and where appropriate breaches of the legislation are prosecuted.

In 1987/88 the new licensing provisions for motor car traders under the Motor Car Traders Act 1986, were fully implemented and the licensing schemes for travel agents, credit providers and finance brokers were maintained.

The year saw a dramatic increase in the level of fines imposed by the Courts for breaches of consumer legislation. Total fines increased from \$17,805 in 1986/87 to \$107,210 in 1987/88 and the average fine increased from \$614 to \$3,574 per defendant. This increase reflects the greater use being made of the Fair Trading Act 1986.

A pilot scheme using police officers to assist in the investigation of the activities of unethical traders was very successful and consideration will be given to using police on a more permanent basis.



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In 1988/89 the structure of the Industry Regulation Branch will be reviewed and a new structure of the Weights and Measure Branch will be put in place.

Prosecution activities will be maintained as well as investigations into the activities of licensed traders.

**COMMUNITY  
AWARENESS AND  
CONSULTATION**

OBJECTIVE

To assist the development of fair market places by -

- (i) developing sufficient awareness among consumers and the business sector of their rights and obligations in the market place so that exchange activities occur without loss or disadvantage to either party; and
- (ii) promoting community awareness of and input into Ministry policies and services to ensure the most effective and informed decision making on Consumer Affairs.

DESCRIPTION

Development of consumer awareness of their rights and obligations in the market place and the encouragement of responsible attitudes by traders are major pre-requisites for the establishment of a fair market. The education and information services provided to enable this development must recognise and allow for the special needs of disadvantaged consumers and of particular priority target groups. The services must also recognise the benefits of utilising consumer, trader and community organisations to continue the education process themselves. In order to fulfil Government policy, these organizations should also be actively encouraged and assisted to contribute to the policies and operations of the Ministry, so that the Ministry remains responsive to the needs of traders and consumers.

This sub-program is therefore designed to inform and educate the community, both consumer and the business sector, as to their rights and obligations in the market place so that transactions can occur on an equitable basis. The sub-program also seeks to develop and maintain channels for consultations with the community about the policies, services and operations of the Ministry of Consumer Affairs.

A wide variety of materials and techniques are used, such as formal consultations, media campaigns, public speaking engagements, training exercises and printed materials.

In 1987/88 achievements included:

- development of media campaigns resulting in dramatically improved media coverage of material intended to warn or educate consumers. As a result various branches of the media are now actively seeking information and assistance from the Ministry about its activities and a number of regular commitments on radio, in particular, are being undertaken.

- **Credit (Rural) Seminar.** The conduct of these seminars involved Rural Councillors, Department of Agriculture and Rural Affairs economists and financial councillors in a training program with specialist MCA staff. Discussions with Australian Bankers Association, Australian Finance Conference, Law Institute of Victoria, Australian Society of Accountants, Rural Finance Commission and other organizations also took place.
- **Industry Liaison Group** was convened and resourced by the program. This forum provided a valuable interchange of viewpoints between industry representatives and the Ministry.
- Provision of Customer Information Service advice and information in response to specific enquiries from consumers and the business sector. Telephone enquiries handled in 1987/88 amounted to 137,793. Average waiting time decreased from an average of 8.2 minutes (general consumer enquiries) in 1986/87 to 2.9 minutes in 1987/88.

To help meet the increasing demand for information and education within the community at large, it is planned to:

- Pilot a Trader Education Program in East Gippsland
- Expand Regional Services - Outer Eastern, Westernport
- Target education programs to Youth, the Aged and the Ethnic Community.
- Undertake a Youth and Credit campaign focussing on the problems young people have with credit.

## **REDRESS AND ADJUDICATION**

### OBJECTIVE:

To provide on a cost effective basis, informal, accessible and timely alternatives at a lower cost than the traditional court system, to resolve complaints and claims by consumers, landlords and tenants.

### DESCRIPTION:

The Redress and Adjudication sub-program provides mechanisms to facilitate the resolution of disputes between consumers and traders, and tenants and landlords, that are intended to be accessible, low cost, expeditious and informal compared with the traditional court system. Each is a component of the sub-program but complements the other in the way it operates.

Through the Conciliation Branch, the Ministry acts as a mediator/negotiator to assist consumers and traders to resolve their disputes.

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In 1987/1988, 8,559 complaints were received. This was a decrease of 378 complaints on the previous year.

The trend in the reduction of complaints has continued and it is attributable to, or a combination of a number of factors, including:

1. The improved telephone service/advice by the Ministry's Customer Information Service.
2. The increased assistance given by the community groups.
3. The Ministry's trader education and consumer education programs.
4. The regulation of various industries by licensing.

The waiting time before action on a complaint commences was 2-3 weeks throughout the year. This delay period should be maintained and through training programs, efforts will be made to continue to improve the quality of service delivered by the Branch. It should be remembered that the Branch administers complex consumer legislation, the total understanding of which is vital when handling consumer problems.

Where conciliation is inappropriate, the tribunal system can provide resolution of disputes. The Small Claims Tribunal (\$3,000 limit), the Small Claims (Credit) Tribunal and the Residential Tenancies Tribunal (\$3,000 limit) heard claims which rose by 22 percent from the 1986/87 level to over 27,000 at the end of 1987/88, (Residential Tenancies Tribunal 24,137, Small Claims Tribunal 3,456, Credit Tribunal 173 and Fair Rents Board 45).

Refinement of a major administrative re-organization and installation of computer systems has improved transactional information and reporting mechanisms.

Staff training needs were addressed and performance plans were put into place for all senior staff. These factors combined with the appointment of additional referees has resulted in an improved service to the public and reduced waiting times in all Tribunals.

#### PROPOSED INITIATIVES FOR 1988/89

1. Further development of the computer system focusing particularly on disaster recovery contingency planning.
2. Design and implement systems to meet administrative and judicial requirements of the new Caravan Parks and Moveable Dwellings Act and as a result of amendment to the Credit Act.
3. Improve responsiveness to client needs through improved administrative practices and dissemination of information.

## APPENDIX 7

### FREEDOM OF INFORMATION ARRANGEMENTS

#### REQUESTS

During the 1987/88 financial year, the Ministry received 104 requests made under the Freedom of Information Act. These requests had the following results:

Access granted in full	16
Access granted in part only	33
Access denied	17
Access Apart from the Act	1
Request transferred in full to another agency	3
Request transferred in part to another agency	2
Request withdrawn	22

At the time of reporting, 13 requests for the year under review are still in progress and decisions on these requests have yet to be made.

Access was denied in full or in part for the following reasons:

The information requested pertains to the judicial functions of a court (S6) - 4 requests.

The release of the document would be detrimental to the preservation of the document (S23(6)(1)) - 1 request

The document does not exist (S27(1)(e)) - 16 requests.

The document is the official record of a deliberation or decision of the Cabinet (S28(1)(a)) - 1 request.

The document was prepared by a Minister for the purpose of submission for consideration by the Cabinet (S28(1)(b)) - 1 request.

Disclosure would divulge deliberation or decision of the Cabinet (S28(1)(d)) - 2 requests.

Disclosure would be contrary to the public interest and would divulge matter communicated in confidence by or on behalf of the Commonwealth or of any other State or Territory (S29(a)(b)) - 1 request.

Disclosure of the document would divulge evaluative material prepared during the governmental deliberative process of officers and Ministers and would be contrary to the public interest (S30(1)) - 6 requests.

Disclosure would prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance (S31(1)(a)) - 3 requests.

Disclosure would prejudice the fair trial of a person or the impartial adjudication of a particular case (S31(1)(b)) - 1 request.

Disclosure would disclose methods or procedures for preventing, detecting and investigating matters arising out of breaches or evasions of the law the disclosure of which would or would be reasonably likely to prejudice the effectiveness of those methods or procedures; (S31(1)(d)) - 2 requests.

The document is subject to legal professional privilege (S31(1)) - 4 requests.

Disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (S33(1)) - 30 requests.

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Disclosure would disclose methods or procedures for preventing, detecting and investigating matters arising out of breaches or evasions of the law the disclosure of which would or would be reasonably likely to prejudice the effectiveness of those methods or procedures; (S31(1)(d)) - 2 requests.

The document is subject to legal professional privilege (S31(1)) - 4 requests.

Disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (S33(1)) - 30 requests.

## FREEDOM OF INFORMATION ARRANGEMENTS

Disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking (S34(s1)(a)) - 7 requests.

Disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking, and which would expose the undertaking to disadvantage (S34(1)(b)) - 7 requests.

Disclosure would divulge material communicated in confidence by a person or government, which would be reasonably likely to impair the ability of an agency to obtain such information in the future (S35(1)(b)) - 29 requests.

Disclosure would be contrary to the public interest by reason that it would disclose instructions issued or provided for the use of officers in negotiation, including financial commercial and labour negotiations; (S36(b)) - 1 request.

Applicants were notified regarding initial decisions as to whether or not access would be granted within the following intervals:

0 to 15 days	49
16 to 30 days	12
31 to 45 days	21

Six requests that involved extensive legal proceedings, complex negotiations or were voluminous were answered outside of the 45 day period. Time extensions were granted in each case.

During the period under review, 8 applicants sought an internal review of a decision in accordance with S51 of the Act.

In seven cases, the original decision was upheld. In the other case the reviewing officer overturned the original decision and granted partial access.

There were no new appeals lodged with the Administrative Appeals Tribunal. However, hearings concluded for the four appeals carried over from the previous year. A decision has not been handed down to date.

The Ministry levied charges of \$1,787 and collected charges of \$864.

In the remaining cases, charges were waived on the following grounds:

Request by Member of Parliament	9
Request deemed to be in public interest	1
Request deemed to be routine	2
Request withdrawn	22

The estimated cost to the Ministry of processing requests, internal reviews and AAT appeals received in the period under review was \$22,280.

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## FOI INTERNAL PROCEDURES

For the purposes of the Freedom of Information Act there are three Prescribed Authorities within the Consumer Affairs portfolio:

<b>Prescribed Authority</b>	<b>Principal Officer</b>	<b>Authorised Officer(s)</b>
Ministry of Consumer Affairs	Director	Freedom of Information Officer Manager, Management Services
Motor Car Traders	Chairman	Secretary Committee
Credit Licensing Authority	Chairman	Registrar

The handling of all FOI requests is coordinated by the Ministry's Freedom of Information Officer.

Procedures instituted in the Ministry's Central Registry ensure that FOI requests are extracted from the bulk of correspondence, registered, and passed to the authorised officer for acknowledgment within one working day of receipt.

## FOI STAFF TRAINING AND DEVELOPMENT

Appropriate Ministry staff have attended a total of 4 training courses conducted by the Attorney-General's Department.

## FOI PART II STATEMENT

As required by Part II of the FOI Act, a detailed statement has been prepared on the following aspects of each Prescribed Authority:

- Organisation and Functions
- Categories of Documents
- FOI Arrangements
- Publicity Services
- Procedures and Guidelines used in Decision-making
- Report Literature

The Part II Statement is currently undergoing a process of review and updating in accordance with the requirements of S7(1)(b) of the Act.

Copies of the most recent Part II Statement are available for inspection by appointment in the Ministry's Library or for purchase from the Freedom of Information Officer.

## APPENDIX 8

### LICENSING STATISTICS 1987/88

#### Motor Car Trader

Applications received	312
Licences granted	259
Licences revoked	8
Licences refused	2

#### Motor Car Traders Guarantee Fund Claims Committee

Claims received	175
Claims Granted	97

#### Travel Agents

Applications received	144
Applications withdrawn	120
Licences granted	914
Licences revoked	0
Licences refused	0

#### Credit Providers

Annual Statements received	156
Applications for licences received	28
Applications for licences refused or withdrawn as a result of objections	11
Licences granted	28
Licences revoked	14
Licences refused	1

#### Finance Brokers

New licences granted	
Corporations	69
Individuals	33
Agents	46
Total	148
Licences renewed as at 30/6/88	
Corporations	210
Individuals	109
Agents	66
Total 385	

#### Housebuilders Liability

Applications received	404
Applications approved	434
Applications refused	11
Applicants currently on bond scheme	8



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## APPENDIX 9

### RESIDENTIAL TENANCIES - COMPLETED INVESTIGATIONS

Type of Investigation	Number	Percentage
Inspection - Abandoned Goods	996	54.3
Inspection - Repairs to premises	519	28.3
Inspection - Excessive Rent	166	9.1
Referrals from Residential Tenancies Tribunal:		
- Notices of Hearing	39	2.1
- Inspections	43	2.3
Other (termination, bonds etc)	70	3.8
	1833	100%

## APPENDIX 10

### WEIGHING AND MEASURING INSTRUMENTS TESTED BY THE WEIGHTS AND MEASURES BRANCH DURING THE PERIOD 1 JULY 1987 TO 30 JUNE 1988

Type of Instrument	Tested	Rejected	% Rejected
Fabric Measuring Instruments	478	22	4.6
Wholesale Liquid Measuring Instruments	515	139	27.0
Balances	77	19	24.6
Weighbridges	619	89	14.4
Farm Milk Tanks	1661	279	16.8
Leather Measuring Instruments	27	8	29.6
Hopper Scales	8	-	-
Liquid Petroleum Gas Driveway Flowmeters	-	-	-
Milk Tankers	9	-	-
Belt Weighers	15	-	-
	1	-	-

Type of Standard	Tested	No. Requiring Adjustment
Standards of Mass	2730	269
Volumetric Standards	496	24
Miscellaneous (mass, volume, length)	94	
Length Standards	109	
Balances	61	
Area Templates	4	
Total Number of Certificates issued	335	
Total Number of Reports issued	174	

#### LOCAL AUTHORITIES

The following total number of tests on weighing and measuring instruments were conducted for the period 1 October 1986 to 30 September 1987. (The statistics are provided by the Local Authorities for the 12 months preceding 30 September).

Type of Instrument	Tested	Rejected	% Rejected
Weighing Instruments	28596	1914	6.69
Measuring Instruments	24470	3065	12.55

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## APPENDIX 11

### MEMBERS OF THE VICTORIAN CONSUMER AFFAIRS COMMITTEE

	<u>Name and Address</u>	<u>Phone Number</u>
<u>CHAIRPERSON</u>	Mr William (Bill) Ford C/- Brotherhood of St Laurence 67 Brunswick Street FITZROY VIC 3065	419-7055
<u>ORGANIZATIONAL REPRESENTATIVES:</u>		
<u>Australian Finance Conference</u>	Mr Rod Armitage GPO Box 2254U MELBOURNE	663-3930 (work) 836-9850 (home)
<u>Direct Selling Association of Australia</u>	Mr John Fulton 370 St Kilda Road MELBOURNE VIC 3004	698-4282 (work) 789-7212 (home)
<u>Tenants Union of Victoria</u>	Ms Mary Hansen C/- 80 Johnston St FITZROY VIC 3065	419-7774 (work) 419-5331 (work) 254-820 (home)
<u>Australian Consumers Association</u>	Mr Colin Kent 36 Coquette Street GEE LONG WEST VIC 3218	
<u>Victorian Trades Hall Council</u>	(Vacant)	
<u>Financial Counsellors Association of Victoria</u>	(Vacant)	
<u>Victorian Commercial Teachers' Association</u>	Mr Robert Taylor PO Box 361 ABBOTSFORD VIC 3067	419-9622 (work)
<u>Victorian Chambers of Commerce and Industry</u>	Mr John Harrower Victorian Chambers of Commerce & Industry 449 Swanston Street MELBOURNE 3000	663-1703 (work)

AREA REPRESENTATIVES:

<u>Area A</u> (West, North-West and Inner Urban)	(Vacant)	
<u>Area B</u> (Outer East, North-East and Inner East)	Mr Paul Hassall 16 Wallis Ave EAST IVANHOE VIC 3079	478-5711 (work)
<u>Area C</u> (Southern and Westernport)	Mr David Hassett 3 Kogica Street MT ELIZA VIC 3930	787-5643 (home) 782-1224 (work)
<u>Area D</u> (Barwon and Glenelg)	Vacant	
<u>Area E</u> (Central Highlands and Wimmera)	Ms Catherine Laffey 21 Lyons Street BALLARAT VIC 3350	(053) 32-1434 (work) (053) 32-6931(home)
<u>Area F</u> (Loddon-Campaspe and Mallee)	Ms Elaine McNamara "Rashma" Monsant's Road MAIDEN GULLY VIC 3551	(054)49-6205 (home) (054)42-3875 (work)
<u>Area G</u> (Goulburn and Upper Murray)	Mr David Jones Dunstone Road KYABRAM VIC 3620 or Box 486 KYABRAM VIC 3620	(058)52-2661 (home) as above (work)
<u>Area H</u> (East and Central Gippsland)	Mr Daniel Slattery 78 Ogilvy Street LEONGATHA VIC 3953	(056)62-3998 (home) (056)62-2222 (work)

## APPENDIX 12

### CONSUMER AFFAIRS GRANT SCHEMES GRANTS-APPROVED PROJECTS

R.T.G.S.- Residential Tenancies Grant Scheme

C.A.G.S - Consumer Affairs Grant Scheme

ORGANISATION	PURPOSE OF GRANT	AMOUNT \$
Goulbourn Valley Community Care Centre	provide information and advice to consumers; conduct speaking engagements for schools and other groups; and mediate and conciliate to resolve matters locally.	15,000
Latrobe Valley CAB Inc	continue existing assistance program to the district; train volunteers to provide a more effective service; and increase public awareness through displays, consumer talks and publicity.	1,500
Financial Counselling & Consumer Information Service	operate a consumer information and advocacy service; develop a consumer data base; organise consumer interests and support of class advocacy; and undertake educational programs through public speaking and the media.	34,942
Consumer Resource & Advocacy Centre	answer public inquiries on consumer issues; increase consumer awareness through education; refer enquiries to appropriate service providers; and update data base.	13,500
Financial Counsellors Assn of Vic	provide advice, assistance and information to community organisations and the public.	18,845
Springvale CAB	provide an information and advisory service; conduct consumer education workshops; promote the service to low-income people; and undertake community development and education.	15,000
	C.A.G.S.                   \$10,350	
	R.T.G.S                    \$4,650	

Coburg CAB	provide free and confidential information and an advisory service on consumer matters. C.A.G.S.                   \$840 R.T.G.S                     \$360	1,200
Aust Vietnamese Womens Welfare Assn	develop an ongoing education program for Vietnamese people in relation to consumer and credit issues.	1,100
Sherbrooke CAB	provide free and confidential information and an advisory service on consumer matters.	1,500
Dandenong CAB	provide free and confidential information and an advisory service on consumer matters.	1,000
South Gippsland CAB Inc	run a series of specific consumer related activities in addition to providing consumer access in the South Gippsland sub-region. C.A.G.S.                   \$700 R.T.G.S.                   \$300	1,000
Victorian Assoc of CAB	employ a project worker until the end of 1988; and work directly with all CAB's across the state to enable them to develop their skills on consumer affairs matters. C.A.G.S.                   \$27,727 R.T.G.S.                   \$11,883	39,610
Hastings CAB Inc	develop existing consumer advice program; provide community education; and be a point of access for information advice for the local community.	500
Wimmera Consumer Affairs Action Group (CAB)	provide information and assistance; make appropriate referrals; increase public awareness; act on behalf of clients when requested; and extend the service to Stawell.	3,210
Wimmera Consumer Affairs Action Group (WIN)	continue consumer education in the Wimmera, especially for isolated areas, with the aim of reaching them through other community organisations in the region.	6,670

CAB Sunraysia Inc	provide consumer information and advice to the local community; and expand the service by setting up links to Robinvale and Ouyen.	13,160
Glenelg Family Care	provide a consumer information, advice and referral service to the region and work in co-operation with the regional officer for the Ministry of Consumer Affairs.	15,344
Moorabbin CAB	provide a consumer information, advice and referral service to the local community.	1,000
Ballarat CAB	provide an information, advice and referral service to the region and co-ordinate with the regional officer of the Ministry of Consumer Affairs.	500
Ballarat Childrens Home & Family Services	continue consumer and trader education and information; handle complaints; conduct research; and undertake advocacy in the local area.	11,556
Community Action Albury Wodonga Inc	provide information, advice and referral; conduct seminars, workshops and talks for consumers and traders; collect and interpret statistics; and maintain liaison with other community groups. C.A.G.S           \$13,000 R.T.G.S           \$ 7,000	20,000
Consumer Credit Legal Service	undertake consumer advocacy for low-income people in the community; coordinate and support consumer activities with consumer groups across the state. C.A.G.S.           \$20,716 R.T.G.S.           \$33,690	54,406
Bairnsdale Dist Comm Health and Resource Centre	provide access for people in the East Gippsland region to consumer information, advice and assistance.	10,900

Wangaratta CAB

provide a point of access for  
local consumers to consumer  
information and advice.

500

TOTAL APPROVED:

\$281,943



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## APPENDIX 12 (contd)

### RESIDENTIAL TENANCIES GRANT SCHEME GRANTS-APPROVED PROJECTS

ORGANISATION	PURPOSE OF GRANT	AMOUNT \$
Bendigo Urban Emergency Accommodation Resource Centre	Provide education and advice; assist tenants at residential tenancies tribunal hearings; conduct training sessions; and give talks to groups.	23,225
Southern Regional Housing Council	provide information, advice and referrals to the community tenancy problems; undertake research and education programs on tenancy issues and resource other community workers in the region.	26,960
Gippsland Tenants Services	provide advice and assistance to tenants on their rights and responsibilities under the Residential Tenancies Act.	35,180
Inner Eastern Housing Ser Inc	provide an expanded tenancy information and advice service; undertake community education; document and research tenancy problems and issues and undertake appropriate policy work in the area of tenancy.	22,471
Outer East Regional Housing Council Inc.	provide advice, information and advocacy for tenants in the Outer East Region; undertake community education; and research local tenancy problems and issues.	33,014
Broadmeadows Tenants Information Service.	upgrade the existing tenancy information service and provide advice and assistance to tenants in the northern suburbs.	22,761
Geelong Tenants Advice Service Inc	Provide a Tenants Advice and Advocacy Service in the Barwon, South-West and Central Highlands Region.	34,107

Housing For The Aged Action Group	provide a telephone advisory service for the elderly on tenancy issues covering information complaints and referrals.	10,000
Central Highlands Regional Housing Council	provide information and advice to tenants in the Central Highlands Region; undertake community education; and provide a focus for the community in the area of tenancy.	33,937
Heidelberg Public Tenants Association	provide tenancy information and conduct a public awareness campaign on tenancy rights.	1,000
Good Shepherd Youth & Family Services	provide tenancy information, advice referral to low-income tenants in the Richmond/Fitzroy/Collingwood area.	16,826
Goulburn Regional Housing Council	provide tenancy information, advice and referral to the Goulburn Region link with similar services provided, in Wodonga and Wangaratta; and develop a community education program.	26,342
Bayside Tenants Info Service Inc.	continue the existing tenancy advice information and referral service to the Westernport Region; Undertake community education; and specifically target disadvantaged tenants.	52,221
Wimmera Consumer Affairs Action Group	provide a regional co ordinated tenancy information, advice and referral service.	14,459
South West Tenants' Information Network	provide an information, advice and referral service to tenants in the Glenelg Region; and operate from Warrnambool with branches in Portland, Hamilton and Camperdown	38,222
OVECA Incorporated	provide a tenancy information, advice and referral service with emphasis on outlying regions and link with agencies funded in Shepparton, Benalla and Wodonga.	15,622

Community Act in Albury/Wodonga	provide information and advice to tenants and landlords in the Wodonga region; conduct seminars and workshops raise tenants' awareness of their rights through the media; research key tenancy issues; and co ordinate with funded agencies in the region.	17,007
Sunraysia C.A.B.	develop a tenancy information and advice service within the area; run community based tenancy education programs; mediate in residential tenancy disputes; and develop a tenancy network in the region.	9,848
Tenants Union Advice Service	provide a high level of information advice and referral to private tenants assist tenancy workers across the state in all areas of tenancy; research key tenancy issues; and undertake major policy development work.	240,000
Bairnsdale District Community Health & Resource Centre Inc.	establish a tenancy information and advisory service for tenants in the East Gippsland Region.	15,320
	<b>TOTAL APPROVED</b>	<b>\$688,522</b>

## APPENDIX 12 (contd)

### COMMUNITY CREDIT PROGRAM GRANTS-APPROVED PROJECTS

ORGANISATION	PURPOSE OF GRANT	AMOUNT \$
Bendigo Urban Emergency Accommodation Resource Centre	develop a buying advisory service for low-income consumers; develop budgetting service for low-income consumers; and provide material on "Good Buying".	9,266
Endeavour Centre	train counsellors to provide budgetting skills to clients and run budgetting skills workshops for families.	2,753
Mallee Family Care	provide community education in budgetting and credit management; and provide training for workers to promote financial management.	28,694
Good Shepherd Youth & Family Services	provide a no-cost loans program; provide financial advice and consumer credit advocacy; and emphasize self-help and education in activities undertaken under CCP.	57,035
Kyabram Community Centre Inc.	provide budgetting assistance to low-income people; provide a bill paying service; assist low-income people to plan and organize finances; and improve access to low interest loans.	20,270
Financial Counselling & Consumer Information Services	develop a consumer policy and undertake research on credit; provide support for credit advocates; isolate, document and act on credit issues; and represent the interests of consumers of credit where appropriate.	48,928

Consumer Resource & Advocacy Centre	develop the buying advisory service; develop a low-cost repairs service and access to secondhand whitegoods; research and document credit industry practices; develop credit education packages; and undertake campaigns on behalf of low-income people.	35,423
West Heidelberg Community Health & Welfare Centre	provide low-cost loans for essential household items; maintain credit advocacy, community credit education program and financial advisory groups in the North-Eastern region.	79,609
Sunbury Community Health Centre	establish a credit advocacy service to disseminate information to disadvantaged groups; provide support in negotiations with credit providers; and document major credit issues.	25,933
Hanover Welfare Services	provide homeless people with financial management skills and knowledge; remove barriers to financial and consumer services through the buying advisory service; provide a financial advisory service; and improve access to low-cost loans.	31,704
Family Action Dandenong Valley	advocate on consumer credit issues for and with groups of low-income and vulnerable consumers; aim to empower consumers and change commercial practices; and impact upon legislation and government policies.	35,518
Bairnsdale District Community Health & Resource Centre	provide low-income people with information and skills to assist them in taking control of their economic lives through a financial advisory service and consumer credit advocacy.	41,475
Wimmera Consumer Affairs Action Group	monitor available credit for low-income people; provide low-income people with advice on credit; provide information to state and federal consumer organisations; and provide a buying advisory service with a low-cost credit facility.	19,595

Ballarat Childrens Homes & Family Services	provide a consumer credit advocacy program; liaise with appropriate community workers in line with the objectives of CCP; and develop strategies and document issues relating to credit.	25,748
Broadmeadows Community Health Service	provide a financial advisory service; provide a credit advocacy program; and co-ordinate with appropriate community workers to achieve the objectives of CCP.	29,401
Davey House Family Resource Centre	extend services to low-income groups to include consumer education; investigate and publicise consumer credit issues; and develop skills and new self-help groups.	20,410
Melton Community Health Centre	provide a financial advisory service on a group and individual basis; undertake budgetting and shopping advice; develop the credit advocacy service; and publicise credit issues affecting low-income consumers.	26,797
Box Hill Community Health Service	provide a credit advocacy and financial; advisory service; network with appropriate community organisations to achieve the objectives of CCP; research credit issues; undertake credit education activities; and conduct campaigns about credit issues.	22,577
South Port Financial Counselling & Credit Advocate Program	develop credit advocacy with an emphasis on education of low-income consumers; network with and train appropriate community workers to achieve the objectives of CCP; and conduct research into credit issues affecting low-income consumers.	22,964
Aboriginal Legal Service Co-op Ltd	a full-time credit advocate/financial advisor to implement a Statewide service for Aboriginal people.	40,042

Fitzroy & Arc Credit Co-op	increase access of low-income residents to a range of supportive financial services; improve member participation; network appropriately; and influence the credit union industry to be more responsive to the needs of low-income people.	40,876
Glenelg Family Care	develop the financial advisory service with an emphasis on educative activities; conduct a credit advocacy program through research of credit issues; and influence the credit industry to be more responsive to the needs of low-income consumers.	29,195
Eaglehawk & LongGully Community Health Centre	conduct a financial advisory service; provide education through schools, media and other agencies; conduct a credit advocacy program; and influence the credit industry to be more responsive to the needs of low-income consumers.	35,274
Macaulay Community Credit Co-Op	provide low-cost loans to low-income members of the community; operate a bill paying facility; provide financial advice and assistance; and raise capital for low-cost loans.	34,293
Latrobe Valley Fin Couns Serv	identify and advocate on consumer issues affecting low-income consumers; change commercial practices, legislation and policies; and provide consumer and community education.	37,998
Deer Park Community Information Centre	assist low-income families and individuals to maximize the use of their incomes.	8,406
Consumer Credit Legal Service	undertake licensing objections under the Credit Administration Act '84; and operate as a focal point of support for credit advocates.	46,860

Community Buying Advisory Service	Develop BAS, wider info dissemination increase price concessions persons, provide Buying Advice Advocate on behalf of low-income earner in the area of essential appliances. Improve access to credit, seek to be self funding by '90.	107,374
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Dignity Financial Counselling Service	evaluate the loan-fridge scheme which seeks to assist low-income people to rent a refrigerator whilst saving according to an agreed contract of purchase.	3,285
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Western Family Services	Identify and address major credit issues affecting low-income earners, through a consultation process with the community; and educate people train the community in handling personal finances.	31,717
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Program Review and Development grants.	Data base development and evaluation.	41,790
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Financial Counsellors	operate a statewide credit advocacy project; address key consumer credit issues; liaise with government and welfare organisations at a state and federal level; and undertake consumer education.	17,270
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TOTAL APPROVED:	\$1,058,480
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## APPENDIX 13

### REGIONAL SERVICES STATISTICS

<b>WESTERN SUBURBS REGIONAL OFFICE - FOOTSCRAY</b>	<b>1984/85</b>	<b>1985/86</b>	<b>1986/87</b>	<b>1987/88</b>
Telephone enquiries	3503	5171	3372	2755
Interviews	529	496	325	371
Complaints lodged	614	616	417	489
Pamphlets - kits distributed	27	14	26	29
Visitors to Office	17	32	25	6
Visits to Community	27	7	32	36
Visits to Traders	47	20	50	21
Inspections	31	26	49	16
Breach Investigations	--	---	---	---
Medica	1	---	3	2
Speaking engagements	8	4	7	7
<b>TOTAL OCCASIONS OF SERVICE</b>	<b>4804</b>	<b>6386</b>	<b>4306</b>	<b>3732</b>

# APPENDIX 14

## ANALYSIS OF CONSUMER COMPLAINTS.

### COMPLAINTS ON PRACTICES

		%	GRPTOTAL	GROUP	%
AC	ADVERTISING	8			
AG	PRICE	17	.09		
AH	SPECIFICATION OF GOODS OR SERVICES	3	.19		
AI	NATURE OF SERVICES	19	.03		
AJ	FREE GIFTS, SPECIAL OFFERS	3	.21	50	.55
	AVAILABILITY		.03		
BA	REPRESENTATIONS	1	.01		
BC	HEALTH OR SAFETY	5	.06		
BD	PRICE	2	.02		
BE	QUANTITY	1	.01		
BG	OFFENSIVE OR DISTASTEFUL REPRESENTATIONS	13	.14		
BH	SPECIFICATION OF GOODS OR SERVICES	2	.02		
BI	NATURE OF SERVICES	7	.08		
BJ	FREE GIFTS, SPECIAL OFFERS	1	.01		
BK	AVAILABILITY	3	.03		
BZ	CONDITIONS OF SALE	1	.01	36	.40
	OTHER REPRESENTATIONS				
CA	PRODUCT LABELLING	5	.06		
CB	SAFETY LABEL OR INSTRUCTIONS	9	.10		
CE	CARE OR OPERATING LABEL OR INSTRUCTIONS	2	.02		
CG	DECEPTIVE PACKAGING	2	.02		
CH	DATE STAMPING	1	.01		
CZ	WEIGHT OR VOLUME OF PACKAGED GOODS	1	.01	20	.22
	OTHER PACKAGING OR LABELLING				

			GRPTOTAL	GROUP	%
DA	SALES				
DB	UNSOLICITED PRODUCT OR SERVICE	5	.06		
DC	DOOR-TO-DOOR	29	.32		
DE	PRESSURE SALES	13	.14		
DF	TELEPHONE SALES	8	.09		
DH	MAIL ORDER	151	1.66		
DI	IN THE HOME	1	.01		
DJ	NEED TO BUY A WHOLE ASSEMBLY	2	.02		
DK	NEED TO BUY A QUANTITY MORE THAN REQUIRED	3	.03		
	MULTI-LEVEL MARKETING	12	.13	224	2.47
	PRICE				
EA	CHARGES ABOVE QUOTE	55	.61		
EB	INDUSTRY PRICING POLICIES	27	.30		
EC	DISPUTED ACCOUNT OR INVOICE	226	2.49		
ED	OVERCHARGING	133	1.46		
EE	FAILURE TO INDICATE SELLING PRICE	2	.02		
EF	FAILURE TO PROVIDE ESTIMATE	1	.01		
EG	CHARGES FOR "FREE EXTRAS"	5	.06		
EH	FAILURE TO INDICATE EXISTENCE MIN CHARGE	5	.06		
EI	RENTAL CHARGES	3	.03		
EJ	COMPARISON WITH OTHER QUOTED PRICES	4	.04		
EK	CHARGING FOR QUOTE	10	.11		
EL	PRICE CONTROL	2	.02		
EM	FREQUENT PRICE RISES	5	.06		
EN	RETENTION OF DEPOSITS	279	3.07		
EZ	OTHER PRICES OR CHARGES	3	.03	760	8.37
	QUALITY				
FA	UNSATISFACTORY REPAIR	294	3.24		
FB	UNSATISFACTORY INSTALLATION	84	.93		
FC	UNSATISFACTORY PERFORMANCE OF A PRODUCT	72	.79		
FD	UNSATISFACTORY PERFORMANCE OF A SERVICE	1127	12.41		

%

GRP TOTAL GROUP

%

FE	UNAVAIL OF PRODUCT COMPONENT OR SERVICE	40	.44		
FF	UNSAFE OR HAZARDOUS PRODUCT OR SERVICE	15	.17		
FG	UNSATISFACTORY ADVICE	61	.67		
FH	UNAUTHORISED REPAIRS	18	.20		
FI	DEFECTIVE GOODS	1920	21.15		
FJ	LOSS OF CONSUMERS GOODS	105	1.16		
FK	DAMAGE TO CONSUMERS PROPERTY	208	2.29		
FL	WEIGHT OR MEASURE OF UNPACKED GOODS	2	.02		
FM	SUPPLY OF INCORRECT GOODS	138	1.52		
FN	NON-PERFORMANCE OR NON-COMPLETION	628	6.92		
FZ	OTHER QUALITY OF PRODUCT OR SERVICE	8	.09	4720	51.99
	CREDIT				
GA	REPOSSESSION	38	.42		
GB	DEBT COLLECTION	10	.11		
GC	EXORBITANT HIDDEN OR INCORRECT INTEREST	76	.84		
GD	OVERCOMMITMENT	137	1.51		
GE	DOCUMENTATION COMPLAINTS	45	.50		
GF	REBATES (CREDIT & INSURANCE) 3	9	.43		
GG	INVASION OF PRIVACY	12	.13		
GH	UNAUTHORISED TRANSACTIONS	41	.45		
GZ	OTHER CREDIT PRACTICES	9	.10	407	4.48
	CONTRACTS				
HA	HARSH & UNCONSCIONABLE CONTRACTS	62	.68		
HB	NON-ADHERENCE TO TERMS OF CONTRACT	183	2.02		
HC	NON-DISCLOSURE & MISREPRESENTATION OF TERMS	141	1.55		
HD	DEPOSITS	2	.02		
HE	LAY-BYS	18	.20		
HF	DISPUTE CONCERNING CHANGES OR CANCELLATION	273	3.01		
HG	NON-SUPPLY OF GOODS & SERVICES	731	8.05		
HH	NON-PERFORM OF SERVICE IN A REASONABLE TIME	176	1.94		
HI	REJECTION OF INSURANCE CLAIM	207	2.28		
HJ	DELAYS IN PROCESSING INSURANCE CLAIMS	56	.62		



CONSUMER PRODUCT STATISTICS 1987/88

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
FOOD & BEVERAGES				
CAKES BUNS BISCUITS AND PASTRY	4	.05		
MILK-POWDERED, UHT, EVAPORATED & CONDENSED MEAT	1	.01		
SAUSAGES	4	.05		
SEAFOOD	1	.01		
CANNED GOODS	1	.01		
PACKAGED OR BOTTLED GOODS	2	.03		
TAKE-AWAY FOODS (COOKED)	2	.03		
CONFECTIONERY AND MILKBAR PRODUCTS	2	.03		
BEER - RETAIL	2	.03		
WINE - BOTTLED	8	.10		
WINE - CASKS, FLAGON AND BULK SPIRITS	1	.01		
	2	.03	31	.40
CLOTHING, FOOTWEAR, DRAPERY & MANCHESTER				
CLOTHES- MEN AND BOYS	37	.48		
CLOTHES - WOMEN AND GIRLS	264	3.45		
CLOTHES - BABIES AND TODDLERS	5	.07		
CLOTHES - SPORTS	9	.12		
FOOTWEAR - MEN AND BOYS	19	.25		
FOOTWEAR - WOMEN AND GIRLS	65	.85		
FOOTWEAR - BABIES AND TODDLERS	1	.01		
FOOTWEAR - SPORTS	17	.22		
CLOTHING ACCESSORIES - MEN AND BOYS	2	.03		
CLOTHING ACCESSORIES - WOMEN AND GIRLS	15	.20		
HABERDASHERY AND CLOTHING MATERIALS	13	.17		
LINEN	7	.09		
TOWELLING	2	.03		
BLANKETS	3	.04		
QUILTS, EIDERDOWNS, DOONAS, PILLOWS AND CUSHIONS	4	.05	463	6.05

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
HOUSEHOLD GOODS				
WASHING MACHINES	68	.89		
DISHWASHERS	8	.10		
CLOTHES DRIERS	4	.05		
ELECTRIC STOVES	4	.05		
ELECTRIC WALL OVENS AND HOT PLATES	7	.09		
MICROWAVE OVENS	10	.13		
GAS STOVES	5	.07		
GAS WALL OVENS AND HOT PLATES	5	.07		
OTHER KITCHEN STOVES	1	.01		
REFRIGERATORS	78	1.02		
FREEZERS	10	.13		
RANGE HOODS	4	.05		
AIR CONDITIONERS	24	.31		
EVAPORATIVE AIR COOLERS	1	.01		
GAS HEATERS	25	.33		
ELECTRIC HEATERS	8	.10		
SOLID FUEL BURNING HEATERS	36	.47		
OPEN FIRE PLACES	10	.13		
ELECTRIC HOT WATER SYSTEMS	2	.03		
GAS HOT WATER SYSTEMS	9	.12		
SOLAR HOT WATER SYSTEMS	4	.05		
OTHER HOT WATER SYSTEMS	3	.04		
ELECTRIC SHAVERS	5	.07		
HAIR DRYERS	3	.04		
ELECTRIC FANS - FIXED	1	.01		
ELECTRIC KETTLES AND JUGS	3	.04		
ELECTRIC FOOD MIXERS/BLENDERS	6	.08		
ELECTRIC FRYING PANS, FRYPANS	1	.01		
ELECTRIC TOASTERS, WAFFLE MAKERS	2	.03		
BEVERAGE MAKERS - TEA & COFFEE	2	.03		
BEVERAGE MAKERS, EXCLUDING TEA & COFFEE	1	.01		
ELECTRIC IRONS, PRESSES & MANGLES	4	.05		
VACUUM CLEANERS - MOBILE	21	.27		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
SEWING, KNITTING AND OVERLOCKING MACHINES	16	.21		
OTHER SMALL PERSONAL APPLIANCES	3	.04		
OTHER SMALL HOUSEHOLD APPLIANCES	3	.04		
KITCHENWARE (NOT ELECTRICAL)	17	.22		
TABLEWARE	3	.04		
DINNERWARE	12	.16		
ORNAMENTS, PAINTINGS & DECORATIONS	26	.34		
TELEVISIONS	29	.38		
TELEVISION AERIALS	7	.09		
RADIOS	5	.07		
RADIOS INCORPORATING CASSETTE PLAYERS	17	.22		
AUDIO CASSETTE PLAYERS	6	.08		
STEREO HI- FI	24	.31		
COMPACT DISK PLAYERS	15	.20		
CB AND HAM RADIOS	1	.01		
VIDEO RECORDERS	39	.51		
VIDEO CAMERAS	9	.12		
COMPUTERS	27	.35		
COMPUTER PERIPHERALS	29	.38		
COMPUTER SOFTWARE	7	.09		
TYPEWRITERS	4	.05		
PRINTERS	2	.03		
INTERCOM EQUIPMENT	1	.01		
CALCULATORS	2	.03		
BEDS (CONVENTIONAL)	22	.29		
MATTRESSES	11	.14		
PORTABLE BEDS	2	.03		
WATER BEDS	12	.16		
BUNKS	2	.03		
BEDSTEAD WITHOUT BASE OR MATTRESS	4	.05		
BEDROOM FURNITURE	33	.43		
LOUNGE SUITES CHAIRS - CLOTH	68	.89		
LOUNGE SUITES CHAIRS - LEATHER	18	.24		
LOUNGE SUITES CHAIRS - CANE	3	.04		
LOUNGE SUITES CHAIRS - OTHER	16	.21		



PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
DIVANS INCLUDING SOFA BEDS	4	.05		
OCCASIONAL TABLES	2	.03		
DINING SUITES - UPHOLSTERED	6	.08		
DINING SUITES - OTHER	28	.37		
WALL UNITS, BOOKCASES, SHOWCASES	21	.27		
KITCHEN FURNITURE	7	.09		
GARDEN FURNITURE - TIMBER	1	.01		
GARDEN FURNITURE - METAL	2	.03		
GARDEN FURNITURE - OF OTHER MATERIAL	6	.08		
BARBECUES - PORTABLE	2	.03		
BATHROOM FURNITURE AND ACCESSORIES	5	.07		
CARPETS, RUGS AND SOFT FLOOR COVERINGS	86	1.12		
LINOLEUM	25	.33		
CORK TILES	2	.03		
HARD FLOOR COVERING ( NOT CERAMIC)	1	.01		
CURTAINS INCLUDING CURTAIN RODS, TRACK	30	.39		
ROLLER BLINDS FOR INSIDE USE	6	.08		
VENETIAN AND VERTICAL BLINDS	32	.42		
AWNINGS AND EXTERNAL ROLLER BLINDS	25	.33		
LAMPS - ELECTRICAL	4	.05		
LIGHT FITTINGS	7	.09		
FLYSCREENS AND SCREEN DOORS	8	.10		
SECURITY SCREEN DOORS	27	.35		
STROLLERS AND PRAMS	15	.20		
COTS	1	.01		
BASSINETS	1	.01		
DINNERWARE & TABLEWARE FOR INFANTS	1	.01	1225	16.00
MOTOR VEHICLES & OTHER TRANSPORT EQUIPMENT				
AUTOMOBILES - SEDANS, COUPES	942	12.30		
AUTOMOBILES - STATION WAGONS	66	.86		
AUTOMOBILES - VANS	30	.39		
AUTOMOBILES - PANEL VANS	4	.05		
AUTOMOBILES - UTILITIES	11	.14		
AUTOMOBILE - OFF ROAD, REGISTERABLE	32	.42		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
MOTOR VEHICLE CONSIGNMENT SALES	20	.26		
AUTOMOBILE REPAIRS - MECHANICAL ENGINE	152	1.99		
AUTOMOBILE REPAIRS - TRANSMISSION MANUAL	7	.09		
AUTOMOBILE REPAIRS - TRANSMISSION AUTOMATIC	8	.10		
AUTOMOBILE REPAIRS - MECHANICAL OTHER	50	.65		
AUTOMOTIVE REPAIRS - ELECTRICAL LIGHTING	2	.03		
AUTOMOTIVE REPAIRS - ELECTRICAL OTHER	5	.07		
AUTOMOTIVE REPAIRS - PANELBEATING BODYWORK	33	.43		
AUTOMOTIVE REPAIRS - DETAILING	7	.09		
AUTOMOTIVE REPAIRS - PAINTING	13	.17		
AUTOMOTIVE RUSTPROOFING	1	.01		
AUTOMOTIVE EXCHANGE ENGINES	65	.85		
AUTOMOBILE TOWING	9	.12		
PARKING - AUTOMOBILES, MOTORBIKES	6	.08		
AUTOMOBILE WHEELS	5	.07		
AUTOMOBILE TYRES, TUBES	18	.24		
AUTOMOBILE WHEEL RIMS	2	.03		
AUTOMOBILE HUB CAPS, WHEEL NUTS	2	.03		
SEAT BELTS, CHILD RESTRAINTS	1	.01		
HELMETS	1	.01		
BRAKE PARTS AND ASSEMBLIES	5	.07		
CLUTCH PARTS AND ASSEMBLIES	2	.03		
GEARBOX, GEAR PARTS	4	.05		
TRANSMISSION PARTS AND ASSEMBLIES	8	.10		
EXHAUST SYSTEMS - PARTS	11	.14		
ENGINE PARTS	16	.21		
SHOCK ABSORBERS	1	.01		
BATTERIES - AUTOMOBILE	3	.04		
LIGHTS FOR AUTOMOBILES	1	.01		
ELECTRICAL PARTS	7	.09		
AIR CONDITIONERS	3	.04		
AUTOMOBILE SECURITY SYSTEMS	4	.05		
SCANNING DEVICES	1	.01		
RADIOS AUTOMOBILE	1	.01		
RADIOS INCORPORATING CASSETTE PLAYERS	18	.24		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
AUDIO CASSETTE PLAYERS	2	.03		
CB AND HAM RADIOS	1	.01		
STEREO HI-FI	6	.08		
AUTOMOBILE SOUND SYSTEMS AND AERIALS	1	.01		
AUTOMOBILE DOORS, BODY PANELS AND DOOR LOCKS	7	.09		
AUTOMOBILE SEATS, UPHOLSTERY	12	.16		
AUTOMOBILE WINDOWS	4	.05		
AUTOMOBILE SUN ROOFS	1	.01		
BUMPER BARS	2	.03		
TOW BARS	1	.01		
ROOF RACKS, ROOF BARS	1	.01		
MIRRORS	1	.01		
MATS	1	.01		
CHAINS	1	.01		
MOTORBIKES AND TRAIL BIKES	21	.27		
BICYCLES	12	.16		
BICYCLE PARTS AND ACCESSORIES	1	.01		
CARAVANS INCLUDING ANNEXES	27	.35		
CAMPERVANS, MOBILE HOMES AND RELOCATABLE HOMES	12	.16		
TRAILERS	2	.03		
TRACTORS	4	.05		
DOZERS	1	.01		
YACHTS	1	.01		
CABIN CRUISERS AND TRAWLERS	5	.07		
OUTBOARD MOTORS	7	.09		
INBOARD MARINE ENGINES	1	.01		
BOAT REPAIRS & MAINTENANCE	6	.08		
AIRCRAFT	1	.01	1719	22.45
BUILDING & CONSTRUCTION				
HOUSE CONSTRUCTION	176	2.30		
HOME UNITS, TOWN HOUSES, VILLA CONSTRUCTION	1	.01		
KIT HOUSES AND KIT HOUSE CONSTRUCTION	12	.16		
HOUSE EXTENSIONS - KITCHEN	2	.03		
HOUSE EXTENSIONS - OTHER	44	.57		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
HOUSE RENOVATIONS - KITCHEN	102	1.33		
HOUSE RENOVATIONS - BATHROOM	29	.38		
HOUSE RENOVATIONS - OTHER	82	1.07		
GARAGES, SHEDS AND CARPORTS	42	.55		
TANKS	9	.12		
CONCRETE PUMPING AND DELIVERY	2	.03		
CONCRETE FOUNDATIONS	11	.14		
CONCRETE PATHS, DRIVEWAYS, KERBING & GUTTERING	48	.63		
BRICKLAYING, REPAIRS TO BRICKWORK	8	.10		
PAVING	21	.27		
BLOCKWORK	8	.10		
FENCING INCLUDING GATES - TIMBER	45	.59		
FENCING INCLUDING GATES - METAL	12	.16		
FENCING INCLUDING GATES - OF OTHER MATERIAL	6	.08		
CARPENTRY AND JOINERY	3	.04		
HOUSE OR OTHER BUILDING - PAINTING	26	.34		
ROOF TREATMENTS	39	.51		
WALL PAPERING	1	.01		
PLASTERING	4	.05		
PLUMBING - WATER AND DRAINAGE	21	.27		
PLUMBING - GAS	2	.03		
ELECTRICAL CONTRACTING	8	.10		
ROOF TILING	22	.29		
ROOF INSULATION	4	.05		
ROOFING - NON TILE	24	.31		
GUTTERING	9	.12		
CLADDING OR COATING	46	.60		
GLAZING	1	.01		
TILING - QUARRY & SLATE	2	.03		
TILING - CERAMIC	18	.24		
BITUMEN, ASPHALT PATHS AND DRIVEWAYS	1	.01		
GRAVEL PATHS AND DRIVEWAYS	1	.01		
HAND TOOLS	1	.01		
TILES (CERAMIC AND SLATE)	12	.16		
PAINT, PAINT THINNER AND TURPENTINE	4	.05		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
WALLPAPER, PASTE ETC	1	.01		
POWER TOOLS	10	.13		
GARAGE DOORS	14	.18		
WINDOWS, WINDOW UNITS	33	.43		
DOORS (NOT SECURITY OR SCREEN)	15	.20		
HOUSE BRICKS	6	.08		
MORTAR AND CEMENT	2	.03		
TIMBER - SOLID	9	.12		
COMPOSITE BOARD	4	.05		
SAND AND GRAVEL	3	.04		
DESIGNER FINISHES	1	.01		
PLUMBING SUPPLIES	15	.20		
ELECTRICAL SUPPLIES	3	.04		
SEALANTS, FASTENERS, GLUES AND PASTES	2	.03		
SWIMMING POOLS - CONCRETE - IN GROUND	45	.59		
SWIMMING POOLS - ABOVE GROUND	5	.07		
SPA BATHS, POOLS AND HOT TUBS	11	.14		
SWIMMING POOL EQUIPMENT	5	.07		
SWIMMING POOL SUPPLIES	4	.05		
LANDSCAPE GARDENING	8	.10		
GARDEN STATUES	1	.01		
OUTDOOR PLANTS	4	.05		
FERTILISER, PESTICIDES AND GARDEN SUPPLIES	3	.04		
GARDEN HOSES AND SPRINKLERS	4	.05		
GARDEN TOOLS	2	.03		
LAWN MOWERS	19	.25		
GARDENING MACHINES	1	.01		
CHAINSaws	11	.14		
BORES - HOUSEHOLD, GARDEN	2	.03		
RETICULATION PUMPS	2	.03		
			1154	15.07
GAMBLING				
TAB	1	.01		
LOTTO	3	.04		
LOTTERIES	1	.01		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
RAFFLES AND OTHER COMPETITIONS	14	.18	19	.25
LITERATURE TAPES & RECORDS				
NEWSPAPERS	3	.04		
MAGAZINES	15	.20		
PERIODICALS	6	.08		
BOOKS - GENERAL	42	.55		
ENCYCLOPAEDIAS	6	.08		
BOOKS - TEXT, SCHOOL	1	.01		
RECIPE CARDS, PROMOTIONAL CARDS AND STICKERS	15	.20		
GREETING CARDS AND GIFT WRAPPING	13	.17		
RECORDS EXCLUDING EDUCATIONAL RECORDS	5	.07		
TAPES - AUDIO BLANK	2	.03		
TAPES - AUDIO PRE-RECORDED	4	.05		
TAPES - VIDEO PRE-RECORDED	9	.12		
COMPACT DISCS	2	.03		
EDUCATIONAL AUDIO, VIDEO TAPES, RECORDS	6	.08		
DIRECT ADVERTISING MATERIAL	2	.03		
PENS, PENCILS, FELT PENS AND HIGHLIGHTERS	1	.01		
ENVELOPES, FOLDERS, COVERS & CARBON PAPER	2	.03		
STAPLERS, HOLE PUNCHES	1	.01		
OTHER MISCELLANEOUS STATIONERY PRODUCTS	2	.03		
OFFICE EQUIPMENT			137	1.79
COMPUTERS	3	.04		
COMPUTER PERIPHERALS	3	.04		
COMPUTER SOFTWARE	1	.01		
TYPEWRITERS	1	.01		
PHOTOCOPIERS	5	.07		
OFFICE EQUIPMENT SUPPLIES	1	.01		
CALCULATORS	1	.01		
TELEPHONE EQUIPMENT	12	.16	27	.35

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
HOBBIES GAMES & TOYS				
MODELLING	20	.26		
STAMP COLLECTING	4	.05		
COIN COLLECTING	1	.01		
COLLECTING - OTHER	1	.01		
INDOOR GAMES	7	.09		
HANDICRAFTS	3	.04		
TRICYCLES, BILLY CARTS, SCOOTERS, MOBILE TOYS	2	.03		
DOLLS, TEDDY BEARS, SOFT TOYS AND STUFFED TOYS	3	.04		
EDUCATIONAL AND CREATIVE TOYS	3	.04		
RIDE ON OR SIT ON TOYS	2	.03		
OTHER TOYS	10	.13	56	.73
SPORTING & CAMPING EQUIPMENT				
SURFING - SURFBOARDS, SURFSKIS ETC	1	.01		
SCUBA DIVING AND SNORKELLING GEAR	1	.01		
SNOW SKI EQUIPMENT	4	.05		
WATER SKI EQUIPMENT	2	.03		
ROLLER SKATING GEAR	1	.01		
SHOOTING EQUIPMENT	4	.05		
ARCHERY EQUIPMENT	2	.03		
GOLFING GEAR	2	.03		
SQUASH GEAR	1	.01		
TENNIS GEAR	1	.01		
BASEBALL EQUIPMENT	1	.01		
SNOOKER, BILLIARD TABLES AND GEAR	2	.03		
GYMNASIUM GEAR, TRAMPOLINES	3	.04		
SPORTING EQUIPMENT SUPPLIES	8	.10		
CYCLISTS ACCESSORIES	2	.03		
CAMPING EQUIPMENT SUPPLIES	1	.01		
TENTS	4	.05		
SLEEPING BAGS	1	.01		
CAMP STOVES, PRIMUS, ETC	1	.01		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
LANTERNS	1	.01		
CAMPING FURNITURE	1	.01	44	.57
JEWELLERY, CLOCKS & WATCHES				
JEWELLERY	39	.51		
PRECIOUS STONES	5	.07		
CLOCKS	4	.05		
WATCHES	16	.21		
PRECIOUS METALS	1	.01		
JEWELLERY, CLOCK AND WATCH SUPPLIES	47	.61	112	1.46
MUSICAL INSTRUMENTS				
BRASS MUSICAL INSTRUMENTS	1	.01		
WOODWIND INSTRUMENTS	1	.01		
DRUMS, PERCUSSION INSTRUMENTS	1	.01		
MUSICAL INSTRUMENTS - STRINGED AND PLUCKED	1	.01		
ELECTRIC GUITARS	1	.01		
PIANOS	2	.03		
ORGANS - NON PORTABLE	3	.04		
ELECTRONIC KEYBOARDS	2	.03		
MUSICAL INSTRUMENT SUPPLIES	2	.03	14	.18
PHOTOGRAPHIC EQUIPMENT & SUPPLIES				
CAMERAS	20	.26		
CAMERA ACCESSORIES	2	.03		
FILMS (UNPROCESSED)	2	.03		
PHOTOGRAPHIC SUPPLIES	9	.12	33	.43
CHEMICAL, HEALTH & HOUSEHOLD EQUIPMENT/PRODUCTS				
PHARMACEUTICALS - NON-PRESCRIBED	1	.01		
CONDOMS	1	.01		
SLIMMING, HEALTH TABLETS AND PREPARATIONS	12	.16		



PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
TOILETRIES, SOAP, PERFUMES AND COSMETICS	6	.08		
HEARING AIDS	5	.07		
SPECTACLES	5	.07		
SUNGLASSES - NON PRESCRIBED	4	.05		
CONTACT LENSES	1	.01		
SLIMMING, HEALTH AND MEDICAL EQUIPMENT	18	.24		
DENTURES	4	.05		
CLEANING EQUIPMENT	1	.01		
DETERGENTS, SOAPS, CLEANSERS	8	.10		
PACKING MATERIALS	1	.01		
MATCHES AND LIGHTERS	2	.03	69	.90
ANIMALS PETS & LIVESTOCK				
PETS	8	.10		
ANIMALS MAINTAINED FOR COMMERCE OR RECREATION	12	.16		
PET SUPPLIES	8	.10	28	.37
TRANSPORT, POST, TELEPHONE & ENERGY SERVICES				
BUS PASSENGER SERVICES - INTER STATE	48	.63		
BUS PASSENGER SERVICES - INTRA CITY OR STATE	1	.01		
AIR PASSENGER SERVICES - INTER STATE	7	.09		
AIR PASSENGER SERVICES - INTRA CITY OR STATE	2	.03		
SHIP PASSENGER SERVICES	11	.14		
TAXI PASSENGER SERVICES	2	.03		
HIRE CARS (DRIVER SUPPLIED)	4	.05		
RENT-A-CAR	10	.13		
TAXI TRUCKS (SELF DRIVE)	1	.01		
TAXI TRUCKS (DRIVER SUPPLIED)	3	.04		
HIRE TRAILERS	2	.03		
HIRE CAMPERVANS AND CARAVANS	2	.03		
FREIGHT - ROAD	4	.05		
FREIGHT - RAIL	1	.01		
FREIGHT - AIR	3	.04		
FREIGHT - SEA	5	.07		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
FURNITURE REMOVAL	62	.81		
HIRE OF TRANSPORT EQUIPMENT	2	.03		
TOURS (DOMESTIC)	2	.03		
TOURS (OVERSEAS)	4	.05		
TOUR OPERATORS	7	.09		
TRAVEL AGENTS	150	1.96		
TRAVEL GOODS	11	.14		
TRAVEL - MISCELLANEOUS	8	.10		
POSTAL SERVICES	3	.04		
TELEPHONE SERVICES	12	.16		
PETROL	12	.16		
DIESEL FUEL	1	.01		
GAS - LIQUEFIED	1	.01		
GAS - PIPED	2	.03		
ELECTRICITY	3	.04		
WATER AND SEWERAGE	2	.03		
FIREWOOD	3	.04	391	5.11
INSURANCE, FINANCE & INVESTMENT				
LIFE ASSURANCE	36	.47		
TRAVEL INSURANCE	18	.24		
HEALTH INSURANCE	30	.39		
SICKNESS ACCIDENT INSURANCE	45	.59		
MOTOR VEHICLE INSURANCE	146	1.91		
MOTOR VEHICLE EXTENDED WARRANTY INSURANCE	55	.72		
COMMERCIAL INSURANCE	6	.08		
HOUSEHOLD INSURANCE	74	.97		
MARINE INSURANCE	1	.01		
CONSUMER CREDIT INSURANCE	1	.01		
SUPERANNUATION	13	.17		
WORKERS COMPENSATION	1	.01		
SPORTING INSURANCE	1	.01		
PUBLIC LIABILITY INSURANCE	4	.05		
PERSONAL EFFECTS INSURANCE	5	.07		
CREDIT CARDS	52	.68		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
DEBIT CARDS	16	.21		
STORE CREDIT	31	.40		
CHAFFEL MORTGAGES	3	.04		
LAY-BY	3	.04		
HIRE PURCHASE	174	2.27		
PERSONAL LOANS	75	.98		
REAL ESTATE MORTGAGES	14	.18		
BANKING SERVICES - FINANCIAL	16	.21		
RURAL INVESTMENTS	4	.05		
FRANCHISES	3	.04		
FINANCE COMPANY INVESTMENT	3	.04		
INSURANCE COMPANY INVESTMENT	6	.08		
BANKING SERVICES - INVESTMENT	5	.07		
	6	.08	844	11.02
REAL ESTATE & ACCOMMODATION				
PROPERTY MANAGEMENT - STRATA TILE MANAGING AGENT	1	.01		
PROPERTY MANAGEMENT - RESIDENTIAL	4	.05		
PURCHASE, SALE BY PRIVATE TREATY - RESIDENTIAL	8	.10		
PURCHASE, SALE - RURAL PROPERTIES	6	.08		
PURCHASE, SALE BY REAL ESTATE DEALER	32	.42		
PROPERTY LISTING SERVICES BY LICENSED AGENT	3	.04		
PROPERTY LISTING SERVICES BY UNLICENSED AGENT	1	.01		
PROPERTY RENTAL AGREEMENT - GENERAL	1	.01		
PROPERTY RENTAL AGREEMENT - COMMERCIAL	1	.01		
PROPERTY RENTAL AGREEMENT - RESIDENTIAL	6	.08		
PURCHASE OF TRANSPORTABLE HOUSE	3	.04		
HOTELS	10	.13		
MOTELS	25	.33		
CARAVAN PARKS	5	.07		
CABINS AND CAMPING SITES	1	.01		
RETIREMENT HOME AND VILLAGES	5	.07		
TIME SHARING UNITS	11	.14		
TIME SHARING UNITS - LINKED	4	.05	127	1.66

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
MISCELLANEOUS SERVICES				
MEDICAL SERVICES	5	.07		
DENTAL SERVICES	9	.12		
PHARMACEUTICAL SERVICES	1	.01		
OPHTHOMETRIC AND OPHTHOMOLOGIC SERVICES	2	.03		
CHIROPRACTIC & OSTEOPATHIC SERVICES	1	.01		
HOSPITAL SERVICES	4	.05		
NATUROPATHIC SERVICES	1	.01		
PATHOLOGY SERVICES	2	.03		
LEGAL SERVICES	9	.12		
FUNERAL DIRECTORS	4	.05		
FUNERAL FUNDS	3	.04		
MONUMENTAL MASONS	15	.20		
CEMETERIES	1	.01		
CREMATORIUMS	1	.01		
ARCHITECTURAL SERVICES	12	.16		
ENGINEERING SERVICES	2	.03		
SURVEYING SERVICES	2	.03		
ACCOUNTING SERVICES	1	.01		
MANAGEMENT CONSULTANTS	2	.03		
TAX CONSULTANTS	3	.04		
STOCKBROKERS	1	.01		
INVESTMENT CONSULTANTS	6	.08		
DIRECTORY ENTRIES, ADVERTISING SERVICES	13	.17		
BANKING SERVICES	30	.39		
INSURANCE BROKERS	1	.01		
DEBT COLLECTION AGENCIES	2	.03		
DEBT, FINANCIAL COUNSELLING	1	.01		
PURCHASE, SALE BY AUCTION - GOODS & CHATTELS	2	.03		
HAIRDRESSING	24	.31		
MANICURE, PEDICURE & HAIR REMOVAL	1	.01		
SLIMMING COURSES	10	.13		
FITNESS COURSES AND GYMNASIUMS	22	.29		
DRIVING SCHOOLS	1	.01		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
MESSENGER AND COURIER SERVICES	1	.01		
PHOTOGRAPHIC PROCESSING SERVICES	12	.16		
PHOTOGRAPHY SERVICES	69	.90		
RENTAL AGENCY	2	.03		
MARRIAGE CONSULTANTS	1	.01		
INTRODUCTION SERVICES	30	.39		
ESCORT AGENCIES	1	.01		
FLORISTS	13	.17		
HAIR PIECES	5	.07		
HAIR RESTORATION	17	.22		
PRINTING AND COPYING SERVICES	3	.04		
PRIVATE INVESTIGATION	22	.29		
DATA PROCESSING & TYPING SERVICES	1	.01		
OTHER SEMI PROFESSIONAL & PROFESSIONAL SERVICES	58	.76		
FURNITURE POLISHING, UPHOLSTERING & REPAIRING	21	.27		
OFFICE EQUIPMENT MAINTENANCE	2	.03		
ANIMAL HOUSING, KENNELING, GROOMING AND TRAINING	2	.03		
LAUNDRY SERVICES	3	.04		
DRY CLEANING SERVICES	88	1.15		
CARPET CLEANING	39	.51		
HOUSE CLEANING	2	.03		
STORAGE OF GOODS (NOT AUTOMOBILES)	7	.09		
FREEZER PLANS	27	.35		
PEST CONTROL SERVICES	7	.09		
SWIMMING POOL MAINTENANCE	4	.05		
HOUSEHOLD EQUIPMENT SERVICE AND MAINTENANCE	141	1.84		
OFFICE EQUIPMENT SERVICE AND MAINTENANCE	1	.01		
GARBAGE, GARDEN REFUSE REMOVAL	5	.07		
SECURITY SERVICES	14	.18		
OTHER HOUSEHOLD SERVICES	12	.16		
TELEVISION REPAIRS	45	.59		
ELECTRICAL REPAIRS	8	.10		
PLUMBING REPAIRS	5	.07		
DRESSMAKING, WOMENS TAILORING	14	.18		
REPAIRS TO WOMENS CLOTHING	1	.01		

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
REPAIRS TO MENS CLOTHING	1	.01		
FOOTWEAR REPAIRS	4	.05		
HIRE OF POWER TOOLS	1	.01		
HIRE OF HOUSEHOLD APPLIANCES	4	.05		
HIRE OF CLOTHES AND COSTUMES	3	.04		
HIRE OF FURNITURE	1	.01		
HIRE OF HOUSEHOLD GOODS	3	.04		
TELEVISION HIRE 12 .16 906 11.83				
EDUCATION				
COMPUTER COURSES	4	.05		
PHOTOGRAPHIC COURSES INCLUDING CORRESPONDENCE	1	.01		
COOKING COURSES	1	.01		
HAIR DRESSING COURSES	1	.01		
BEAUTY AND MODELLING COURSES	23	.30		
RECEPTIONIST TYPING AND SECRETARIAL COURSES	5	.07		
SCUBA DIVING COURSES	3	.04		
PRIVATE SCHOOLS	3	.04		
COACHING INCLUDING PRIVATE TUITION	3	.04	73	.95
OTHER COURSES	29	.38		
ENTERTAINMENT, RECREATION & NOVELTY SERVICES				
LIVE ENTERTAINMENT	4	.05		
POP AND ROCK CONCERTS	32	.42		
TICKET RETAILING	13	.17		
SPORTING EVENTS	3	.04		
RESTAURANTS	18	.24		
CAFES AND TAKE AWAY FOOD OUTLETS	3	.04		
RECEPTION HOUSES	20	.26		
VIDEO LIBRARIES	3	.04		
DISCOUNT VOUCHER AND GIFT VOUCHER SCHEMES	23	.30		
TOURIST COMPLEXES	2	.03		
VIDEO PARLOURS	1	.01		
NOVELTY SERVICES	1	.01	123	1.61

PRODUCT	NUMBER	%	GRPTOTAL	GROUP%
EMPLOYMENT				
WORK AT HOME SCHEMES	3	.04		
GENERAL EMPLOYMENT	1	.01	4	.05
UNSPECIFIED PRODUCT OR SERVICE	58	.76	58	.76
<b>TOTAL</b>	<b>7657</b>	<b>100.00</b>	<b>7657</b>	<b>100.00</b>

# APPENDIX 15

## SMALL CLAIMS TRIBUNALS

Analysis of Claims Determined - Product/Service Classification - 1987/88.

	No.
<b>1. Food and Beverages</b>	
Food Products	3
Beverages	2
<b>SUB TOTAL</b>	<b>5</b>
<b>2. Clothing, Footwear and Drapery</b>	
Clothing	91
Footwear	32
Accessories	27
Drapery	9
Bed Linen, Blankets, Car Rugs	1
<b>SUB TOTAL</b>	<b>160</b>
<b>3. Consumer Durables and Furnishings</b>	
Electrical Goods, etc	38
Washing Machines, Dishwashers,	0
Stoves and Ovens	10
Refrigerators and Freezers	38
Air Conditioners	21
Heaters	15
Small Appliances	6
Vacuum Cleaners	4
Hot Water Systems	7
Sewing Machines	6
T.V., Radio, Hi-Fi, etc	28
Video Recorder, Video Camera	27
Home Computers	12
Other	6
Furniture	105
Carpets and other Floor Coverings	75
Curtains and Blinds	49
Lamps, Light Fittings	3
Linoleum, Cork Tiles, Hard Floor Coverings	29
Flyscreens, Security Doors	13
Nursery Products	4
Hardware and Kitchenware	12
<b>SUB TOTAL</b>	<b>508</b>



4.A	<b>Motor Vehicles and Other Transport Equipment</b>	
	Motor Vehicle New & Used	226
	Parts and Accessories	139
	Motor Bikes	17
	Cycles	5
	Boats, Outboard Engines	16
	Caravans, Campervans	17
	Trailers	6
	Tractors, Farm Machinery	1
	Trucks, Commercial Vehicles	1
	SUB TOTAL	428
4.B	<b>Repair and Servicing of Motor Vehicles</b>	
	Mechanical	525
	Electrical	8
	Rust Proofing	1
	Panel Beating	49
	Exchange Engines	21
	Detailing, Painting	36
	Towing & Storage	6
	Parking	3
	SUB TOTAL	649
5.	<b>Building and Construction</b>	
	New Homes	71
	Extensions and Renovations:	
	Concreting, Blockwork, Brickwork, etc	262
	Fences and Walls	54
	Carpentry	35
	Painting and Decorating	42
	Plumbing	42
	Electrical Work	9
	Roofing and Insulation	92
	Cladding	6
	Tiling	39
	Other	14
	Supply of Packages: Kitchens, Garages	24
	Building Products	100
	Garage Doors	7
	Swimming Pools	43
	Gardening	39
	SUB TOTAL	879
6.	<b>Miscellaneous Products</b>	
	Gambling, Lotteries	28
	Communications - Newspapers, Books Periodicals, etc	4
	Records & Tapes	1
	Office Equipment	2
	Sporting Goods	16
	Camping Equipment	5

	Jewellery, Watches and Clocks	67
	Coins, Precious Metals	1
	Toys and Musical Instruments	19
	Photographic Equipment	19
	Chemical Products	4
	Health Equipment	15
	Animals, Pets and Livestock	23
	Personal Appliances	1
	<b>SUB TOTAL</b>	<b>205</b>
<b>7.</b>	<b>Transport and Energy Services</b>	
	Transport	22
	Hire Transport	56
	Fuel Supplies	2
	Freight Services	5
	Travel	23
	Other	16
	<b>SUB TOTAL</b>	<b>124</b>
<b>8.</b>	<b>Insurance</b>	<b>62</b>
	<b>Finance</b>	<b>16</b>
	<b>SUB TOTAL</b>	<b>78</b>
<b>9.</b>	<b>Real Estate and Accommodation</b>	
	Property Management	1
	Lease and Rental	2
	Purchase, Sale	4
	Short Term Accommodation	12
	<b>SUB TOTAL</b>	<b>19</b>
<b>10.</b>	<b>Miscellaneous Services</b>	
	Professional Services	80
	Semi-Professional Services	121
	Laundry and Dry Cleaning	93
	Other Household Services	94
	Educational	33
	Entertainment, Recreation	46
	Other	15
	<b>SUB TOTAL</b>	<b>482</b>
	<b>GRAND TOTAL</b>	<b>3537</b>

## APPENDIX 16 A

### PROSECUTION DETAILS 1987/88

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
6-Jul-87	WATSON A E	MCTA	14		A PERSON TRADING IN USED MOTOR CARS WHILST NOT LICENSED TO DO SO.	1	300.00	150.00
7-Aug-87	CRISTINA W (CRISTINA CAR SALES)	FTA MCTA CAA	12(c) 29 36		A MOTOR CAR TRADER WHO MADE A FALSE ENTRY IN HIS RECORD OF PURCHASES, SUBSTITUTED THE DEVICE IN A MOTOR CAR USED FOR RECORDING THE DISTANCE TRAVELLED AND WHO MADE FALSE REPRESENTATIONS.	4	4,600.00	200.00
7-Aug-87	HART B	FTA CAA	12(c) 36		A USED CAR SALESMAN WHO MADE FALSE REPRESENTATIONS IN RELATION TO THE QUALITY AND HISTORY OF A MOTOR CAR.	2	2,000.00	200.00
10-Sep-87	Q PROMOTIONS (VIC) PTY LTD	CAA	13(1)		A COMPANY WHICH PUBLISHED FALSE AND MISLEADING STATEMENTS IN RELATION TO THE SALE OF MATERIAL TO BE USED FOR CLADDING HOUSES.	6	3,000.00	200.00
10-Sep-87	TIERNEY L M (VIFLEX INDUSTRIES)	CAA	13(1)		A PERSON WHO PUBLISHED FALSE AND MISLEADING STATEMENTS IN RELATION TO SALE OF MATERIAL TO BE USED FOR CLADDING HOUSES.	6	3,000.00	200.00

17-Sep-87	Q PROMOTIONS (VIC) PTY LTD	CAA	13(1)	CAA	13(1)	3	1,200.00	300.00	A COMPANY WHICH PUBLISHED FALSE AND MISLEADING STATEMENTS IN RELATION TO THE SALE OF MATERIAL. TO BE USED FOR CLADDING HOUSES TO BE
17-Sep-87	TIERNEY L M (VIFLEX INDUSTRIES)	CAA	13(1)	CAA	13(1)	3	1,200.00	300.00	A PERSON WHO PUBLISHED FALSE AND MISLEADING STATEMENTS IN RELATION TO THE SALE OF MATERIAL TO BE USED FOR CLADDING HOUSES.
7-Oct-87	ITALIANO N (TINA MOTORS)	MCTA MCTA	26(1) 40(1)	MCTA MCTA	26(1) 40(1)	15		300.00	A MOTOR CAR TRADER WHO FAILED TO MAINTAIN HIS BUSINESS DOCUMENTATION IN THE MATTER REQUIRED WAS PLACED ON A GOOD BEHAVIOUR BOND
20-Oct-87	MIKE GOOD MOTORS PTY LTD	MCTA MCTA FTA CAA	29 53 12 36	MCTA MCTA FTA CAA	29 53 12 36	3	1,380.00	250.00	A MOTOR CAR TRADER WHO REDUCED THE DISTANCE SHOWN TO BE TRAVELLED BY A MOTOR CAR AND THEN MADE FALSE REPRESENTATIONS AS TO THE DISTANCE TRAVELLED BY THE CAR.
20-Oct-87	P J DUCAT AND SONS PTY LTD	W & M	82H(1)	W & M	82H(1)	2		200.00	A COMPANY WHICH PACKAGED MILK AND ORANGE FRUIT DRINK AT A VOLUME LESS THAN THAT STATED ON THE PACKAGE WAS PLACED ON A GOOD BEHAVIOUR BOND.
29-Oct-87	HARRIS J M	RTA	146(b)	RTA	146(b)	1		250.00	A LANDLORD WHO OBTAINED RENTED PREMISES BY REMOVING A TENANT'S FURNITURE AND PERSONAL EFFECTS AND CHANGING THE LOCKS WAS PLACED ON A GOOD BEHAVIOUR BOND.

5-Nov-87	SCARICA J	RTA RTA RTA RTA	61(1)(c) 67(1)(a) 73(1) 87(1)(a)		4	250.00	250.00	A LANDLORD WHO FAILED TO PROVIDE HIS TENANT WITH DOCUMENTATION RELATING TO A TENANCY AGREEMENT AND WHO FAILED TO PAY THE SECURITY DEPOSIT INTO AN APPROVED TRUST ACCOUNT.
10-Nov-87	RESTAURANT WORLD PTY LTD	CAA CAA	15 20A		3	350.00	260.00	A COMPANY WHICH FAILED TO PROVIDE IDENTIFICATION AND WHICH FAILED TO PROVIDE ITS CLIENTS WITH A TEN DAY COOLING-OFF PERIOD.
10-Nov-87	STUART R A	CAA	15		2	300.00	260.00	A PERSON WHO FAILED TO ENSURE THAT CONSUMERS RECEIVED A NOTICE ADVISING THEM OF THE RIGHT TO A TEN DAY COOLING OFF PERIOD IN A DOOR-TO-DOOR SALES AGREEMENT.
13-Nov-87	KNIGHT M H	MCTA MCTA	14	403	16	2,750.00	600.00	A PERSON TRADING IN USED MOTOR CARS WHILST NOT LICENSED TO DO SO AND WHO ADVERTISED MOTOR CARS FOR SALE WITHOUT PUBLISHING THE REGISTRATION NUMBERS OF THE MOTOR CARS OFFERED FOR SALE.
17-Nov-87	HILL S J	MCTA	26		6		250.00	A PERSON WHO FAILED TO RECORD FULL DETAILS OF USED MOTOR CAR ACQUISITIONS IN HIS PURCHASES BOOK WAS PLACED ON A GOOD BEHAVIOUR BOND.

24-Nov-87	MIDLAND MILK PTY LTDW & M	82H(1)	A COMPANY WHICH PACKAGED MILK AND A VARIETY OF FRUIT JUICE DRINKS AT A VOLUME LESS THAN THAT STATED ON THE PACKAGE WAS PLACED ON A GOOD BEHAVIOUR BOND.	7	500.00
30-Nov-87	CLOVERLEAF SERVICES (AUST) PTY LTD	12(c) 12(g) 17 12(i)	A COMPANY WHICH MADE FALSE STATEMENTS IN RELATION TO THE NEED FOR ROOF RENOVATIONS.	13	10,000.00
10-Dec-87	SPEED E	12(a)	A PERSON WHO MADE FALSE REPRESENTATIONS IN RELATION TO THE DISTANCE TRAVELLED BY A MOTOR CAR WAS PLACED ON A GOOD BEHAVIOUR BOND.	1	200.00
21-Jan-88	NOVELLA J	61(1)(a) 67(1)(a) 73(1) 76(2)	A LANDLORD WHO FAILED TO PROVIDE HIS TENANT WITH DOCUMENTATION RELATING TO A TENANCY AGREEMENT AND WHO FAILED TO PAY THE SECURITY DEPOSIT INTO AN APPROVED TRUST ACCOUNT.	8	280.00
9-Feb-88	GARMENT S (TESLA TRADE AND TRAVEL)	TAA 8(7)	A PERSON WHO MADE A FALSE DECLARATION IN RELATION TO AN APPLICATION FOR ATRAVEL AGENTS LICENCE.	1	500.00
9-Feb-88	ROMEO S (WAGON WHEEL MOTORS)	MCTA 26	A MOTOR CAR TRADER WHO FAILED TO RECORD FULL DETAILS OF USED CAR ACQUISITIONS.	9	630.00

11-Feb-88	POWELL M (MDM MOTORS)	MCTA MCTA	26 40		6	650.00	200.00	A MOTOR CAR TRADER WHO OMITTED DETAILS FROM HIS RECORDS OF USED MOTOR CAR ACQUISITIONS AND FROM FORMS REQUIRED TO BE ATTACHED TO USED MOTOR CARS DISPLAYED FOR SALE.
12-Feb-88	HONAN G	FTA	12		1		1,000.00	A SALESMAN WHO MADE FALSE REPRESENTATIONS IN RELATION TO THE BENEFITS AVAILABLE TO PURCHASERS OF A GOOD FOOD AND ACCOMMODATION GUIDE.
12-Feb-88	RESTAURANT WORLD PTY LTD	FTA	12		2	10,000.00	1,000.00	A COMPANY WHICH PERMITTED FALSE REPRESENTATIONS TO BE MADE IN RELATION TO THE SALE OF A FOOD AND ACCOMMODATION GUIDE.
12-Feb-88	SMITH C J	RTA	40		4	800.00	250.00	A LANDLORD WHO FAILED TO PROVIDE HIS TENANT WITH DOCUMENTS RELATING TO A TENANCY AGREEMENT AND WHO FAILED TO COMPLY WITH AN ORDER OF THE RESIDENTIAL TENANCIES TRIBUNAL.
3-Mar-88	VELLA V P	MCTA MCTA '73 MCTA '86 7	14	403	12	900.00	300.00	A PERSON DEALING IN USED MOTOR CARS WHILST NOT LICENSED TO DO SO AND WHO ADVERTISED MOTOR CARS FOR SALE WITHOUT PUBLISHING THE REGISTRATION NUMBERS OF THE MOTOR CARS OFFERED FOR SALE.
28-Mar-88	MANAVIS T	RTA	122		1		300.00	A LANDLORD WHO UNLAWFULLY RE-LET RESIDENTIAL PREMISES WITHIN SIX MONTHS OF SERVING A NOTICE TO VACATE ON THE GROUNDS THAT THE PREMISES WERE TO BE SOLD WAS

12-Apr-88	CARMONT PTY LTD (MOTOR ACTION)	MCTA	40		17	580.00	200.00	PLACED ON A GOOD BEHAVIOUR BOND. A MOTOR CAR TRADER WHO OMITTED DETAILS FROM FORMS ATTACHED TO USED MOTOR CARS DISPLAYED FOR SALE.
21-Apr-88	ASSOCIATED DAIRIES LTD	W & M	82H		1	100.00	200.00	A COMPANY WHICH PACKAGED A DAIRY PRODUCT AT A VOLUME LESS THAN THAT STATED ON THE CONTAINER.
27-Apr-88	McINTOSH N G (INTERNATIONAL SALES AUDIT)	FTA CAA	21 13(2B)		2	350.00	200.00	A PERSON WHO MADE MISLEADING STATEMENTS CONCERNING THE PROFITABILITY OR RISK OF A HOME BUSINESS ACTIVITY AND WHO FAILED TO INCLUDE IDENTIFICATION IN CONNECTION WITH ADVERTISING A BOX NUMBER.
2-May-88	RICHARDSON S	RTA	148(C)		1		150.00	AN ESTATE AGENT WHO ASSISTED A LANDLORD TO UNLAWFULLY REGAIN RENTED PREMISES ON THE GROUNDS "THAT THE PROPERTY WAS TO BE SOLD" WAS PLACED ON A GOOD BEHAVIOUR BOND.
5-May-88	LIDDELL P G (ACCESS CAR PHONES)	MCTA MCTA	14	403	9	600.00	200.00	A PERSON DEALING IN USED MOTOR CARS WHILST NOT LICENSED TO DO SO AND WHO ADVERTISED MOTOR CARS FOR SALE WITHOUT PUBLISHING THE REGISTRATION NUMBERS OF THE MOTOR CARS OFFERED FOR SALE.



5-May-88	NISCHLER A C (ACCESS DETAIL)	MCTA '73 14 MCTA '86 7 MCTA	403	18	3,250.00	200.00	A PERSON DEALING IN USED MOTOR CARS WHILST NOT LICENSED TO DO SO AND WHO ADVERTISED MOTOR CARS FOR SALE WITHOUT PUBLISHING THE REGISTRATION NUMBERS OF THE MOTOR CARS OFFERED FOR SALE.
5-May-88	STEWART D N	FTA CAA CAA	12 15 20A	30	2,180.00		A PERSON MADE FALSE REPRESENTATIONS TO ENTER INTO CONTRACTS FOR HOUSE RENOVATIONS, DID NOT PROVIDE COPIES OF CONTRACTS AND FAILED TO ADVISE CLIENTS OF THEIR RIGHTS TO A TEN DAY COOLING-OFF PERIOD.
5-May-88	STEWART W	CAA CAA FTA	15 20A 12	30	1,200.00		A PERSON WHO FAILED TO PROVIDE COPIES OF CONTRACTS ENTERED INTO FOR HOUSE RENOVATIONS AND FAILED TO ADVISE CLIENTS OF THEIR RIGHT TO A TEN DAY COOLING-OFF PERIOD.
6-May-88	ANDERSON O M	MCTA CAA	26 36	1	50.00		AN OFFICER OF A COMPANY WHO FAILED TO TAKE REASONABLE STEPS TO PREVENT THE TAMPERING WITH DISTANCE SHOWN TO BE TRAVELLED BY A MOTOR CAR.
6-May-88	JAYJACQ PTY LTD	FTA MCTA CAA	12 26 36	2	1,550.00	400.00	A MOTOR CAR TRADER WHICH REDUCED THE DISTANCE SHOWN TO BE TRAVELLED BY A MOTOR CAR AND THEN MADE FALSE REPRESENTATIONS IN RELATION TO THE DISTANCE TRAVELLED BY THE MOTOR CAR.

13-May-88	ALSIDE AUSTRALIA PTY LTD	CAA CAA CAA	15(3) 15(4) 20	A COMPANY WHICH FAILED TO GIVE TO ITS CLIENTS A NOTICE ADVISING THE RIGHT TO A TEN DAY COOLING-OFF PERIOD, INCLUDED A VOID PROVISION IN ITS CONTRACT AND UNLAWFULLY ASSERTED A RIGHT A PAYMENT.	3	700.00	600.00
23-May-88	ABDALLA A (UNI-VOYAGES) (AA TRAVEL) (JUST HONEYMOONS)	TAA	6	A PERSON CARRYING ON THE BUSINESS OF A TRAVEL AGENT WHILST NOT LICENSED TO DO SO.	1	5,000.00	500.00
26-May-88	SPICER K G (EAST BRIGHTON CAR SALES)	FTA	12(α)	A MOTOR CAR TRADER WHO MADE FALSE REPRESENTATIONS AS TO THE DISTANCE TRAVELLED BY A MOTOR CAR.	1	1,500.00	300.00
3-Jun-88	MORGAN M D (MELBOURNE CAR CENTRE)	FTA MCTA CAA	12(α) 29 36	A PERSON WHO REDUCED THE DISTANCE SHOWN TO BE TRAVELLED BY MOTOR CARS AND THEN MADE FALSE STATEMENTS CONCERNING THE DISTANCE TRAVELLED BY EACH.	9	7,000.00	2,400.00
3-Jun-88	VULINOVICH S (MELBOURNE CAR CENTRE)	FTA MCTA CAA	12(α) 29 36	A MOTOR CAR TRADER WHO REDUCED THE DISTANCE SHOWN TO BE TRAVELLED BY MOTOR CARS AND THEN MADE FALSE STATEMENTS CONCERNING THE DISTANCE TRAVELLED BY EACH.	9	5,700.00	2,400.00

14-Jun-88	LI DONNI A	HBL	918B	1	500.00	250.00	AN UNREGISTERED BUILDER WHO ENTERED INTO A CONTRACT TO CONSTRUCT A DWELLING HOUSE WITHOUT PROVIDING INDEMNITY AGAINST FAULTY WORKMANSHIP.
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NOTE:

- CAA - Consumer Affairs Act 1972
- FTA - Fair Trading Act 1985
- HBL - Home Builder Liability Provisions of the Local Government Act 1958
- MCTA - Motor Car Trader Act 1973 or Motor Car Traders Act 1986
- RTA - Residential Tenancies Act 1980
- TAA - Travel Agents Act 1986
- W & M - Weights and Measures Act 1958

## APPENDIX 16 B

### DETAILS OF PROSECUTIONS FOR 1987/88 BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT 1958

TRADERS NAME	PROSECUTING AUTHORITY	DETAILS	RESULTS
D.T.R.M. Nominees Trading as San Remo Bakery	Northern Suburbs Weights and Measures Union	Bread Marking	\$400 in Poor Box \$421 Costs
Rob's Hot Bread (Robert James Baker)	Shire of Bellarine	Unjust Statement Obstruction Abusive language to an Inspector Failed to carry out a direction	\$600 Fine \$273 Costs
Vincent Bart Jervis	Southern Weights and Measures Union	Underweight Stewing Steak Concealed Scales	\$200 Fine \$250 Costs
Jervis Nominees	Southern Weights and Measures Union	Underweight Stewing Steak Concealed Scales	\$200 Fine \$250 Costs
Dorothy Farmer	Southern Weights and Measures Union	Using unstamped Weighing Instru- ments	\$600 Fine \$320 Costs
Leslie Humm	Geelong District Weights and Measures Union	Failed to pay an account within 14 days	\$ 80 Fine \$ 34 Costs
Jeffrey Daryl Cox	Southern Weights and Measures Union	Short Weight Meat	\$400 Fine \$440 Costs
John Woodward	Southern Weights and Measures Union	Short Weight Meat False Declaration	\$300 Fine \$440 Costs
Centenary Bakery (Dionisis Bread Marking & Dimitra Kastanis)	City of Melbourne	Underweight Bread	\$300 Fine
Airey's Inlet Timber & Hardware	Geelong District Weights & Measures Union	Failed to pay an account within 14 days	\$30 Fine \$52 Costs
Hart Steel Pty. Ltd.	Northern Suburbs Weights and Measures Union	Lightweight steel sheet False Declaration	\$500 Bond

Nacon Pty.Ltd.	East Central Weights and Measures Union	Short Weight Alfalfa Short Weight Pre- packed Article	\$200 Fine \$250 Costs
James MacHar	Geelong District Weights and Measures Union	Failed to pay an account within 14 days	\$ 80 Fine \$ 45 Costs
Kim McLean	Geelong District Weights and Measures Union Unstamped scale	False declaration Weight of 2 Cray- fish (2 charges)	\$500 Fine \$ 52 Costs
Geoffrey Oates	Geelong District Weights and Measures Union 14 days	Failed to pay an account within 14 days	\$ 40 Fine \$ 44.50 Costs
Neil Pyke	Geelong District Weights and Measures Union	Failed to pay an account within 14 days	\$ 80 Fine \$ 34 Costs
Australian Safeway Stores Pty.Ltd.	Northern Suburbs Weights and Measures Union	Short Weight Fruit Cheese	\$1000 Fine
Belmore Hot Bread (Nel & and Sharon A. Rosewarne)	East Central Weights Measures Union	Short Weight Bread	\$200 Fine \$500 Bond each
Ian Sydney McKay	Southern Weights and Measures Union	Packages not packed in accordance with Reg.82(F) Sale of Meat. Short Weight Meat False Declaration	\$300 Fine \$450 Costs
Tom Kennedy	Northern Suburbs Weights and Measures Union	False Declaration. Short Weight Meat.	\$300 Fine \$173 Costs

## APPENDIX 16 C

### OBJECTION TO THE ISSUE OF LICENCES SUBMITTED BY THE DIRECTOR OF CONSUMER AFFAIRS

Applicant	Objector	Type of Licence	Results	Key
Frerod Pty Ltd trading as Ashburton Car Sales - Joachim Pydde & Christopher George Davies	DCA	MC	Licence revoked	- Motor Car Trader - Credit Provider - Finance Broker - Travel Agent - Director of Consumer Affairs - Chief Commissioner of Police - Consumer Credit Legal Service
Roleystone Pty Ltd	DCA	MC	Application refused	
Prosol Pty Ltd	DCA	MC	Application refused	
Salbo Pty Ltd trading as Westside Car Sales & Motorscene	DCA	MC	Licence revoked	
Micjo Interests Pty Ltd - John James Atlas & Terri Annette Mellowship	DCA	MC	Objection not upheld	
Charles Occhipinti & Joseph Coia trading as Geelong Auto Auction	DCA	MC	Objection not upheld	
Haralambos & Vasilios Sevastopoulos trading as Sevastopoulos Travel Service	DCA	TA	V. Sevastopoulos-withdrew H. Sevastopoulos-Licence granted	

Applicant	Objector	Type of Licence	Results
Jay Jacq Pty Ltd trading as Anderson-Bac	DCA	MC	Licence terminated by Supreme Court of Victoria
Tactoe Pty Ltd - Gregory Ian & Anne Therese Ferguson	DCA	MC	Licence granted
Prime Developments Pty Ltd	DCA	MC	Application on appeal struck out by Melbourne Magistrates Court for non appearance of appellant
OMA (Vic) Pty Ltd David & Hetty Gradstein	CA	MC	Licence renewed
National Westminster Finance Australia Ltd	DCA & CCLS	CP	Licence granted
Hollyrock Motors Pty Ltd - John Edgar Chittick & Emilio Migliore	DCA	MC	Licence not renewed
Colin Watson Pty. Ltd.	DCA	MC	Licence renewed-subject to conditions
Morris Hazan trading as Australian Ownership & Investment & Finance Company	DCA	FB	Pending
Robert Stanley White trading as New Victorian Automobiles	DCA	MC	Licence not renewed
HFC Financial Services Ltd	DCA & CCLS	CP	Pending
R & J Plumption Investments Pty Ltd trading as Jultray Motors conditions	DCA	MC	Licence renewed with

Applicant	Objector	Type of Licence	Results
David Alexander Margolin trading as Melbourne European Cars	DCA	MC	Licence granted
Stevo Vulinovich trading as Melbourne Car Centre	DCA	MC	Licence not renewed
Carromt Pty Ltd trading as Motor Action Prestige & Performance	DCA	MC	Licence not renewed
Andrew Charles Nischler & Jennifer O'Reilly	DCA	MC	Application refused in relation to A.C. Nischler.
AVCO Financial Services Ltd	DCA & CCLS	CP	Pending
Mantex Pty Ltd - Victoria Mendelson & Neil Steggall	DCA	FB	Application lapsed
Gallant Amber Pty Ltd trading as Highway Honda	CCP	MC	Licence granted
Mecray Pty Ltd	CCP	MC	Application withdrawn
Gionette Pty Ltd trading as Aquarius Motor Mart	CCP	MC	Licence granted
Genolea trading as Action Auctions	CCP	MC	Licence granted
Iffrimie Pty Ltd trading as Mount Hall Motors	CCP	MC	Application Refused
Horst Alfred Bubart	CCP	MC	Application withdrawn
Creswick Road Car Sales	CCP	MC	Hearing cancelled
Louis Farrugia	CCP	MC	Application withdrawn



Applicant	Objector	Type of Licence	Results
R.A. McNaughton	CCP	MC	Pending
Rosarius July Nominees Pty Ltd	CCP	MC	Licence granted
Johannes Benjamin Vos	CCP	MC	Licence granted

