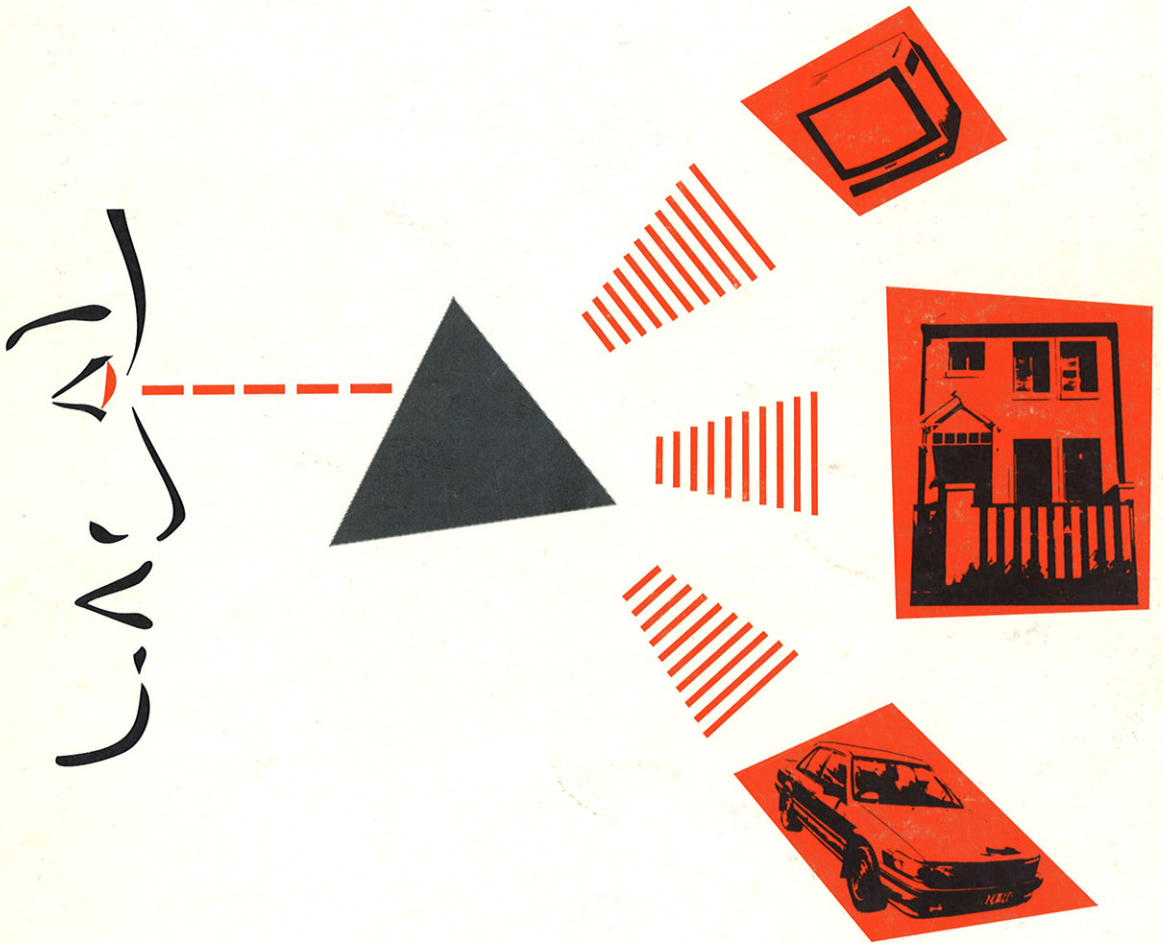


1990

ANNUAL REPORT



MINISTRY OF  
**CONSUMER**  **AFFAIRS**

VICTORIA

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*Report*

of the

**MINISTRY OF CONSUMER AFFAIRS**

for the

Year ended 30 June 1990

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*Ordered by the Legislative Assembly to be printed*

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MELBOURNE  
L. V. NORTH, GOVERNMENT PRINTER  
1989-90



The Hon. Brian W. Mier MLC  
Minister for Consumer Affairs  
Minister for Prices  
Minister for Aboriginal Affairs

The Hon. Brian W. Mier MLC,  
Minister for Consumer Affairs  
500 Bourke Street,  
MELBOURNE. 3000

Sir,

**ANNUAL REPORT 1989/90**

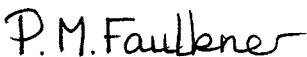
Pursuant to Section 8 of the Annual Reporting Act 1983, I present to you my report on the activities and operations of the Ministry of Consumer Affairs, for the year ending 30 June, 1990.

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,



P. M. Faulkner,  
Director of Consumer Affairs,  
October 1990.

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# DIRECTOR'S OVERVIEW



Patricia Faulkner

The demand for all Ministry services continued to grow during 1989/90.

Over 250,000 clients contacted the Ministry for service or assistance during the year and more than 36,000 contacted the 60 community organisations funded by the Ministry of Consumer Affairs to provide advice and assistance in relation to consumer and tenancy matters. Services provided by the Ministry's three regional offices continued to be popular with 50,000 clients being assisted by these offices.

Credit and house building were two major concerns and, as a result, received particular attention this year. The Credit Licensing Authority handed down its decision in the contested hearing of a licence application by HFC (now Household Financial Services Limited). The licence was not granted and this decision is currently subject to action in the Supreme Court. This hearing highlighted some of the problems many consumers face when entering credit contracts.

The Ministry's work indicates many consumers do not understand the nature of the commitments they take on when signing a credit contract. In part this is because consumers don't ask the right questions. More important is the fact that critical information is not adequately disclosed by the credit provider and, in some cases, consumers are misled about what commitment they are being asked to make.

This year the Ministry undertook its first TV campaign "Credit Costs You" in an attempt to educate consumers about the dangers of credit overcommitment. Work also continued on changes to credit legislation to ensure that critical information is made available to consumers before they sign credit contracts. The aim is to help consumers make informed choices about credit contracts. A pamphlet setting out simple information about being a guarantor or co-borrower for a loan was also produced.



Disputes over domestic building continue to cause major problems. The Ministry is concerned that the current standard contracts used in the building industry are unfair and difficult to understand. Work has commenced on drafting a simplified alternative contract.

During the year, the Ministry received a number of complaints about the Housing Guarantee Fund's (HGF) operation. A review of HGF's complaints-handling procedures is nearing completion and a revised procedure will be put into place after consultation with relevant interest groups. The House Contracts Guarantee Act 1987 was amended to improve protection for consumers.

Fifty-two prosecutions were completed by the Ministry in the 1989/90 year with a record total of \$355,025 in fines being imposed. The most prominent company prosecuted amongst these was RBP Pty Limited. The company and its Managing Director, Raymond Yallouz, showed blatant disregard for fair trading standards. The fines imposed on Mr Yallouz and his company were the largest penalties ever imposed for offences under the Victorian Fair Trading Act 1985.

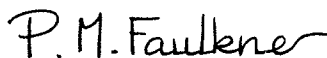
Thirteen objections to the granting or retaining of licences to motor car traders, travel agents, credit providers or finance brokers were lodged by the Ministry and six dangerous products were banned.

The focus on educating members of the community about their rights and responsibilities continued with updated and new publications on residential tenancies, shoppers' and traders' rights and responsibilities, door-to-door sales, lay-by, customer relations, household removals, credit, nursery furniture, buying a used car and the Small Claims Tribunal.

The Office of Prices became part of the Ministry of Consumer Affairs in November 1989. As well as assisting the Prices Commissioner, the office monitored supermarket grocery prices and resolved many consumer complaints, 130 of which concerned the operation of scanning technology.

The focus of Ministry staff for 1989/90 was on consolidating the changes that the Ministry has made over recent years. Consumer advice and assistance is now available through a broad network of community-based and regional locations. The system for objecting to the provision or renewal of licences is firmly in place. Many of the operational difficulties of the House Contracts Guarantee Act have been rectified. Waiting times for tribunal hearings have been maintained at four to six weeks, despite increasing numbers of cases being heard.

I look forward to continuing progress in the next financial year.



P.M. FAULKNER  
Director

# THE MINISTRY

## ENABLING LEGISLATION

On 3 June 1974, the Ministry of Consumer Affairs Act 1973 came into operation establishing a Ministry and appointing a Director of Consumer Affairs. This superseded the Consumer Protection Bureau which had operated since 1970.

The following Acts are administered by the Ministry entirely or in part. (See Appendix 5 or summary a description of each Act).

Caravan Parks and Movable Dwellings Act 1988 (excluding part 6 - Local Government Department)

Chattel Securities Act 1987 (excluding Part 3 - Ministry of Transport)

Consumer Affairs Act 1972

Credit Act 1984

Credit (Administration) Act 1984

Credit Reporting Act 1978

Disposal of Uncollected Goods Act 1961

Fair Trading Act 1985

Finance Brokers Act 1969

Fuel Prices Regulation Act 1981

House Contracts Guarantee Act 1987

Liquor Control Act 1987

Market Court Act 1978

Ministry of Consumer Affairs Act 1973

Motor Car Traders Act 1986

Residential Tenancies Act 1980 (part administered by the Ministry of Housing and Construction).

Shop Trading Act 1987

Small Claims Tribunals Act 1973

Travel Agents Act 1986

Weights and Measures Act 1958 (excluding section 53B - Local Government Department)

## RESPONSIBLE MINISTER

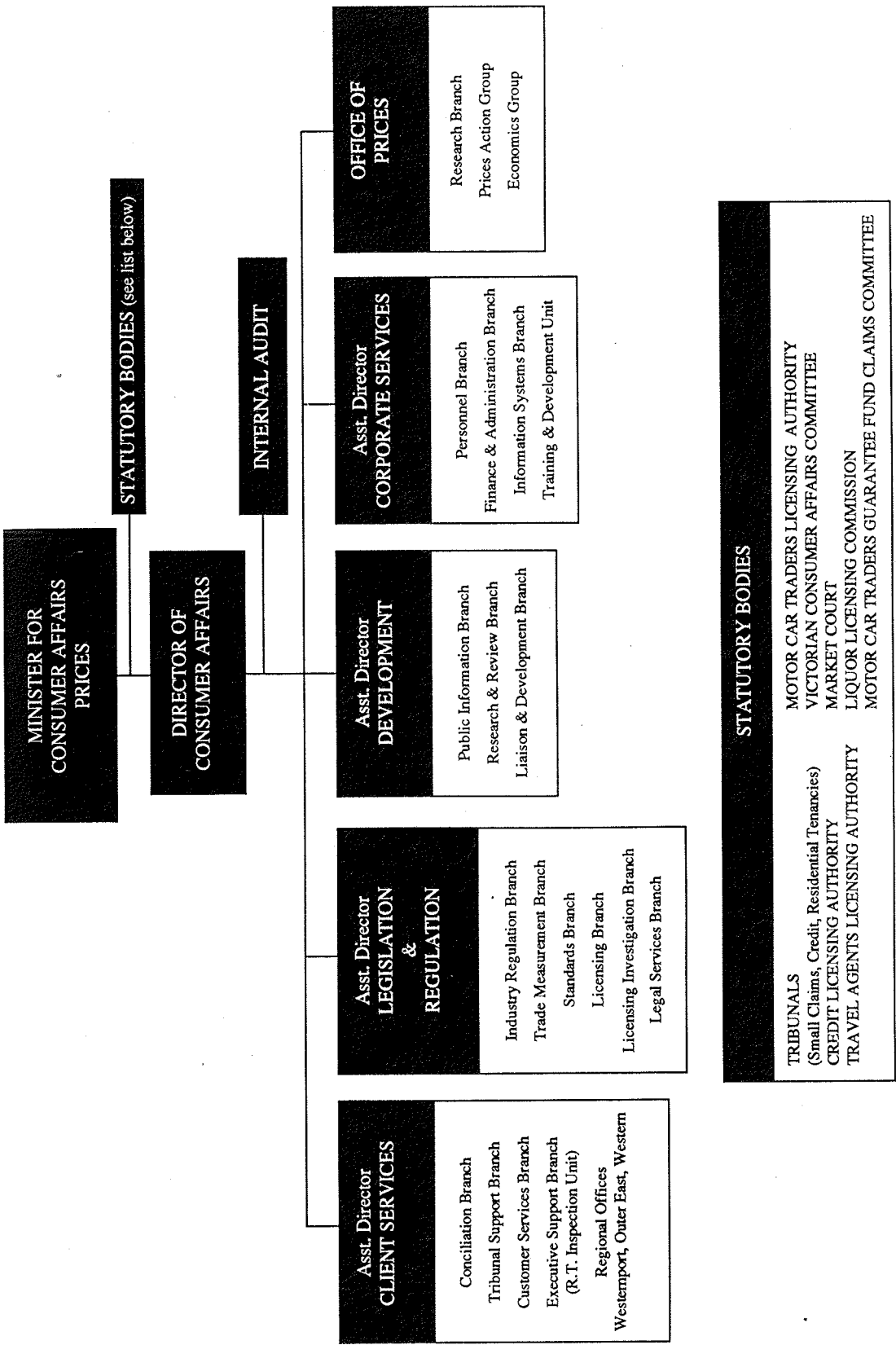
Under section 5, sub-sections (a) and (b) of the Ministry of Consumer Affairs Act 1973, the Minister for Consumer Affairs is responsible for the administration of that Act and other Acts where the administration is transferred to or vested in him.

## **CORPORATE MISSION**

To ensure a balance between the rights and responsibilities of consumers and traders, tenants and landlords, in the marketplace through the development and enforcement of standards (including legislation) and the provision of information and mechanisms for resolving disputes.

## **CORPORATE OBJECTIVES**

1. To identify unfair practices in the marketplace.
2. To establish appropriate standards of conduct for consumers and traders, tenants and landlords, through legislation and codes of practice and guidelines.
3. To provide advice and information to the public on their rights and responsibilities as consumers and traders, tenants and landlords, and the services of the Ministry.
4. To provide informal, speedy and accessible avenues for resolving disputes between consumers and traders, tenants and landlords.
5. To ensure compliance with established standards through a program of active enforcement.
6. To minimise risks to the public arising from the trading of hazardous products.



## STRUCTURE

As the result of a review conducted by the Public Service Board in 1988, the Ministry is now divided into four divisions, each headed by an Assistant Director who is responsible to the Director.

### Client Services Division

Assistant Director, Client Services Division, Mary Anne Hayes, co-ordinates all facets of the Ministry's service delivery, including telephone and counter contact, conciliation services, residential tenancy inspections, tribunal support services, and regional offices.



#### Client Services Division:

- provides informal, accessible and timely mechanisms to resolve disputes between consumers and traders, tenants and landlords; and,
- provides basic telephone information conciliation services, and support to the Tribunals to assist in speedy resolution of disputes.

Regional offices at Dandenong, Footscray and Ringwood provide a service to the metropolitan and country areas within their regional boundaries.

This division supports the operation of the following statutory bodies:

- Small Claims Tribunal;
- Credit Tribunal; and,
- Residential Tenancies Tribunal.

## Legislation and Regulation Division

Assistant Director,  
Legislation and  
Regulation Division,  
Glenn Carleton,  
supervises licensing,  
industry regulation and  
enforcement and any  
relevant legislation.



### Legislation and Regulation Division:

- provides a comprehensive grouping of the Ministry's regulatory responsibilities including the professional legal functions;
- develops and maintains fair trading standards and removes unfair business conduct and unsafe and misrepresented products; and,
- ensures compliance with the relevant legislation.

The division supports the operation of the following statutory bodies:

Credit Licensing Authority;

Travel Agents Licensing Authority;

Motor Car Traders Licensing Authority;

Motor Car Traders Guarantee Fund Claims Committee; and,

Market Court.

## Development Division

Assistant Director, Development Division, Pamela Williams, takes care of the Ministry's research needs, liaison with funded community groups and public information and education.



### Development Division:

- conducts public information and community awareness programs;
- administers government grants to community-based groups to deliver consumer and tenancy services and undertake community education, information and advocacy; and,
- provides research and program review services to the Client Services and Legislation and Regulation Divisions.

The Development Division was established in 1989/90 with a role to ensure the Ministry is responsive to needs identified through research and community and business liaison.

The division supports the operation of the Victorian Consumer Affairs Committee which is a separate statutory body. It also supports two advisory committees: the Industry Liaison Group and the Tenancy Information and Research Advisory Committee.

## Corporate Services Division

Assistant Director,  
Corporate Services  
Division, Andrew  
Levens, ensures  
management and  
administrative support is  
efficient and effective.



Corporate Services Division:

- provides efficient and effective management and administrative services to support the Ministry's operational activities through services including management reviews, financial, personnel, data services, management information systems, word processing, typing, secretarial and registry services.

The Corporate Services Division was strengthened in 1989/90 by the establishment of a training and development function and the commencement of work on new information systems for the Ministry. The program structure and 1990/91 budget estimates for the Ministry are detailed in Appendix 2, and financial statements for 1989/90 are provided in Appendix 1.



## **MACHINERY OF GOVERNMENT CHANGES**

In April 1990, the Honorable Brian W. Mier MLC replaced the Honorable Tom Roper, MP, as Minister for Consumer Affairs and also took up responsibility for Prices and Aboriginal Affairs.

The administration of the Office of Prices and the Office of Aboriginal Affairs was transferred to the Ministry from the Department of Property and Services and the Department of Planning and Urban Growth respectively.

## **VICTORIAN CONSUMER AFFAIRS COMMITTEE**

The Victorian Consumer Affairs Committee was established under the Consumer Affairs Act in 1985 "to advise the Minister for Consumer Affairs on any matters referred to it by the Minister; to consult with or receive and consider submissions from any person or persons or body corporate or incorporate; and, to conduct any investigation or inquiry it considers necessary."

The committee, which meets monthly, provides advice on consumer affairs from a range of perspectives; it provides an avenue for community access to the Minister for Consumer Affairs and participation in aspects of decision making by the Victorian Government. The committee also functions as an early warning system, conveying to the Minister reaction to existing and planned consumer provisions and services throughout Victoria. Members of the committee have met formally and informally with members and representatives of consumer, community, tenancy and industry groups throughout the year to ascertain their views and opinions.

The committee is composed of 17 voluntary members. These are the independent Chairperson, Mr William Ford, Executive Officer of the Brotherhood of St Laurence, eight members from community, industry, trade union and consumer organisations and nine citizens from geographic areas across Victoria.

## **INDUSTRY LIAISON GROUP**

The Industry Liaison Group (ILG) was established in 1986 as an informal gathering of industry and commerce bodies and the Ministry of Consumer Affairs. The group enables the Ministry to work with industry and commerce when developing information and awareness programs on key aspects of consumer law and education. The group also allows the Ministry to develop a clearer understanding of industry and commerce needs and expectations, and to provide information and assistance on an informal basis.

In 1989/90, the ILG has focused upon trader education campaigns, new marketplace technologies and industry self regulation. The ILG is currently

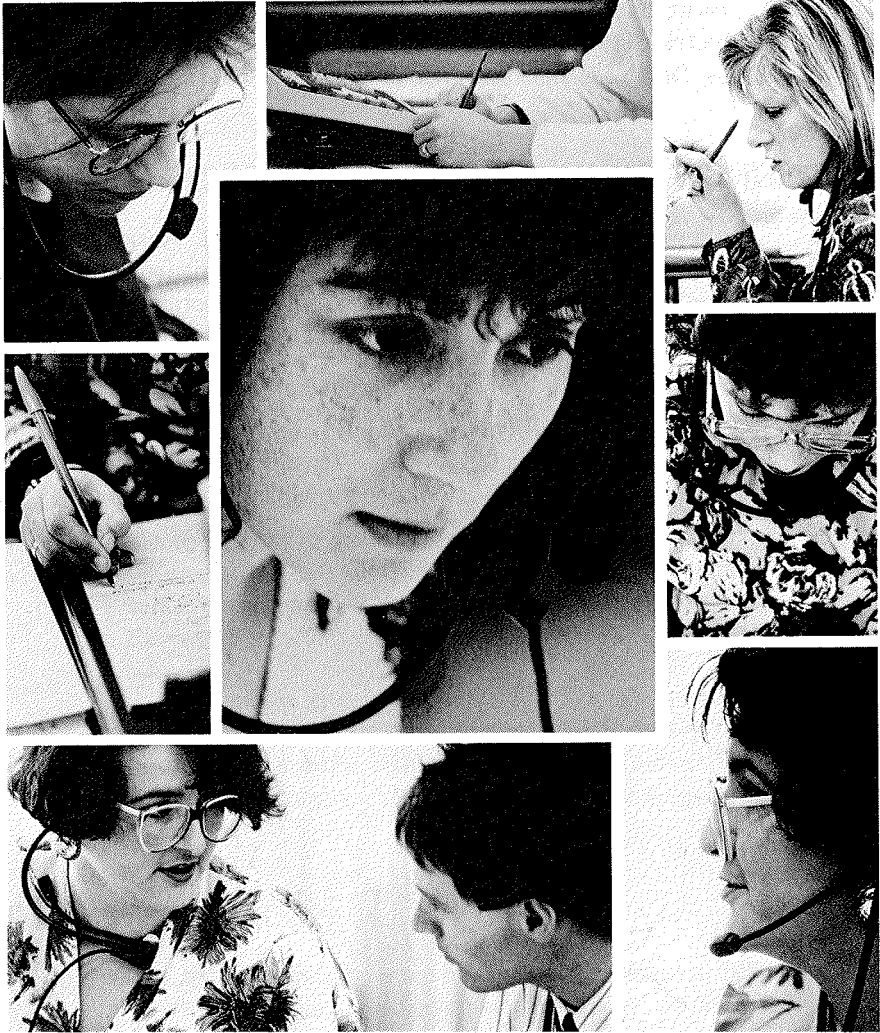
devoting its principal efforts towards developing a complaint-handling procedure for business and co-sponsorship of Ministry public education and information programs.

This group meets on a bi-monthly basis and includes representatives from the Australian Chamber of Manufactures, Coles-Myer Limited, Housing Industry Association, Retail Traders Association of Victoria, Victorian Automobile Chamber of Commerce, Victorian Chamber of Commerce and Industry, Victorian Employers Federation, Trade Practices Commission, Small Business Development Corporation of Victoria and the Office of Prices.

## **TENANCY INFORMATION AND RESEARCH ADVISORY COMMITTEE**

Following the recommendations of the review of "Residential Tenancies Functions and Services" 1989, the Tenancy Information and Research Advisory Committee was established in early 1990 to act as a consultative forum on the planning of tenancy information, education and research for the Ministry.

The committee meets monthly and includes representatives of the Tenants Union of Victoria, Shelter Victoria, Tenants Advice Network of Victoria, Real Estate Institute of Victoria and the Ministry of Housing and Construction.



# CONTACTING THE MINISTRY

## HOW WE CAN HELP

The Ministry helps people with advice, information, referral and dispute resolution services in relation to matters involving consumers, tenancy matters and consumer credit.

<b>Telephone</b>	General inquiries and information 602 8123 toll free number: (008) 13 6716 Residential tenancies inquiries 602 8140 TTY/TDD number (for hearing impaired) 602 8191
<b>Correspondence</b>	The address for correspondence Ministry of Consumer Affairs GPO Box 5408CC Melbourne Vic 3001
<b>Personal Visits</b>	The main reception area third floor, 500 Bourke Street Melbourne Vic 3000 The office is open to enquiries between 9.00 am and 4.30 pm, Monday to Friday

## Regional Offices

Regional offices are also able to assist with enquiries and complaints about general consumer, credit and residential tenancy matters. These offices are open to the public between 9.00 am and 4.30 pm, Monday to Friday.

<b>Dandenong office</b>	<b>Footscray office</b>	<b>Ringwood office</b>
61-73 Walker Street Dandenong 706 8444 (008)133 837	20 Droop Street Footscray 689 8744*	88 Maroondah Highway Ringwood 879 5677 (008)133 838

\* Reverse charges will be accepted.

## Community Organisations

The Ministry also funds more than 60 community organisations to provide a service to the public on consumer and residential tenancies issues. A full list of these groups and how to contact them can be found in Appendix 6.

## WHAT TO DO IF YOU HAVE A PROBLEM

If you have a problem that you think Consumer Affairs may be able to help with, remember that the first thing you must do before contacting the Ministry is to 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, find that the problem can be readily resolved without resorting to further action.

## RING FOR ADVICE

If you have talked to the trader, the landlord or tenant and the problem is not settled, the next thing to do is ring either the Ministry's general enquiry number, one of our regional offices or one of the funded community organisations for advice. Try to tell your story as briefly as possible and have all the facts and documents with you before you ring. It is a good idea to make written notes of all that has happened between you and the other party prior to contacting the Ministry or an advice service.

## RESOLVING DISPUTES

After having spoken to the Ministry's telephone enquiry staff or an advice service, you should know what to do next and what your rights and obligations are. You may be advised to send us a written complaint and the matter may be conciliated or you may be directed to the Small Claims, Credit or Residential Tenancies Tribunals where a legal and binding order may be made. If the matter is urgent or serious you may be asked to come into one of the Ministry's offices for an interview.

It is up to you to provide us with all relevant evidence including whatever documentation is necessary to establish a claim. If you decide to take your unresolved problem to the tribunal, you will be asked to lodge the appropriate application form and pay a small fee. You will then be notified of a hearing date.

Depending on where you live or work, you can lodge a complaint at either the Ministry's head office or one of the three regional offices. Should both parties to a dispute show a willingness to resolve the matter, a conciliation officer will assist them. If the matter cannot be resolved, the claimant has the right to pursue the matter through the tribunals. Tribunal hearings are held at venues throughout the State, suburbs and in the Ministry's head office and regional offices. They are held in an informal atmosphere, but the referee's decision is final and binding on all concerned.

# WATCH OUT - AREAS OF CONCERN

Listed below are some of the major complaint areas which came to the Ministry's attention in 1989/90 and examples of the type of common problems.

## THE MOTOR VEHICLE INDUSTRY

Problems arising from purchase or repair of motor vehicles, especially concerning warranty agreements, continue to be a concern for consumers and the Ministry. Many consumers require finance to purchase their preferred vehicle. Unfortunately, credit often costs consumers much more than they planned and many complaints to the Ministry bring to light bogus credit arrangements and contracts.

### CASE STUDY: FAILURE TO MEET WARRANTY OBLIGATIONS

The owner of a new Hyundai Excel contacted the Ministry over a warranty dispute with Hyundai Automotive Distributors Australia Pty Ltd (formerly Bond Motors Corp Pty Ltd).

The vehicle in question had travelled only 6,000 kms but required the replacement of the pistons. The Victorian branch of the company agreed to replace the pistons but refused to supply new rings, despite the workshop manual specifically stating, "when the piston requires replacement the rings should be replaced".

The dealership carrying out the repairs finally supplied the rings at their own cost to ensure that the consumer was not disadvantaged at a later date.

The Ministry has written to the company at national level seeking an assurance that in future owners of Hyundai motor vehicles may expect to receive the full entitlements of their warranty provision. Consumers should always carefully check what the warranty covers before they buy.

### CASE STUDY: FALSIFIED CREDIT CONTRACT

A consumer came to the Ministry having trouble repaying a loan with Australian Guarantee Corporation Ltd (AGC). On checking the loan contract, it was found that \$1,500 deposit had been shown, thus providing some equity in the deal, when in fact the consumer had paid no deposit. The consumer was able to produce statements from witnesses as proof that a deposit did not exist.

Lane Anderson Motors Pty Ltd, who had acted as the broker, not only claimed the non-existent deposit but had held themselves out as being the supplier of the vehicle. The consumer had actually purchased the vehicle from another dealer with whom AGC did not do business. That dealer would not have been able to arrange finance so had referred the consumer to Lane Anderson Motors Pty Ltd.

The false representations by Lane Anderson Motors Pty Ltd constituted breaches of the Credit Act 1984. The "supplier" (in this case Lane Anderson Motors Pty Ltd) making those representations can be liable for any loss suffered by the finance company. The consumer was asked to return the vehicle and no further payments were required.

The Ministry is currently ascertaining whether charges should be brought against the broker. Consumers should always check their credit contract before signing.

## CASE STUDY: FALSE REPRESENTATIONS

Noel Mark Pty Ltd, trading as Noel Gould Holden, told Esanda Finance Corporation Ltd that a consumer who required finance to purchase a motor vehicle had traded in a vehicle with a value of three thousand dollars.

The consumer and the trader had in fact come to an agreement for the consumer to retain his old vehicle, which was of little value. The motor vehicle sale agreement was to be adjusted to show the price of the vehicle to be purchased as \$3,000 greater than its actual sale price.

The inclusion of the valuable trade-in was to ensure that the consumer, who was a potential credit risk, would be granted the loan.

The consumer had several problems with the vehicle and difficulties meeting the loan contract repayments, which were \$674 per month.

The Ministry was able to persuade the motor car trader to take back the vehicle and pay out the loan.

## CREDIT

Many regulated credit arrangements under the Credit Act become unenforceable because of the credit provider's failure to follow the requirements under the Act in dealings with consumers.

## CASE STUDY: REPOSSESSION - KNOW YOUR RIGHTS

A consumer approached the Ministry's Westernport office after her vehicle had been repossessed. The contract was entered into in March 1988 and, at the time of repossession, the consumer was experiencing serious financial difficulties and was in arrears of four thousand dollars

As the consumer suffered from chronic asthma, she tried to protect herself by taking out a loan protection policy which provided cover in the event of illness, accident and unemployment.

The car yard, which has since ceased trading, assured the consumer that she would be fully protected and on this basis the insurance application was filled out and signed by the consumer, who did not confirm the accuracy of the written information.

Unfortunately, from June to September 1989, the consumer was off work due to asthma and, as a result, was retrenched in November of that year.

The consumer made a claim to the insurance company in October 1989, but this was subsequently denied. The consumer sought the Ministry's assistance after the vehicle had been repossessed. In the complaint, the consumer alleged the repossession agent informed her he was in possession of a court order, giving him permission to enter the property and take possession of the vehicle.

Unaware of rights under the Credit Act, the consumer agreed to release the vehicle. However, the agent did not ask her to sign a Voluntary Surrender Notice.

The Ministry argued that the repossession may have been illegal, as the agent had misrepresented that he was acting under a court order and as such had no right to enter private premises.

As a result of the Ministry's intervention, the matter was settled as follows:

- the insurance company agreed to make full payment under the unemployment provision of the policy rather than the illness provision; and,
- the finance company waived all credit and penalty charges.

## **WOMEN AND CREDIT**

In recent times, the Ministry has become aware of the difficulties experienced by women when becoming a guarantor or co-borrower for someone else's loan.

In order to redress these difficulties, the Ministry has undertaken educational initiatives to inform women, credit providers and the community generally about a woman's right to make an informed decision about accepting liability for someone else's debts.

A pamphlet has been produced to warn women of the consequences of signing their spouse's/partner's loan contract as either a co-borrower or guarantor. The pamphlet, which became incorporated into the Ministry's general credit awareness campaign "Credit Costs You - Think Twice or Pay the Price", explains what being a co-borrower or guarantor on a contract means and the difference between these two ways of being tied to a credit commitment. It also calls upon women to put love and emotion aside when dealing with a request to sign a loan for someone else, particularly when they receive no benefit.

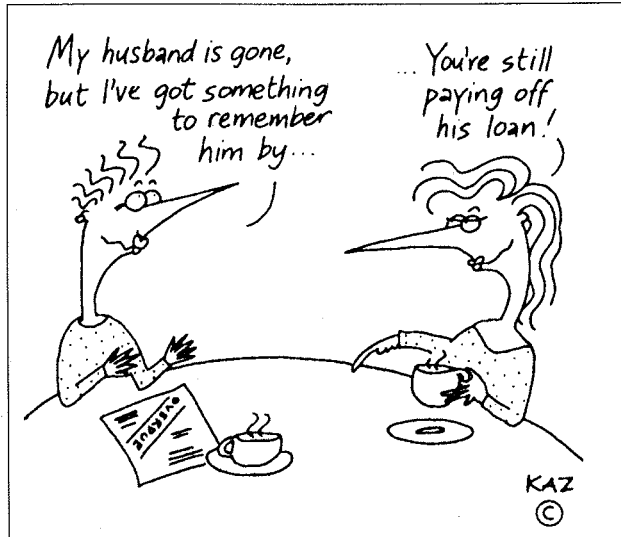


Previously, the Women and Credit Task Group, a group of financial counselors, lawyers and other interested people, had produced a guide for workers assisting women in these situations, titled "How to get out of Sexually Transmitted Debt." Love and a feeling of obligation to a husband, boyfriend, child, relative or friend can lead a woman to become involved in a loan without being aware of the consequences. Sometimes people believe they are merely giving a reference about the borrower's character.

Instances of women being signed to other people's loans which have come to the Ministry's attention include the following:

### CASE STUDY

A consumer entered into an unsecured personal loan with Australian Guarantee Corporation (AGC) to purchase a car. He was subsequently married. Not long after, he started falling behind in the repayments. The finance company called him in and suggested that the contract be refinanced. The car was taken as security and his wife's signature was required on the refinance. His wife was signed to the loan as a co-borrower. The previous contract had been in his name only, and his wife did not obtain a benefit from the loan. The couple eventually split up.



Payments on the loan contract were not made. The man was working full time. His ex-wife was not in paid employment, but was caring for the three children of the marriage on a full-time basis. She sought advice from a financial counsellor after she was pursued by the finance company for payment. She did not have any capacity to pay, but the finance company had stated she should pay \$5 per month until the contract was discharged as a matter of principle.

It took several telephone calls and letters by the financial counsellor to persuade the company that the woman was not and should not be responsible for this debt. AGC eventually released her from all liability and refunded the payments she had made.

## CASE STUDY

A couple applied unsuccessfully for a \$1,000 loan. A credit reference check at the time showed two defaults. Three months later they applied for \$25,000 to purchase a courier vehicle. The credit reference file at this time showed that approaches to three other credit providers had been made during the three months.

Bentmore Credit Union granted the \$25,000 loan one month later with a friend being signed as guarantor. A mortgage was taken over the friend's house. The credit union was aware that the friend was a sole parent with two young children, in receipt of a supporting parent's benefit.

The courier vehicle purchased with the loan had been offered as security on the loan but the credit union chose not to take it, thereby depriving the friend of an avenue to reduce her liability.

The woman was advised by the credit union officer to have a solicitor look at the documents and was told that there was a solicitor in the same building. When that solicitor examined the documents and told her that they were "in order", she assumed that she was receiving independent legal advice. However, this solicitor was the credit union's solicitor.

The level of financial knowledge of the woman can be assessed by the fact that she agreed to use her home as security on the loan. She did not realise that this would involve a mortgage on her property, and did not understand that she would also be liable for interest charges, loan costs, etc.

The woman sought the assistance of a financial counsellor who requested the credit union release her from the guarantee and any further liability for the loan. Negotiations were unsuccessful and she subsequently applied to the Credit Tribunal to have the transaction reopened. Before a hearing on the merits of that application could take place, Bentmore released her completely from any obligation under the guarantee.

## SUPERMARKET SCANNING

Since the commencement of the Supermarket Scanning Code of Practice, the Office of Prices has received 130 enquiries from consumers with scanning problems. Most of these complaints (86 per cent) have related to items scanned out at a higher price than the shelf price. In only 30 per cent of these cases was the customer offered the item free, despite the item-free provision in the code of practice. Other complaints have concerned missing shelf prices,

obscuring of shelf prices, misleading specials tickets, double scanning of items and illegible docketts. A recent survey of scanning supermarkets has also found that retailer provision of customer information on the code is inadequate.

In the case of straightforward queries and complaints, the Office of Prices contacts the retailer or buyer group involved to remind them of their obligations under the code and to obtain an outcome which is acceptable to the consumer and the retailer.

Where the Office of Prices is unable to settle a dispute to both retailer and customer satisfaction, or where a complaint raises an issue which requires further clarification or further examination, the complaint is referred to the Victorian Scanning Complaints Committee for a decision or recommendation. The Office of Prices keeps a record of all the complaints it receives.

### CASE STUDY

A customer purchased five pies which had a shelf price of 72 cents. These scanned out at 77 cents each. The customer was incorrectly advised that, under the code of practice item-free policy, he was only entitled to one free pie. The Office of Prices contacted Coles Customer Relations who agreed that five pies came within the normal shopping quantity covered by the item-free policy and the customer was entitled to all five pies free of charge.

### CASE STUDY

A customer at SSW, 112 Scott Street, Warracknabeal, was purchasing a packet of 25 Winfield Red cigarettes. The shelf price was \$2.49 and the scanned price was two dollars and sixty-five cents. When the customer pointed out the discrepancy, he was charged the correct price rather than being given the item free. Follow-up on this complaint revealed that the Warracknabeal SSW Store Manager had been under the impression that the item-free policy only applied if the customer had already paid for the goods. This misinterpretation was corrected.

### CASE STUDY

A loaf of Code C bread on special at 99 cents was scanned at full price in Tuckerbag, 830 Ballart Road, Deer Park. On asking about the item-free policy, the customer was told that this policy did not apply as it was a privately-owned supermarket. The Office of Prices advised the consumer that all supermarkets who were members of the Retail Traders Association of Victoria were bound by the code of practice. This included independently-owned supermarkets. Tuckerbag Head Office was requested to clarify matters with the store.

## CASE STUDY

SSW, 347 Buckley Street, Essendon West, offered various Colgate tooth-pastes on special using a shelf marker stating "Colgate Toothpaste 120g-140g Varieties \$1.95". However, when Colgate Triguard scanned out at \$2.59, the customer was told the special did not apply to this variety. The Office of Prices regards this as potentially misleading and has referred the issue of pricing on variety specials and specials displays to the Scanning Complaints Committee.

## CASE STUDY

A customer was given a docket which was unreadable. This contravenes the code of practice which states that a customer must be provided with a legible receipt. The Office of Prices contacted the store and the till concerned was closed until the problem was rectified.

## ELECTRONIC FUND TRANSFER (EFT) SYSTEMS

Since September 1986, financial institutions that issue debit cards and debit/credit cards for use in automatic teller machines have been governed by recommended procedures which are now known as the EFT Code of Conduct. The code of conduct was substantially revised in 1989 and considerably improved.

The major difficulty in settling EFT complaints is the assertion by some financial institutions that their EFT systems are infallible. When a consumer claims that a transaction was unauthorised, financial institutions often assert that the consumer must have been negligent in protecting the security of his/her Personal Identification Number (PIN). Complaints which are particularly disturbing are phantom transactions. This occurs when a consumer claims that a transaction is unauthorised and that his/her card was in his/her possession at the time.

One of the Ministry's recommendations was to place the keyboard where the client enters their PIN number in a horizontal position. Anyone standing behind cannot see the number being entered.



The Ministry released a report last year titled, "Electronic Fund Transfer Systems. How is the Consumer Faring". In that report, the Ministry voiced its concern about EFT complaints and made a number of recommendations for amendments to the code.

It is pleasing to note that, since the release of the Ministry's report, the number of EFT complaints received by the Ministry has dropped. Further, most of the Ministry's recommendations in the report have been incorporated into the code. Recommendations which have been adopted include:

- removal of the \$50 liability for cardholders who have not contributed to an unauthorised transaction;
- placing time limits on handling EFT disputes;
- incorporation into the code of the principle that a financial institution's decision to deny an EFT claim must be based on facts and not assumptions of what must have occurred; and,
- the establishment of a Bank Ombudsman scheme.

## HOUSE BUILDING

Many consumers are not aware of their rights under the House Contracts Guarantee Act 1987. The Act provides a guarantee within a specified time limitation against bad workmanship by builders, but does not guarantee problems arising from design faults.

### CASE STUDY

Correspondence was received from a Member of Parliament claiming that the Housing Guarantee Fund Ltd had not satisfactorily addressed problems associated with a house, built by a registered builder for a constituent. The details of the complaint related to the presence of mould and mildew, a leaking shower recess and cracked ceiling plaster.

Risks in building a house can be minimised by a detailed contract with a reputable builder.

A conciliator from the Ministry contacted the Housing Guarantee Fund on behalf of the consumer, and discovered after investigation that \$1,257 had been paid to the builder to eliminate the shower leak, replace ceiling plaster and eradicate water ponding.



The consumer claimed that the problem with the shower recess was greater than first thought as the mould continued to be a problem and she was not happy with the plaster work.

The conciliator wrote to the plasterer, requesting he rectify his work. This was not complied with, so it was referred to the Small Claims Tribunal. The Housing Guarantee Fund were asked to re-investigate the shower and mould problems.

The Housing Guarantee Fund, after consideration, agreed to pay for shower rectification but claimed that the mould was caused by poor ventilation, making it a design fault rather than a building problem.

## CASE STUDY

A contract for the supply and installation of all doors and windows for a new house was signed on 20 June, 1989. There was no completion date on the contract. Allegedly the trader said, "just give me four days notice". The terms of payment in this case were a deposit of \$1,962 with the balance of \$5,888 on completion of the windows and doors.

In December 1989, the consumer was told that all windows and doors had been constructed and were in the factory. At this point, the consumer paid the outstanding balance. Seven months later, a number of items to be supplied had not arrived and some of the installation work was less than satisfactory, including gaps in frames and glass missing from sliding doors.

The consumer's problem had been magnified because of tradespeople, such as plasterers, wanting work dates and also demanding some form of financial payment for days spent idle. The consumer had made about 100 calls to the trader without success. The trader had agreed to six meetings at the work site, but failed to keep an appointment.

Two major lessons can be learnt. Large deposits and re-payment of the full amount prior to completion of work is not a good practice. If the trader disappears or goes into liquidation, thousands of dollars can be lost. Generally, such a practice can also lead the consumer to experience anxiety and, in some cases, feelings of helplessness. Second, get a completion or delivery date in writing. Verbal agreements can be forgotten, denied or altered. In fact, all special and major conditions of a contract should be in writing. If a trader is reluctant to accept a minimal deposit and written verification of contract dates, conduct business elsewhere.

## SELF REGULATING INDUSTRIES

A number of industries in Victoria regulate their own business practices through an industry code of conduct and the operation of an industry association, which sets and maintains standards for its members.

The fitness and swimming pool industries each have their respective industry bodies and consumers are advised to only deal with members of these associations.

### CASE STUDY : THE FITNESS INDUSTRY

The Ministry received a complaint from a woman who had purchased one year's membership with a health centre for six hundred and eighty dollars.

Membership was promoted as being offered to prospective members at this special price, provided a \$15 monthly maintenance fee was paid. A promotional leaflet circulated by the company stated: "all monthly maintenance fees must be paid in advance". The consumer was therefore stunned when the health centre requested 12 months maintenance fees, \$174, to be paid in advance.

The health centre concerned is not a member of the Fitness Institute of Victoria and consumers are advised to deal only with members of the institute, who abide by a code of ethics developed by this Ministry, the Department of Sport and Recreation and the Victorian Fitness Industry Association.

### CASE STUDY: SWIMMING POOL INDUSTRY

The Ministry is concerned about the trading practices of Lazaway Pools Pty Ltd who have generated many complaints during the year. The company, which sells in-ground swimming pools, advertises heavily on Melbourne television.

Consumers have complained of:

- delays in completion of pools;
- additional charges levied by sub contractors during pool construction;
- poor workmanship;
- upselling pool accessories and equipment; and,
- misrepresentations by salesmen as to the total cost of construction and completion times.

Lazaway Pools Pty Ltd do not use the Australian Standard Contract, and this has caused many consumers to misunderstand the terms and conditions.

Allowances are made in the contracts for compensation payments to be made to consumers where construction has not been within the tolerances in the pool specifications. However, consumers with pools constructed outside dimensional specifications are stunned at the inadequacy of the compensation provisions. The company is aware of these problems but has not been prepared to take steps to modify its operation.

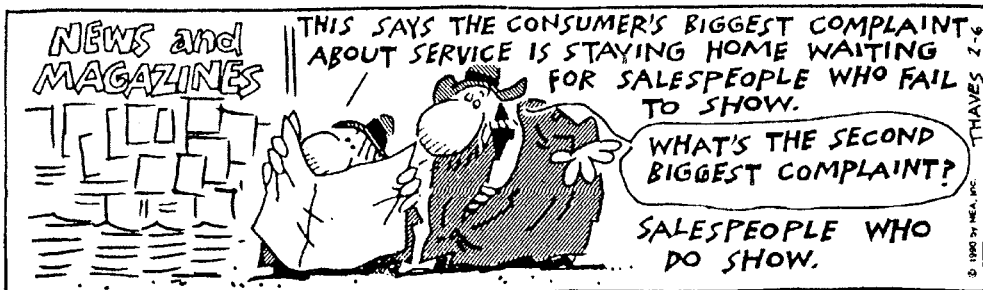
Some consumers have complained of receiving abuse from Lazaway Pools Pty Ltd employees after complaining to the company. Many consumers withheld progress payments from Lazaway Pools Pty Ltd because of their problems, and the company has then refused to perform any further work on the pools. Allegations have been made that Lazaway Pools Pty Ltd has been entering into contracts for pool construction where the proposed completion dates are unlikely to be achieved.

In addition, the contracts used by the company give complete freedom to sub contractors to charge additional fees directly to the consumer. In effect, the final pool cost is unknown to the consumer and the price quoted by Lazaway Pools Pty Ltd is invariably increased by other factors.

The Ministry recommends that consumers deal with a swimming pool company that is a member of the Swimming Pool and Spa Association. Members of the SPASA use the Australian Standard Contract which requires pool companies to provide detailed costs of construction. SPASA members also provide insurance cover for the construction of a pool in the event that a member fails to complete construction.

## DOOR-TO-DOOR SALES

The Ministry has a continuing concern with some traders who do business on a door-to-door basis. The Ministry receives numerous complaints about traders using hard-sell techniques, exploiting the consumer's domestic environment to induce sales. Often consumers are not aware of their legal rights under the door-to-door sales provisions of the Consumer Affairs Act 1972, such as their entitlement to a 10 day cooling-off period after agreeing to a sale.





### **Warning**

In a recent decision, a magistrate held that when a person telephones a trader requesting a quote this is equivalent to an original approach at appropriate trade premises and a request to negotiate away from trade premises, the cooling-off period does not apply.

The Ministry has commenced proceedings to have this decision reviewed by the Supreme Court. In the meantime, consumers are warned to be even more careful when signing contracts at home.

## REGULATION

The Industry Regulation Branch is responsible for fostering and ensuring compliance with the various pieces of legislation administered by this Ministry. Compliance is achieved through information provision, warnings and, where necessary, prosecution.

The Industry Regulation Branch dealt with over 1,360 matters referred to it during the year. Investigations resulted in 52 separate defendants being prosecuted for 302 offences under the legislation. Details are provided in Appendix 4. The courts, in recognising the seriousness of matters brought to prosecution, are imposing more severe penalties. Traders now have to think seriously about the high penalties before they contemplate breaching legislation. They also have to seriously consider having a system in place to prevent illegal conduct occurring.

Allegations of alleged breaches are received from within the Ministry, statutory authorities, community groups and the general public. The Ministry maintains close contact with community groups. These groups provide a source of information and complaints from people who are disadvantaged in the marketplace. Problems which might otherwise not come to our attention are often disclosed through this contact. Likewise, trader or industry associations refer breaches of the law to the Ministry. Often this is because they believe it is unfair to have to compete with dishonest traders. These breaches are only investigated where consumers are disadvantaged.

Not all allegations are investigated as potential prosecutions. Some breaches are dealt with on an administrative basis, whereby the trader is given a formal warning. An alternative method to achieve compliance is to approach a problem on an industry-wide basis. The Ministry informs the industry of its concern and seeks co-operation. The following are some examples of this approach.

### "No Refund" Signs

There were a number of complaints by consumers whose claims to a refund for faulty goods were rejected by businesses relying on a "no refund" sign or policy. These were dealt with by education rather than by prosecution. For example, letters raising these issues were hand-delivered to approximately 250 stallholders at the Preston Market.

### Travel Brochures

The Ministry assisted the Trade Practices Commission in the preparation of a newsletter which was sent to licensed travel agents informing them of their obligations under the Trade Practices Act 1974. This action was prompted by a number of complaints concerning so called exclusion clauses in some travel brochures. Under the legislation, consumers have a right to compensation if services are not provided with due care or skill, or are not fit for a particular purpose. This right to compensation cannot be excluded.

## Finance Brokers

Again because of the number of complaints, all licensed finance brokers were sent an open letter informing them that it was in contravention of the Finance Brokers Act 1969 to charge up-front fees. Consumers complained that, after paying brokers up-front fees, their application for finance was unsuccessful but they were not refunded the fee.

## Motor Vehicle Testers

The Victorian Automobile Chamber of Commerce co-operated with the Ministry by publishing an open letter in its industry magazine to vehicle testers. The letter expressed the Ministry's concern at the number of unlicensed motor car traders and sought the assistance of vehicle testers by not assisting known backyard traders with roadworthy certificates.

## House Cladding

### CASE STUDY

The Ministry received complaints regarding unethical and misleading conduct by the house cladding company, RBP Pty Limited.

Most complaints related to door-to-door sales and misleading advertising. Salesmen from the company did not advise consumers of their right to cancel a contract within 10 days. In most instances, RBP Pty Ltd would not cancel the contract until approached by the Ministry.

Raymond Yallouz, a director of RPB Pty Ltd, confronts the media.



Photo courtesy of The Age.

Some advertising was either blatantly misleading or was phrased in a way which would lure consumers into contracts quite different to what they originally intended. RBP Pty Ltd would advertise house cladding at "\$1,920 for an average 12 square home". However, when a salesman attended a consumer's house, the prices quoted were several thousand dollars higher than advertised.

RBP Pty Ltd also claimed that their product, solid vinyl weatherboards, was unconditionally guaranteed for 50 years. In fact the only guarantee made is by the Canadian manufacturer for three years. The company also claimed it had government backing, which it did not.

Many consumers were threatened by the company with a 30 per cent (of contract price) cancellation fee if they wished to cancel their contracts. If contacted by the Ministry, the company would cancel the contract free of charge and it would immediately refund the consumer's deposit. Some consumers were then threatened with legal action to recover the 30 per cent cancellation fee.

Mr Raymond Benjamin Peter Yallouz, a director of the company was also the company's most successful salesman. Mr Yallouz would go to a consumer's home immediately after his company had been contacted - usually by telephone in response to an advertisement. Mr Yallouz would refuse to leave the consumer's residence until a contract had been signed and would make any false promises needed to get a sale.

Both the company, RBP Pty Ltd, and Raymond Yallouz were convicted and fined for breaches of the Fair Trading Act 1985, House Contracts Guarantee Act 1987 and Consumer Affairs Act 1972 in the Prahran Magistrates' Court in June 1990. The fines against the company and Mr Yallouz totalled over \$159,500 plus costs of about \$18,000 awarded equally against both the company and Mr Yallouz. The Ministry has sought a review of the Magistrate's decision to acquit Mr Yallouz on a charge related to a door-to-door sale, where the consumer made her first approach to the company by telephone, in response to a television advertisement.

## Motor Car Trader

### CASE STUDY: MISREPRESENTATION

Astelot Tooling Pty Ltd, trading as Shepparton World of Cars, was convicted under the Fair Trading Act 1985 for representing a former rental vehicle as "ex Ford lease". The company was fined \$5,000 plus costs. Mr Winch of the company was also ordered to pay a fine of \$1,000 plus costs for his involvement in the offences. Appeals in the County Court by both defendants were unsuccessful.

## Odometer Tampering

Odometer tampering for the purpose of misrepresenting a vehicle's history is viewed as a serious offence by the Ministry and the courts.

### CASE STUDY

Ean Kay Nominees Pty Ltd, trading as Gardenvale Motors, was convicted in the Magistrates' Court on charges of tampering with a vehicle's electronic

odometer and misrepresenting the vehicle's history in its dealings book. The company was fined \$22,600 plus costs. Mr Eddie Artz, a director of the company, was convicted of being knowingly involved in the commission of the offences, and was fined six thousand dollars. The defendants' appeals against the convictions were dismissed by the County Court, however, the fines imposed by the Magistrate were reduced by \$5,000 in respect of the company and \$1,000 in respect of Mr Artz.

## Unlicensed Motor Car Traders

The Motor Car Traders Act 1986 renders unlicensed motor car trading illegal. A fine of \$10,000 may be imposed for each vehicle bought or sold.

### CASE STUDY

Michael Knight was convicted of selling cars without a trader's licence when it was proved that he continued to sell cars 10 months after the dealership, in which he was a partner, ceased to trade. He was fined \$2,500 for unlicensed trading and \$250 for failing to answer questions put to him by Ministry inspectors.

### CASE STUDY

The Ministry is currently investigating many unlicensed traders. At least one unlicensed trader has been selling flood-damaged vehicles originally purchased interstate. The trader buys the vehicles cheaply at auction, imports them into Victoria where they are detailed at minimum cost then resold privately at inflated prices. The Ministry's investigations have established that many of the vehicles become defective soon after the sale.

## Itinerant Traders

Itinerant traders are a particular menace to the elderly, whom they approach on a door-to-door basis. Itinerants usually solicit work through false claims that the consumer's house requires urgent maintenance of some kind otherwise fire, flooding or permanent damage will occur. A joint task force of Ministry inspectors and police detectives has successfully arrested and prosecuted several itinerant traders.

### CASE STUDY

A 77-year old woman was visited by an itinerant trader who convinced her by false representations that her house gutters required repairs to prevent rainwater from seriously damaging the house's electrical wiring, in turn causing the house to burn down. Robert Balfour pressured the consumer into agreeing to engage him to carry out the "repairs". He even offered to drive her to her bank to withdraw cash to pay him.

Fortunately, the police and the Ministry were alerted to the scam, and Mr Balfour was charged with breaches of the Fair Trading Act 1985, the Crimes

Act 1958 and the Consumer Affairs Act 1972. Mr Balfour escaped from the jurisdiction whilst on bail, but is currently charged with similar offences in Western Australia.

## **Builders**

Several builders have been prosecuted under the House Contracts Guarantee Act 1987 (HCGA) for improper conduct when building or carrying out home improvements. Consumers are warned to only deal with builders who are registered with the House Contracts Guarantee Fund Limited.

### **CASE STUDY**

A contract was found to exist between a builder, Mr Medzit Jakupi, and a consumer, although it was not in writing. Accordingly, Mr Jakupi was found to be in breach of the HCGA by entering into a contract for domestic building work without a guarantee under the Act. It was also proven that he obtained a deposit above the maximum allowable under the Act. He was fined \$3,000 plus costs.

### **CASE STUDY**

Mr George Fuller, trading as Summit Steel House Frames, was convicted of similar charges. Mr Fuller was contracted to do domestic building work without being approved by, or obtaining a guarantee from, the Housing Guarantee Fund. He was also convicted of obtaining a deposit above the maximum allowable under the HCGA. Mr Fuller was fined \$8,000, ordered to pay \$1,000 costs and also ordered to refund the consumer \$34,460 compensation.

## **Washing Machine and Refrigerator Repairs**

The Ministry is currently investigating several washing machine and refrigerator repair firms due to numerous complaints of fraudulent business practices. Allegations include:

- increasing quotations given, after the appliance is in the repairer's possession;
- failure to advise consumers of final repair costs and carrying out unauthorised repairs; and,
- charging for fictitious repairs and quoting for unnecessary repairs.

### **CASE STUDY**

Metropolitan Washing Machine Service are also known as Masterwash, Elite Washing Machine Service and Metropolitan Appliance Service. Consumers have been highly critical of this company's business practices. There have been several well-documented incidences of the trader employing illegal conduct including bait advertising, coercion, undue harassment and false

representations. The trader has flagrantly charged more than its advertised service fee, falsely claimed that consumers' appliances require repairs, and misrepresented the condition and model identity of appliances sold.

The business owner, Ms Susan Foster, has proved evasive to enquiries and insensitive to consumer complaints. She failed to comply with several orders made by the Small Claims Tribunal. Investigations with a view to prosecution are now at an advanced stage. Ms Susan Foster now prominently advertises in the Yellow Pages under the name Elite Washing Machine Service.

The police task force attached to the Ministry had also charged Mr David Horin, Ms Foster's husband, with multiple Crimes Act offences. The alleged offences relate directly to his conduct as a serviceman for the business and include multiple offences for obtaining property by deception, multiple theft offences and also a criminal damage charge.

## Bait Advertising

Bait advertising is when traders advertise goods at bargain prices to entice consumers into their trade premises. Once on the premises, consumers are offered higher priced or inferior quality goods, in place of those advertised.

### CASE STUDY

Decaw Pty Ltd, trading as Dandy Sound Centre, of Maroondah Hwy, Mitcham, advertised JVC compact disc players at one hundred dollars. The company had only two of these items in stock at the time. The company was convicted under the bait advertising provisions of the Fair Trading Act 1985 and fined \$20,000. Mr P Weston, a Director of the company was fined \$4,000 for being knowingly involved in the company's offences.

### CASE STUDY

A carpet cleaning business, Veniard Pty Ltd, trading as Dunbars Carpet Care, was convicted under the bait advertising provisions of the Fair Trading Act, for misleading statements relating to the price of carpet cleaning. The misleading statements were contained in an advertising hand-bill distributed to consumers through the mail. The company was fined twenty thousand dollars. Mr C J Berry, a Director of the company, was fined \$4,000 for being knowingly involved in the offences. Several other carpet cleaning companies are being investigated for similar offences.

### CASE STUDY

A company's television commercial was found to be sufficiently ambiguous about the price of a displayed item (a cheval mirror) to constitute a misleading statement as to its price. The advertisement was held to be bait advertising. The company, Copperart Pty Ltd was fined \$5,000 and Mr Van Roest, a Company Director, was fined \$2,000 for being knowingly involved in the offences. These charges were brought under the Fair Trading Act.

## Residential Tenancies Act

The Ministry has successfully prosecuted several landlords and agents for breaches of the Residential Tenancies Act 1980, including illegal eviction, not refunding security deposits, and not providing tenants with a Statement of Rights and Duties as legally obliged. The Ministry will be directing more resources to the prosecution of people breaching the Residential Tenancies Act in the next reporting year.

### CASE STUDY

A landlord company, David Grant & Co Pty Ltd, wrongly told its tenants that they did not have the protection of the Residential Tenancies Act. Further, the company illegally evicted two tenants who were in arrears with rental payments. Before evicting them, no notices were served on the tenants, nor did the company apply to the Residential Tenancies Tribunal for an order of possession. On each occasion, both tenants returned home to find the lock on their flat changed without notice. The company was convicted for the above offences and fined \$1,600.

### CASE STUDY

A landlord, A J Pianta, who illegally retained security deposits and failed to provide receipts, was convicted of eight offences and fined \$2,650.

## Underweight Bread

Investigations were conducted of various bread manufacturers to check on the stated or claimed weight of bread. Several prosecutions resulted.

### CASE STUDY

Di Dio Nominees Pty Ltd, trading as European Hot Bread Kitchen, was convicted under the Weights & Measures Act 1958 for selling underweight bread, and under the Fair Trading Act 1985 for falsely representing the bread's weight. The company was fined \$7,300. A director of the company, Mr Di Dio, was convicted on charges of being knowingly involved with the company's offences. He was fined three thousand and three hundred dollars.



## SHOP TRADING

The Shop Trading Act 1987 came into force in April 1987. Its purpose is to provide a regulatory scheme for shops and retail trading.

The Minister is empowered under section 8 of the Act to grant exemptions to the closing provisions of the Act. A prerequisite is that the community broadly support a particular exemption, as well as the relevant city or shire council. Exemptions may be granted for various reasons which include staging festivals, bazaars or fairs for benevolent or charitable purposes or for public exhibition of works of industry or art.

A total of 26 exemptions were granted by the Minister for the year ended 30 June, 1990. These exemptions were for various shows and festivals including trade displays at locations such as the Exhibition Buildings. Others comprised exemptions for festivals in rural centres or opening celebrations for suburban shopping centres.

The Ministry has the responsibility of administering the Act. Inspections for breaches, however, are carried out by inspectorial staff of the Department of Labour. In response to numerous complaints from both the public and traders alike, Department of Labour inspectors are ordered to regularly carry out weekend inspections throughout the Melbourne metropolitan area and country centres.

Changes to the Act were made and came into force on the 20 June, 1990. These changes included the addition of small hardware stores to Schedule 1 of the Act, enabling them to trade as exempt shops. Small businesses complained that they were in a position where they were fighting a "David & Goliath" type battle with large retailers, ultimately threatening their long-term viability.

Amendments to the Act now make it an offence to publish any statement or indication that a shop will be open for business outside the opening hours allowed for that type of shop. Other amendments mean that the County Court may, on the application of the Minister or Director, grant an order restraining a person from illegally trading on Sundays, under a provision of Part 2 of the Act. The addition of these extra enforcement procedures will facilitate action against companies for breaches of the Act.

McEwans have been flagrantly breaching the Act by opening particular branches of its stores around Victoria. As a result, prosecution proceedings were brought against McEwans. However, the matter was dismissed with the Magistrate ruling on the invalidity of the proclamation of the Act. This decision will be reviewed by the Full Bench of the Supreme Court.

## TRADE MEASUREMENT

The administration of the Weights and Measures Act 1958 and Weights and Measures Regulations 1984 provide the community with assurance that accurate measurement of physical quantities prevail in the marketplace. The legislation is jointly administered by the Trade Measurement Branch of the Ministry of Consumer Affairs and local weights and measures authorities.

Over 1989/90, the systems for complaints, correspondence and filing were computerized and all instrument test data was brought into line with Paradox software. All registrations are now generated by computer for repairers and adjusters of weighing and measuring instruments, weighmen licences and registration and renewal of public weighbridges. Prosecution data is also now maintained by computer, with a uniform method of reporting by local authorities to the Trade Measurement Branch, devised for consistency and accuracy of information stored.

The Local Administration Section of the Trade Measurement Branch is responsible for the overall supervision of local authorities and the administration of the legislation. The local authorities, comprising individual municipal authorities or unions, are responsible for the official testing of most types of weighing and measuring instruments commonly used for trade. These include ordinary shop scales, petrol pumps, beer glasses and receptacles for the measurement of earth sand and ballast.



Ken Millis of the Inspection Services checks an LPG dispenser at a service station for accuracy. Thirty-one per cent of gas dispensers so far tested did not meet the required tolerances for accuracy.

As the Ministry proposes to introduce uniform trade measurement legislation in line with an agreement between the Commonwealth and State Governments, a discussion paper on the future of weights and measures in Victoria has been prepared by the Ministry. It is anticipated that the paper will be made available for interested parties for consultation in the near future.

Provisions of the Act also deal with the sale of goods; for example ensuring the correct weight of bread, meat and solid fuel, and with package labelling so that consumers are able to make price comparisons. Investigations conducted over 1989/90 included:

- sale of hessian to hop farmers in the Kiewa Valley;
- use of inappropriate scales by scrap metal dealers;
- verification of luggage scales at airports;
- determination of water content imported;
- incorrect labelling of knitting yarn;
- verification of post office scales;
- pre-Christmas visits to supermarkets to check speciality Christmas lines resulting in some lines being withdrawn from sale;
- visits to the Wholesale Fruit and Vegetable Market to encourage compliance with packaging requirements by both growers and merchants; and,
- visits to market garden and grape growing areas of the Sunraysia District to discuss packaging requirements with growers. This was a follow-up to regular visits to the Wholesale Fruit and Vegetable Market.

Non-complying produce from outside Victoria is referred to interstate trade measurement agencies for investigation, so that the necessary requirements are understood before transporting produce to the market. Market visits have resulted in several successful prosecutions for short-weight produce and numerous warning notices being issued.

Following a consumer complaint, an investigation into the sale of beer at the National Tennis Centre was initiated during the Australian Open. It was subsequently established that the disposable glasses used to sell beer did not hold the stated quantity. Negotiations with the caterers resulted in a reduction in the price charged, commensurate with the deficiency detected.

Instances of short-weight bread manufactured by major plant bakeries remain a concern. This problem is not confined to metropolitan Melbourne. To date, warning notices have been issued to the offending bakeries. However, legal action against the bakeries appears warranted to eliminate the problem. Other surveys have been conducted on hot bread shops, weighing and measuring instruments, meat, washing detergents and potting mixes.

Over 1989/90, a total of 2,699 packages were examined as to labelling, 2,045 complying with the legislation and 654 (24 per cent) not complying. These figures include inspection of packages in the retail marketplace, packages examined at the Trade Measurement Branch, interviews with manufacturers, importers and printers of packaging material.

A total of 7,701 packages were examined and tested as to correct weight and measure. Of these, 4,857 were found to comply with the legislation and 2,844 (37 per cent) were short of the stated quantity.

As a result of routine inspections of the retail marketplace and of consumer complaints, surveys are undertaken by the Trade Measurement Branch and tests conducted at Wholesale Fruit and Vegetable Markets.

In the area of deceptive packaging, a total of 426 packages were examined, with 204 complying with the Packaging Code of Practice and 222 not. Most of these packages were examined and tested at the Trade Measurement Branch and arose from visits to the branch by manufacturers, importers, packers and printers seeking advice and assistance in the correct way to present their product for sale. With non-complying packages, the packers and manufacturers or importers were advised to take appropriate corrective actions if the breaches were minor. If they were significant, the companies were directed to withdraw the products for sale or face legal action.

The maintenance of standards and equipment for the administration of the legislation and provision of scientific and workshop services to the Trade Measurement Branch are undertaken by the Technical Services Section.

Although the majority of standards and equipment tested is for use by inspectors employed by the weights and measures local authorities and the branch's own inspectors, testing has also been carried out for equipment belonging to Government departments and the general public where legal validity is required. The following number of items were tested by the Technical Services Section.

ITEM	NO. TESTED	NO. ADJUSTED
Standards of mass	3844	448
Volumetric standards	271	33
Length standards	203	-
Area templates	4	-
Weighing instruments	66	4
Miscellaneous (mass, length, volume)	169	1

## Inspection Services Section

The inspection and verification of trade instruments, most of which are normally used in wholesale situations, is undertaken by the Inspection Services Section, which is also responsible for the registration of public weighbridges, licensing of weighmen and registration of repairers and adjusters of trade instruments. Monitoring the performance of registered repairers and adjusters ensures a satisfactory level of service is being provided to owners of trade instruments. Currently, two legal actions are being instituted against repair companies who allegedly failed to meet their obligations under the legislation.

An extensive survey of pharmacies to establish the condition and accuracy of dispensing equipment has recently been completed. The results of this survey will form the basis of discussion with the Pharmacy Board of Victoria to determine future actions.

Since the commissioning of the Liquid Petroleum (LP) Gas test unit in June 1989, a total of 396 LP Gas dispensers have been tested. The overall rejection rate of 40.1 per cent demonstrates the need for resources in this area to encourage a higher standard of equipment and greater expertise in the repair and maintenance of these instruments. This would increase the level of confidence consumers and traders have in LP Gas dispensers.

## INSTRUMENTS TESTED

TYPE OF INSTRUMENT	TESTED	REJECTED	% REJECTED
Fabric measuring instruments	375	23	6.1
Wholesale liquid measuring instruments	724	139	19.2
Class 1 & 2 scales	80	2	2.5
Weighbridges	671	111*	16.5
Farm milk tanks	803	151	18.8
Leather measuring instruments	17	4	23.5
Hopper scales	1	-	-
LP Gas dispensers	396	159	40.1

*\* This figure does not include those instruments which were adjusted by a mechanic/inspector at the time of testing.*

## STATISTICS - LOCAL ADMINISTRATION

### Trade Measurement Branch

PHONE ENQUIRIES - INDUSTRY & CONSUMERS	1988/89	1989/90
Advice on legislation	1279	2035
Approved brand numbers	24	8
Deceptive practices in packaging	103	188
Approved mark for bread	15	11
From local authorities	261	511
Queries referred to other government agencies	390	1061

## STATISTICS - LOCAL ADMINISTRATION

### Trade Measurement Branch

INTERVIEWS/INSPECTIONS/COMPLAINTS	1988/89	1989/90
Interviews at TMB	107	92
Inspection of trade premises	254	201
Visits to local authorities	29	35
Changes of names/addresses for approved brand numbers	-	2
Approved marks issued for bread	2	-
Approved change for bread marks	1	-
Reports/packages/labels submitted	33	20
Complaints referred by TMB to:		
local authorities	33	138
interstate authorities	15	127
Complaints referred to TMB by:		
local authorities	14	21
interstate authorities	23	18
consumers	48	71
Ministerial permits/exemptions	1	2
Packages & labels examined		
correct	799	2045
incorrect	1111	654
Packages examined & tested		
correct	5435	4857
incorrect	2495	2844
Packages examined, deceptive packaging		
correct	34	204
incorrect	60	222

# LICENSING

A major tool available to Government to set standards of behaviour in the marketplace is occupational licensing. The Ministry licenses motor car traders, credit providers, travel agents and finance brokers. Since the mid 80s, the Ministry has reformed most of these schemes.

The schemes aim to prevent people from entering or remaining in an occupation unless the person meets set criteria. These criteria include the applicant's fitness to hold a licence, some form of test for financial viability (at least in relation to travel agents and motor car traders) and some measure of the person's competence.

From a consumer's point of view, the Ministry's licensing system is preventative and aims to minimise the loss they could suffer by excluding unethical or incompetent people from operating in the market. The legislation which establishes two of the Ministry's four licensing schemes also provides for guarantee/compensation schemes to compensate consumers who suffer a loss when dealing with licensed persons. There is, therefore, recognition that licensing by itself is not a total answer.

Motor car traders, credit providers and travel agents are licensed by licensing authorities comprising an independent chairperson who has to be a qualified lawyer, a person to represent the interests of the particular industry and a person to represent the interests of consumers. In relation to finance brokers, the Registrar takes the place of the licensing authority.

The Director of Consumer Affairs has the ability under each of the four licensing Acts to object to the licensing body to the grant, renewal or continuance of a licence. This has led to the establishment of a separate branch within the Ministry - the Licensing Investigation Branch. The function of this branch is to investigate all applications for licences and to monitor the activities of those persons who hold licences.

The legislation enables any other person to object to the granting or continuance of a credit providers licence. Under the Motor Car Traders Act, the Chief Commissioner for Police can object to the granting or renewal of a motor car traders licence.

Because licensing deals with a person's livelihood or the continued viability of a company, most objections are vigorously defended. None more than the objection by the Director of Consumer Affairs and the Consumer Credit Legal Service (CCLS) to the granting of a credit provider's licence to Household Financial Services Ltd (HFC). The hearing of these objections commenced in May 1988 and ran for over 100 sitting days. The authority refused to grant the licence in September 1989, concluding that HFC could not be trusted to operate honestly, fairly or efficiently.

In its final determination, the authority concluded that "... the evidence established that prior to 1987 when HFC received the objections... it and its



subsidiary insurance companies had engaged in practices which were variously dishonest, unfair and to serious detriment of its borrowers". The authority listed 10 practices that in its view indicated that HFC did not meet accepted standards of behaviour. HFC has appealed the decision to the Supreme Court. This appeal is pending.

The effect of this decision on the credit industry has been very significant and it hoped will lead to an improvement in standards in the industry.

Hawthorn had a good season, but unfortunately their sponsors (HFC) did not, and had their Credit Providers License removed for not playing by the rules.



## CREDIT PROVIDERS

There are a total of 197 licensed credit providers. Thirteen new licences were granted in 1989/90. Of the 13 newly licensed credit providers, 10 were completely new applicants. The remaining three applicants were deemed licensees, whose licence applications were received prior to May 1985 but who have not been considered by the licensing authority. During 1989/90 184 licensed credit providers renewed their licence and 20 did not. A total of 23 applications for credit provider's licences were received by the Licensing Investigation Branch for investigation and report and/or recommendation during the year. The branch also investigates complaints relating to the provision of credit. During the year 29 such complaints were received.

As well as the objection to HFC's licence, mentioned above, objections have been lodged against granting licences to:

- **AVCO Financial Services Ltd (AVCO):** the granting of a licence to AVCO has been opposed by the Director of Consumer Affairs and Consumer Credit Legal Service; and,
- **Rena-Ware Distributors Pty Ltd:** the granting of a licence to Rena-Ware Distributors Pty Ltd has been opposed by the Director of Consumer Affairs. The matter is awaiting a hearing date.

## TRAVEL AGENTS

There are a total of approximately 965 licensed travel agents. One hundred and thirty new licences were granted in 1989/90. Of licences granted in 1989/90, approximately 46 involved a take-over of an existing agency or a change in business entity and the remaining 84 involved totally new businesses. During 1989/90, approximately 82 agents ceased trading altogether and surrendered their licence. The Director of Consumer Affairs lodged an objection to the granting of a licence against Ideal Field Pty Limited. The Travel Agents Licensing Authority adjourned the hearing.

It is a prerequisite that an applicant be accepted as a member of the Travel Compensation Fund, before being granted a licence. The fund, a Sydney based national body, was established in 1987. Its major objective is providing compensation to consumers who suffer financial loss because of a travel agent's failure to account for clients' money.

## FINANCE BROKERS

There are a total of 505 licensed finance brokers with 175 new licences granted in 1989/90 compared with 177 in 1988/89. Applications for finance brokers licences are growing quite markedly with 258 applicants in 1989/90 compared with 189 in 1988/89.

An objection to the granting of a licence was lodged by the Director of Consumer Affairs against:

- **I Spolding:** the Registrar of finance brokers referred the matter to the Magistrates Court. The Magistrate granted a licence on 1 September, 1989.

## MOTOR CAR TRADERS

There are in excess of 2,300 licensed motor car traders in Victoria, with 364 new licences being issued in 1989/90. During 1989/90, approximately 45 per cent (162) of new licences were as a result of a change of business entity by existing traders. One hundred and sixty two licensees ceased business.

During the year the Director of Consumer Affairs lodged eight objections against:

- **Astelot Tooling and Equipment Pty Ltd, trading as Shepparton World of Cars:** the Director of Consumer Affairs issued an objection for breach of section 30 of the Motor Car Traders Act. The licensee was reprimanded and fined;
- **Rick Lawler Motors Pty Ltd, trading as Classic Automobiles:** the licensee had its licence cancelled on 5 September 1989;
- **George Gyoerffy, trading as The Car Connection:** the Director of

Consumer Affairs objected and the applicant subsequently withdrew his application;

- **Wayne King:** the Director of Consumer Affairs issued an objection for breaches of section 30 of the Motor Car Traders Act. The licensee was reprimanded and fined;
- **George Bobos, trading as George Bobos Motor Dealer:** the Director of Consumer Affairs issued an objection for breaches of section 30 of the Motor Car Traders Act. The licensee was reprimanded;
- **George Kolevski, trading as Blue Star Motors:** the Director of Consumer Affairs issued an objection for breaches of section 30 of the Motor Car Traders Act. The licensee was reprimanded;
- **Graham Partridge, trading as Brighton Sports Car World:** the Director of Consumer Affairs issued an objection for breaches of section 30 of the Motor Car Traders Act. The licensee agreed to comply with the licensing authority's direction in relation to his address and premises; and,
- **Melbourne Motor Market Pty Ltd, trading as Fawkner Motor Market:** the Director of Consumer Affairs issued an objection for breaches of section 30 of the Motor Car Traders Act. The disciplinary hearing concluded on 21 May, 1990. The Licensing Authority found that the licensee had placed false advertisements, was guilty of gross misconduct in relation to "Form Eights", signatures in the dealings book and false roadworthy certificates and transfers, and was also inefficient. The Licensing Authority cancelled the licence of the licensee.

In addition, the Chief Commissioner of Police lodged objections against Mark Grebert, trading as Jarrod Mark Motors and Marg Edwards, trading as Trendy Car Sales. Both objections were dismissed and licences issued.

## MOTOR CAR TRADERS GUARANTEE FUND

Any person (apart from a motor car trader), may make a claim against the fund to be compensated for losses incurred because of the failure of a motor car trader to fulfil his/her obligations under the Motor Car Traders Act 1986. Payments of up to \$20,000 can be made from the fund. A special trader, who is a financier may, in specific instances, make a claim against the fund. Claims against the fund continue to increase, perhaps reflecting a tougher economic climate affecting some traders. Claims in 1989/90 totalled two hundred and eighty five.

# INFORMATION PROVISION

The Ministry of Consumer Affairs provides information to consumers and traders, tenants and landlords on their rights and responsibilities. The Ministry operates a telephone and counter enquiry and referral service for its clients. Information brochures are published and distributed widely and publicity campaigns and educational programs are organised regularly. This information and education service is delivered by the head office, by regional offices and by the 60 community groups funded by the Ministry. Regional offices also operate an outreach service to regional and country centres, including a mobile van and visits by Ministry staff.

## CUSTOMER INFORMATION AND ADVICE

Customer services staff act as a first point of contact for telephone and personal enquiries. They provide a telephone and counter enquiry and referral service to the public between 9 am and 4.30 pm. The majority of enquiries involve provision of information and advice. Information brochures and booklets on a range of issues and prescribed forms, such as applications to the tribunals, are also despatched. Where necessary, referrals are made to other sections of the Ministry, other Government departments, statutory authorities, semi-Government instrumentalities and professional or industry associations. Clients who experience difficulty in communicating in English are assisted where possible by multi-lingual staff or by use of the Telephone Interpreter Service. A Telephone Typewriter phone is available to enable people with a hearing impairment to use the telephone service.

## Enquiries Handled

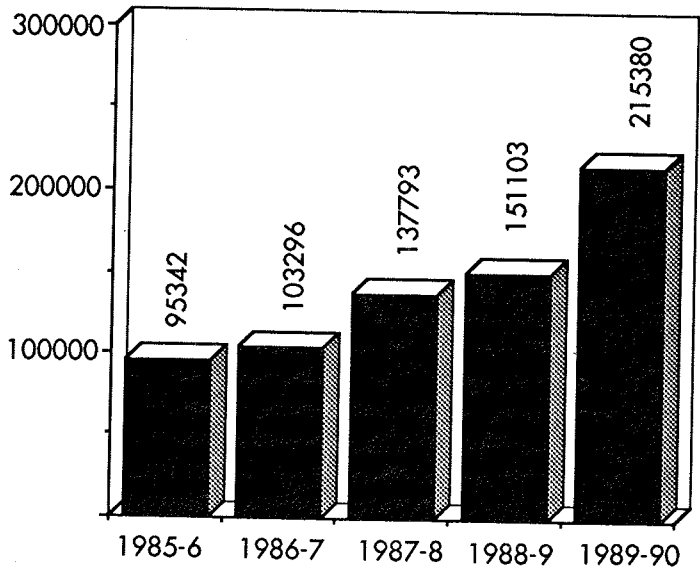
The total number of telephone enquiries handled by Ministry staff was 215,380. A further 18,743 enquiries were handled in person at a Ministry of Consumer Affairs office or through contact with the mobile information vans on one of their regional visits. Of the total enquiries for 1989/90 approximately 21 per cent were handled by regional offices and 79 per cent by head office.

The frontline of the Ministry is the many people who handle public enquiries by telephone.



## Telephone and Counter Enquiries 1985-90

Figures prior to 1989/90 include telephone and counter enquiries made to head office. Figures for 1989/90 are for telephone enquiries made at head office and regional offices.



Approximately 27 per cent of enquiries related to residential tenancies matters and of these approximately 60 per cent were initiated by tenants and 40 per cent by landlords or agents. There is a significant difference here between the experience of the Ministry's central office and regional offices, with regional offices receiving 40 per cent or less of their tenancy enquiries from tenants and the majority from landlords or agents. Other enquiries covered a wide range of consumer issues with queries concerning motor cars (purchase and repairs), building, retail (white goods, clothes, refunds etc.) comprising the major areas.

The first stop for the public is often the enquiries desk. In the last year 18,743 enquiries were handled in person at either the enquiries desk or by mobile information vans.



As well as these enquires handled by the Ministry itself, 36,000 enquires were handled by the funded community groups which are located throughout Victoria to provide easy access for consumers and tenants to advice and information.

Regional staff undertook a series of visits to a variety of country and regional centres to provide the community with greater access to the Ministry's services. Fifty-nine different locations across metropolitan and country centres were visited during 1989/90, involving a total of 477 scheduled visits by regional staff. These visits complement the local services provided by the funded community groups.

## **PUBLIC INFORMATION AND COMMUNITY AWARENESS**

A major technique through which the Ministry assists the development of an informed and efficient marketplace is the provision of public information and community awareness.

The Ministry's Public Information Branch, in consultation with consumer and trader groups, designs, produces and distributes information to consumers and traders, landlords and tenants on keys areas such as credit, consumer and trader rights and residential tenancy.

The Ministry designs most of its publications in house, utilising its own design studio that is equipped with the latest in desktop publishing computers.



In the year under review, information was provided in a diverse range of areas. Media activities and promotional events were also undertaken to publicise unfair practices in the marketplace, respond to topical issues and support information campaigns.

## INFORMATION CAMPAIGNS

In the 1989/90 year, all the printed information was updated and reformatted. It was then categorised into three main areas, each of which was given a new concept slogan.

A major credit campaign was launched in May, under the slogan "Credit Costs You". The initial campaign included metropolitan and regional television advertisements in prime-time slots with the purpose of raising awareness of the total cost of credit and the emotional strain caused by credit over-commitment. This was closely followed by the release of "A Guide To Safer Credit Use For Women". The main objective of this pamphlet was to explain to women the implications of going guarantor or co-borrower for a loan, especially for emotional reasons, as opposed to sound financial ones.

General consumer and trader information has been developed under the slogan "Check It Out". This year, the series was launched with two guides on shoppers' and traders' rights and responsibilities under State consumer legislation. These were followed by individual pamphlets on lay-by, door-to-door sales, household removals and customer relations.

The third major information campaign involves residential tenancies information under the slogan "Renting Right". Products developed include an updated version of the "Statement of Rights and Duties" for tenants and landlords, a new tenancy guide containing seven pamphlets covering all aspects of residential tenancies in simple point form, specific brochures targetting youth, the elderly and women and translations in Arabic, Vietnamese, Greek, Italian and Spanish of the "Statement of Rights and Duties". These are to be released early in 1990/91.

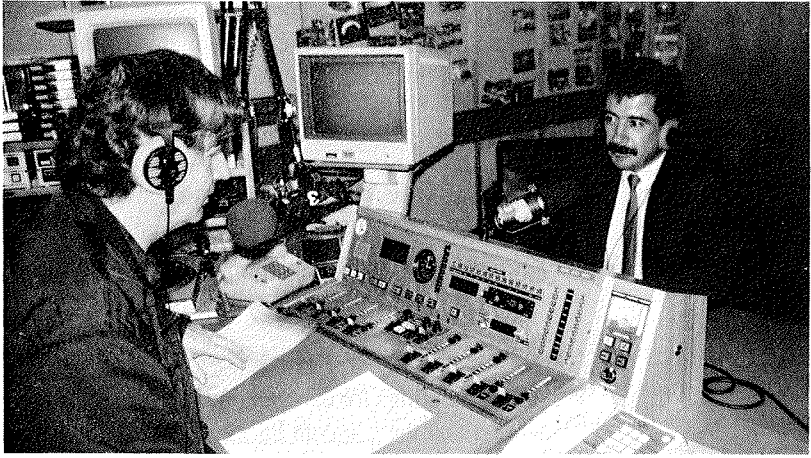
Other information campaigns included the development of "Safety Rules - A Nursery Furniture Guide", which proved so successful that corporate sponsorship allowed a further print run of one hundred thousand. Several very popular information products were also reprinted, including "Big Deal - A Car Buyer's Guide" and an information guide to the Small Claims Tribunal.

## MEDIA

The electronic and print media provide important avenues for advising the public on unfair trading practices. This year, the media section successfully negotiated regular space in the regional and suburban press, and co-ordinated monthly column on consumer and tenancy issues.

Civil prosecutions by the Ministry and the various licensing authorities' and tribunals' hearings were publicised. Ministry staff also have weekly or fortnightly consumer segments on 3LO, ABC regional radio, 3AW and 3UZ.

Michael Murray answers enquiries from radio listeners advising them of their rights and responsibilities as consumers.



In April 1990, the media section began contributing to publicity programs for the Office of Prices and the Office of Aboriginal Affairs and continued to assist the Liquor Licensing Commission.

## COMMUNITY AWARENESS

General community awareness activities are also undertaken by the Ministry and the funded community groups. Staff are provided for public speaking engagements, covering such topics as the role of the Ministry, residential tenancies issues, consumer rights and protection, product safety and the operation of the tribunals.



The Ministry helps to raise community awareness by provision of brochures and other materials to targetted groups and interested parties. The range includes kits on nursery furniture, a car buyer's guide, a shopper's and trader's guide, customer relations advice, information on household removals and booklets on renting rights and buying a rural block.



Regional offices have undertaken a number of successful education and awareness activities during the year, many of which were planned and conducted in conjunction with workers in local community groups.

Activities included:

- a summertime awareness promotion for holiday makers on the Mornington Peninsula;
- exhibitions at metropolitan and rural shopping centres, agricultural shows and other community events;
- seminars for estate agents on the Residential Tenancies Act 1980;
- public meetings for caravan park owners and managers with tenancy workers on the Caravan Parks and Moveable Dwellings Act 1985;
- partnership project, targetted to assist consumers living in outlying areas. This was conducted with community groups, Government departments and Local Government in the Shire of Sherbrooke; and,
- awareness activities organised for senior citizens and people with disabilities.

# DISPUTE RESOLUTION

## CONCILIATION FUNCTION

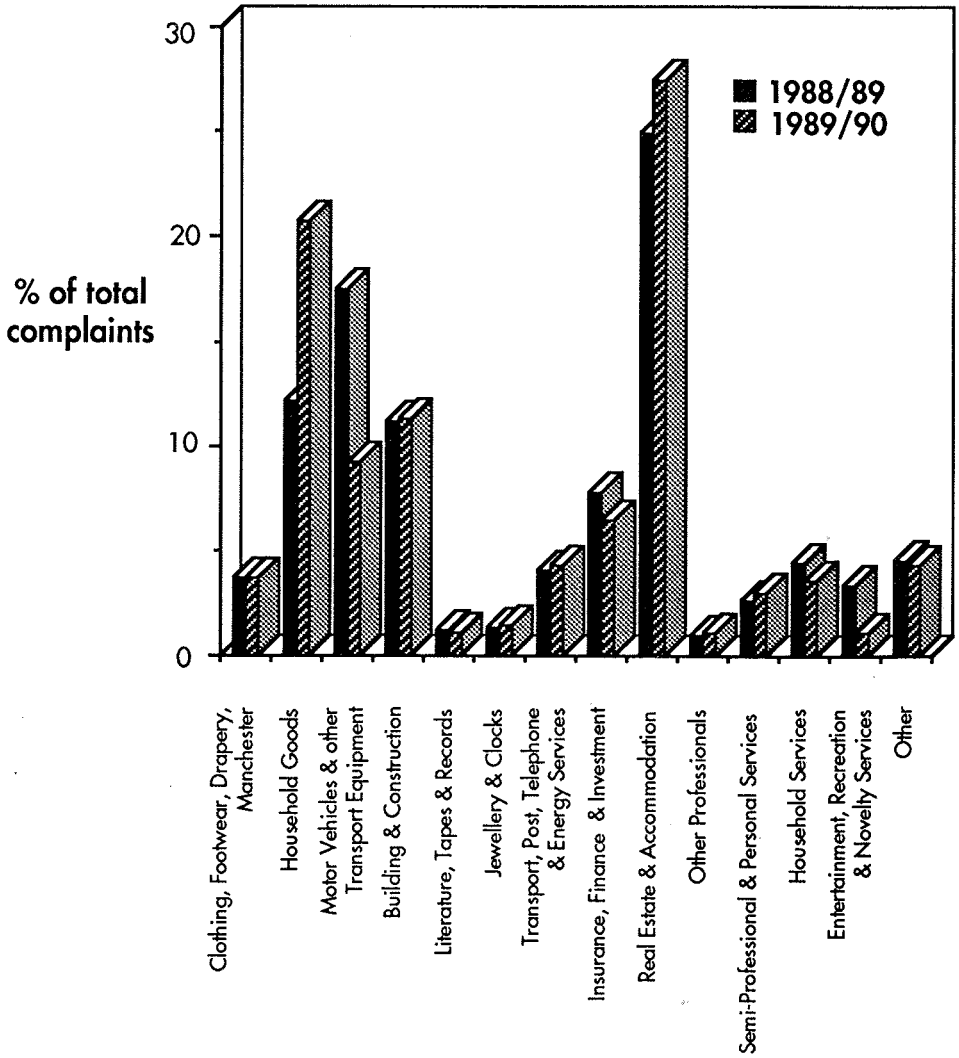
The Ministry assists consumers, tenants, landlords and traders to resolve disputes in two ways. If a person has not received satisfaction from contacting the trader or landlord themselves, they may send a complaint for conciliation to the Ministry or lodge an application with one of the tribunals. Following a request for conciliation, contact will be made with a trader or landlord. If the trader or landlord is not willing to negotiate, the person who sent in the complaint is advised if appropriate to lodge an application with one of the tribunals.

During 1989/90, the Ministry received 12,945 requests for conciliation. 9,497 or 73 per cent were general consumer matters and the remaining 3,448 or 27 per cent were in relation to residential tenancies matters and are listed in Appendix 7. The conciliation function is carried out in each regional office and head office. At head office two teams provide services to the North West region of the State and the inner region of Melbourne.

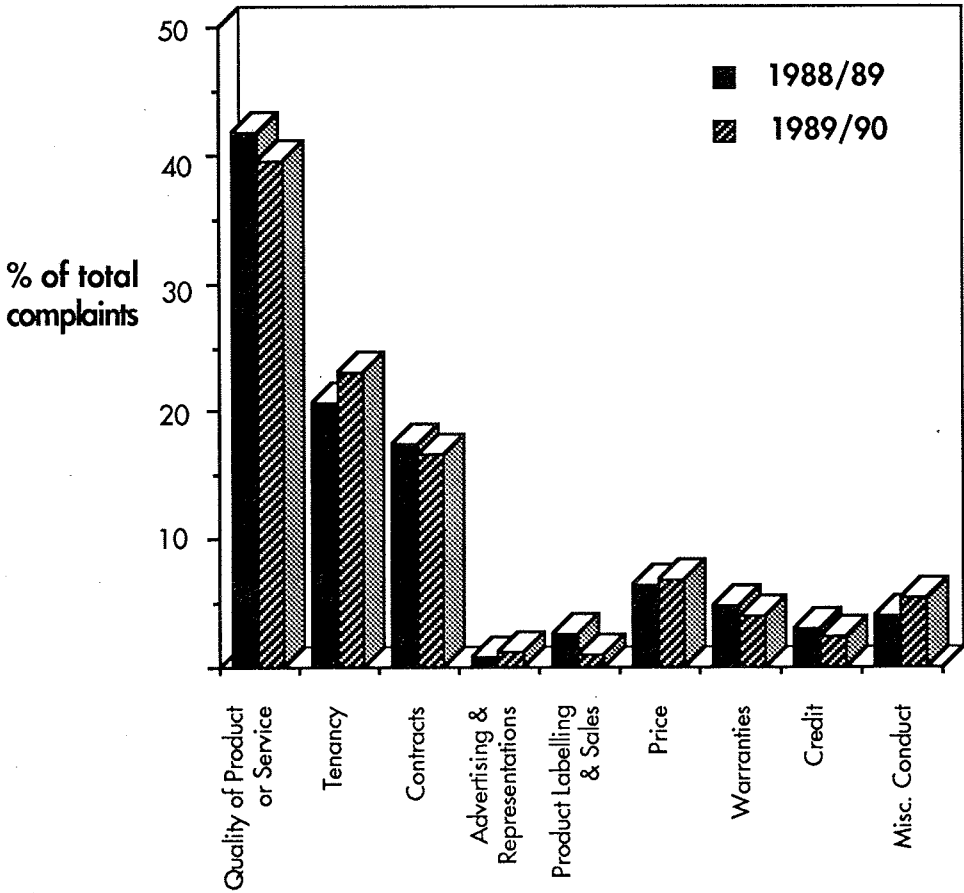


The first avenue for the settlement of any dispute is with the person to whom it concerns.

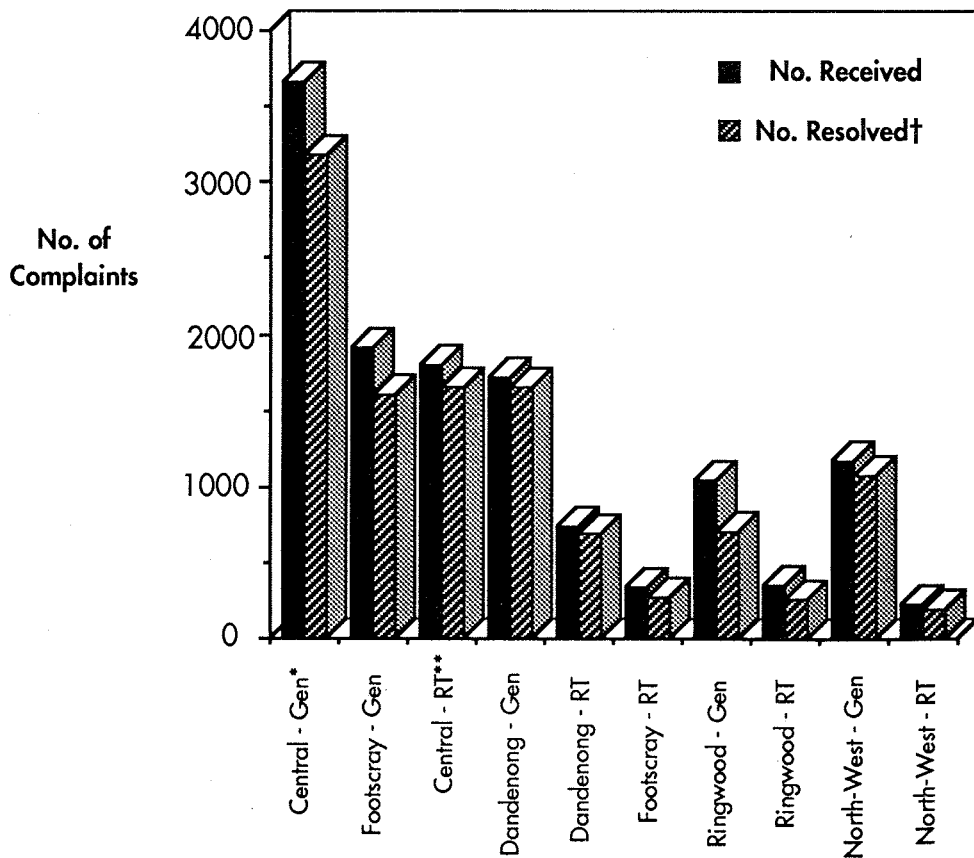
## WRITTEN COMPLAINTS RECEIVED FOR CONCILIATION BY PRODUCT TYPE, 1988/89 AND 1989/90



**WRITTEN COMPLAINTS RECEIVED FOR CONCILIATION  
BY PRACTICE TYPE, 1988/89 AND 1989/90**



**SUMMARY OF COMPLAINTS RECEIVED & RESOLVED  
IN ALL REGIONS, 1989/90**



\*Gen General Consumer Complaints

\*\*RT Residential Tenancies

† Complaints are resolved when the file is closed; on average some 50% of these cases received full redress, while 17% are referred to a Tribunal

## TRIBUNALS

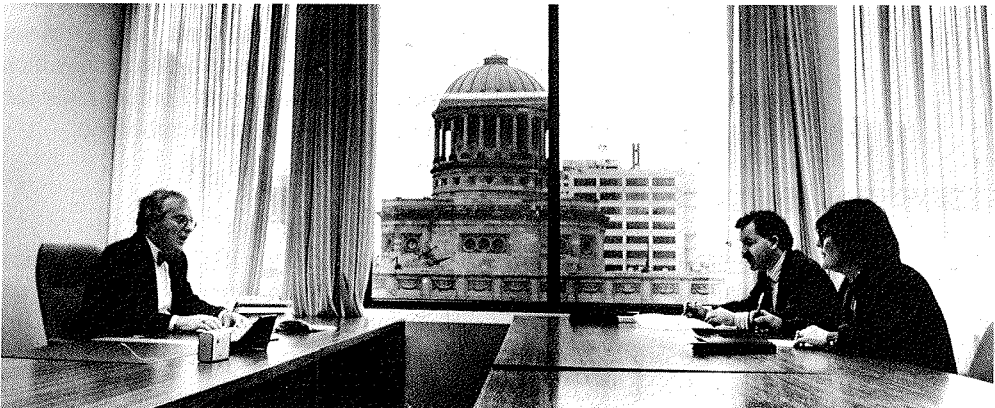
The Small Claims Tribunal, Residential Tenancies Tribunal and the Credit Division of the Small Claims Tribunal aim to provide an accessible, cost effective, speedy and informal avenue for dispute resolution between consumers and traders, landlords and tenants. Tribunal hearings are conducted at 500 Bourke Street and suburban and country locations. If there is the demand and an available venue, the tribunal will sit at a location on a one-off basis if clients are unable to travel to the nearest regular location. Members of the tribunal are legally qualified and are appointed by the Governor-in-Council. They are independent of the Ministry and their decisions are legally binding.

The Adjudication Support Branch assists the public with all aspects of lodging applications with the Residential Tenancies Tribunals and claims with the Small Claims and Credit Tribunal. This includes telephone and counter advice on applications and claims, checking jurisdiction of applications, listing hearings, dispatching hearing notices and tribunal orders disbursing funds to and from trust accounts and the Rent Special Account, and providing information officers for suburban and country hearings to assist tribunal clients.

## SMALL CLAIMS TRIBUNAL

The Small Claims Tribunal determines disputes between consumers and traders (suppliers of goods and services); its jurisdictional limit is five thousand dollars.

The number of small claims lodged in 1989/90 was 3,577, an increase of 19 per cent on the previous year. The highest percentage of claims was in the building and construction industry with 874 (24 per cent). Repair and service to motor vehicles with 573 (16 per cent), consumer durables and furnishings with 566 (15 per cent) and motor vehicles and other transport equipment with 453 (12 per cent) claims were the other large areas of complaint.



The Small Claims Tribunal in action.

Photo courtesy of The Age.

Small claims applications lodged since 1983/84 and some case studies from 1989/90 are set out below.

#### APPLICATIONS TO THE SMALL CLAIMS TRIBUNAL, 1983/84 - 1989/90

YEAR	No.	ANNUAL % CHANGE
1983/84	3292	
1984/85	3447	+ 4.7
1985/86	3572	+ 3.6
1986/87	3598	+ 0.7
1987/88	3456	- 3.9
1988/89	3005	-13.0
1989/90	3577	+19.0

#### CASE STUDY

A consumer, about to purchase a home, employed an architectural inspection firm to carry out an inspection of the building. An extensive report was submitted to the consumer who in turn purchased the home. Termites were discovered in the flooring and bookcases. A firm of exterminators, called in to eradicate the termites, concluded that the problem should have been noticed in the architects inspection. The tribunal ruled that the trader (the architectural firm) pay to the consumer the cost of the extermination of the termites, the carpenter's fee and the cost of the consumer's legal fees. The referee felt that, had the consumer been aware of the termite problem, negotiating a lower price or not purchasing the house at all could have been considered.

#### CASE STUDY

A consumer took out a 12-month membership of a fitness centre, when its operating hours included two mornings per week starting at 6.00 am. However, after five months, the early opening time changed to 6.30 am, which was not convenient to the consumer. The tribunal ruled that the condition under which the consumer had taken out the contract had changed and ordered that the trader refund to the consumer the unused portion of the membership.

### RESIDENTIAL TENANCIES TRIBUNAL

There was a continued growth in applications to the Residential Tenancies Tribunal this year. Applications totalled 29,101, an increase of 3 per cent on last year's total. The following tables analyse these applications according to the sections of the Residential Tenancies Act 1980 under which they are lodged and who lodged them. Some case studies from 1989/90 are also provided.

**APPLICATIONS TO THE RESIDENTIAL TENANCIES TRIBUNAL  
1988/89 AND 1989/90**

APPLICATION	1988/89		1989/90	
	No.	%	No.	%
Landlord	26,581	(95)	27,471	(94)
Tenant	1,547	(5)	1,610	(6)
Total Applications	28,128	(100)	29,081	(100)

**TENANT APPLICATION BY TYPE**

APPLICATION	1988/89		1989/90	
	No.	%	No.	%
General applications (section 23)	891	(58)	993	(61)
Compensation (section 105)	308	(20)	175	(11)
Reduction in fixed-term tenancy (section 113)	125	(8)	130	(8)
Repairs - general (section 100)	74	(5)	113	(7)
Repairs - urgent (section 99)	37	(2)	32	(2)
Entry (section 96)	53	(3)	107	(7)
Other	59	(4)	60	(4)
Total Tenant Applications	1547	(100)	1610	(100)

Note: Percentage figures rounded to nearest whole number



## LANDLORD APPLICATION BY TYPE

APPLICATION	1988/89		1989/90	
	No.	%	No.	%
Possession S118	193	(1)	261	(1)
S119	19,380	(72)	20,334	(74)
S120	160	(1)	137	(<1)
S122	3,815	(14)	3,203	12
S121			11	(<1)
S123			9	(<1)
Sub total	23, 548	(88)	23, 946	(87)
Compensation (section 105)	1,154	(4)	1,440	(5)
Abandoned premises (section 111)	167	(1)	111	(<1)
Reduction in fixed term tenancy (section 113)	19	(<1)	7	(<1)
Security deposit (section 77)	1,289	(5)	1,555	(6)
Other	404	(21)	310	(1)
Total Landlord Applications	26, 581	(100)	27, 471	(100)

## CASE STUDY

A landlord made an application to the Residential Tenancies Tribunal under section 77 of the Residential Tenancies Act to retain the whole of the tenant's security deposit. This was to cover damage alleged to have been caused to the property by the tenant: to replace a bedroom door, replace a fly wire screen on the toilet window, replace the broken handle on the door, replace rubbers on louvre windows in the toilet, clean the stove, clean all carpets, clean all walls and generally clean throughout. The tribunal ordered that the landlord be entitled to retain the whole of the security deposit to cover the cost of the repairs.

If the cost of the repairs had been more than the security deposit, the landlord would need to serve notices for compensation on the tenant and lodge an application to the tribunal for compensation under section 105 of the Residential Tenancies Act.

## FAIR RENTS BOARD

Thirty-two fair rents hearings were conducted over the past 12 months. The majority of fair rents cases were concerned with repairs and the question of the landlord's right to increase the rental on the property. The Residential Tenancies Tribunal sits as the Fair Rents Board in cases involving prescribed premises. Numbers of applications to the Fair Rents Board since 1984/85 are listed below.

The original legislation covering prescribed premises dates back to the Landlord and Tenant Act 1958. This Act protects tenants who have been residing in the same premises since before 1 February, 1954 and who were still subject to a tenancy agreement prior to 1 January, 1956. Currently, it is estimated that there are approximately 1,000 prescribed premises in Victoria. These are obviously older dwellings, some in need of much repair. Before applications for repairs are heard in the Residential Tenancies Tribunal, the protected tenant calls on the Director of Consumer Affairs to investigate and report on whether the landlord is maintaining the property in good repair. Most prescribed premises listed with the Residential Tenancies Tribunal are located in older established parts of the metropolitan area, and in Bendigo, Ballarat, Geelong, Bairnsdale, Sale and Wangaratta.

### APPLICATIONS TO THE FAIR RENTS BOARD, 1984/85 - 1989/90

Year	No.
1984/85	47
1985/86	52
1986/87	42
1987/88	45
1988/89	3
1989/90	32

## CASE STUDY

An elderly tenant, represented by a relative, brought to the attention of the tribunal a list of serious repairs needed. These repairs came to light in evidence during a hearing in which the landlord had applied to the tribunal to increase the rent. However, contrary to the landlord's claim, the Fair Rents Board reduced the weekly rental to 50 cents until the electrical wiring was made safe and water leaks mended. The tribunal ordered that the landlord was not to consider an increase in rental until these repairs were carried out.

## CARAVAN PARKS AND MOVABLE DWELLINGS ACT 1988

The Residential Tenancies Tribunal also hears disputes pursuant to the Caravan Parks and Movable Dwellings Act which came into operation on 15 February, 1989. In the three and a half months of operation of the Act in 1988/89, 12 applications were received, while in 1989/90 there were 93 applications.

## CASE STUDY

A resident of a caravan park stated that extensive work had been carried out to establish a garden and landscape in an area surrounding a relocatable residence. Trees, shrubs and plants were purchased at the resident's own expense. On vacating the caravan park, the resident wished to remove the plants, shrubs and trees and relocate them to another dwelling. The park owners refused permission as they felt that the landscaping was now a feature of the park, and that at times they had assisted the resident with establishing the garden.

The Residential Tenancies Tribunal ruled that the resident could remove from the site the plants and shrubs which could practicably be removed without damaging the site or causing a disturbance to the landscaping materials.

## SUBURBAN AND REGIONAL HEARINGS

The Ministry conducts hearings nearest to the location of the contract being entered into (in the case of the Small Claims Tribunal) or of the rented premises (in the case of the Residential Tenancies Tribunal), to minimise the inconvenience and travelling time of the parties involved in disputes.

**NUMBER OF SITTING DAYS  
NOT CONDUCTED AT HEAD OFFICE IN 1989/90**

**Residential Tenancies Tribunal and Small Claims Tribunal**

Bairnsdale	15	Mordialloc	165
Ballarat	39	Morwell	3
Benalla	11	Myrtleford	5
Bendigo	32	Northcote	21
Camperdown	4	Oakleigh	33
Cobram	10	Portland	11
Colac	11	Robinvale	1
Dandenong	49	Sale	13
Echuca	11	Seymour	11
Geelong	90	Shepparton	30
Hamilton	10	Springvale	105
Horsham	11	Swan Hill	10
Korumburra	12	Wangaratta	12
Knox	44	Warragul	9
Kyabram	4	Warrnambool	10
Mansfield	6	Werribee	19
Maryborough	5	Wodonga	17
Mildura	19	Yarrawonga	2
Moe	35		

## CREDIT TRIBUNAL

Between July 1989 and June 1990, there were 361 claims lodged with the Credit Tribunal. This is two and a half times the previous year's applications.

### NUMBER OF CLAIMS TO THE CREDIT TRIBUNAL

<u>Year</u>	<u>No.</u>
1985/86	36
1986/87	140
1987/88	174
1988/89	144
1989/90	361

### CASE STUDY

In the matter of Carol Windsor vs. Bentmore Credit Union Co-operative Ltd, the tribunal found that credit unions were subject to the provisions of the Credit Act relating to the re-opening of unjust contracts.

The Senior Referee of the Credit Tribunal found that credit unions, although exempt from the formal signing-up and documentation requirements of the Credit Act, were not exempt from Parts I, II, IX and X of the Credit Act.

Although credit societies are substantially covered by the Co-Operation Act 1981, re-opening of contracts and rescission or discharge of contract provisions are not. The plain meaning of the words in the Act mean that credit unions are subject to the Credit Act for these provisions, thus extending the fullest benefit of the legislation to the borrower.

### CASE STUDY

In the case of Renshaw v. Melbourne Money Pty Ltd, a consumer arranged for friends to borrow money from a credit provider. As the consumer's friends had no security for the loan it was assumed that the consumer was going to be the guarantor. However, after seeking legal advice, the credit provider signed up the consumer as co-borrower without the consumer's consent.

After the friends of the consumer defaulted on the loan, the credit provider issued proceedings in the Supreme Court seeking the right to sell the consumer's house. The Supreme Court proceedings were suspended while the Credit Tribunal considered whether the transaction was unfair.

The tribunal found that the Credit Act provided for separate procedural requirements, responsibilities and enforcement action for borrowers and guarantors, and that the contract should be re-opened because it was unjust.

The Credit Tribunal waived all liability for the consumer, ordered that the mortgage over the consumer's home be discharged and that Supreme Court proceedings be withdrawn.

### CASE STUDY: SECTION 36

Section 36 of the Credit Act requires certain information, including the interest rate, to be correctly disclosed on a credit contract. If a credit provider fails to comply with the requirements of section 36, a civil penalty of loss of credit charges (interest) will occur. The relevant contract will effectively be interest free. However, as this remedy may be harsh in some cases, the legislation allows a credit provider to apply to the Credit Division of the Small Claims Tribunal to obtain relief from the consequences of the civil penalty and so have its entitlement to interest charges restored.

Australian Guarantee Corporation Ltd (AGC) breached section 36 in relation to approximately 1,000 contracts, by understanding the interest rate by approximately 2% on each contract. The error had occurred due to AGC illegally compounding interest on contracts with repayments occurring other than on a monthly basis eg. quarterly, biannual or annual repayments. The Director of Consumer Affairs appeared in the matter in the public interest and received approximately 300 requests from consumers for the Director to represent their interests generally.

In the course of the proceedings a major procedural issue arose as to whether the Tribunal had the power to order 'discovery'. This is the right of parties to require the other side to state what relevant documents they have in their possession and to inspect those documents. Such a power is important in proceedings of this nature as most of the relevant information covering the circumstances of an interest rate breach are held by the credit provider. The issue was eventually determined by the Supreme Court of Victoria which held that the Tribunal did have the power to order discovery of documents.

Encyclopedia Britannica also applied to the Credit Division of the Small Claims Tribunal to be relieved of the consequences of its failure to correctly state the interest rate on some contracts it had entered into between January 1988 and May 1989. The Prices and Terms Schedule (which sales agents referred to when calculating the credit charge) was prepared on the basis of an interest rate of 18%, when in fact it should have been 19.3%. Resulting contracts therefore misstated the interest rate.

The Director appeared in the proceedings in the public interest. The consumers named in the application elected not to be separately represented. The Tribunal, in its decision, reinstated the credit charges to 18.8%, having particular regard to the company's quick response and notification of the Authorities on discovering the error. The company had sought legal advice one day after discovering the error and sought a prompt meeting with Consumer Affairs officers to discuss an intended application. The Tribunal found that in relation to actual error the company had acted honestly but carelessly and had taken all reasonable steps to remedy the error.

During 1989/90, the aims and objectives of the Ministry's grant schemes were significantly altered. These changes were a result of reviews of each grant scheme and, for the tenancy scheme, a significant increase in funding. At the completion of funding for the 1989 calendar year, all groups received interim funding for the first six months of 1990. Interim funding provided the Ministry with the opportunity to move the funding cycle from a calendar year to a financial year basis.

The Ministry is committed to increasing consumer and tenant awareness and making consumer and tenancy services more accessible and relevant to all citizens of Victoria, particularly disadvantaged consumers and tenants. The grant schemes recognise the partnership role and unique contribution of community organisations in helping consumers and tenants. The funded organisations ensure that a variety of consumer and tenancy information services are available throughout Victoria, complementing the work of the Ministry.

The Ministry works with these organisations to ensure they meet agreed objectives and accountability requirements. Regular visits to the organisations are made and groups are supported by training and information seminars.

## GRANT SCHEMES IN 1989/90

The grant schemes which were funded by the Ministry in 1989/90 were:

### Consumer Affairs Grant Scheme

The Consumer Affairs Grant Scheme has assisted the Ministry to achieve its education, information, conciliation and consultation objectives by funding community groups to undertake these roles in their local areas. In general, funding decisions sought to assist and target areas of high need.

### Community Credit Program

Under the Victorian Government's Anti-Poverty Strategy, this program provided funding to a number of community organisations over a four year period. During the program's last full 12 months of operation, the then Minister for Consumer Affairs, The Hon. Tom Roper, instructed that the programs be reviewed. Over the program's four years of operation, it aimed 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; and,
- help low-income people plan and organise their finances so that they can meet their financial commitments.



## **Residential Tenancies Grant Scheme**

The Residential Tenancies Grant Scheme was established in 1984 and grants are made under section 11(1)(f) of the Residential Tenancies Act 1980 to community-based programs aimed at providing advice, disseminating information and promoting awareness of tenancy rights throughout Victoria. Money made available for this program comes from the Residential Tenancies Fund, which comprises interest paid on tenants' bond deposits. The provision of advice and assistance to people with tenancy problems and community education are the two major components of the grant scheme. Community tenancy advice services are well placed to assist those tenants in the greatest need. Groups such as the Tenants Union of Victoria undertake research, monitor and examine trends in the private rental market and contribute to the policy debate in residential tenancies.

## **IMPLEMENTATION OF GRANT SCHEME REVIEWS**

### **Consumer Support Program**

Following a review of the Community Credit Program and Consumer Affairs Grant Scheme in 1989/90, an integrated program was established for 1990/91 to be known as the Consumer Support Program. The new program utilises community-based organisations to provide a broad range of consumer support services throughout the State which are accessible, responsive to community needs and which complement the goals of the Ministry of Consumer Affairs.

Consistent with the Social Justice Strategy, the Ministry of Consumer Affairs has a commitment to make its services available to all consumers and, in particular, to target those groups identified as likely to be the most vulnerable in the community. These include young people, the aged, aborigines, disabled people, newly arrived and non-English speaking migrants and low-income people generally.

Two categories of service have been established under the new program:

- services which provide a region-wide service to all consumers, with particular emphasis on targeting disadvantaged consumers. Generally only one such service is being funded in each region; and,
- specialist services which provide consumer support, advocacy, education or undertake research around the needs of particular disadvantaged groups or particular issues.

### **Tenant Support Program**

In August 1989, a review of the Residential Tenancies Grant Scheme was completed and changes introduced to its aims and objectives. The Tenant Support Program aims to establish services which are accessible, responsive to

community needs and have the capacity to complement the Ministry's own direct services.

In line with the Victorian Government's Social Justice Strategy, the establishment of the Tenant Support Program demonstrates the Ministry's concern with promoting fairness in relation to the distribution of resources, access to services, participation and the protection of people's rights. Under the program, services not only assist private tenants but also long-term caravan park residents, public tenants and rooming house residents who are covered by tenancy legislation.

Two categories of service have been established under the new program:

- services which provide a region-wide service to all categories of residential tenancy, including private and public tenants, caravan park and rooming house residents. Generally, only one such service is being funded in each region; and,
- specialist services to provide tenancy support, education or undertake research around the needs of particular disadvantaged groups in the rental sector.

## FUNDING ALLOCATIONS

<b>Interim funding (January - June 1990)</b>	<b>\$</b>
Residential Tenancies Grant Scheme	694,824
Consumer Affairs Grant Scheme	132,623
Community Credit Program	644,316
Total	1,471,763
<b>Total 1989/90 funds allocated toward 1990/91 programs</b>	<b>\$</b>
Tenant Support Program	833,355
Consumer Support Program	761,562
Total	1,594,937

## Total Grants allocated to Community Organisations 1984/5 - 1989/90

	1984/5	1985/6	1986/7	1987/8	1988/9	1989/90
CCP		475,000	964,765	1,084,170	1,241,000	1,538,501 *
CAGS	145,000	224,109	252,107	281,943	289,274	
RT	237,250	307,010	356,900	740,285	1,309,079	1,528,179**
<b>TOTAL</b>	<b>382,250</b>	<b>1,006,1191</b>	<b>1,573,772</b>	<b>2,106,398</b>	<b>2,839,353</b>	<b>3,066,680</b>

\* Includes interim funding Consumer Affairs Grant Scheme and Community Credit Program January - June 1990 and the balance of 1989/90 combined funds allocated in June 1990 as the first instalment for the Consumer Support Program.

\*\* Includes interim funding for the Residential Tenancies Grant Scheme January - June 1990 and 1989/90 funds allocated in June 1990 for the Tenant Support Program.

## RESEARCH AND REVIEW

In recent years, the Ministry has undergone two major reviews. One dealt with organisational management and the other with residential tenancies functions and services. Both these identified a gap in the research and planning capacity of the Ministry and in its ability to plan and target the delivery of services.

In 1989/90, a Research and Review Branch was established and has concentrated its activities in the review of community based programs. Priority has been given to the establishment of funding models based on regional needs analysis, the establishment of a planning database and the evaluation of existing Ministry programs.

An Australian Bureau of Statistics (ABS) officer was outposted to conduct an information needs analysis and to identify data capture techniques appropriate for the Ministry. A data base consisting of ABS material has been developed, and this, together with internal program indicators, will form the basis for informed decision making regarding the formulation of policy and targetting of services.

# OFFICE OF PRICES

Administrative responsibility for the Office of Prices was transferred to the Ministry of Consumers Affairs from the Department of Property and Services in November 1989. However, until the change in ministerial responsibilities in April 1990, the Prices portfolio had a separate Minister. At that date, the present Minister assumed responsibility for both portfolios.

The broad objective of the Office of Prices is to deter excessive prices through promoting competition in the marketplace. Activities of the office include price monitoring and investigations, consumer education programs, support to price action groups and submissions to public inquiries. A major function of the office is to service the Prices Commissioner in carrying out his duties under various Acts of Parliament. The Office of Prices also administers the Government's trigger price arrangement for petrol.

## GROCERY PRICES

The Office of Prices monitors the prices of grocery items in supermarkets by surveying a basket of 167 items and through consumer telephone calls and written correspondence to the office. Shelf prices from 75 supermarkets are provided to the Office of Prices by an independent market research firm. Official grocery prices are also supplied by the Retail Traders Association of Victoria. Both surveys indicated an annual price increase for the basket of goods of 7.5 per cent to June 1990, a significantly different result from the previous 12 months when increases of 7 per cent for official prices and 4.8 per cent for shelf prices were recorded. This may reflect a reduction in store discounting. Despite this, prices still increased less than the CPI of 8.4 per cent in 1989/90.

## SUPERMARKET CODE OF PRACTICE

A new national voluntary code of practice for supermarkets using scanning technology was introduced in September 1989. The code was developed jointly by the Australian Retailers Association and the Trade Practices Commission with input from the Office of Prices. Each State has set up a Scanning Complaints Committee to investigate unresolved consumer complaints and to identify areas where the code could be improved. A staff member of the Office of Prices is the Government representative on the Victorian committee. The office has also been monitoring the effectiveness of the code through its own investigations resulting from consumer complaints.

## COMMUNITY INVOLVEMENT

During the year, a total of 19 price action groups were active throughout suburban and country areas of Victoria. The aim of these groups is to develop consumer awareness of supermarket prices and to act as a catalyst for competition between local supermarkets. The groups are usually co-ordinated

by welfare agencies or financial counsellors. Volunteers are organised into teams, who then individually survey grocery prices at local supermarkets on a monthly basis. The results are published in local newspapers. The Office of Prices provides support to the groups through assistance with computer input of price data, liaison with co-ordinators and provision of advice and assistance with design of surveys and training of volunteers.

## CONSUMER AWARENESS

The office attempts to raise consumer awareness of pricing issues through a consumer newsletter and various brochures and leaflets. For example, a leaflet on pricing of sunscreens was produced in conjunction with the Anti-Cancer Council and 100,000 copies were distributed throughout Victoria. Around 5,000 copies of the quarterly newsletter were distributed to individuals, Citizens Advice Bureaux and other community groups.

## PRICING INVESTIGATIONS

The office carries out investigations concerning specific pricing issues and produces reports. Often press publicity is generated on issues of particular importance. For instance, the office initiated recent investigations concerning prices of refreshments at Melbourne Airport and cinema prices following a series of consumer complaints.

In the case of airport prices, the investigation found that beverage prices were 25-188 per cent above Australian Hotels Association recommended prices for beer. For confectionery, airport prices were 14-50% greater than manufacturers' recommended prices. The report coincided with the tendering of catering contracts and therefore increased the focus on pricing issues and monopoly provision of catering services in the consideration of these tenders.

The Office of Prices has a number of groups that monitor supermarket prices in differing locations.



Photo courtesy of The Age.

The investigation of cinema ticket prices found that in 1989, peak prices had increased in excess of the CPI increase for the year. Over the previous four-year period, prices had risen more than average weekly earnings. However, the office was able to point out to cinemagoers the savings they could make by taking up concession tickets.

The office monitors beer prices on an ongoing basis. The office has developed a computer spreadsheet model to facilitate monitoring of retail margins following each six-monthly price increase after the CPI adjustment of excise and manufacturer cost increases. This increases consumer knowledge of the components of these price rises.

In September, the International Motorcycle Grand Prix was hosted at Phillip Island, Victoria. The office was involved in negotiations with the Shire of Phillip Island on car parking fees for the five day Grand Prix event.

## PETROL

The office administers the Government's maximum retail (trigger) price arrangement for petrol. The trigger price is based on the Prices Surveillance Authority maximum wholesale price and is adjusted weekly. The office continues to monitor retail price trends and the effects of changes to petroleum marketing methods as the result of inquiries conducted by the TPC and PSA. The Minister is kept informed of petrol pricing issues.

## AGRICULTURAL PRICES

The Office of Prices assists the Prices Commissioner to carry out his statutory duties. The Prices Commissioner is responsible for advising the Minister for Agriculture and Rural Affairs on pricing for a range of agricultural commodities under various Acts.

The Dairy Industry Act 1984 requires the Victorian Dairy Industry Authority (VDIA) to consult with the Prices Commissioner when making milk price determinations in May and November each year. The Commissioner reports to the Minister for Agriculture and Rural Affairs prior to a determination becoming final. In January 1990, an interdepartmental review of the pricing methodology used by the VDIA took place, in which the office played a major role.

The Egg Industry Act 1989 established a three member Egg Prices Review Panel, chaired by the Prices Commissioner. The panel reviews egg prices determined by the Victorian Egg Marketing Board (VEMB) and may initiate its own reviews and make determinations. The Panel is administered by the Office of Prices and a staff member is executive officer. The panel is partly funded by the VEMB.

Established under various Acts, price negotiating committees facilitate industry agreement on prices to be paid to growers of broiler chickens and processing tomatoes. Where agreement cannot be reached for a given season, the Prices Commissioner is normally appointed as arbitrator. In October, the Commissioner arbitrated the fee for broiler chickens.

## **TOBACCO REPORT**

The office undertook a major study on cigarette pricing, funded by the Victorian Health Promotion Foundation. The study examined linkages between pricing and consumption, health costs and the implications for tobacco taxation policies. A paper, based on the study's findings, was presented at the Seventh World Conference on Tobacco and Health in Perth in April 1990.

## **SUBMISSIONS TO PUBLIC INQUIRIES**

The Office of Prices has been the lead agency in the preparation of Victorian Government submissions to public inquiries conducted by agencies such as the PSA and the TPC. Recent submissions include pricing of greeting cards, sound recordings and petroleum.

## LEGISLATION

The following legislation was enacted during the year.

### HOUSE CONTRACTS GUARANTEE (FURTHER AMENDMENT) ACT 1990.

This Act makes miscellaneous amendments to the House Contracts Guarantee Act 1987. Amongst other changes, the practice of splitting contracts to avoid the Act is prohibited, further protection is provided for purchasers of house and land packages and the criteria for registering a house as owner-built are tightened.

The amendments are not yet in operation.

### SHOP TRADING (AMENDMENT) ACT 1990.

This Act:

- allows small hardware shops to trade on Sundays and public holidays;
- makes it an offence to advertise that a shop will be open illegally; and,
- provides for restraining orders to stop illegal trading.

It came into operation on 20 June, 1990.

## REGULATIONS

The following regulations were made during the year:

Chattel Security (Fees) Regulation 1990;  
Credit (Administration) (Licensing) (Fees Amendment) Regulations 1990;  
Credit (Administration) (Tribunal) (Fee Amendment) Regulations 1989;  
Finance Brokers (Licensing and General) (Fees Amendment) Regulations 1990;  
Liquor Control (Licence and Permit Fees) Regulations 1989;  
Liquor Control (Licensing Poll) Regulations 1989;  
Motor Car Traders (Fees Amendment) Regulations 1989;  
Motor Car Traders (General Amendment) Regulations 1989;  
Residential Tenancies (Amendment) Regulations 1989;  
Residential Tenancies (Fees Amendment) Regulations 1989;  
Shop Trading (Revocation) Regulations 1989  
Small Claims Tribunals (Fee Amendment) Regulations 1989;  
Travel Agents (Fees Amendment) Regulations 1990;  
Weights and Measures (Amendment) Regulations 1990;  
Weights and Measures (Beer Glass Amendment) Regulations 1990; and,  
Weights and Measures (Fees Amendment) Regulations 1990;



## CARAVAN PARKS

The Caravan Parks and Movable Dwellings (Amendment) Act 1989 makes miscellaneous amendments to the 1988 Act. These came into operation on 5 December 1989, except section 15, which makes provision for residents to be given a printed statement of their rights and duties on taking up occupancy of a site or caravan. Consultation on the final wording of this statement is proceeding.

## ROOMING HOUSES

The Rooming Houses Act 1990 defines the rights and duties of owners and residents of rooming houses and provides for fair and quick resolution of disputes, through the Director of Consumer Affairs or the Residential Tenancies Tribunal. It received Royal Assent on 13 June, 1990 and administrative arrangements are currently being made in preparation for its proclamation.

## CREDIT LAWS

The Credit Act 1984 has been in operation since February 1985. The Act is uniform with legislation in a number of other States. A joint working party of officers from the Commonwealth, Victoria, New South Wales, South Australia, Queensland and Western Australia have been reviewing the Act.

The working party, in conjunction with the Victorian Law Reform Commission, drafted a plain english Credit Bill which was released for public consultation in August 1989.

In December 1989, the responses to this consultation were considered. The Bill was subject to considerable criticism, particularly from industry. Criticism of the Bill was two fold. First, that the legislation was still too prescriptive and inflexible. Second, that the method for disclosing a comparable interest rate was far too complex.

Subsequent to this, the working party decided (with Victoria dissenting) to abandon the Bill and prepare drafting instructions for a new Credit Bill.

Since March 1990, a consultation committee made up of industry and consumer groups has been developing new drafting instructions for consideration by all State Ministers and the Federal Minister for Consumer Affairs in July 1990.

## DEBT HARASSMENT

Debt Harassment Guidelines under the Fair Trading Act 1985, based on the recommendations of the Australian Law Reform Commission report "Debt Recovery and Insolvency", were released on 23 October 1989. The Ministry is monitoring industry compliance.

The Debt Collection Bill, which is being developed jointly by the Ministry and the Ministry for Police and Emergency Services, is currently before Parliament. It provides for the Ministry of Consumer Affairs to license debt collectors and for greater statutory protection for debtors against unfair debt recovery practices.

## RENTAL BOND BOARD

At the 1988 election, the Government promised to introduce a rental bond board. During the year, the Ministry provided assistance to a joint working party appointed by the Housing and Consumer Affairs Ministers, to prepare a paper outlining problems with the current system, options for reform and recommendations for establishing a bond board.

The working party will report to the Ministers for Consumer Affairs and Housing and Construction in the near future.

## TENANCY APPLICATION FORM AND GUIDELINES

Following the release of a Tenants Union of Victoria Inc publication, "Estate Agents: Privacy and Discrimination", the then Minister for Consumer Affairs, the Hon. Tom Roper, MP, established a working party comprising representatives of the Real Estate Institute of Victoria, the Tenants Union and the Ministry to develop guidelines on what information can be sought from prospective tenants.

The Ministry receives requests for tens of thousands of tenancy application forms each year. These and about 50 other available brochures on a range of subjects can be ordered through the Ministry's Public Information Branch.



The application form and guidelines subsequently developed are based on two principles: that the information sought be in keeping with equal opportunity legislation and that there be no misleading statements as to rights and responsibilities established under the Residential Tenancies Act 1980.

## **TRADE MEASUREMENT**

With the development of uniform national trade measurement legislation, the Ministry is reviewing the State's unique system of weights and measures administration. Currently, both State and Local Government have specified responsibilities. A discussion paper has been prepared for public comment early in the 1990/91 year. The paper evaluates the effectiveness of the current dual administrative system and presents four options for future administration. The options vary as to the degree of State Government control.

## **REVIEW OF HOUSING GUARANTEE FUND CLAIMS HANDLING**

The Director of Consumer Affairs appointed a team of three Ministry officers to report on how procedures for handling complaints and claims by the Housing Guarantee Fund were being applied. The report will be completed early in the 1990/91 year.

# PRODUCT SAFETY

An important objective of the Ministry of Consumer Affairs is to ensure that goods are in compliance with established standards and that risks to the public arising from the trading of hazardous products are minimised.

The Consumer Affairs Act 1972 has provisions which:

- empowers the Minister to ban the supply of dangerous goods;
- allows the imposition of safety requirements by regulations, for the purpose of reducing the risk of death or personal injury from consumer goods. The following goods are covered by regulations made under the Act:
  - children's toys;
  - children's nightclothes;
  - pedal bicycles;
  - portable fire extinguishers;
  - airpots; and,
  - spirit stoves.



The idea behind these toy cigarettes was to blow and talc would puff out. However, it was just as likely that children would also suck on them, and the unsterilised talc which would then be ingested posed a significant health hazard. They were banned from the market by the Ministry.

## INVESTIGATIONS

The Ministry's product safety officer investigated the standards and safety of 265 products during the year. The various categories and numbers of products investigated were as follows:

PRODUCT CATEGORY	NO.
Animal, birds & insects (products for)	2
Automotive design	2
Automotive parts & accessories	11
Beverages & containers	2
Building & construction	28
Clothing & clothing accessories	4
Drapery & manchester	3
Food products	8
Footwear	1
Health products	3
Home maintenance products	5
Household goods - consumer durables	36
Household goods - cool & heat equipment	5
Household goods - electronic	1
Household goods - furniture	8
Household goods - whitegoods	12
Nursery products	17
Personal use products	26
Sporting, recreation & camping	8
Stationery	3
Toys	75
Transport equipment (excluding motor vehicles)	5
<b>TOTAL</b>	<b>265</b>

## Showbags Inspection

The contents of 130 showbags were inspected prior to The Royal Melbourne Show. There were problems with age labelling for 19 of the showbags. Eleven items were removed mainly due to ingestion/inhalation hazards.

## Banned Products

The Minister for Consumer Affairs issued one interim ban and six permanent bans, which prohibited the supply of dangerous goods. A total of 18 interim banning orders and 33 permanent banning orders have been issued since the introduction of the banning provisions in 1984, under the Consumer Affairs Act.

### BANNED PRODUCTS

#### Products banned by the Ministry of Consumer Affairs 1989/90

PRODUCT	REASON FOR BANNING	INTERIM BAN DATE	PERMANENT BAN DATE
T-Seat Portable Folding Stool	Centre support shaft may penetrate if user seat sits down heavily	12/7/89	-
Martello Musicale Toy Hammer	10,200 mg/kg lead in red paint on ears, nose, mouth eyebrows & hat of clown	-	18/10/89
Love Meter, Hand Boiler, Thermo D'amour Sexy	Contains methyl chloride and/or methanol. Flammable and toxic	1/11/89	29/11/89
Rainbow Blow-A-Loon	Contains polyvinyl acetate, ethyl acetate, acetone or benzene. Flammable and toxic	-	17/1/90
Darling Debbie Tea Set	Noxious odor from glue inside the plastic teapot	-	4/4/90
Puff Cigarettes	Novelty cigarettes contain unsterilised talc which poses a significant danger to health when inhaled	-	6/6/90

## Alleged Hazardous Products Register

The Ministry's product safety officer continued to work closely during the year with other representatives from the Commonwealth/State Consumer Products Advisory Committee (CSCPAC), in relation to investigations, notifications and exchanges of information regarding alleged hazardous products. Membership of CSCPAC consists of representatives from consumer affairs agencies in the Commonwealth, States, Territories and New Zealand. The Commonwealth Attorney-General's Department provides the Secretariat for CSCPAC, which co-ordinates the notifications of alleged hazardous products. Since the last report, 50 products were reported through CSCPAC, of which the Ministry had provided reports on 13.

## Product Recalls

Through CSCPAC, the Ministry received information on 246 voluntary recalls of various consumer products. The types and number of products recalled were as follows:

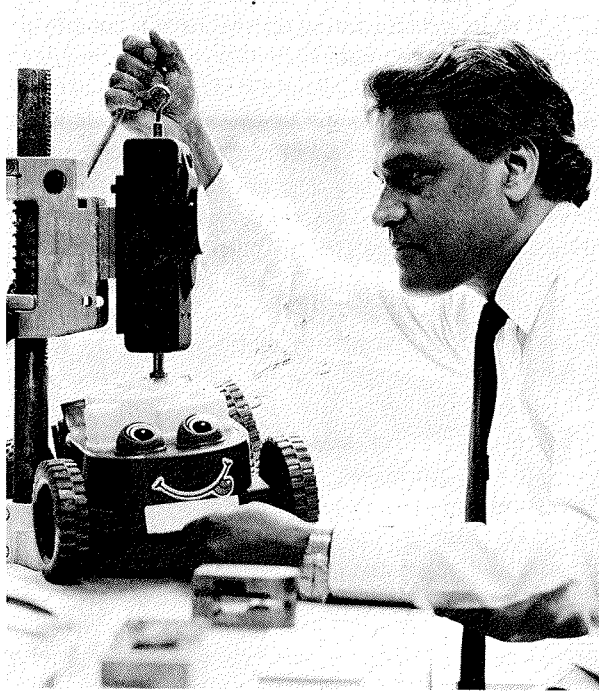
<b>Product Recalls 1989/90</b>	<b>No.</b>
Medical products	153
Vehicles	46
Household goods, food products etc.	47
<b>TOTAL</b>	<b>246</b>

## PRODUCT STANDARDS

One of the main responsibilities of the Ministry's Standards Branch is to assess the need for developing standards in relation to quality, safety, performance, packaging and labelling of consumer goods. In this regard, as well as investigating complaints concerning these matters, the Branch is represented on committees developing new or revised standards either.

Recently completed and published is Australian Standard 1249-1990, Children's Nightclothes Having Reduced Fire Hazard. The Ministry's regulations are to be amended to reflect this revised edition, and will require all children's nightclothes to be labelled according to flammability hazard (one of three categories) and paper patterns to carry a warning. The development of revised standards for portable fire extinguishers is nearing completion. It is anticipated that these standards will be published prior to the year's end and these will also be reflected in amended regulations.

The Standards Branch is also responsible for compliance monitoring of Parts III and IV of the Consumer Affairs Act 1972. This concerns the marking of merchandise and the safe design and construction of goods. To this end, a number of surveys have been conducted at the retail level for compliance. In conjunction with the Federal Bureau of Consumer Affairs, a concentrated effort has been made in the area of flammability labelling of children's nightclothes. A recent survey detected a number of breaches by a major retailer, which may result in prosecution.



David Moss, a Standards Branch scientist, applies the compression test to a toy. All toys need to conform to an Australian Standard, which ensures that when they break no dangerous sharp edges or ingestion/inhalation hazards are produced.

The Ministry is also represented on the Executive Committee of the Victorian Injury Surveillance System (VISS). The system provides a data base recording details of child and adolescent injuries treated at the emergency departments of three major metropolitan hospitals. Injury trends involving consumer products are passed on to the Ministry, investigated and acted upon when necessary. VISS is also involved in safety campaigns such as home swimming pool safety. The data base of VISS provides this Ministry with a valuable source of information and statistics and forms part of a national injury surveillance system.



An issue of particular recent interest has been the ongoing recall of the Mistral Gyro Air fan. On March 14, 1990 PDL Industries Australia Pty Ltd, the maker of Mistral fans, closed down its manufacturing operations. Two models of the Mistral fan, manufactured in 1978, were the subject of an ongoing Coronial Inquiry and a national recall. Over the last 18 months, the Standards Branch has received numerous consumer complaints concerning the terms and conditions of the recall. Representations have been made to PDL Industries on behalf of individual consumers with a view to the manufacturer negotiating a satisfactory solution in each case. At present, there are no outstanding complaints and the manufacturer has given its assurance that the closing down of its manufacturing operations will not effect it fulfilling its obligations as regards the recall.

# CORPORATE SERVICES

The Corporate Services Division of the Ministry provides management and administrative services to support the Ministry's operational activities.

## TRAINING AND DEVELOPMENT

Arising out of an earlier Public Service Board review, the Ministry established a formal staff development plan for 1990. A significant program was delivered in the second half of the reporting period.

## CORPORATE SYSTEMS

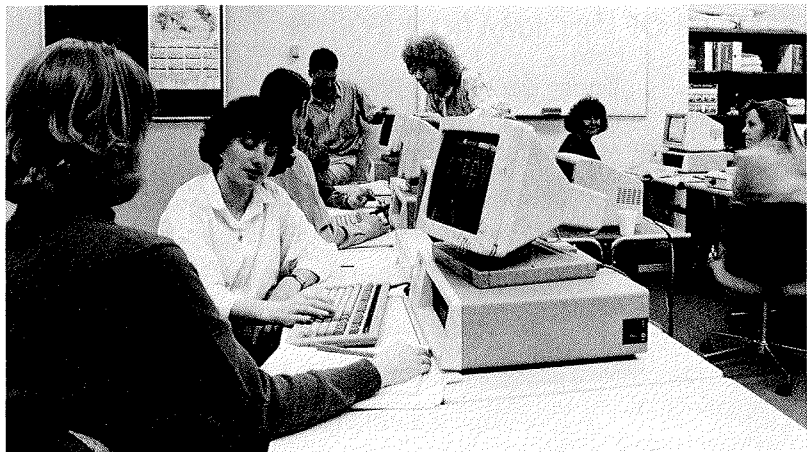
The principal Victorian Government financial and personnel management systems, FMS and PERSPAY, were installed during the year. FMS is now fully operational. PERSPAY is partly operational, with the remaining implementation scheduled for late 1990. PC network-based complaints and correspondence management systems were developed and implemented wholly by Ministry staff during the year. The New Zealand Ministry of Consumer Affairs has selected the Ministry's complaints management system as a model for its operations.

The Ministry's asset management system report for the year 1989/90 is provided at Appendix 3.

## INFORMATION STRATEGY PLAN

A major review of the Ministry's information management strategy was undertaken early in the period and was approved for consideration in the 1990/91 State budget. The plan's implementation is subject to budget approval.

Personnel has an area reserved for staff training. Here training is being given on the PERSPAY installation.



## **INFORMATION SYSTEMS**

A review of the efficiency and performance of the Ministry's VAX 11/780 was commenced in early 1990. This was to improve the quality and responsiveness in handling tribunal information. This review will be completed in the latter part of 1990. The Ministry introduced a 16-user Local Area Network in 1989/90, linking divisional secretarial staff to the Records Management Unit and providing dial-up access to each of the three regional offices and the Trade Measurement Branch. Major applications developed during the year were multi-user complaints and correspondence systems and a weighbridges system for the Trade Measurement Branch.

## **LIBRARY AND REFERENCE SERVICES**

During 1989/90, the library computerised its cataloguing functions, providing more comprehensive access to the Ministry's collection. Legal and reference collections were expanded to meet increasing demand from Ministry staff.

## **RECORDS MANAGEMENT**

Further improvements to the Ministry's records management systems were made in 1989/90 with the commencement of a bar-coding project for Ministry files. Completion of this project will be a priority in 1990/91.

## **REGIONAL OFFICES**

The Ministry's Outer East regional office at Ringwood has been fitted out to provide amenities for consumers including a reception and enquiry area, display area and tribunal hearing facilities.

## **FREEDOM OF INFORMATION (FOI)**

During the 1989/90 financial year, the Ministry received 79 requests made under the Freedom of Information Act 1982. At the time of reporting, 28 requests for the year under review are still in progress and decisions on these requests have yet to be made. The finalised requests had the following results:

access granted in full	16
access granted in part only	14
access denied	17
access apart from the Act	1
request transferred in full to another agency	0
request transferred in part to another agency	0
request withdrawn	3

Of those for which results are available, access was denied in full or in part for the following reasons:

the information requested pertains to the judicial functions of a court (s 6)	3 requests
the document does not exist (s 27(1)(e))	8 requests
disclosure of the document would divulge evaluative material prepared during the governmental deliberative processes of officers and Ministers and would be contrary to the public interest (s 30(1))	4 requests
disclosure would display methods or procedures for preventing, detecting and investigating matters arising out of breaches or evasions of the law. Such disclosure would be likely to prejudice the effectiveness of those methods or procedures (s 31(1)(d))	4 requests
the document is subject to legal professional privilege (s 32(1))	1 request
disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (s 33(1))	12 requests
disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking (s 34(1)(a))	2 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 (s 35(1)(b))	10 requests

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

0 to 15 days	12
16 to 30 days	10
31 to 45 days	16

Thirteen requests that involved extensive legal proceedings, complex negotiations or were voluminous were answered outside the 45-day period.

During the period under review, three applicants sought an internal review of a decision in accordance with section 51 of the Act. In two cases the reviewing officer overturned the original decision and granted full access and partial access respectively. In one case, the internal review was denied as the documents requested were subject to an exception under section 6 of the Act.

The Ministry collected charges of \$708.00. Charges were waived on the following grounds:

Request by Member of Parliament	37
Request deemed to be in public interest	1
Request deemed to be routine	1
Applicant did not collect documents	7

The estimated cost to the Ministry of processing requests and internal reviews completed in the period under review was \$2,195.20.

For the purposes of the Freedom of Information Act, there are five prescribed authorities within the Consumer Affairs portfolio:

<b>PRESCRIBED AUTHORITY</b>	<b>PRINCIPAL OFFICER</b>	<b>AUTHORISED OFFICER</b>
Ministry of Consumer Affairs	Director	Freedom of Information Officer
Travel Agents Licensing Authority	Director	Registrar
Motor Car Traders Licensing Authority	Chairman	Registrar
Credit Licensing Authority	Chairman	Registrar
Office of Prices	Director	Freedom of Information Officer

The handling of all FOI requests is co-ordinated 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.

## **FOI PART II STATEMENT**

As required by Part II of the Freedom of Information 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; and,
- report literature.

The Part II statement is currently undergoing a process of review and updating in accordance with the requirements of section 7(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.

## PECUNIARY INTERESTS

All relevant officers/employees have completed a declaration of pecuniary interests held during the 1989/90 financial year. See Appendix 8.

## PERSONS EMPLOYED

Persons employed as reported to the Treasury in June 1990 are as follows.

### PERSONS EMPLOYED IN MINISTRY OF CONSUMER AFFAIRS, 1988/89-1989/90

	MALES	FEMALES	TOTAL
Persons employed as at 15 June 1990			
Full time	150	157	307
Part time	26	24	50
<b>TOTAL</b>	<b>176</b>	<b>181</b>	<b>357</b>
Average number of personnel for 1988/89	157	151	308
Average number of personnel for 1989/90	149	147	296

# APPENDIX 1 A FINANCIAL STATEMENTS

## MINISTRY OF CONSUMER AFFAIRS SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30 JUNE 1990

	RECEIPTS NOTES CONSOLIDATED FUND		TRUST FUND		TOTAL	
	1989/90	1988/89	State Accounts \$	1989/90 C/wealth Accounts \$	1988/89 Total	1988/89
Corporate Services Program	183,999	47,996	13,622,546	-	13,622,546	13,806,545
Community and Consumer Services Program	121,926,124	40,287,583	1,004,337	-	1,004,337	122,930,461
<b>NET PROGRAM RECEIPTS</b>	<b>122,110,123</b>	<b>40,335,579</b>	<b>14,626,883</b>	<b>-</b>	<b>14,626,883</b>	<b>136,737,006</b>
Total Consolidated Fund Receipts	122,110,123	40,335,579				
<b>TOTAL ALL RECEIPTS</b>						<b>50,907,393</b>

**MINISTRY OF CONSUMER AFFAIRS  
SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED  
30 JUNE 1990**

PAYMENTS NOTES	CONSOLIDATED FUND		TRUST FUND		TOTAL	
	Special	Annual	1989/90 Total	1988/89 Total	1989/90	1988/89
	\$	\$	\$	\$	\$	\$
Corporate Services Program	-	2,325,930	2,325,930	2,942,169	1,529,075	629,242
Community and Consumer Services Program	-	13,713,802	13,713,802	8,093,288	6,791,607	5,588,821
<b>NET PROGRAM PAYMENTS</b>	-	16,039,732	16,039,732	11,035,457	8,320,682	6,218,063
<b>PUBLIC ACCOUNT ADVANCES</b>					-	-
<b>TOTAL ALL PAYMENTS</b>					<b>24,360,414</b>	<b>17,253,520</b>



# APPENDIX 1B FINANCIAL STATEMENTS

## MINISTRY OF CONSUMER AFFAIRS PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1990

Ref	Notes	1989/90	1988/89
		\$	\$
<b>CORPORATE SERVICES PROGRAM CONSOLIDATED FUND</b>			
<b>Fees and charges-</b>			
	Freedom of Information	708	439
<b>Miscellaneous receipts</b>			
1	Interest on bank accounts	45,377	24,330
2.	Appropriations of former years	7,481	405
	Commission on group assurance premiums	1,213	596
	Commission on hospital and medical deductions	693	535
3	Costs awarded in court proceedings	16,915	20,236
4	Amounts paid in by departments	110,031	10
	Recoup-superannuation contributions	-	1,445
5	Surplus cash	1,581	-
	<b>TOTAL CONSOLIDATED FUND</b>	<u>183,999</u>	<u>47,996</u>
<b>TRUST FUND</b>			
<b>State Trust Accounts</b>			
6	Residential Tenancies Fund	13,371,947	9,346,314
	Motor Car Traders Guarantee Fund	250,599	253,618
	<b>TOTAL TRUST FUND</b>	<u>13,622,546</u>	<u>9,599,932</u>
	<b>TOTAL GROSS PROGRAM RECEIPTS</b>	<u>13,806,545</u>	<u>9,647,928</u>

**MINISTRY OF CONSUMER AFFAIRS  
PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1990**

Ref	Notes	1989/90	1988/89
		\$	\$
<b>COMMUNITY &amp; CONSUMER SERVICES PROGRAM CONSOLIDATED FUND</b>			
<b>Taxation</b>			
		553,083	555,921
		252,196	255,943
		559,834	562,145
7	(h)	120,073,289	38,542,862
<b>Fees and charges -</b>			
<b>Weights and Measures</b>			
8		466,184	367,426
		1,850	1,147
<b>Miscellaneous Receipts</b>			
9	(i)	1,029	2,139
		786	-
		2,432	-
10		5,760	-
11		9,681	-
<b>TOTAL CONSOLIDATED FUND</b>		121,926,124	40,287,583
<b>Trust Fund</b>			
<b>State Trust Accounts</b>			
12		180,205	161,680
		824,132	810,202
<b>TOTAL TRUST FUND</b>		1,004,337	971,882
<b>TOTAL GROSS PROGRAM RECEIPTS</b>		122,930,461	41,259,465

## APPENDIX 1C FINANCIAL STATEMENTS

### MINISTRY OF CONSUMER AFFAIRS PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1990

Ref	Notes	Budget 1989/90	Budget 1989/90	Actual 1988/89
		\$	\$	\$
CORPORATE SERVICES PROGRAM CONSOLIDATED FUND ANNUAL APPROPRIATIONS				
<b>Recurrent expenditure</b>				
13	Salaries and associated costs (j)	1,861,800	1,500,118	2,022,897
14	Operating expenses (k)	547,000	576,091	390,139
	Ex-gratia payments to Liquor Licensing Commission Judges Campton and Kimm transferred to the County Court	-	-	45,650
	<b>Total recurrent expenditure</b>	<b>2,408,800</b>	<b>2,076,209</b>	<b>2,458,686</b>
<b>Works and services expenditure</b>				
	Administrative unit payments			
	EDP facilities and services project	148,000	147,066	138,745
	Vistel	19,200	20,000	842
15	ACD phone system	3,100	-	41,430
16	Ministry of Housing & Construction (l)	37,600	11,200	79,286
17	Department of Property & Services (m)	179,400	71,455	223,180
	<b>Total works &amp; services expenditure</b>	<b>387,300</b>	<b>249,721</b>	<b>483,483</b>
	<b>TOTAL GROSS CONSOLIDATED FUND</b>	<b>2,796,100</b>	<b>2,325,930</b>	<b>2,942,169</b>

**MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1989/90  
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1990**

Ref	Notes	Actual 1989/90	Actual 1988/89
		\$	\$
	TRUST FUND		
	State Trust Accounts		
18	Motor Car Traders Guarantee Fund	186,903	5,827
19	Residential Tenancies Fund	1,342,172	623,415
	TOTAL TRUST FUND	<u>1,529,075</u>	<u>629,242</u>
	TOTAL GROSS PROGRAM PAYMENTS	<u><u>3,855,005</u></u>	<u><u>3,571,411</u></u>

**MINISTRY OF CONSUMER AFFAIRS  
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1990**

Ref	Notes	Budget 1989/90	Budget 1989/90	Actual 1988/89
		\$	\$	\$
<b>COMMUNITY &amp; CONSUMER SERVICES PROGRAM CONSOLIDATED FUND</b>				
<b>ANNUAL APPROPRIATIONS</b>				
<b>Recurrent expenditure</b>				
20	Salaries & associated costs (n)	4,413,200	4,984,030	3,822,814
21	Operating expenses (o)	1,263,000	1,502,248	998,453
	Other recurrent expenses			
22	Victorian Consumer Affairs Grant Scheme	307,000	281,432	285,307
23	Victorian Consumer Affairs Committee	12,000	8,249	7,147
	Community Credit - Anti Poverty Strategy - Grants	1,252,000	1,229,090	1,230,755
	Travel agents licensing	298,000	302,635	224,435
24	Counselling services for Aboriginals	50,000	31,339	40,000
25	Liquor Licensing Commission expenses	3,656,000	3,972,232	1,187,856
26	Office of Prices	650,900	754,098	-
	<b>Total recurrent expenditure</b>	<b>11,902,100</b>	<b>13,065,353</b>	<b>7,796,767</b>
<b>Works &amp; services expenditure</b>				
27	Department of Property & Services (p)	7,000	55,717	-
28	Ministry of Housing & Construction Building & civil engineering - including maintenance (q)	81,620	74,865	38,585
	Administrative unit payments			
	Regional offices - Outer East & Westernport	44,480	44,480	-
	Weights and Measures Testing Unit	-	-	52,000
29	Liquor Licensing Commission - Computer information systems	340,000	473,387	205,936
	<b>Total works &amp; services expenditure</b>	<b>473,100</b>	<b>648,449</b>	<b>296,521</b>
<b>TOTAL GROSS CONSOLIDATED FUND</b>		<b>12,375,200</b>	<b>13,713,802</b>	<b>8,093,288</b>

**MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1989/90  
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1990**

Ref	Notes	Actual 1989/90	Actual 1988/89
		\$	\$
TRUST FUND			
State Trust Accounts			
		867,460	820,517
30	Motor Car Traders Guarantee Fund	5,924,147	4,768,304
	Residential Tenancies Fund	<u>6,791,607</u>	<u>5,588,821</u>
TOTAL TRUST FUND		<u>6,791,607</u>	<u>5,588,821</u>
<b>TOTAL GROSS PROGRAM PAYMENTS</b>		<u><u>20,505,409</u></u>	<u><u>13,682,109</u></u>

**ADDITIONAL TRUST FUND INFORMATION  
STATEMENT OF TRUST FUND BALANCES FOR THE YEAR ENDED 30 JUNE 1990**

	Cash \$	Investments \$	Total \$
<b>(a) General Trust Accounts</b>			
Motor Car Traders Guarantee Fund	420,605	1,285,000	1,705,605
Residential Tenancies Fund	2,506,875	24,712,425	27,219,300
<b>(b) Suspense and Accounting Type Trust Accounts</b>			
Departmental Suspense Account	95,702	-	95,702
Housebuilders' Liability	9,000	-	9,000

APPENDIX 1C

**MINISTRY OF CONSUMER AFFAIRS  
ADDITIONAL TRUST FUND INFORMATION**

STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS IN EXCESS OF \$200,000 FOR THE YEAR ENDED 30 JUNE 1990

**RESIDENTIAL TENANCIES FUND**

Ref	Notes	1989/90	1988/89
		\$	\$
<b>Receipts</b>			
Interest on bond monies		9,861,566	6,521,657
Fees		180,205	161,680
Vote transfer		64,860	89,960
Interest on investments		3,445,521	2,734,697
<b>Total receipts</b>		<b>13,552,152</b>	<b>9,507,994</b>
<b>Payments</b>			
Salaries, allowances & associated costs		3,745,066	2,762,180
General expenses	(r)	3,521,252	2,629,540
<b>Total payments</b>		<b>7,266,318</b>	<b>5,391,720</b>
Cash surplus for the year		6,285,834	4,116,274
Balance brought forward		20,933,466	16,817,192
<b>Balance carried forward</b>		<b>27,219,300</b>	<b>20,933,466</b>



**MINISTRY OF CONSUMER AFFAIRS  
ADDITIONAL TRUST FUND INFORMATION**

STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS IN EXCESS OF \$200,000 FOR THE  
YEAR ENDED 30 JUNE 1990

**MOTOR CAR TRADERS GUARANTEE FUND**

Ref	Notes	1989/90	1988/89
		\$	\$
<b>Receipts</b>			
Licence fees		823,132	805,368
Fines		7,425	4,834
Interest on investments		250,599	253,618
		<hr/>	<hr/>
Total receipts		1,081,156	1,063,820
<b>Payments</b>			
Salaries, allowances & associated costs		274,252	500,752
General expenses	(s)	780,111	325,592
		<hr/>	<hr/>
Total payments		1,054,363	826,344
		<hr/>	<hr/>
Cash surplus/(deficit) for the year		26,793	237,476
Balance brought forward		1,678,812	1,441,335
		<hr/>	<hr/>
Balance carried forward		1,705,605	1,678,811
		<hr/>	<hr/>

## APPENDIX 1D FINANCIAL STATEMENTS

### MINISTRY OF CONSUMER AFFAIRS SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30TH JUNE 1990

#### SUPPLEMENTARY INFORMATION

##### Payments from appropriations of other departments

As at 30 June 1990, the ministry had made no payments from appropriations of other departments.

##### Resources received and provided free of charge

As at 30 June 1990, the ministry had provided no significant staff resources to other organisations.

#### STATEMENT OF BALANCES

##### Cash and investment balances

As at 30 June 1990, 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.

	Notes	Cash	Investments	Total	Interest Earned for the year
		\$	\$	\$	\$
Dishonoured Cheque Account		(31,541)	-	(31,541)	-
Trust accounts	(t)	256,651	-	256,651	12,041
Suspense accounts		2,930	-	2,930	5,257
Advance accounts	(u)	116,470	-	116,470	28,127
Revenue accounts	(v)	(240)	-	(240)	2,088
Drawings account		1,082,627	-	1,082,627	3,625

##### Debtors

a) As at 30 June 1990 the following amounts were outstanding

##### Debtors of the ministry

Accounts receivable for Weights & Measures	58,542
Miscellaneous	6,733
Salary recovery	6,665
Tax and Miscellaneous Revenue due to the Liquor Licensing Commission	4,765,149

**TOTAL**

**4,837,089**

MINISTRY OF CONSUMER AFFAIRS  
 SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR  
 ENDED 30TH JUNE 1990

b)	The number of bad debts written off during the financial year to 30 June 1990	NIL	
c)	The aggregate amount of bad debts written off during the financial year to 30 June 1990	NIL	
d)	The allowance for doubtful debts as at 30 June 1990	242,000	(w)

**General stores on hand**

As at 30 June 1990, the ministry had the following stores on hand.

Ministry of Consumer Affairs	19,684	
Liquor Licensing Commission	<u>84,143</u>	103,827

**Creditors**

As at 30 June 1990, the ministry had the following amounts outstanding:

		\$	
General expenses	453,130		(x)
<b>Employee entitlements</b>			
As at 30 June 1990, the ministry had outstanding employee benefits including			
Annual leave	447,413		(y)
Long service leave	1,500,892		(z)
	<u>2,401,435</u>		

**Capital commitments**

As at 30 June 1990, the ministry had \$22,258 in capital commitments.

**Leasing commitments**

As at 30 June 1990, the ministry had no leasing commitments.

**Balance outstanding on loans**

As at 30 June 1990, the outstanding loan balances on loans made by the ministry.

		\$
Loans under Residential Tenancies Act	348,488	
<b>Prepaid licence fees</b>		
As at 30 June 1990, the Liquor Licensing Commission had received prepaid licence fees to the value of	30,881,517	

## **APPENDIX 1E FINANCIAL STATEMENTS**

### **MINISTRY OF CONSUMER AFFAIRS NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1990**

- (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 1D 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 the Treasury 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) in the case of recurrent expenditure and works and services expenditure, the estimates in the Annual Appropriation Act for that year and
  - (ii) in the case of special appropriations, the estimates specified in the Victorian Budget document entitled "Program Budget Outlays" 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) This item refers to receipts made by the Liquor Licensing Commission, after machinery of government changes shifted responsibility for the commission to the ministry from the Department of Industry, Technology and Resources. The Liquor Licensing Commission produces its own accrual financial statements required under the Annual Reporting Act 1983, as a contributed income sector body.
- (i) Application fees are paid in cash and by duty stamps. Fees shown represent only cash received by the ministry.

**MINISTRY OF CONSUMER AFFAIRS  
NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED  
30 JUNE 1990**

j)	<b>Actual 1989/90 expenditure of \$1,500,118 consisted of:</b>	<b>Actual 1989/90 \$</b>	<b>Actual 1988/89 \$</b>	
	Salaries and allowances	1,117,681	1,596,975	
	Overtime and penalty rates	16,761	17,471	
	Payments in lieu of long service leave	117,407	152,155	
	Payroll tax	71,380	92,120	
	State Employees Retirement Benefit Fund - contribution	-	127	
	Employers Superannuation contribution	-	6,081	
	Workcare levy	176,889	157,968	
	<b>Total</b>	<b>1,500,118</b>	<b>2,022,897</b>	
	k)	<b>Actual 1989/90 expenditure of \$576,091 consisted of:</b>	<b>Actual 1989/90 \$</b>	<b>Actual 1988/89 \$</b>
		Travelling and subsistence	17,559	14,795
		Office requisites and equipment, printing and stationery	127,638	69,700
Books and publications		31,149	18,011	
Postal and telephone expenses		64,219	44,381	
Motor vehicles - purchase and running costs		29,549	23,063	
Fuel, light, power and water		12,679	10,900	
Incidentals		60,426	64,604	
Electronic data processing		232,872	140,685	
Consultants and special projects		-	4,000	
<b>Total</b>	<b>576,091</b>	<b>390,139</b>		
l)	<b>Actual 1989/90 expenditure of \$11,200 consisted of:</b>	<b>Actual 1989/90 \$</b>	<b>Actual 1988/89 \$</b>	
	Design, supervision and administration	1,200	34,770	
	Minor works	10,000	30,157	
	DPS accommodation and refurbishment	-	1,502	
	Furniture replacement	-	12,857	
<b>Total</b>	<b>11,200</b>	<b>79,286</b>		

**MINISTRY OF CONSUMER AFFAIRS**  
**NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30**  
**JUNE 1990**

m)	<b>Actual 1989/90 expenditure of \$71,455 consisted of:</b>	<b>Actual 1989/90 \$</b>	<b>Actual 1988/89 \$</b>
	DPS accommodation and refurbishment	35,946	223,180
	Furniture replacement	35,509	-
	<b>Total</b>	<b>71,455</b>	<b>223,180</b>

The responsibility for payment of furniture items transferred to the Department of Property and Services during 1989/90 from the Ministry of Housing and Construction.

n)	<b>Actual 1989/90 expenditure of \$4,984,030 consisted of:</b>	<b>Actual 1989/90 \$</b>	<b>Actual 1988/89 \$</b>
	Salaries and allowances	4,671,210	3,599,600
	Overtime and penalty rates	24,447	15,564
	Payroll tax	288,373	207,650
	<b>Total</b>	<b>4,984,030</b>	<b>3,822,814</b>

o)	<b>Actual 1989/90 expenditure of \$1,502,248 consisted of:</b>	<b>Actual 1989/90 \$</b>	<b>Actual 1988/89 \$</b>
	Travelling and subsistence	135,610	103,179
	Office requisites and equipment, printing and stationery	381,389	241,285
	Books and publications	17,904	14,620
	Postal and telephone expenses	54,932	45,708
	Motor Vehicles - purchase and running costs	227,270	128,090
	Fuel, light, power and water	80,304	16,109
	Incidental expenses	513,907	353,762
	Electronic data processing	47,873	61,636
	Stores, equipment and materials	43,059	34,064
	<b>Total</b>	<b>1,502,248</b>	<b>998,453</b>

**MINISTRY OF CONSUMER AFFAIRS  
NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30  
JUNE 1990**

<b>p)</b>	<b>Actual 1989/90 expenditure of \$55,717 consisted of:</b>	<b>Actual 1989/90</b>	<b>Actual 1988/89</b>
		\$	\$
	Department of Property and Services minor works	6,691	-
	Credit Licensing Authority relocation costs	49,026	-
	<b>Total</b>	<b>55,717</b>	<b>-</b>
<b>q)</b>	<b>Actual 1989/90 expenditure of \$74,865 consisted of:</b>	<b>Actual 1989/90</b>	<b>Actual 1988/89</b>
		\$	\$
	<b>Ministry of Housing and Construction</b>		
	Design, supervision and administration	7,847	4,134
	Minor works	14,994	19,179
	Weights and Measures repairs	50,398	13,611
	Travel agents - furniture	1,626	1,661
	<b>Total</b>	<b>74,865</b>	<b>38,585</b>
<b>r)</b>	<b>Actual 1989/90 expenditure of \$3,521,252 consisted of:</b>	<b>Actual 1989/90</b>	<b>Actual 1988/89</b>
		\$	\$
	Residential Tenancies Grant Scheme	1,701,799	1,519,810
	Payments to tenants and landlords	112,484	67,027
	Other general expenses	1,706,969	1,042,703
	<b>Total</b>	<b>3,521,252</b>	<b>2,629,540</b>
<b>s)</b>	<b>Actual 1989/90 expenditure of \$780,111 consisted of:</b>	<b>Actual 1989/90</b>	<b>Actual 1989/90</b>
		\$	\$
	Claims against guarantee fund	503,147	219,371
	Other general expenses	276,964	106,221
	<b>Total</b>	<b>780,111</b>	<b>325,592</b>

**MINISTRY OF CONSUMER AFFAIRS**  
**NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30**  
**JUNE 1990**

t)	<b>Trust accounts</b>		\$
	Small Claims Tribunal Trust Account		167,775
	Liquor Licensing Commission Trust Account		88,876
			<hr/>
			256,651
			<hr/>
u)	<b>Advance accounts</b>		\$
	Ministry of Consumer Affairs Advance Account		112,704
	Liquor Licensing Commission Advance Account		3,766
			<hr/>
			116,470
			<hr/>
v)	<b>Revenue accounts</b>		\$
	Ministry of Consumer Affairs Collection Account		(328)
	Liquor Licensing Commissions Extended Hours Permit Account		266
	Liquor Licensing Commission BYO Account		(178)
			<hr/>
			(240)
			<hr/>
w)	The provision for doubtful debts has been calculated at 5% of debtors outstanding as at 30 June 1990.		
x)	<b>Creditors</b>		\$
	Ministry of Consumer Affairs	190,923	
	Liquor Licensing Commission	262,207	
		<hr/>	
		453,130	
		<hr/>	
y)	The provision for annual leave was extracted from the ministry's personnel records and calculated on the average salary for each classification.		
z)	The provision for long service leave was calculated as for each employee with over five years service and based on their classification as at 30 June 1990.		



## **APPENDIX 1 F**

### **FINANCIAL STATEMENTS 1989/90**

#### **EXPLANATORY STATEMENTS**

1. The increase in interest income of \$21,047 reflects high interest rates through 1989-90, as well as additional receipts in accounts opened during the year.
2. The increase of \$7,076 represents recoups of salaries paid in 1988-89 from Workcare.
3. The reduction of \$3,321 in fines collected is due to several convicted companies going into liquidation as well as convicted persons having fled jurisdiction and the increase in the number of appeals lodged by convicted persons.
4. This amount includes the \$45,000 contribution made by Victorian Health Promotion Foundation for a Tobacco Consumption Research Project and \$57,001 contribution made by the Egg Board to the Office of Prices, for payment of expenses of the Egg Review Panel under section 135 of the Egg Industry Act 1989.
5. This item represents Small Claims Tribunal application fees which were incorrectly credited to this program in 1989/90. See note 9.
6. The increase of \$4,025,633 reflects high interest rates which generated an additional \$3,339,909 in interest on bond monies and an additional \$710,824 in investment receipts over the previous financial year.
7. The increase represents the full year revenue effect of the transfer of the Liquor Licensing Commission to the ministry during 1988/89.
8. The increase in Weights & Measures fees reflects an increase in inspection activity during the 1989/90 financial year.
9. This figure represents Small Claims Tribunal application fees under program 243.
10. This amount represents interest earned on Liquor Licensing bank accounts for 1989/90.
11. This figure represents a transfer from the Treasury Trust Account to Consolidated Revenue of balances held in the Treasury Trust Account for more than seven years in respect of the Liquor Licensing Commission.
12. The increase reflects a CPI increase in residential tenancies fees in 1989/90.
13. The variance of \$361,682 occurred due to the late implementation of the FMS and Perspay Project as well as the subsequent transfer of the Legal Branch to program 243. This saving was partially offset by National wage rises in 1989/90 and the increase in payments in lieu of long service leave.
14. Expenditure increased as a result of Vistel maintenance charges which were introduced during the Financial Year.
15. No expenditure was incurred during 1989/90 for the refurbishment of the ACD phone system. The budget shown is a residual amount from 1988/89.
16. As the 500 Bourke Street project moved into implementation phase, the requirements of

## APPENDIX 1F

design, supervision and administration services was not at the level of the previous year, resulting in reduced expenditure.

17. Stage 2 of the 500 Bourke Street accommodation works open plan area fitout did not proceed in 1989/90 due to major works embargo by the Treasurer.
18. The increase is due to the Motor Car Traders Guarantee Fund paying a share of rental and outgoings in 1989/90 of \$179,000.
19. The increase is due to the Residential Tenancies Trust Fund paying its share of rental and outgoings in 1989/90 of \$544,000 as well as CPI and National wage case increases.
20. Expenditure increased in this program as a result of the transfer of the Legal Branch from program 242, as well as National Wage rises during the 1989/90 financial year, and the transfer of the Shop Trading Unit from the Department of Industry Technology and Resources.
21. Operating expenses increased as a result of unbudgetted legal costs, funds for which were subsequently approved by the Treasurer.
22. A review of the Victorian Consumer Affairs Grant Scheme was undertaken in 1989/90, resulting in a decrease in the amount of grants paid from this line.
23. Expenditure on the Victorian Consumer Affairs Committee did not proceed at the rate expected.
24. Specific grants identified under this line did not proceed at the rate expected due to funding policy changes, resulting in reduced expenditure.
25. Expenditure on the Liquor Licensing Commission increased as a result of National Wage and CPI increases as well as polls conducted on the proposed introduction of liquor outlets in "dry areas" and the purchase of liquor registers.
26. Expenditure for the Office of Prices increased as a result of a tobacco consumption research project sponsored by the Victorian Health Promotion Foundation and for services provided to the Egg Board. The Office of Prices was reported in the annual report of the Department of Property and Services in 1988/89.
27. Expenditure for this item increased with the approval during the year of relocation costs of the Credit Licensing Authority.
28. As the weights and measures project progressed during 1989/90, the extent of usage of design, supervision and administration services was not at the level of the previous year, resulting in reduced expenditure. The Travel agents furniture project concluded during the year with cost being less than anticipated.
29. Expenditure on this project proceeded at a rate greater than expected.
30. Residential tenancy expenditure increased in 1989/90 due to a high level of grant commitments, as well as general CPI and National wage increases. The proportion of salaries charged to the fund also increased reflecting the implementation of the recommendations of the Auditor-General's report on the trust-fund.

## **APPENDIX 1G FINANCIAL STATEMENTS 1989/90**

### **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 1990, and of the Supplementary Information and Statement of Balances at the end of the financial year.



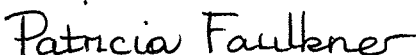
Harry Matheas  
Finance Manager  
Ministry of Consumer Affairs

Date: 22/10/90

### **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 1990, and of the Supplementary Information and Statement of Balances at the end of the financial year.



Patricia Faulkner  
Director  
Ministry of Consumer Affairs

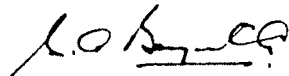
Date: 22/10/90

## **AUDITOR-GENERAL'S REPORT**

The accompanying 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 the Ministry of Consumer Affairs and appendices and notes to the financial statements have been audited as required by the Annual Reporting Act 1983 and in accordance with the 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 1990 in accordance with that Act.



C.A. BARAGWANATH  
Auditor-General

MELBOURNE  
25/10/1990

## APPENDIX 2 1990/91 PROGRAM STRUCTURE

<u>Program</u>	<u>Sub Program</u>	<u>Component</u>
242 Corporate Services	Executive & Ministerial Management	<ul style="list-style-type: none"> <li>• Corporate Management</li> <li>• Ministerial Support</li> </ul>
	Corporate Services	<ul style="list-style-type: none"> <li>• Personnel &amp; Staff Development</li> <li>• Information Systems</li> <li>• Finance &amp; Administration</li> </ul>
243 Consumer and Tenancy Services	Legislation and Regulation	<ul style="list-style-type: none"> <li>• Legal Services</li> <li>• Licensing</li> <li>• Standards</li> <li>• Trade Measurement</li> <li>• Industry Regulation</li> <li>• Investigation</li> </ul>
	Development	<ul style="list-style-type: none"> <li>• Public Information</li> <li>• Research and Review</li> <li>• Liaison and Development</li> </ul>
	Client Services	<ul style="list-style-type: none"> <li>• Conciliation</li> <li>• Adjudication</li> <li>• Regional Services</li> <li>• Customer Services</li> </ul>
	Liquor Licensing	<ul style="list-style-type: none"> <li>• Commissioners and Executive</li> <li>• Policy and Research</li> <li>• Solicitor</li> <li>• Licensing Administration</li> <li>• Financial and Management Services</li> <li>• Field Information Group</li> </ul>
247 Aboriginal Affairs	Prices	
	Development	<ul style="list-style-type: none"> <li>• Capital Grants</li> <li>• Cultural Heritage</li> </ul>
	Policy	<ul style="list-style-type: none"> <li>• Co-ordination</li> <li>• Development</li> </ul>

SOURCE: 1990/91 Budget Paper No 5

APPENDIX 2

**CONSUMER AFFAIRS PROGRAM OUTLAYS(\$'000)**

Estimate for 1990/91 Bold figures, Actual for 1989/90 italic figures

PROGRAM NO:	242	243	247	TOTAL
PROGRAM NAME:	Corporate Services	Consumer and Tenancy Services	Aboriginal Affairs	
Recurrent appropriations	5,085	1,2889	3,900	21,874
	<i>4,626</i>	<i>13,130</i>	<i>3,533</i>	<i>21,289</i>
Works and services appropriations	482	425	3300	4207
	<i>250</i>	<i>649</i>	<i>4020</i>	<i>4919</i>
	<hr/>	<hr/>	<hr/>	<hr/>
	5,567	13,314	7,200	26,081
	<i>4,876</i>	<i>13,779</i>	<i>7,553</i>	<i>26,208</i>
Special appropriations	-	-	-	-
<b>TOTAL APPROPRIATIONS</b>	<hr/>	<hr/>	<hr/>	<hr/>
	5,567	13,314	7,200	26,081
	<i>4,876</i>	<i>13,779</i>	<i>7,553</i>	<i>26,208</i>
Less				
Payroll tax (included in Appropriation 1150)	89	299	33	421
	<i>71</i>	<i>288</i>	<i>30</i>	<i>390</i>
Other appropriations classified as revenue, financing and intra-unit transactions	186	100	1850	2136
	<i>88</i>	<i>65</i>	<i>1585</i>	<i>1737</i>
Receipts classified as outlays	-	512	-	512
	-	<i>468</i>	-	<i>468</i>
Plus				
Trust fund transactions classified as outlays	2,952	9,996	280	13,228
	<i>1,342</i>	<i>6,979</i>	-	<i>8,321</i>
<b>TOTAL OUTLAYS</b>	<hr/>	<hr/>	<hr/>	<hr/>
	8,244	22,399	5,597	36,240
	<i>6,059</i>	<i>19,936</i>	<i>5,938</i>	<i>31,933</i>
% Change 1990/91 on 1989/90	36.1	12.4	-5.7	13.5

Note: Totals may not add due to rounding

SOURCE: 1990/91 Budget Paper No 5

**SUB-PROGRAM OUTLAYS (\$'000)**

Estimate for 1990/91 bold figures, Actuals for 1989/90 italic figures

PROGRAM NO: 242 SUB-PROGRAM NAME:	EXECUTIVE MANAGEMENT	CORPORATE SERVICES	TOTAL
Recurrent appropriations	<b>517</b> <i>369</i>	<b>4,568</b> <i>4,257</i>	<b>5,567</b> <i>4,626</i>
Works and services appropriations	- -	<b>482</b> <i>250</i>	<b>482</b> <i>250</i>
<b>TOTAL APPROPRIATIONS</b>	<b>517</b> <i>369</i>	<b>5,050</b> <i>4,507</i>	<b>5,567</b> <i>4,876</i>
Less			
Payroll tax (included in Appropriation 1150)	<b>30</b> <i>19</i>	<b>59</b> <i>53</i>	<b>80</b> <i>71</i>
Other appropriations classified as revenue, financing and intra-unit transactions	-	<b>186</b> <i>88</i>	<b>186</b> <i>88</i>
Receipts classified as outlays	-	-	-
Plus			
Trust fund transactions classified as outlays	<b>19</b> <i>14</i>	<b>2,933</b> <i>1,328</i>	<b>2,952</b> <i>1,342</i>
<b>TOTAL OUTLAYS</b>	<b>506</b> <i>364</i>	<b>7,738</b> <i>5,694</i>	<b>8,244</b> <i>6,059</i>
% Change 1990/91 on 1989/90.	39.0	35.9	36.1

Note: Totals may not add due to rounding

SOURCE: Ministry of Consumer Affairs

**SUB-PROGRAM NAME: EXECUTIVE MANAGEMENT**

**OBJECTIVES:**

- Foster and develop the goals and objectives of the Ministry and oversee their implementation throughout the organisation; and,
- Establish appropriate mechanisms to provide support and advice to the Minister.

**DESCRIPTION:**

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

In April 1990, the responsibility for Aboriginal Affairs was transferred from the Ministry of Planning and Urban Growth to the Ministry of Consumer Affairs.

Funds have been provided in 1990/91 for an Aboriginal Advisor to support and advise the Minister in his role as Minister for Aboriginal Affairs. In addition, the Ministry has had responsibility for the Ministers' chauffeur transferred from the Department of the Premier and Cabinet.

**SUB-PROGRAM NAME: CORPORATE SERVICES**

**OBJECTIVE:**

To provide adequate managerial and administrative services to all Ministry operations.

**DESCRIPTION:**

The sub-program provides efficient and effective management and administrative services to support the Ministry's operational activities.

It provides, financial, personnel, data services, management information systems, word processing, typing, secretarial and registry services.

Achievements in 1989/90 included the introduction of the FMS/PERSPAY systems and the establishment of a Staff Training and Development program.

A review of the motor car traders fees was conducted during 1989/90. New fee levels were introduced on 1 August 1990. The fees are designed to increase revenue to enable full cost recovery and self funding of the administration of the Motor Car Traders Act 1986.

**In 1990/91 key activities will include:**

- implementation of the Government's "Corporate Card";
- devolution of personnel management and financial responsibilities to line units;
- implementation of a new payroll system; integration with FMS/PERSPAY, and provision of on-line services to regions and portfolio agencies; and,
- responsibility for the payment of rental and associated costs was transferred from the Department of Property and Services to this Ministry.



**SUB-PROGRAM OUTLAYS (\$'000)**

Estimate for 1990/91 bold figures, Actuals for 1989/90 italic figures

**PROGRAM NO: 243**

<b>SUB-PROGRAM NAME:</b>	<b>LEGISLATION &amp; REGULATION</b>	<b>DEVELOPMENT SERVICES</b>	<b>CLIENT LICENSING</b>	<b>LIQUOR</b>	<b>PRICES</b>	<b>TOTAL</b>
Recurrent appropriations	<b>3,140</b>	<b>2,599</b>	<b>2,536</b>	<b>4,018</b>	<b>596</b>	<b>12,889</b>
Works and services appropriations	<b>3,742</b>	<b>2,446</b>	<b>2,216</b>	<b>3,972</b>	<b>754</b>	<b>13,130</b>
	<b>102</b>	-	<b>165</b>	<b>158</b>	-	<b>425</b>
	<b>131</b>	-	<b>45</b>	<b>473</b>	-	<b>649</b>
<b>TOTAL APPROPRIATIONS</b>	<b>3,242</b>	<b>2,599</b>	<b>2,701</b>	<b>4,176</b>	<b>596</b>	<b>13,314</b>
Less	<b>3,873</b>	<b>2,446</b>	<b>2,261</b>	<b>4,445</b>	<b>754</b>	<b>13,779</b>
Payroll Tax (included in appropriation 1150)	<b>151</b>	<b>33</b>	<b>115</b>	-	-	<b>299</b>
	<b>159</b>	<b>29</b>	<b>100</b>	-	-	<b>288</b>
Other appropriations classified as revenue, financing and intra-unit transactions	-	-	<b>100</b>	-	-	<b>100</b>
	-	-	<b>65</b>	-	-	<b>65</b>
Receipts classified as outlays	<b>512</b>	-	-	-	-	<b>512</b>
	<b>468</b>	-	-	-	-	<b>468</b>
Plus						
Trust fund transactions classified as outlays	<b>1,359</b>	<b>3,801</b>	<b>4,836</b>	-	-	<b>9,996</b>
	<b>1,193</b>	<b>2,204</b>	<b>3,582</b>	-	-	<b>6,979</b>
<b>TOTAL OUTLAYS</b>	<b>3,938</b>	<b>6,367</b>	<b>7,322</b>	<b>4,176</b>	<b>596</b>	<b>22,399</b>
	<b>4,438</b>	<b>4,621</b>	<b>5,678</b>	<b>4,445</b>	<b>754</b>	<b>19,936</b>
% Change 1990/91 on 1989/90.	<b>-11.3</b>	<b>37.8</b>	<b>29.0</b>	<b>-6.1</b>	<b>-21.0</b>	<b>12.4</b>

Note: Totals may not add due to rounding

SOURCE: Ministry of Consumer Affairs

## **SUB-PROGRAM NAME: LEGISLATION AND REGULATION**

### **OBJECTIVES:**

- to develop and maintain fair trading standards and remove unfair business conduct and unsafe and misrepresented products by regulating the marketplace and ensuring compliance with the relevant legislation;
- to regulate tenancies and ensure compliance with the relevant legislation; and,
- to advise and give effect to the legislative program of the ministry and to support the work of the Ministry by providing specialist litigation services and legal advice.

### **DESCRIPTION:**

This sub-program regulates business and tenancy conduct, develops and implements the Ministry's legislation program, develops self-regulation proposals, establishes and monitors product standards, prevents products known to be unsafe from being marketed and assesses trading standards, and enforces statutory requirements.

Government intervention is needed to regulate the business and the residential tenancies sectors to minimise exploitation of consumers and tenants. 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 identify 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 unsafe 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 1989/90 the Government introduced the following legislation:**

- Amendments to the Caravan Parks and Movable Dwellings Act 1988, thereby allowing the Residential Tenancies Fund to be used for public information and research purposes relating to the Act and providing for residents to receive a statement of rights and duties;
- The Shop Trading (Amendment) Act 1990, permitting smaller hardware shops to trade on Sundays and public holidays and enhancing the enforcement provisions of the Act;
- The House Contracts Guarantee (Further Amendment) Act 1990, to augment the principal Act in a number of respects. Amendments include provision to prohibit splitting of contracts to prevent the building of more than one house at a time as an "owner builder", and to regulate "supervision" contracts, where the owner is registered as builder but a professional builder is in charge of the works; and,
- The Rooming Houses Act 1990, to define the rights and duties of owners and residents of rooming houses and provide for fair and quick resolution of disputes between them.

**Key activities planned for 1990/91 include:**

- continuing review of the Credit Act 1984 under the auspices of the Standing Committee of Consumer Affairs Ministers;
- development of a Trade Measurement (Administration) Bill to complement the agreed uniform trade measurement legislation; and,
- implementation of recommendations of the Residential Tenancies Review.

**SUB-PROGRAM NAME: DEVELOPMENT****OBJECTIVES:**

- Develop an informed and efficient marketplace through public information, funding programs and community development; and provide policy analysis, advice and program review services to client services and legislation/regulation functions; and,
- To promote community access to consumer and tenancy information and services particularly for socially and economically disadvantaged consumers.

**DESCRIPTION:**

The development of consumer and tenant awareness of rights and obligations in the marketplace and the encouragement of responsible attitudes by traders and landlords are major pre-requisites for the establishment of a fair market. In this sub-program, consumer, trader and community organisations work with the Ministry to provide the education and information services needed to enable this development. The special needs of disadvantaged consumers and tenants and of particular priority target groups who require special assistance are also addressed. A wide variety of materials and techniques are used, such as formal consultations, media campaigns, public speaking engagements, training exercises and printed materials.

In 1989/90 a major public education campaign was undertaken warning consumers against credit overcommitment. Most of the printed publications of the Ministry were also renewed and updated.

Community organisations are funded to provide advice and assistance to consumers and tenants, thus contributing to the policies and operations of the Ministry, and ensuring the responsiveness of the Ministry. Reviews of the Ministry's grants programs were also undertaken in 1989/90. This led to the development of the Consumer Support Program and the Tenant Support Program.

This sub-program also researches market place issues and reviews program and policy strategies. It also seeks to develop and maintain channels for consultations with the community and Industry about the policies, services and operations of the Ministry of Consumer Affairs.

**Key activities planned for development in 1990/91 include:**

- a continuation of the highly successful credit awareness public education campaign;
- public education campaigns informing landlords and tenants of renting rights and responsibilities;
- development of improved networks for the distribution of Ministry information;
- continuing implementation of the new Consumer Support Program; and,
- implementation of recommendations of the Residential Tenancies Review, partly through the expansion of Tenant Support Program and through research studies of caravan park residents and tribunal usage.

**SUB-PROGRAM NAME: CLIENT SERVICES**

**OBJECTIVE:**

- To provide on a cost effective basis, informal, accessible and timely mechanisms to resolve complaints and claims by consumers, landlords and tenants.

**DESCRIPTION:**

The client services sub-program provides services for the resolution of disputes between consumers and traders, and tenants and landlords, through information, advisory, conciliation and adjudication activities.

This sub-program provides the first point of contact for telephone and personal enquiries. Advice is given on a wide range of issues including residential tenancies, motor vehicles, building and extensions, caravan parks and movable dwellings and credit.

In 1989/90 the Ministry handled 234,123 telephone and counter enquiries which represents a significant increase over 1988/89 enquiries.

**Key activities planned for Client Services in 1990/91 include:**

- establishment of a Credit Tribunal as required by the Credit Administration (Amendment) Act 1989;
- implementation of requirements under the Rooming Houses Act 1990;
- continued implementation of the Residential Tenancies Review; and,
- responsibility for payments to the Residential Tenancies Fund of fees collected through Stamp Duty was transferred from the Department of the Treasury to the Ministry effective from July 1990.

**SUB-PROGRAM NAME: PRICES**

**OBJECTIVE:**

- To deter excessive prices through a variety of strategies to promote competition in the marketplace. To service the Prices Commissioner.

**DESCRIPTION:**

The Office of Prices co-ordinates Government programs on prices restraint and services the Prices Commissioner, who has various statutory responsibilities concerning the pricing of agricultural products and petrol.

A range of strategies are followed to promote competition in the marketplace, including price monitoring and investigations, consumer education programs, support to community price action groups and submissions to public inquiries. The Office of Prices also administers the Egg Prices Review Panel established under the Egg Industry Act 1989. In addition, the office provides input into other agencies programs and administers the Government's maximum retail (trigger) price arrangement for petrol.

Responsibility for the Office of Prices was transferred to the Minister for Consumer Affairs in April 1990.

**Achievements in 1989/90 include:**

- commencement of the Egg Prices Review Panel; and,
- completion of a study of the relationship between cigarette pricing, consumption, and health costs.

**Key activities planned for Office of Prices in 1990/91 include:**

- analyse new pricing issues identified by complaints process;
- monitor grocery industry compliance with the national scanning code of practice for supermarkets; and,
- increase consumer awareness of pricing issues and their rights under the scanning code of practice.

**SUB-PROGRAM NAME: LIQUOR LICENSING****OBJECTIVES:**

- promote economic and social growth in Victoria by encouraging the proper development of the liquor, hospitality and tourism industries;
- facilitate the development of a diversity of licensed facilities reflecting consumer demand, while providing adequate controls over the sale and consumption of liquor;
- efficiently collect fees payable by applicants and current licensees.

**DESCRIPTION**

The commission is responsible for the registration and processing of applications for liquor licences and permits, and for transfers and variations to licences and permits in accordance with the Act. It also provides a statewide advisory service to applicants and the public, information dissemination, public relations and marketing services.

Licence fees in 1989/90 resulted in revenue totalling \$120 million or \$6 million over the 1988/89 level.

In 1989/90 the Liquor Licensing Commission established an Investigation Unit to undertake field audits of records of licensed premises and assist in the detection of licence fee evasion.

**Key activities planned for the Liquor Licensing Commission in 1990/91 include:**

- strengthening of administrative and research support to the Industry Development Committee;
- additional three inspectors to investigate evasion and avoidance of liquor licence fees;
- continuing initiatives to streamline the processing of licence applications.

*SOURCE: Ministry of Consumer Affairs*

APPENDIX 2

**SUB-PROGRAM OUTLAYS (\$'000)**

Estimate for 1990/91 bold figures, actuals for 1989/90 italic figures

**PROGRAM NO: 247**

<b>PROGRAM NAME:</b>	<b>ABORIGINAL DEVELOPMENT</b>	<b>ABORIGINAL POLICY</b>	<b>TOTAL</b>
Recurrent appropriations	<b>1,442</b>	<b>2,458</b>	<b>3,900</b>
	<i>1,326</i>	<i>2,207</i>	<i>3,533</i>
Works and services appropriations	<b>3,300</b>	-	<b>3,300</b>
	<i>4,020</i>	-	<i>4,020</i>
<b>TOTAL APPROPRIATIONS</b>	<b>4,742</b>	<b>2,458</b>	<b>7,200</b>
	<i>5,346</i>	<i>2,207</i>	<i>7,553</i>
Less			
Payroll tax (included in appropriation 1150)	-	<b>33</b>	<b>33</b>
	-	<i>30</i>	<i>30</i>
Other appropriations classified as revenue, financing and intra-unit transactions	-	<b>1,850</b>	<b>1,850</b>
	-	<i>1,585</i>	<i>1,585</i>
Receipts classified as outlays	-	-	-
	-	-	-
Plus			
Trust fund transactions classified as outlays	<b>280</b>	-	<b>280</b>
	-	-	-
<b>TOTAL OUTLAYS</b>	<b>5,022</b>	<b>575</b>	<b>5,597</b>
	<i>5,346</i>	<i>592</i>	<i>5,938</i>
% Change 1990/91 on 1989/90	-6.1	-3.0	-5.7

Note: Totals may not add due to rounding

SOURCE: MINISTRY OF CONSUMER AFFAIRS

**SUB-PROGRAM NAME: DEVELOPMENT****OBJECTIVES:**

To assist Aboriginal communities with economic and infrastructure development and promote cultural heritage activity.

**DESCRIPTION:**

This sub-program assists Aboriginal communities to promote their economic and social development and to foster an awareness and appreciation of Aboriginal cultural heritage. Aboriginal communities lack the financial equity to promote their own development and attract funding from other sources. With this program, communities can engage consultants to carry out feasibility studies and provide the financial equity to acquire major capital assets.

**Achievements in 1989/90 include:**

Purchase of a network of premises throughout the State for the establishment of Aboriginal sobering-up centres.

Funding of innovative and unique cultural heritage material and activities, including cultural camps.

Funding of major community administration and cultural centres at:

- Bairnsdale (administrative centre);
- Fitzroy (legal service premises);
- Cann River (cultural centre); and,
- Echuca (cultural centre).

**Key activities planned for Aboriginal development in 1990/91 include:**

Acquisition of properties for commercial and community development purposes in:

- Echuca (land development);
- Bendigo (commercial offices); and,
- Ballarat (community centre).

**SUB-PROGRAM NAME: POLICY****OBJECTIVE:**

To be responsible for co-ordination of Government support to Aboriginal communities and for major policy initiatives such as those arising from the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

**DESCRIPTION:**

This sub-program provides the mechanism by which the Ministry addresses issues of concern to the Aboriginal community and Government. It assists to give priority to Aboriginal needs across all Government departments and agencies as well as providing guidelines to the community, which enable them to access Government services.

## APPENDIX 2

### **Achievements in 1989/90 include:**

- implementation of the recommendations of the Interim Report of the Royal Commission into Aboriginal Deaths in Custody; and,
- gazettal of most of the community boundaries under the Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 1987.

### **Key activities planned for Aboriginal Policy for 1990/91 include:**

- responding to the final report of the Royal Commission into Aboriginal Deaths in Custody; and,
- upgrading co-ordination mechanisms for improved program and policy development across portfolios.



## **APPENDIX 3**

### **ASSETS MANAGEMENT SYSTEM REPORT FOR YEAR ENDING 30 JUNE 1990**

The Ministry controls a significant stock of non-current physical assets which facilitate the delivery and support of the agency's programs.

These assets include both community and operating assets in the following categories:

#### **Motor vehicles**

The Ministry's fleet of motor vehicles are operating assets and comprise a pool of passenger vehicles, a mobile complaint handling and information unit, a delivery van, a number of fork lift trucks and specialised inspection vehicles used by the Trade Measurement Branch.

#### **Plant and machinery**

Operating assets under the control of the Ministry include scientific equipment for testing weighing and measuring instruments used in trading transactions, and power tools and welding equipment used for making modifications to Trade Measurement Branch vehicles and equipment.

Community assets include a number of antique measuring devices housed at the Trade Measurement Branch which are of historic significance.

#### **Furniture and fittings**

Other operating assets are:

- general office furniture and fittings;
- conference room furniture and fittings;
- special furniture for hearing rooms; and
- office equipment.

Office equipment includes photocopiers, microfiche readers, calculators, typewriters, photographic equipment, dictaphones, stereo equipment, shredding machines, automatic staplers and hole punchers, 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.

The Ministry is preparing a valuation of assets identified by a physical stocktake. These assets will be recorded at current value as suggested in the Position Paper released by the Department of Treasury.

## APPENDIX 4A - INDUSTRY REGULATION BRANCH

### PROSECUTIONS - 1989/1990

DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
5.7.89	Box Hill Ski Hire Pty Ltd (Box Hill Ski)	FTA CAA	12(i) 32	A company which advertised its offer to discount ski clothing on all stock and then refused to honour its offer.	1	1,000.00	200.00
11.7.89	Strongman G	MCTA	7	A person dealing in used motor cars whilst not licensed to do so.	1	250.00	250.00
16.8.89	Helsby-Knight M	MCTA CAA	7 64	A person dealing in used motor cars whilst not licensed to do so and who refused to answer an inspector's questions.	2	2,750.00	1,000.00
5.9.89	Cure P K (Compass Home Improvements)	FTA HCGA HCGA CAA	12 5(1)(a) 20(1)(b) 15(1)(b)	A person who failed to commence work on contracts entered into in relation to home improvements; who retained deposits paid for contracts and who broke an assurance with respect to his business.	7	7,250.00	500.00
14.9.89	Cure P K (Compass Home Improvements)	FTA FTA HCGA HCGA	12(e) 12(h) 5(1)(a) 20(1)(b)	A person who made false representations in relation to contracts for home improvements and who retained deposits paid for contracts ordered to make restitution on those deposits.	14	21,250.00	400.00
9.10.89	T Stefano Pty Ltd	W&M FTA	82H(1) 12(i)	A company which packaged potatoes at a weight less than that represented on the packaging.	2	650.00	280.00

## PROSECUTIONS - 1989/1990

DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
12.10.89	Umcos Australia Pty Ltd (Umcos Trading)	FTA	12(fb)	A company which made a misleading representation as to the country of origin of goods.	2		500.00
2.11.89	Col McKenzie (Warburton) Pty Ltd (Col McKenzie Holden)	MCTA FTA MCTA MCTA	38 12 41 35	A company which substituted the device used for recording the distance travelled by a motor car and which failed to make complete records of its used car acquisitions.	60	5,225.00	250.00
2.11.89	Sewart L H	MCTA FTA	38 12	A person who substituted the device used for recording the distance travelled by a motor car and who made consequent false representations as to the distance travelled by the car.	2	750.00	250.00
3.11.89	Decaw Pty Ltd (Dandy Sound)	FTA FTA	18 12	A company which advertised the sale of compact disc players at twenty per cent of normal retail price, provided only two units for sale.	1	20,000.00	
3.11.89	Weston P K	FTA	18	A director of Decaw Pty Ltd knowingly involved in the offences committed by the company.	1	4,000.00	350.00
14.11.89	Jusco Pty Ltd (Easyfind)	FTA CAA CAA CAA	12(h) 15 19(1) 21	A company which made a statement in its contracts denying the right to cancel and which failed to provide documentation enabling consumers to exercise their right to a ten day cooling-off period.	5	15,200.00	500.00

## PROSECUTIONS - 1989/1990

DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
14.11.89	Vignolini V	FTA CAA CAA CAA	12(h) 15 19(1) 21	A person who made statements to consumers which denied them their rights to cancel contracts and who failed to provide a notice advising them of their right to a ten day cooling off period.	4	2,200.00	
16.11.89	Plunkett M	FTA RTA RTA	12(h) 146(a) 146(b)	A person who made false representations that the Residential Tenancies Act did not apply to a tenancy agreement and unlawfully evicted, and attempted to evict, tenants.	3	300.00	250.00
16.11.89	Plunkett R	FTA RTA RTA	12(h) 146(a) 146(b)	A person who made false representations that the Residential Tenancies Act did not apply to a tenancy agreement and unlawfully evicted, and attempted to evict, tenants.	3	200.00	250.00
22.11.89	Pamptonian Community of Melbourne and Victoria Australia Inc	RTA RTA	122 40	An organisation which unlawfully relet rented premises within six months of the date of a notice to vacate and which failed to comply with an order of the Residential Tenancies Tribunal.	2	350.00	400.00
23.11.89	Brad Teal (Flemington) Pty Ltd	RTA	122	A real estate agent which unlawfully relet rented premises within six months of the date of a notice to vacate was placed on a twelve month good behaviour bond.	1		220.00
12.12.89	Petsios P (Bentleigh Hot Bread)	W&M	79	A person who made and baked underweight bread for sale	5	1,500.00	200.00

**PROSECUTIONS - 1989/1990**

DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
12.12.89	Petsios S (Bentleigh Hot Bread)	W&M	79	A person who made and baked underweight bread for sale	5	1,500.00	200.00
19.12.89	Aquatic Pools & Spas Pty Ltd	FTA	12(e)	A company which advertised affiliation to a trade association when it was not a member.	1	5,000.00	250.00
17.1.90	Romer A S (Romer & Co)	RTA	146(a)	A solicitor who served an unlawful notice to vacate on a tenant of rented residential premises was placed on a twelve month good behaviour bond.	1	100.00	1,550.00
26.1.90	Farrugia J	RTA RTA RTA	122 146 67	A landlord who unlawfully compelled a tenant to vacate rented premises.	2	200.00	200.00
26.1.90	Farrugia S	RTA RTA RTA	122 146 67	A landlord who unlawfully compelled a tenant to vacate rented premises.	2	200.00	200.00
8.2.90	Constantinou C	HCGA	5(1)	A person who manufactured and installed kitchen cabinets in a dwelling without indemnity on workmanship was placed on a twelve month good behaviour bond.	1		350.00
8.2.90	David Grant & Co Pty Ltd	FTA RTA RTA	12(h) 146(a) 146(b)	A landlord who unlawfully compelled a tenant to vacate rented premises.	4	1,600.00	300.00
8.2.90	Krol A	RTA	146	A person who unlawfully compelled a tenant to vacate rented premises was placed on a twelve month good behaviour bond.	1		

## x PROSECUTIONS - 1989/1990

DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
16.2.90	Cox R C	MCTA FTA	7 12(1)	An unlicensed motor car trader making false and misleading statements.	2	5,000.00	450.00
20.2.90	Fuller G (Summit Steel House Frames)	HCGA HCGA HCGA HCGA	20(1)(a) 5(1) 23(2) 21(3)	A person who entered into a contract to construct a dwelling house without a guarantee and who received payments in excess to which he was entitled was ordered to pay \$34,460 compensation.	4	9,000.00	1,000.00
26.2.90	Pianta A J	RTA RTA RTA	77(2) 40 76(2)	A landlord who retained security deposits and failed to provide receipts.	8	2,650.00	850.00
7.3.90	Tasher No 17 Pty Ltd (Downs Tuckerbag)	STA	22(1)(a)	A company which opened a shop for trading when required to be closed was placed on a twelve month good behaviour bond.	3		1,710.00
28.3.90	R A & J Stephenson Pty Ltd (Bairnsdale Mazda)	MCTA MCTA MCTA	35(2) 52(1) 42(2)	A motor car trader which omitted details of dealings from records and contracts.	8		350.00
28.3.90	Sturgess D M (David Sturgess Motors & Bairnsdale Daihatsu)	MCTA MCTA	48 35(2)	A motor car trader who sold a car without first obtaining the cancellation of the security interest in it and who failed to enter details into his dealings book.	2	1,100.00	350.00
5.4.90	Di Dio A	FTA W&M	12(i) 79(4)	A director of Di Dio Nominees Pty Ltd knowingly involved in the offences committed by the company.	4	3,300.00	350.00

## PROSECUTIONS - 1989/1990

DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
5.4.90	Di Dio Nominees Pty Ltd (European Hot Bread Kitchen)	FTA W&M	12(i) 79(4)	A company which made and baked underweight bread for sale and made false representations as to that weight.	4	7,300.00	380.00
10.4.90	Jakupi J (J & M Jakupi)	HCGA HCGA HCGA FTA	5(1)(a) 20(1)(a) 18 12	A person who entered into a contract for domestic building work and who obtained a deposit above the maximum allowable when not recognised as a registered builder.	3	3,000.00	850.00
11.4.90	King R C	MCTA FTA	7 12(e)	A person dealing in used motor cars whilst not licensed to do so and who held himself out to be an authorised dealer.	2	3,500.00	300.00
3.5.90	Eskimo Peak Pty Ltd (Bartalottas Bread Basket)	W&M	79	A company which made and baked underweight bread for sale.	4	400.00	300.00
3.5.90	Penguin Quest Pty Ltd (Bartalottas Bread Basket)	W&M	79	A company which made and baked underweight bread for sale.	4	400.00	300.00
4.5.90	Apostoloff T	RTA	40	A landlord who failed to comply with an order of the Residential Tenancies Tribunal was placed on a twelve month good behaviour bond.	1		200.00
7.5.90	Tradewinds Travel Pty Ltd	TAA FTA	6(1) 12	A company trading as a travel agent whilst unlicensed and which made false representations to the effect that it was licensed.	2	4,000.00	400.00

## PROSECUTIONS - 1989/1990

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DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
7.5.90	Woodcroft J P	TAA FTA	6(1) 12	A Director of Tradewinds Travel Pty Ltd knowingly involved in the offences committed by the company.	1	1,000.00	
14.5.90	Baum Credits Pty Ltd (Darius Financial Services)	FBA FBA FTA	18(1) 18(2) 12	A company which failed to obtain written authority for a loan application and which accepted an unlawful commission payment.	3	2,000.00	500.00
14.5.90	Grimbly P	FTA FBA	12 7	A person trading as a finance broker without a licence and who made false representations in respect to the approval of a loan.	2	1,300.00	
16.5.90	Artz E G	MCTA FTA	38 12	A Director of Ean Kay Nominees Pty Ltd knowingly involved in the offences committed by the company.	3	6,000.00	
16.5.90	Ean Kay Nominees Pty Ltd (Gardenvale Motors)	MCTA MCTA MCTA FTA	35 38 52 12	A motor car trader which tampered with the odometer reading of a motor car leading to false representations on its history and previous use and which made a false entry in its records.	6	22,600.00	850.00
22.5.90	Copperart Pty Ltd (Copperart)	FTA FTA	12 18	A company which made misleading statements as to the price of goods in television advertisements.	10	5,000.00	750.00
22.5.90	van Roest A	FTA FTA	12 18	A Director of Copperart Pty Ltd knowingly involved in the offences committed by the company.	10	2,000.00	750.00



## PROSECUTIONS - 1989/1990

DATE OF HEARING	DEFENDANT	ACT /REG	SECT	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
30.5.90	Berry C J	FTA FTA	12 18	A Director of Veniard Pty Ltd knowingly involved in the offences committed by the company.	4	4,000.00	500.00
30.5.90	Veniard Pty Ltd (Dunbars Carpet Care)	FTA FTA	12 18	A company which made misleading statements in relation to the price of carpet cleaning.	4	20,000.00	500.00
20.6.90	Vanni H P	RTA	40	A landlord who failed to comply with an order of the Residential Tenancies Tribunal.	1	500.00	500.00
29.6.90	RBP Pty Ltd	FTA FTA HCGA CAA	12 22 20 13A	A company which engaged in false representations, misleading statements, coercion and harassment in its business of house cladding and which failed to provide notices of a ten day cooling-off period.	66	139,250.00	8,734.00
29.6.90	Yallouz R B P	FTA CAA FTA	12 15 22	A Director of RBP Pty Ltd knowingly involved in the offences committed by the company.	8	20,250.00	8,734.0

## NOTE:

- CAA - Consumer Affairs Act 1972
- FBA - Finance Brokers Act 1969
- FTA - Fair Trading Act 1985
- HCGA - House Contracts Guarantee Act 1987
- MCTA - Motor Car Traders 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 4B - INDUSTRY REGULATION BRANCH****PROSECUTIONS BY LOCAL AUTHORITIES UNDER THE WEIGHTS & MEASURES ACT**

<b>COURT &amp; DATE OF HEARING</b>	<b>DEFENDANT</b>	<b>SECT ACT/REG</b>	<b>OFFENCE</b>	<b>FINE \$</b>	<b>BONDS \$</b>	<b>COST\$</b>	<b>AUTHORITY</b>
Melbourne 18.07.89	Zorro Product Pty Ltd (CO295566LW)	82H(1) & (2) W&M Act	Short weight potatoes	100.00			City of Melbourne
Ringwood 6.11.89	North West Recycling Pty Ltd Trading as Challenge Metals	77(2) 67(2) W&M Act Unjust instrument	Incorrect weight	600	185.70		East Central
Heidelberg 15.11.89	Antonio Dipirro	77(1)(b) W&M Act	Short measure goods	150.00	19.50		East Central
Heidelberg 15.11.89	The Pines Garden Centre Pty Ltd	77(1)(b) W&M Act	Short measure goods	150.00	80.50		East Central
Geelong 7.12.89	Harry Hooper Pty Ltd	Sec 82H W& M Act	Short weight goods	600.00	453.70		Shire of Bellarine
Geelong 11.12.89	Colac Produce Co Pty Ltd	82H 82D 67 W& M Act	No name/Add short weight	600.00	453.70		Shire of Bellarine
Geelong 18.12.89	Kenneth Michael Pook	R-234 District	75.00		42.00		Geelong

## PROSECUTIONS BY LOCAL AUTHORITIES UNDER THE WEIGHTS &amp; MEASURES ACT

COURT & DATE OF HEARING	DEFENDANT	SECT ACT/REG	OFFENCE	FINE \$	BONDS \$	COSTS \$	AUTHORITY
Geelong 12.02.89	Damilton Pty Ltd	79(4) W & M Act	Short weight bread	800.00		81.00	Geelong District
Geelong 12.02.89	Alfio Italiano	R-234 District		30.00		54.00	Geelong
Geelong 5.03.89	Paul N. Quick	R-172	Failed to sell meat by weight	320.00		59.99	Geelong District
Preston 4.04.89	Mailton Holdings P/L (Bernard Kirchens)	79(4) 79(A)	Light weight no mark bread	1,2000		656.00	Northern Suburbs
Geelong 21.06.90	David Bates	R-234 235 16	Failed to pay account	30.00		40.0	Geelong District
Geelong 21.06.90	Dianne Lodge	R-234 235 16	Failed to pay account	30.00		55.70	Geelong District
Geelong 21.06.90	Noel Bellinger	R-234 235 16	Failed to pay account	20.00		30.00	Geelong District

## **APPENDIX 5 LEGISLATION ASSIGNED TO THE MCA**

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

THE MINISTER FOR CONSUMER AFFAIRS IS  
RESPONSIBLE FOR THE FOLLOWING ACTS:

#### **Caravan Parks and Movable Dwellings Act 1988**

Parts 1-5 (inclusive) are administered by the Ministry. Part 6 is 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.

#### **Chattel Securities Act 1987**

Parts 1 and 2 of the Act are administered by the Ministry of Consumer Affairs and provide the legal framework for the operation of a security interest.

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.

#### **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.

**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 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.

**Credit Reporting Act 1978**

The 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.

**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.

**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.

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 and 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. Section 46 came into operation on 13 April 1989.

**Finance Brokers Act 1969**

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

**Fuel Prices Regulation Act 1981**

This provides for the regulation of prices for declared fuels. The Prices Commissioner is appointed under the Act.

**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 among other things for:

- a guarantee of up to \$40,000 on all new dwelling houses;
- for the streamlining of the procedures for the sale of owner built houses;
- a guarantee up to \$40,000 on most improvements to dwelling houses by approved builders;
- strict rules and guidelines as to the content of contracts for domestic building works; and,
- for the Housing Guarantee Fund Limited to be the sole guarantor.

**Liquor Control Act 1987**

This Act repealed and replaced the Liquor Control Act 1968. It provides for the establishment of the Liquor Licensing Commission and makes provisions relating to the sale, disposal and consumption of liquor. The Act came into operation on 3 May 1988.

**Market Court Act 1978**

Provides the Director of Consumer Affairs with two avenues to restrain persons who repeatedly engage in conduct which is unfair to consumers, i.e.

- 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; and,
- the Director can enter into a Deed of Assurance with a trader.

**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.

**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 day cooling off period in relation to the purchase of used cars;
- 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 Traders Licensing Authority which licenses motor car traders, and a Guarantee Fund Claim Committee which determines claims against the Motor Car Traders Guarantee Fund.

**Residential Tenancies Act 1980**

Sets out the rights and responsibilities of both the tenant and landlord in relation to residential tenancies. 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. The Ministry of Consumer Affairs is responsible for the administration of the Act, including the Tribunal and enforcement functions. The Ministry of Housing and Construction is responsible for the policy aspects of the Act.

**Shop Trading Act 1987**

Regulates the hours of operation of shops and market sites. This Act came into operation 21 November 1987 and replaced the provisions of the Labour and Industry Act 1958 which related to trading hours and registration of shops.

**Small Claims Tribunals Act 1973**

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).

The Tribunals can make a maximum order of \$5,000. Orders thus made have the full force of the law.

**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 ACT.

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 is able to obtain a licence under the Act.

**Weights and Measures Act 1958,  
excluding section 53B**

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 reverification 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 prepacked in advance for sale, may be sold.



## **APPENDIX 6A COMMUNITY FUNDING PROGRAM**

### **RESIDENTIAL TENANCIES GRANT SCHEME INTERIM FUNDING FOR 1 JANUARY - 30 JUNE 1990**

<b>ORGANISATION</b>	<b>PURPOSE OF GRANT</b>
<p><b>Tenants Union of Victoria</b> 80 Johnson Street Fitzroy 3065 \$163,253</p>	<p>To provide a statewide tenants information and advice service from four metropolitan locations, including assistance to protected tenants and caravan park residents and to undertake research and develop policy related to key tenancy and rental market issues.</p>
<p><b>Broadmeadows Tenants Information Service</b> 7 Gordon Court Glenroy 3046 \$27,946</p>	<p>To provide an information and advice service to tenants and caravan park residents in Broadmeadows and to promote awareness of tenancy rights through community education.</p>
<p><b>Bayside Tenants Information Service</b> PO Box 731 Frankston 3199 \$51,456</p>	<p>To provide a tenancy information and advice service to Frankston and the Bayside area, including assistance to caravan park residents and to extend the community education program to schools in the sub-region.</p>
<p><b>Southern Regional Housing Council (Tenancy Advisory Service)</b> 372 South Road Moorabbin 3189 \$26,594</p>	<p>To provide a regional tenancy information and advice service, to resource other community groups and housing services in the region and to undertake community education on tenancy issues.</p>
<p><b>Inner Eastern Housing Service</b> 12 Rutland Road Box Hill 3128 \$24,123</p>	<p>To provide a regional tenancy information and advice service and undertake community education on tenancy issues.</p>
<p><b>Outer East Regional Housing Council (Tenants Information Service)</b> 312 Mount Dandenong Road Croydon 3136 \$34,417</p>	<p>To provide a comprehensive and accessible regional tenancy information, advice and advocacy service and to undertake community education on tenancy issues.</p>

APPENDIX 6A

ORGANISATION	PURPOSE OF GRANT
<p><b>Wimmera Community Care</b>            PO Box 185            Horsham 3400            \$11,814</p>	<p>To provide a part-time regional tenancy information, advice and referral service to undertake community education on tenancy issues.</p>
<p><b>Goulburn Regional Housing Council</b>            PO Box 596            Benalla 3672            \$27,032</p>	<p>To provide an accessible regional tenancy information, advice and referral service, including assistance to caravan park residents, to undertake community education and to link with similar tenancy services in the neighbouring Upper Murray region.</p>
<p><b>Consumer and Tenancy Advice Service</b>            PO Box 1141            Wodonga 3690            \$27,455</p>	<p>To provide a tenancy information and advice service in Wodonga and a visiting service to other towns in the region; to undertake community education and co-ordinate with funded agencies in the Upper Murray and neighbouring regions.</p>
<p><b>OVECA</b>            PO Box 539            Wangaratta 3677            \$23,961</p>	<p>To provide a tenancy information and advice service, assist tenants at the Residential Tenancies Tribunal, undertake community education work and link with tenancy services in Wodonga and Benalla in order to provide a co-ordinated regional service.</p>
<p><b>Bairnsdale District Community Health and Resource Centre</b>            PO Box 696            Bairnsdale 3875            \$16,613</p>	<p>To provide an expanded tenancy information, advice and referral service, including assistance to caravan park residents and to undertake community education in the East Gippsland region.</p>
<p><b>Gippsland Tenant Services Inc</b>            PO Box 40            Morwell 3840            \$40,714</p>	<p>To provide a regional tenants information and advice service and undertake community education on tenancy issues.</p>
<p><b>Central Highlands Tenancy Information Network</b>            PO Box 453            Ballarat 3350            \$25,339</p>	<p>To provide a regional tenancy information and advice service and undertake community education on tenancy issues.</p>

ORGANISATION	PURPOSE OF GRANT
<p><b>Bendigo Urban Emergency Accommodation Resource Centre Inc</b> PO Box 212 Bendigo 3550 \$28,637</p>	<p>To provide a tenancy information, advice and education service in Bendigo and a service to other parts of the region and to provide assistance to caravan park residents.</p>
<p><b>Geelong Tenants Advice Service</b> 44A Myer Street Geelong 3220 \$50,991</p>	<p>To provide an expanded regional tenancy information and advice service including assistance to caravan park residents and a community education program in the Barwon region.</p>
<p><b>South West Tenants Information Network</b> 113 Koroit Street Warrnambool 3280 \$35,270</p>	<p>To provide an expanded tenancy information advice and advocacy service from Warrnambool, Portland Camperdown and Hamilton, including assistance to caravan park residents and community education on tenancy issues.</p>
<p><b>Housing for the Aged Action Group</b> PO Box 688 Frankston 3199 \$7,203</p>	<p>To provide a telephone advisory and advocacy service on tenancy issues for the aged in the Westernport region.</p>
<p><b>Tenancy Advice Advocacy Service (Good Shepherd Youth &amp; Family Service)</b> 74 Johnston Street Collingwood 3066 \$12,066</p>	<p>To provide an information, advice and advocacy service to low income tenants in the sub-region of Richmond, Collingwood and Fitzroy. To work toward the establishment of a tenant group in the area and advocate on behalf of tenants in the future.</p>
<p><b>Rooming House Tenants Association</b> 1/12-14 Argyle St Fitzroy 3065 \$17,322</p>	<p>To establish a statewide rooming house tenants advisory service and identify tenancy problems pertaining to this group.</p>
<p><b>Eaglehawk/Kangaroo Flat Tenants Information and Advice Service</b> c/o the Community Health Centre Seymour Street Eaglehawk 3556 \$11,912</p>	<p>To provide an advice, information and advocacy service to private and public tenants in the region and to establish links with other tenancy services to ensure a co-ordinated regional program.</p>

ORGANISATION	PURPOSE OF GRANT
<p><b>Springvale Citizens Aid and Advice Bureau</b>            PO Box 312            Springvale 3171            \$24,051</p>	<p>To provide a tenancy service in the Springvale and Dandenong sub-region with an emphasis on servicing the various ethnic communities in the area.</p>
<p><b>Mallee Tenancy Service</b>            1/152 Pine Ave            Mildura 3500            \$68,053</p>	<p>To establish a tenancy service for the region with offices based in Mildura and Swan Hill.</p>
<p><b>Victorian Association of Citizens Advice Bureaux</b>            10th Floor            176 Wellington Parade            East Melbourne 3002            \$8,422</p>	<p>To distribute information and undertake training for CAB workers and volunteers on tenancy issues statewide.</p>
<p><b>Caravan Park Residents Network</b>            4th Floor            247-251 Flinders Lane            Melbourne 3000            \$32,676</p>	<p>To resource a caravan park residents group statewide and provide a forum through which related issues can be identified and campaigns co-ordinated.</p>

## **APPENDIX 6B COMMUNITY FUNDING PROGRAM**

**CONSUMER AFFAIRS GRANT SCHEME  
INTERIM FUNDING 1 JANUARY - 30 JUNE 1990**

<b>ORGANISATION</b>	<b>PURPOSE OF GRANT</b>
<p><b>CAGS 89/01</b>  <b>Coburg CAB Inc</b>            80 Bell Street            Coburg 3058            \$639</p>	<p>To provide a consumer advisory program through training volunteers, media releases, links with local services and the production and distribution of consumer rights material.</p>
<p><b>CAGS 89/02</b>  <b>Wimmera Information Network Inc</b>            PO Box 761            Horsham 3400            \$3,934</p>	<p>To provide a consumer education program and to network with other community groups in the region.</p>
<p><b>CAGS 89/03</b>  <b>Wangaratta Citizens Advice Bureau Inc</b>            36 Ford Street            Wangaratta 3677            \$266</p>	<p>To provide an information and referral service to consumers in the region and conduct seminars on consumer and tenancy related issues.</p>
<p><b>CAGS 89/06</b>  <b>Consumer and Tenancy Advice Service</b>            110 Hume Street            Wodonga 3630            \$10,608</p>	<p>To provide information, advice, negotiation and advocacy services to consumers in the Upper Murray region and undertake consumer education through the media, seminars and newsletters.</p>
<p><b>CAGS 89/07</b>  <b>Moorabbin Citizens Aid &amp; Advice Bureau</b>            372 South Road            Moorabbin 3189            \$532</p>	<p>To provide a consumer information, advice and referral service to the local community.</p>
<p><b>CAGS 89/08</b>  <b>Springvale Community Aid &amp; Advice Bureau</b>            5 Osborne Ave            Springvale 3171            \$9,911</p>	<p>To provide a consumer and tenancy information and advisory service, conduct consumer education workshops and undertake community development and promotion of the service to low income and migrant communities.</p>

## APPENDIX 6B

ORGANISATION	PURPOSE OF GRANT
<p><b>CAGS 89/09</b>  <b>Latrobe Valley CAB Inc</b>            Cnr Commercial and            Hazlewood Roads            Morwell 3840            \$2,713</p>	<p>To provide increased consumer awareness in the region through production of newsletters for distribution through community groups and provide an information, advice and complaint resolution service.</p>
<p><b>CAGS 89/10</b>  <b>Wimmera CAB Inc</b>            240 Roberts Avenue            Horsham 3400            \$1,744</p>	<p>To provide consumer information, advice and mediation services and undertake community education in conjunction with Wimmera Information Network.</p>
<p><b>CAGS 89/11</b>  <b>Consumer Advocacy and            Financial Counselling            Association of Victoria</b>            4th floor            247 Flinders Lane            Melbourne 3000            Amount included in CCP funding</p>	<p>To inform the community and other organisations on consumer issues; produce information kits and education packages; liaise with government/ industry and community organisations on consumer issues and promote consumer awareness through the media.</p>
<p><b>CAGS 89/12</b>  <b>Consumer Credit Legal            Service</b>            4/636 Bourke Street            Melbourne 3000            Amount included in CCP funding</p>	<p>To promote consumer rights, pursue reform in relevant laws, to encourage participation by other legal practitioners in this area.</p>
<p><b>CAGS 89/13</b>  <b>Glenelg Family Care</b>            113 Koroit Street            Warrnambool 3280            \$7,785</p>	<p>To provide a consumer information, advice and mediation service in the region in co-operation with the regional office of the Ministry of Consumer Affairs.</p>
<p><b>CAGS 89/15</b>  <b>Sherbrooke Citizens Aid            &amp; Advice Bureau Inc</b>            554 Main Road            Belgrave 3160            \$1,065</p>	<p>To provide a consumer information and advisory service, increase public awareness and undertake outreach programs to schools and teenage groups.</p>

ORGANISATION	PURPOSE OF GRANT
<p><b>CAGS 89/15</b>  <b>Dandenong Community Advice Bureau Inc</b>  Town Hall  Lonsdale Street  Dandenong 3175  \$1,435</p>	<p>To undertake a local consumer information and education program in conjunction with the Dandenong office of the Ministry.</p>
<p><b>CAGS 89/05</b>  <b>Deer Park Community Information Centre</b>  Shop 95A  Deer Park Shopping Centre  Neale Road  Deer Park 3023  \$8,537</p>	<p>To provide an information and referral service, conduct education and awareness seminars, develop resource material and maintain networks with other relevant organisations in the sub-region.</p>
<p><b>CAGS 89/17</b>  <b>Bairnsdale and District Community Health &amp; Resource Centre</b>  115 Main Street  Bairnsdale 3875  \$8,227</p>	<p>To provide a consumer information and advice program with monthly service to outlying areas of the East Gippsland region and community education through media, newsletters and seminars.</p>
<p><b>CAGS 89/18</b>  <b>CAB Ballarat</b>  32 Lydiard Street  Ballarat 3350  \$282</p>	<p>To provide a consumer information and referral service with promotion through local media, schools and community groups.</p>
<p><b>CAGS 89/23</b>  <b>CAB Sunraysia</b>  PO Box 1091  Mildura 3500  \$8,787</p>	<p>To provide a consumer information and advice service and to promote the service through the local media.</p>
<p><b>CAGS 89/24</b>  <b>Bendigo Urban Emergency Accommodation Resource Centre</b>  PO Box 212  Bendigo 3550  \$8,177</p>	<p>To provide a consumer advice, information and advocacy service with visits to outlying centres in the Loddon-Campaspe region.</p>

ORGANISATION	PURPOSE OF GRANT
<p><b>CAGS 89/26</b>  <b>Consumer Resource and Advocacy Centre</b>  <b>Outereast Inc</b>            214 Mt. Dandenong Rd            CROYDON 3136            \$8217</p>	<p>To provide an information and referral service to be promoted through local networks, media and schools.</p>
<p><b>CAGS 89/28</b>  <b>Goulburn Valley Community Care Centre</b>            162 Maude Street            Shepparton 3630            \$6,920</p>	<p>To provide a community based consumer information, advisory and advocacy service.</p>
<p><b>CAGS 89/30</b>  <b>Financial Counselling and Consumer Information Service</b>            40 Myers Street            Geelong 3220            \$22,551</p>	<p>To provide an information and conciliation service for consumers in the Barwon region and represent consumer interests in decisions impacting upon the marketplace.</p>
<p><b>CAGS 89/41</b>  <b>Victorian Assoc of Citizens Advice Bureaux</b>            10th floor            176 Wellington Pde            East Melbourne 3002            \$12633</p>	<p>To enable the organisation to resource and train individual bureau staff and develop a codified consumer affairs database.</p>
<p><b>CAGS 89/43</b>  <b>Ballarat Children's Homes and Family Service</b>            115 Lydiard Street            Ballarat 3350            \$7,120</p>	<p>To undertake a consumer awareness and education program in the Central Highlands region and provide advocacy and mediation services.</p>



## **APPENDIX 6C COMMUNITY FUNDING PROGRAM**

**COMMUNITY CREDIT PROGRAM  
INTERIM FUNDING 1 JANUARY - 30 JUNE 1990**

<b>ORGANISATION</b>	<b>PURPOSE OF GRANT</b>
<p><b>CCP 89/1A</b>  <b>Bairnsdale District</b>  <b>CH&amp;R Centre</b>            PO Box 696            Bairnsdale 3875            \$13,506</p>	<p>To 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.</p>
<p><b>CCP 89/1B</b>  <b>Sale &amp; District Community</b>  <b>Support Service</b>            McAllister Street            Sale 3850            \$11,695</p>	<p>To 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.</p>
<p><b>CCP 89/3</b>  <b>Latrobe Valley Financial</b>  <b>Counselling Service</b>            PO Box 1160            Morwell 3840            \$22,637</p>	<p>To identify and advocate on consumer issues affecting low-income consumers; change commercial practices, legislation and policies and provide consumer and community education.</p>
<p><b>CCP 89/05</b>  <b>Eaglehawk and Long Gully</b>  <b>Community Health Centre</b>            Seymour Street            Eaglehawk 3556            \$22,480</p>	<p>To conduct a financial advisory service; provide education through schools, media and other agencies; 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.</p>
<p><b>CCP 89/6</b>  <b>Wimmera Community Care</b>            PO Box 442            Horsham 3400            \$13,528</p>	<p>To provide financial advice, credit advocacy, low-cost lending and buying advice to low-income consumers.</p>
<p><b>CCP 89/07</b>  <b>Mallee Family Care</b>            PO Box 1870            Mildura 3500            \$19,990</p>	<p>To promote more responsible use and provision of credit in the community; monitor access to credit by low-income consumers and educate school children and low-income consumers about credit.</p>

APPENDIX 6C

ORGANISATION	PURPOSE OF GRANT
<p><b>CCP89/08</b>  <b>Broadmeadows Community Health Centre</b>                      PO Box 197                      Glenroy 3046                      \$18,847</p>	<p>To continue the existing credit advocacy and financial advisory services and develop public education and awareness projects on credit issues for low-income consumers.</p>
<p><b>CCP89/11</b>  <b>Glenelg Family Centre</b>                      113 Koroit Street                      Warrnambool 3280                      \$21,092</p>	<p>To provide a preventative model for financial advice; educate low-income consumers to maximise their income and undertake media and workshop activities.</p>
<p><b>CCP89/12</b>  <b>Consumer Credit Legal Service</b>                      4/636 Bourke Street                      Melbourne 3000                      \$90,816</p>	<p>To provide a credit/advocacy service to undertake credit licence objections and representative actions.</p>
<p><b>CCP 89/13</b>  <b>Consumer Advocacy and Financial Counselling Association of Victoria</b>                      4th Floor, Ross House                      247 Flinders Lane                      Melbourne 3000                      \$23,669</p>	<p>To provide statewide support and training to financial advisors and credit advocates.</p>
<p><b>CCP 89/14</b>  <b>BUEARC</b>                      PO Box 212                      Bendigo 3550                      \$5,755</p>	<p>To expand the buying advisory service.</p>
<p><b>CCP 89/15</b>  <b>Financial Counselling and Consumer Info. Srv</b>                      40 Myers Street                      Geelong 3220                      \$27,446</p>	<p>To identify major credit issues affecting low-income consumers, assist low-income consumers to seek redress on credit issues and represent the interests of these consumers to affect policy changes.</p>
<p><b>CCP 89/16</b>  <b>Melton Community Health Care</b>                      PO Box 3                      Melton 3337                      \$17,877</p>	<p>To provide existing financial advice and credit advocacy.</p>

ORGANISATION	PURPOSE OF GRANT
<p><b>CCP 89/17</b>  <b>Good Shepherd Youth &amp; Family Service</b>            74 Johnston Street            Collingwood 3066            \$40,936</p>	<p>To provide financial advice, credit advocacy and low cost lending services.</p>
<p><b>CCP 89/19</b>  <b>Deer Park Comm Info Centre</b>            Deer Park Shopping Centre            Neale Road            Deer Park 3023            \$10,068</p>	<p>To provide financial advisory services for low-income consumers.</p>
<p><b>CCP 89/20</b>  <b>Wonthaggi &amp; Dist Hospital</b>            Graham Street            Wonthaggi 3995            \$10,839</p>	<p>To provide financial advice and credit advocacy with a focus on public education and awareness of credit issues affecting low-income consumers.</p>
<p><b>CCP 89/21</b>  <b>Consumer Resource and Advocacy Centre</b>            214 Mt Dandenong Road            Croydon 3136            \$20,767</p>	<p>To provide a credit advocacy service and a buying advisory service for low-income consumers.</p>
<p><b>CCP 89/22</b>  <b>Hanover Welfare Services</b>            PO Box 243            Carlton South 3053            \$22,002</p>	<p>To maintain the existing buying advisory service and access to low-cost lending and to provide financial advice to homeless people.</p>
<p><b>CCP 89/23</b>  <b>Western Family Services</b>            35 Mason Street            Newport 3015            \$23,199</p>	<p>To establish and provide a low cost lending service; continue the credit advocacy service and undertake research on credit and overcommitment in the region.</p>
<p><b>CCP 89/24</b>  <b>Family Action Dandenong Valley</b>            PO Box 95            Dandenong 3175            \$22,233</p>	<p>To continue the credit advocacy project and further develop networks to address issues on a statewide basis.</p>

ORGANISATION	PURPOSE OF GRANT
<p><b>CCP 89/25</b>  <b>Ballarat Children's Homes &amp; Family Services</b>            "Ludbrook House"            115 Lydiard Street North            Ballarat 3350            \$12,647</p>	<p>To provide a credit advocacy service which involves use of the local media and research and policy activities.</p>
<p><b>CCP 89/27</b>  <b>South Port Community Health Service</b>            7 Perrins Street            South Melbourne 3205            \$14,937</p>	<p>To provide a credit advocacy project with an emphasis on educating low-income consumers about their rights and options.</p>
<p><b>CCP 89/31</b>  <b>Sunbury Community Health Care</b>            PO Box 218            Sunbury 3429            \$11,036</p>	<p>To undertake community development and education regarding consumer credit issues and information; to document credit issues and to influence credit providers to be more responsive to the needs of low-income consumers by campaigns and policy work.</p>
<p><b>CCP 89/32</b>  <b>Box Hill Community Health Service</b>            65 Carrington Road            Box Hill 3128            \$12,125</p>	<p>To provide a credit advocacy project.</p>
<p><b>CCP 89/33</b>  <b>Fitzroy &amp; Carlton Comm. Credit Union</b>            PO Box 198            Fitzroy 3065            \$23,678</p>	<p>To provide low cost lending and ancillary services and financial advice services for low-income consumers.</p>
<p><b>CCP 89/34</b>  <b>Macaulay Community Credit Co-op Ltd</b>            507 Macaulay Road            Kensington 3031            \$13,623</p>	<p>To provide low cost lending and ancillary services and financial advice services for low-income consumers.</p>

ORGANISATION	PURPOSE OF GRANT
<p><b>CCP 89/35</b>  <b>Shopfront Family Resource Service</b>            258 Nell Street            Watsonia 3087            \$20,858</p>	<p>To conduct research and provide a credit advocacy service.</p>
<p><b>CCP 89/35A</b>  <b>West Heidelberg CHC</b>            20 Morobe Street            West Heidelberg 3081            \$22,846</p>	<p>To provide low-cost lending, buying advice and financial advisory services.</p>
<p><b>CCP 89/36</b>  <b>Endeavour Centre</b>            101 Matthew Flinders Ave            Endeavour Hills 3802            \$1,198</p>	<p>To document financial issues affecting low-income consumers and to continue an existing financial advisory service.</p>
<p><b>CCP 89/37</b>  <b>Victorian Aboriginal Legal Service</b>            PO Box 218            Fitzroy 3065            \$19,550</p>	<p>To continue credit advocacy by education on credit issues seeking to change industry practices at a policy level and finalisation of computer research.</p>

**APPENDIX 7**  
**RESIDENTIAL TENANCIES - COMPLETED**  
**INVESTIGATIONS, 1989-90**

<b>Type of Investigation</b>	<b>Number</b>	<b>Percentage</b>
Inspection - Abandoned Goods	1686	54.79
Inspection - Repairs to Premises	971	31.55
Inspection - Excessive Rent	253	8.22
Referrals from Residential Tenancies Tribunals:		
- Notices of Hearing	83	2.7
- Inspections	83	2.7
Other (termination, bonds, etc.)	1	.04

**APPENDIX 8  
LIST OF PUBLIC OFFICE HOLDERS WHO HAVE  
DECLARED THEIR PECUNIARY INTERESTS TO THE  
MINISTER**

Alaki Alabakis  
Roderic Armitage  
Russell Bancroft  
Tim Holt  
David Jones  
Raymond Barlett  
Marilyn Beebe  
Jacquelyn Kefford  
Elizabeth Bond  
Jack Kohn  
Billee-Jean Boyd  
Angela Kominos  
Catherine Laffey  
Desmond Brooks  
Robert Lawrence  
John Buckley  
Duncan Burrows  
John Lesser  
Glenn Carleton  
Andrew Levens

Peter Carrigan  
Ray Charter  
James Clements  
Justin Malbon  
Jenny Codsí  
John Collins  
Catrina Mulderry  
Damien Cremean  
Sue McBride  
Ron McLennan  
Tracey Ellery  
Patricia Faulkner  
Elaine McNamara  
Allan Fels  
Peter Molony  
Philip Moran  
William Ford  
John Fulton  
Dennis Nelthorpe  
Helen Glass

Frank Plata  
Bruce Revill  
Graeme Greenberger  
Tony Ryan  
Gary Gromb  
Peter Shaw  
Duncan Harris  
Graeme Harris  
John Harrower  
Robert Taylor  
Mary Ann Hayes  
Richard Viney  
Jack Wajcman  
Marylin Warren

