

# ANNUAL REPORT 1991-92



MINISTRY OF CONSUMER AFFAIRS

Education and Communications Branch  
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File No:

VICTORIA

*Report*

of the

**MINISTRY OF CONSUMER AFFAIRS**

for the

Year ended 30 June 1992

*Ordered by the Legislative Assembly to be printed*

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BUSINESS AFFAIRS VICTORIA  
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No. 8

The Hon. Jan Wade MP  
Minister for Fair Trading  
200 Queen Street  
MELBOURNE 3000

Madam,

ANNUAL REPORT 1991-92

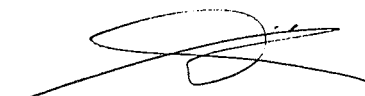
Pursuant to section 8 of the Annual Reporting Act 1983, I present to you my report on the activities of the operations of the Ministry of Consumer Affairs, for the year ended 30 June 1992.

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,



Glen Carleton  
Acting Director of Fair Trading

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## Director's Overview

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The year in review presented a number of challenges for the Ministry, not the least being severe budget restrictions which led to 21 permanently occupied positions being declared redundant. Those officers affected either left the Public Service or were placed through the redeployment process. A number of staff who left had been with the Ministry for up to 15 years and their contribution over that time is gratefully acknowledged.

Despite these restrictions the Ministry has maintained its services to the community and in some respects even enhanced that service. It is pleasing to note, for example, that recently commissioned market research showed a high level of awareness of the Ministry and that the majority of respondents who had attended the Ministry were satisfied with the level of service. The Regional Offices at Dandenong and Footscray moved into new premises and as a result are now providing a more convenient venue for small claims and residential tenancies hearings for people who live in those areas.

A voice response unit (VRU) was installed in the Customer Services area and provides recorded information 24 hours a day to supplement the Ministry's personal customer service. The initial public reaction to the VRU, which so far has provided residential tenancies information only, has been positive and material is now being prepared so that the service can be used to provide information on general consumer affairs matters.

While the number of telephone and personal contacts with the Ministry

increased during the year it is noted that applications to the three Tribunals - Small Claims, Residential Tenancies and Credit - fell over the period and there was also a decline of some 6% in complaints referred for conciliation. It is not possible at this stage to give reasons for these falls and it is too early to say whether this trend will be maintained.

The enforcement of legislation assigned to the Ministry has continued to be a priority. During the year, 58 separate defendants were successfully prosecuted for a total of over 200 separate offences out of some 1,700 allegations referred for investigation. Emphasis has been placed on the investigation of offences under the **House Contracts Guarantee Act** and the **Shop Trading Act** as well as unlicensed motor car trading. In addition 32 objections to the grant or continuance of licences were made to the relevant Licensing Authorities.

Significant advances have been made in the development of uniform credit legislation arising from a number of meetings between the Victorian and New South Wales Ministers for Consumer Affairs. These meetings eliminated a number of longstanding and fundamental policy differences which were hampering the development of the uniform legislation. This gave rise to a Standing Committee of Consumer Affairs Ministers (SCOCAM) decision in May 1992 to prepare a new Uniform Bill. This Bill was considered by SCOCAM in July and has been issued for public comment. Two major issues are however as yet unresolved - the degree of pricing regulation and the automatic civil penalty regime.



The development of a new and fairer building contract has proceeded under the auspices of the Law Reform Commission. Despite some early reservations about the contents of the draft, a meeting in June 1992 went a long way to addressing the Ministry's concerns and it is hoped that a more equitable contract will be available towards the end of 1992. Also on the building front, a Bill to establish a Building Disputes Tribunal was prepared and has been issued for comment by interested parties.

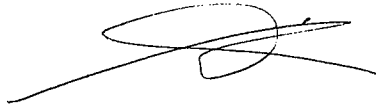
Under the Consumer Support Program and the Tenant Support Program the Ministry provided around \$1.6m and \$2.4m respectively in 1991-92. The Ministry has reinforced its requirements that funded agencies must be accessible and as a result consumer contact with funded groups has increased from 9,000 in 1990-91 to over 10,000 in 1991-92, whilst under the Tenant Support Program client contact increased from 34,000 to over 50,000 during the same period.

Two major media campaigns were conducted during the year - "Credit Costs You - Think Twice or Pay the Price" and "Renters Have Rights". The level of contact with the Ministry in response indicated that both these programs were successful in attracting attention to the relevant messages.

It is also worth noting that a major chapter in the Ministry's work is now coming to a close. In 1987 the Director and the Consumer Credit Legal Service (CCLS) objected to the grant of a credit provider's licence to HFC - now known as Household Financial Services Limited. After a marathon hearing the Credit Licensing Authority rejected the company's application in September 1989. After obtaining a stay from the Supreme Court Household Financial

Services instigated a review of its internal procedures to eliminate the faults identified by the Licensing Authority and at the same time entered into extensive negotiations with both the Director and CCLS. Late in 1991 the Credit Licensing Authority granted the company a licence after taking into account the changes put in place as well as a number of undertakings made by the company. The most significant undertaking was a financial commitment of \$300,000 p.a. indexed at the rate of 8% p.a. for 10 years to be used to establish and fund a Consumer Law Centre.

Finally, I would like to express my appreciation for the assistance given to me since Patricia Faulkner left on maternity leave by not only the senior management group but all staff of the Ministry.



Glenn Carleton

# PART ONE: ABOUT THE MINISTRY

## What We Do

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Direct services to the public provided by the Ministry include advice, information, referral and dispute resolution in consumer and residential tenancy matters.

The Ministry's overall corporate mission is 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.

Its corporate objectives are to:

- identify and examine unfair practices in the marketplace, making submissions to other agencies, where appropriate, in a timely manner
- establish appropriate standards of conduct for consumers and traders, and tenants and landlords, through legislation and codes of practice
- improve the knowledge of the public on their rights and responsibilities as consumers and traders, landlords and tenants, and increase public access to the services of the Ministry, through the provision of advice and information
- enable the exercise of these rights and responsibilities through provision of informal, speedy and accessible avenues for resolving disputes between consumers and traders, and tenants and landlords
- improve compliance with established standards through a program of licensing and enforcement

# How to Contact Us

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## What to do First

### 1. Talk to the other party.

You may have a problem you think we could help with, but you should try to resolve it amicably yourself before taking any other action. Otherwise, you might be needlessly escalating a problem into a dispute.

### 2. Get the details straight.

If you've talked to the trader, the landlord or tenant but haven't been able to solve the problem, you're entitled to ask for help.

To be able to tell your story properly, you'll need to:

- note down for yourself all that has happened between you and the other party
- gather all the relevant documents together and make copies of any you want to send in.

You can then be brief and to the point but ready to answer any questions you might be asked, whether you're making contact by phone, in writing or in person.

### 3. Decide what you want - a tribunal hearing, conciliation or general advice?

It's fine just to ask for some advice. If you want to know how you stand or aren't sure what taking matters further would involve this is the sensible thing to do.

If you're interested in having Ministry staff conciliate between you and the other party, please note that conciliators only deal with written complaints.

There's also the option of applying directly to the Small Claims, the Credit or the Residential Tenancies Tribunal. (See pp. 25-31 for descriptions of what these tribunals do.) To apply you'll need

to obtain and lodge the appropriate application form and pay a small fee.

## Telephone

General enquiries and information  
602 8123

Toll free number:  
(008) 13 6716

Residential tenancies enquiries  
602 8140

TTY/TDD number (for hearing impaired)  
602 8234

## Write

Ministry of Consumer Affairs  
GPO Box 5408CC  
Melbourne Vic 3001

See next paragraph for addresses of  
Ministry regional offices.

## Visit

Melbourne Office  
3rd floor, 500 Bourke Street  
Melbourne

Eastern Regional Office  
88 Maroondah Highway  
Ringwood 3134

Western Regional Office  
71 Moreland Street  
Footscray 3011

Westernport Regional Office  
Level 3, 329 Thomas Street  
Dandenong 3175

All offices are open for enquiries between 9.00 am and 4.30 pm, Monday to Friday.

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 5A (pp.121) and 5B (pp. 126)

## Information Products Available

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### Check It Out

Consumers - Check it Out  
Traders - Check it Out  
Door-to-Door - Check it Out  
Lay-by - Check it out  
Travellers - Check it Out

### Credit Costs You

An Introduction to Credit  
Managing Credit Problems  
Credit Costs You - Poster

### General

Fairplay Newsletter  
Big Deal - A Car Buyer's Guide  
Settle It - Small Claims Tribunal Pamphlet  
Small Claims Tribunal - Guide  
Customer Complaints Form  
Safety Rules - Nursery Furniture Kit  
Safety Rules - Poster  
Bank Accounts - Families, Pensioners and Youth

### Residential Tenancies

Renting - Your Rights and Responsibilities  
RT Statement - Greek, Italian, Vietnamese, Spanish and Arabic  
Residential Tenancies Poster  
Landlords' Kit  
Tenancy Application Form  
Tenants and Landlords - Statement of Rights and Duties  
Rooming House - Statement of Rights and Responsibilities  
Rooming House Application Form  
Notice to the Registrar Form  
Notice to Retain Bond/Notice of Objection Form  
Urgent Repairs Notice Form  
Notice of Intention to Sell Form  
Breach of Duty Notice Form  
Termination Notice Form  
Caravan Parks - Statement of Rights and Responsibilities  
Caravan Parks - Poster

### Information Sheets

Mail Order  
Refunds and Credit Notes  
Bag Searches  
Fair Trading Act  
Introduction Agencies  
The Market Court  
Goods Act 1981



## The Acts of Parliament We Administer

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The following pieces of legislation are assigned to the Minister for Consumer Affairs. The main features of each are summarised in Appendix 3, pp.113.

Caravan Parks and Movable Dwellings Act 1988 (Parts 1-5)

Carriers & Innkeepers Act 1958

Chattel Securities Act 1987 (Parts 1 and 2)

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

Petroleum Retail Selling Sites Act 1981

Residential Tenancies Act 1980

(s.7, Part II, ss.64, 71, 77(4)-(7), 96, 100-101, 105-106, 108, 111-113, 127-135, 136(4)-(6), and Part IV)

Rooming Houses Act 1990

(ss.11, 12(1) and (3)-(4), 13(2), 15(6)-(9), 19(g), 21(4)-(5), 24, 35-38, 41, and 46-47, part of s.48(1), and ss.48(2) and 49-54)

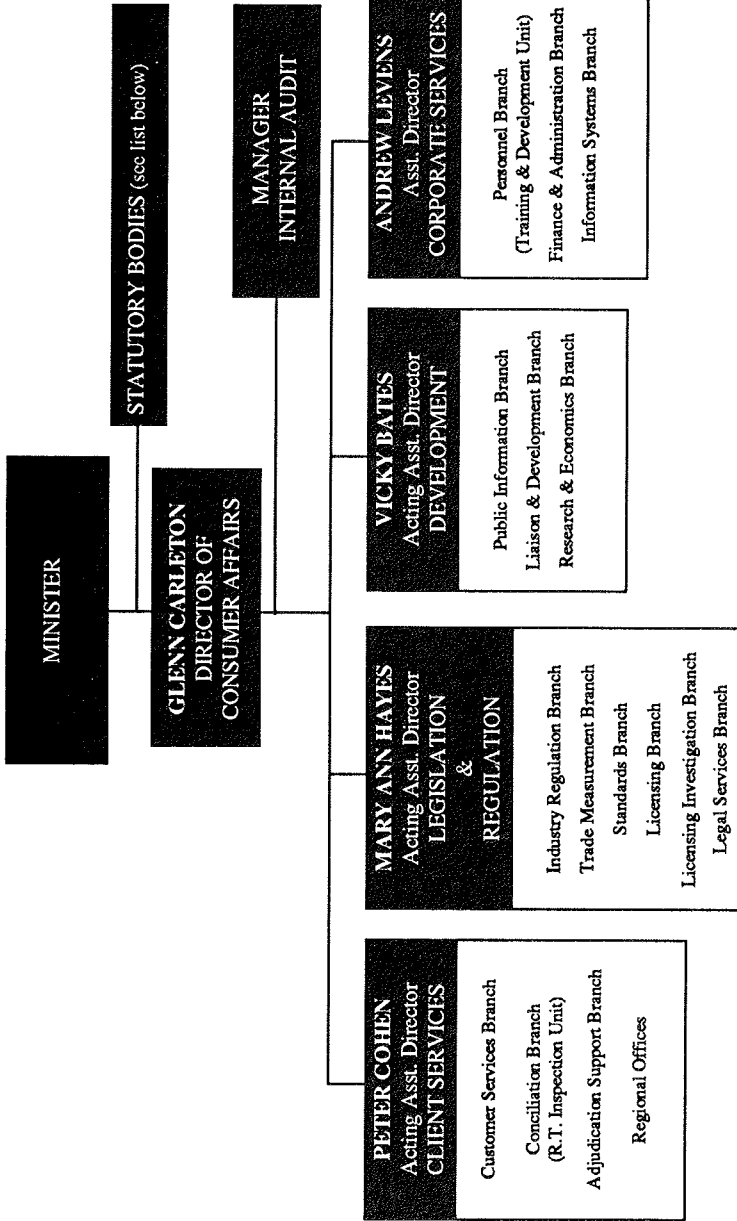
Shop Trading Act 1987

Small Claims Tribunals Act 1973

Travel Agents Act 1986

Weights and Measures Act 1958 (excluding s.53B)

# How We're Organised



STATUTORY BODIES	
SMALL CLAIMS TRIBUNAL - Senior Referee: Richard Wright	MOTOR CAR TRADERS LICENSING AUTHORITY- Chairperson: Tim Holt
RESIDENTIAL TENANCIES TRIBUNAL Senior Referee: Richard Wright	VICTORIAN CONSUMER AFFAIRS COMMITTEE- Chairperson: Suzanne Russell
CREDIT TRIBUNAL- Chairperson: Michael Levine	MARKET COURT- President: Vacant
CREDIT LICENSING AUTHORITY- Acting Chairperson: Tim Holt	LIQUOR LICENSING COMMISSION- Commissioner: J A (Tory) Ryan
TRAVEL AGENTS LICENSING AUTHORITY- Chairperson: Tim Holt	MOTOR CAR TRADERS GUARANTEE FUND CLAIMS COMMITTEE- Chairperson: Tim Holt



# PART TWO: THE 1991-92 YEAR

## Monitoring the Marketplace

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**Objective: To identify and examine unfair practices in the marketplace, making submissions to other agencies where appropriate, in a timely manner.**

Information about unfair practices comes to the Ministry directly from people making telephone or counter enquiries, using the conciliation service or the specialist tribunals for which the Ministry provides administrative support, or forwarding allegations of misconduct. The organisations funded by the Ministry to provide regional or specialist public assistance are also valued sources of information.

Unfair practices outside the Ministry's own area of responsibility are brought to the attention of the agencies which can take action. Where research and preparation of detailed submissions is required, this is carried out by specialist staff in the Legal Services Branch or the Research and Economics Branch.

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### **Watch Out: Don't Get Sucked In To Buying A Vacuum Cleaner!**

The Ministry has received a worrying number of complaints concerning the dubious business practices of a firm known as "Kirby", which sells vacuum cleaners and general household cleaning products.

Consumers may be contacted and advised that they have won a prize in a competition - often a competition they never entered and know nothing about. The prize is supposedly a free cleaning of carpets or drapes.

This is a ploy used by Kirby so that one of their salespeople can enter the selected consumer's house and give a demonstration of their products, accompanied by a high pressure sales pitch.

Consumers who have tried to stop the demonstration or questioned these sales methods have been verbally abused and insulted. People who have bought Kirby vacuum cleaners have found the after sales service leaves something to be desired.

### **Case:**

A Kirby representative came to a consumer's house and gave her a card which was

supposedly an entry in a competition. She received a phone call a few days later advising that she had won a prize - free cleaning of the carpet in one room of her house.

At first she refused, but she was eventually talked into accepting the "prize". The person who came to do the job only cleaned a small area of the carpet before proceeding with his sales pitch. The consumer ended up purchasing a package - vacuum cleaner, shampoo etc. - at the "discounted" price of \$1,500.

She does not appear to have been advised that she had a ten day cooling off period under the door to door sales provisions of the **Consumer Affairs Act**. Initially, however, she was pleased with the purchase, although she now calculates that in paying by instalments she paid \$2,000 for the "\$1,500" package.

Her main complaint was that the vacuum cleaner did not live up to expectations. When the Ministry became involved, the machine had broken down 6 times, with the consumer having to pay for repairs each time. As a result of the Ministry's intervention, she received an offer of a complete overhaul of the machine and a new 2 year warranty, which was acceptable to her.



*Always be on your guard when offered "something for nothing", and don't let salespeople make you feel guilty for refusing them when the real reason for their firm's generosity becomes apparent.*

*There is a ten day cooling off period on all sales made away from the trader's business premises, unless the consumer approached the trader about making the purchase first. If you are not given a "notice of termination" to use in exercising your cooling off rights, the trader cannot enforce the contract.*

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### **Watch Out: Extended Vehicle Warranties**

The Ministry continues to receive complaints regarding extended warranties for motor vehicles.

*Consumers are reminded that any second-hand vehicle purchased from a motor car trader for more than \$3,000 carries a statutory warranty. For vehicles priced up to \$6,000 the warranty is for 2 months or 3,000 kilometres, whichever expires first. Over \$6,000, the warranty is for 3 months or 5,000 kilometres.*

One consumer purchased a used motor vehicle from Compleat Car Sales. He paid extra for a three year extended warranty policy to cover any repairs required after the expiry of the statutory warranty.

Shortly after purchase, the vehicle developed several problems, the most critical being in the transmission. It was returned to the dealer on several occasions but repairs were never properly carried out.

Later the consumer discovered that the dealer had claimed \$1,000 worth of transmission repairs from the extended warranty insurance company. The documentation had been prepared in such a way that the "extended" warranty ran from the day of purchase. Of course, this also meant that it would run out that much sooner, depriving the consumer of protection he had paid for.

Ministry staff were able to resolve the problem, with the dealer finally completing the repairs satisfactorily at his own expense,

as was his obligation under the statutory warranty.

*Consumers are warned to check that any extended warranty purchased does not commence until the conclusion of the statutory warranty which must be provided with every used car sold by a dealer for more than \$3,000.*

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### **Price Scanning**

The Ministry was the lead agency in the preparation of Victoria's March 1992 submission to the Trade Practices Commission's review of the national, voluntary code of practice for supermarkets using scanning technology.

It was argued that the level of complaints to the Ministry about scanning indicated that current monitoring procedures could be improved and a number of recommendations were made as to how this might be done.

However, the submission was generally supportive of both scanning technology and the concept of a code of practice and favoured the establishment of a code for stores other than supermarkets which also use computerised checkout systems.

The Trade Practices Commission's report had not been released as at 30 June 1992.

### **Consumer Credit and Insurance Contracts**

The Ministry has continued to monitor and contribute to developments in consumer credit and insurance.

The 1990-91 Annual Report described the Ministry's submission to the Trade Practices Commission on legislative reform in the area of consumer credit insurance. All the major changes argued for by the Ministry were included in the

recommendations of the Trade Practices Commission report, published in the latter half of 1991.

In 1991-92, the Ministry made a substantial contribution to the Victorian Government's response to the Australian Law Reform Commission's discussion paper No. 49 Multiculturalism: Consumer Contracts. Various changes to consumer credit and insurance law were proposed in the Commission's paper, and the Victorian submission emphasised the need for reform in the interests of fairness to consumers.

### **Disclosure by Life Insurers**

The Director of Consumer Affairs wrote to the Insurance and Superannuation Commission (ISC) concerning guidelines for life insurers it had issued in early 1991. The guidelines (which do not have the force of law) set out certain disclosure requirements for the benefit of both prospective and existing policy holders of regular premium life insurance and superannuation policies. However, they do not require the disclosure of the actual fees and commissions payable in relation to these products, even though previously issued ISC guidelines require disclosure of this information for single premium products.

In responding, the ISC acknowledged that there are arguments in favour of increasing the level of disclosure of fees, charges and commissions and advised that it would not formulate its final views until further public consultation had taken place.

The Director also wrote to the Life Insurance Federation of Australia (LIFA) on this issue. LIFA has advised that disclosure of total fees and charges is still under discussion within the Federation.

### **Resolution of Insurance Disputes**

The Ministry was advised that the decision-making panels for the LIFA and ICA (Insurance Council of Australia) complaint handling schemes announced in May 1991 had been established during the latter half of 1991.

Reservations remain over various aspects of both schemes' operation. The Ministry has commenced a survey of consumers who have had insurance complaints to determine the level of awareness of and satisfaction with the industry procedures. This will provide the basis for a submission to the independent review of the two schemes to be undertaken by the specially appointed Insurance Industry Complaints Council (chaired by the Hon. Lionel Bowen). The Council's review will take place after the publication of the first annual reports of the LIFA and ICA schemes.



## Establishing Standards

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**Objective: To establish appropriate standards of conduct for consumers and traders, tenants and landlords, through legislation and codes of practice.**

The Legal Services Branch is responsible for developing standards where necessary to ensure equity and certainty.

Whether the establishment of standards is sought through legislation, regulations or arrangements with industry, there is wide consultation with those affected. Interstate and overseas experience is drawn on, as well as information gathered from internal sources, funded community groups, industry representatives and other interested parties.

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### **Shop Trading (Further Amendment) Act 1991**

After a general review during 1990-91 of trading hours restrictions under the Shop Trading Act 1987, the legislation was amended, with effect from 1 November 1991. In addition to the trading previously allowed, all shops within the Melbourne metropolitan area can now trade between the hours of 10.00 a.m. and 5.00 p.m. on:

- the Sunday before Good Friday
- the first Sunday in May
- the last Sunday in August
- the last three Sundays before Christmas Day.

A further four Sundays for general retail trading may be proclaimed for any twelve month period (calculated from 1 July to 30 June).

Municipalities outside the metropolitan area may apply for general retailing on Sundays when metropolitan retailers are allowed to trade.

The legislation ensures that shops are not forced to open on Saturday afternoons or Sundays by way of conditions attached to their leases and that shop assistants are not forced to work on retail trading Sundays.

Penalties for breaches of the Act were substantially increased by the amendments.

Four Sundays chosen for proclamation as general retail trading days in the metropolitan area (two for 1991-92 and two for 1992-93) were duly announced by the Minister in early 1992. This followed recommendations from Professor Allan Fels, the Chairman of the Shop Trading Review Panel appointed under the amended legislation to advise on appropriate Sundays for proclamation. The recommendations were based on a review of submissions by interested parties in response to advertisements placed in Victorian daily newspapers.

26 January, 15 March, 27 September and 1 November 1992 were the dates proclaimed.



### **Funeral Directors Registration Bill**

This Bill was introduced into the Legislative Assembly on 20 May 1992 but was not debated and will lie over until the Spring Session.

The purpose of the proposed legislation is to control the taking and management of pre-paid funeral monies and to establish a registration board to register funeral directors who accept pre-payments for funerals. Use of an approved contract will be required and misrepresentation of insurance products as pre-paid funerals will be prohibited.

### **Rental Bond Board Bill**

This Bill was introduced into the Legislative Assembly in April 1991 but was defeated in the Legislative Council on 17 September.

It was intended to establish a Rental Bond Board as an independent centralised system for the collection, management and disbursement of bond monies, and to enable the operating surplus to be used in a variety of ways for the benefit of contributors. Under the existing system, all bonds are required to be paid into approved trust accounts at approved institutions, with the interest accruing to the Residential Tenancies Fund.

### **Residential Tenancies (Fund) Bill**

Currently expenditure from the Residential Tenancies Fund is limited to that specified in the Residential Tenancies Act 1980. This had resulted in an accumulated surplus of approximately \$30m at the end of 1991. The proposed legislation provided for an allocation to be made from the Fund to the Minister administering the Housing Act 1983 to provide financial assistance for housing projects and support services for tenants

other than tenants in housing owned by or vested in the Director of Housing. The Bill was introduced into the Legislative Assembly in October 1991.

However, because of the sharp decline in interest rates since the Bill was introduced and a projected decrease in the accumulated fund, it was decided not to proceed with the Bill.

### **Small Claims Tribunals (Jurisdiction) Bill**

The purpose of this Bill, which had its second reading in the Legislative Assembly on 30 April 1992, is to enable traders who are in the position of a consumer in a dispute with another trader to come to the Small Claims Tribunals. It will also allow the maximum monetary amount of a "small claim" to be changed from time to time by regulation and permit the making of regulations setting different fees for different classes of claimant.

The Bill will lie over until the Spring Session.

### **Credit Laws**

It was noted in the Annual Report for the year ended June 1991 that a working party under the auspices of the Standing Committee of Consumer Affairs Ministers (SCOCAM) was drafting a new Uniform Credit Bill, which would be issued for public comment.

The draft Credit Bill 1991 was released for comment after the August 1991 meeting of SCOCAM and attracted some 60 submissions, most of which were strongly critical.

In December 1991, the Victorian and New South Wales Ministers for Consumer Affairs agreed to work together in an attempt to eliminate

longstanding and fundamental policy differences with a view to developing a new Uniform Bill. Following exhaustive examination of all the submissions and after consultations with key industry and consumer organisations, a revised policy statement and fresh drafting instructions were prepared.

On 1 May 1992 SCOCAM Ministers agreed to the preparation of an entirely new Bill based, with some modifications, on those drafting instructions.

At the time of writing this report, a draft Credit Code 1992 has been finalised for consideration by Ministers at the SCOCAM meeting in Adelaide on 31 July 1992.

### **Building Disputes Tribunal - Proposed Bill**

After a series of meetings with industry and consumer groups in early 1991 and further general consultation carrying on into early 1992, the Minister announced that he intended to introduce legislation establishing a House Building Disputes Tribunal this year. A Bill is now being prepared.

### **House Construction Contracts**

Following consultative meetings with industry and consumer groups a series of points were agreed on as the basis for a new house construction contract.

The Housing Industry Association briefed the Law Reform Commission of Victoria (LRCV) to draft a contract accordingly.

In May 1992 the Ministry received a copy of the draft contract. While the plain English drafting could only assist consumers in understanding their rights and obligations, the Ministry noted with some disappointment that virtually none of the agreed points had been included.

However, after a meeting of the major stakeholders with the LRCV in June 1992, it is anticipated that a further draft will address the Ministry's major concerns.

### **Housing Guarantee Fund Ltd - New Complaints and Claims Handling Procedures**

Under the House Contracts Guarantee Act 1987 builders must give guarantees on domestic building work with a contract price over \$3,000. Housing Guarantee Fund Limited (HGF) is the sole provider of these guarantees. Procedures for HGF's handling of consumers' guarantee claims were approved by the Director in 1988, when the Act came into effect, on the understanding that their operation would be subject to review.

Substantially revised claims handling procedures were settled in December 1991 following a detailed review by the Ministry and discussion with HGF.

### **Fitness Industry Code**

The Ministry, in co-operation with the Department of Sport and Recreation, is drafting a new Code of Ethics and Business Practice for the Fitness Industry. The code will identify minimum standards against which consumers will be able to assess the membership conditions and services offered by any fitness centre in Victoria, and it will be able to be used as a benchmark in settling disputes.

### **Travel Agents: SCOCAM Working Party**

In 1986, Victoria was one of the initial signatories to the national Co-operative Scheme for the Uniform Regulation of Travel Agents, which now includes all States and Territories except the

Northern Territory. Under the scheme, travel agents are required to be licensed and be contributors to the Travel Compensation Fund, which reimburses consumers when an agent fails to account for money paid.

The Standing Committee of Consumer Affairs Ministers (SCOCAM) directed on 9 August 1991 that a working party be set up, under the convenorship of South Australia and including Victoria and New South Wales to examine in succession:

- options for continued funding of the Travel Compensation Fund
- the potential for expanding the compensation scheme, e.g. to cover principal collapses, and
- the effectiveness of travel agents' licensing.

After wide consultation, the working party was finalising reports on all three issues, for consideration by SCOCAM on 31 July 1992.

### **Trade Measurement**

The Ministry continued to represent Victoria on the Standing Committee on Trade Measurement, which comprises representatives of the Commonwealth and all State and Territory Governments. One of the main responsibilities of the Committee is to advise Ministers of new developments in trade measurement and to make recommendations for amendment to trade measurement laws. Some of the subjects examined in 1991-92 were: the costs and benefits of temperature compensation in the sale of petroleum products; the proposed nationally uniform accreditation scheme for the certification of trade instruments by industry; and uniformity of administration among the State and Territory Trade Measurement authorities.

# Letting People Know Their Rights ... And Responsibilities

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**Objective: To improve the knowledge of the public on their rights and responsibilities as consumers and traders, landlords and tenants, and increase public access to the services of the Ministry, through the provision of advice and information.**

Information is essential for consumers and traders, tenants and landlords to make reasonable decisions, understand and exercise their rights, solve problems and gain access to services offered by the Ministry.

The Ministry seeks to ensure that relevant advice and information is available to all Victorians, whether it is provided over the counter, by telephone or through publications. Funded community groups and the three regional offices provide a range of contact points in addition to the Customer Services Branch located at the main, Melbourne office. The Trade Measurement Branch provides specialist advice about rights and obligations regarding sale by measure.

Publications and the dissemination of information generally to increase public awareness are the responsibility of the Public Information Branch. The Liaison and Development Branch oversees the funding of community groups.

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## Direct Assistance

### General Enquiry Service

Customer Services at head office is the main point of contact for telephone, personal and written enquiries made to the Ministry. Advice is given on a wide range of subjects including residential tenancies, rooming house and caravan park residencies, building and extensions, motor vehicles, credit arrangements, household purchases and consumer matters in general.

The counter enquiry service is open between 9.00 am and 4.30 pm, from Monday to Friday, while staff are available for telephone enquiries from 8.30 am to 4.30 pm.

This year saw the introduction of an interactive, recorded information service, initially on residential tenancy topics. The service is accessible 24 hours a day

to supplement the Ministry's personal customer advice.

The majority of telephone enquiries involve provision of verbal information and advice. Where necessary, information brochures, booklets on a range of issues, and required forms (such as tribunal applications) are speedily supplied. The interactive telephone system can prompt and record requests for printed materials.

In 1991-92 the total number of telephone and counter enquiries received by the Ministry increased slightly to 274,259. 172,212 enquiries were received by Head Office, of which 33.6% related to residential tenancy matters. 102,047 enquiries were received in regional offices broken down as follows :

Dandenong	32,653
Footscray	26,383
Ringwood	43,011

**TELEPHONE AND COUNTER  
ENQUIRIES**

YEAR	No.
1985-86	95,342
1986-87	103,296
1987-88	137,793
1988-89	151,103
1989-90	234,123
1990-91	273,033
1991-92	274,259

**Trade Measurement Advice**

The Trade Measurement Branch handled 194 requests for information regarding standards on deceptive packaging, and 2,528 general telephone enquiries concerning requirements for sale of goods by measure, packaging and labelling, accuracy of trade instruments etc.

The branch has continued to provide advice to industry on sound trade measurement practices.

**Funded Community Support**

Under the Tenant Support Program and Consumer Support Program the Ministry provided around \$2.4m and \$1.6m respectively in 1991-92 to facilitate the provision of an extensive network of services across the State.

Each of the eighteen State Government regions now has at least one worker providing information and advice on a full-time basis, and some areas have two full-time workers. This has resulted in a significant increase in access not only to Ministry services but to consumer and tenancy services in general.

Specialist organisations, such as the Consumer Credit Legal Service and the Waltons Action Group were also funded under the Consumer Support Program.

The latter played a key role in assisting and representing consumers who were still paying off the new "owners" of debts incurred with the long-defunct Waltons.

During 1991-92 all agencies were required to be accessible for between 20 hours and 35 hours per week depending on their level of funding, and regional groups were expected to devote at least 51 per cent of resources directly to service delivery. In addition, agencies were funded to work more closely with community networks in order to make their services more accessible to disadvantaged members of the community, including women, disabled people, Koories, the aged, youth and those on low incomes in general.

The need for this greater accessibility was demonstrated in greater use of the services. Consumer contacts increased from 9,000 in 1990-91 to over 10,000 in 1991-92, whilst under the Tenant Support Program client contacts increased from 34,000 in 1990-91 to over 50,000 in 1991-92.

**Ethnic Tenancy Project**

As a result of an assessment of the tenancy advice and information needs of non-English speaking communities in Victoria the Ministry established the Ethnic Tenancy Project.

The project has two components.

The Bi-lingual Tenant Advice Service is an 18 month pilot project involving the appointment of five bi-lingual workers at existing tenant services across the metropolitan area. Each worker is to serve tenants from non-English speaking backgrounds in their immediate location, in addition to undertaking outreach services to other locations for two days per week. The language groups the project is aimed at assisting

are: Vietnamese, Arabic, Turkish, Spanish and Cambodian.

The Community Education Project will involve a broad range of ethnic group specific agencies in undertaking community education relating to tenancy. This project will be co-ordinated with the bi-lingual advice service and complement existing Ministry and community based tenancy services. Funding of \$137,000 was approved near the end of the reporting year.

## **Public Information**

### **Information Strategies**

The Ministry uses mass media outlets, publicity campaigns, special events and publications to increase public awareness. There is maximum co-operation with other state and national government agencies to avoid duplication of effort in covering information gaps. The assistance of community groups and industry is also valuable in both the development and distribution of material.

"Information rich" people know their rights and how to exercise them or are able to use more general knowledge to gain access to appropriate advice and services when needed. The Ministry aims to reinforce rather than educate when directing information at this group.

Greater emphasis is placed on the "information poor", who for a variety of reasons receive less information, or less that they are able to deal with.

For example, new ways of disseminating information have been tried, in particular audio tapes in languages other than English. These are distributed through community and ethnic groups, radio, schools etc. A tape in Vietnamese

offered information on renting, using credit, buying a car, buying goods and services, and house building and renovation. The program was produced by the Ministry and SBS Broadcasting in conjunction with the Springvale Indo-Chinese Mutual Assistance Association and the Springvale Citizens Aid and Assistance Bureau. Similar topics were covered in a tape developed for Turkish speakers. Preparation of an Arabic tape will begin early in the 1992-93 year.

Problem solving handbooks for tenants and landlords are now being developed which explain in plain English how to resolve difficulties that can arise in renting situations, according to the procedures set out in the Residential Tenancies Act 1980. Residential Tenancies Tribunal forms are being made easier for applicants to complete as well, under the Ministry's document improvement strategy.

Information can prevent problems arising in the first place. To teach late primary school children about using money and credit wisely, an education kit called "Dreams, Dollars and Debts" was developed jointly by the Ministry, the Office of Youth Affairs and the Ministry of Education. The kit was launched by Channel 10's Jo Pearson, with help from students from Douuta Galla Primary School.

People often feel they can more easily approach a local group than a government office, and the Ministry has kept the funded community groups well supplied with printed material, including easy-to-use guides on a range of topics.

### **Mass Media**

"Credit Costs You - Think Twice or Pay the Price" was the theme of a radio advertising campaign in the months before Christmas urging people to plan

carefully before committing themselves to borrowing money. The campaign was part of a general "Credit Offensive" run by the Ministry targeting all sections of the community. It included credit education kits for school students, media information about financial planning for Christmas and the New Year and where to get help if overwhelmed by debt.

The "Renters Have Rights" radio, television and cinema advertising campaign was aimed at informing young tenants between the ages of 16 and 25 of their rights and responsibilities under the residential tenancies legislation. The campaign focused on real people with renting problems and identified the most common - repairs, bonds, condition reports, privacy and eviction.

Regular contact has been maintained with investigative television programs such as "The Investigators", "A Current Affair", "Hinch", "Real Life" and "Melbourne Extra", as well as specialist outlets for consumer affairs reports on radio and in the print media.

Media work was written into community groups' funding agreements, and the Ministry supplied them with regular "Topic of the Month" editorial material which could be adapted with a local angle for use by the regional press and electronic media.

During the year, the media section of the Public Information Branch responded to nearly 2,500 incoming calls from print and electronic media in addition to arranging publicity for product launches, organising press conferences and promoting a wide range of consumer and tenancy issues.

### **Publications**

The Ministry has continued to keep pace with developing technologies and now does all design and art work for its publications in house, which is cheaper

and quicker than contracting with outside organisations and also reduces printing costs. The result has been a number of new and revitalised publications, the most popular of which has been 1992's "Big Deal - A Car Buyer's Guide". The unit cost of the redesigned products is just 20 per cent of that of previous publications.

Now firmly established and widely distributed through libraries, schools, businesses and community groups, the quarterly magazine "Fairplay" has continued to keep people up to date on all aspects of the Ministry's services.

The mandatory guide "Renting - Your Rights and Responsibilities" was supplied by arrangement to the Real Estate Institute of Victoria for distribution among its members to provide to tenants before the start of a tenancy.

In all, 33 different publications were produced during the year, the total print run of 704,000 doubling the previous year's. (For a full list of the Ministry's current public information products see p.5.)

The cost of posting material to consumers has dropped dramatically, for two reasons: publications have been designed to minimise postage costs and advantage has been taken of reduced charges where bulk material is grouped according to postcode.

The Ministry is continually looking for new, more cost effective ways of producing and handling information packages.

### **World Consumer Rights Day**

The biggest event organised during the year was World Consumer Rights Day, on 15 March. This year marked the 30th anniversary of President John F Kennedy's declaration to the US Congress of a "Consumer Bill of Rights".



**Newsreader Jo Pearson and MCA Westernport Manager Jim Nelms sort through thousands of entries for the Shop Smart poster competition.**



**Consumer Affairs Director Patricia Faulkner, ABC's Helen Wellings and Myer Regional General Manager John Phair with the winners of the Shop Smart Poster competition.**

“Consumers Are Business” was the Ministry’s chosen theme and businesses were invited to take part in planned activities. David Jones arranged an exhibition of retail memorabilia stretching back 140 years, while Myer

stores and Coles supermarkets promoted consumer information.

Prizes were presented at Myer Melbourne to the 12 winners of the “Shopsmart” poster competition



sponsored by Myer in conjunction with the Ministry. Helen Wellings, of the ABC's "The Investigators", took part in the prize giving. Every primary and secondary school in Victoria had been invited to submit posters from each grade and there were nearly 5,000 entries in all. The winning posters will be incorporated into a 1993 calendar, and it is intended that 1993 will see a repeat of the competition.

## Dispute Resolution

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***Objective: To enable the exercise of rights and responsibilities through provision of informal, speedy and accessible avenues for resolving disputes between consumers and traders, and tenants and landlords.***

There are Ministry conciliators at all regional offices in addition to the Conciliation Branch at head office. It is also one of the functions of funded regional and specialist community groups to assist in resolving disputes.

Where a forum capable of producing a legally binding decision is called for, the Small Claims, Credit and Residential Tenancies Tribunals are readily accessible, at little cost. The Adjudication Support Branch provides administrative services to these independent, specialist tribunals and their users.

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### Conciliation

Conciliation staff negotiate with parties to a dispute in an effort to reach common ground, as an alternative to resolving disputes through a tribunal or because the matter cannot be heard by a tribunal.

In 1991-92 the number of complaints received for conciliation fell by 5.9% to 11,250. (NB The figure for 1990-91 has been adjusted from 11,934 as reported last year to 11,948.)

Real estate and accommodation matters accounted for 33.4% of complaints. Most of these related to residential tenancies cases, mainly requests for inspections relating to abandoned goods, repairs and rental increases (see Appendix 7, p.134, for figures). The next largest categories of written complaint were motor vehicles and other transport equipment (15.2%) and household goods (12.0%).

The following cases illustrate the type of problem for which consumers and tenants have sought assistance from the Ministry's conciliation services.

### Watch Out: Buying A Car on Credit

Two teenagers were keen to buy themselves a Brock Calais and entered into a contract for the purchase of a vehicle with Noel Gould Holden. The price was \$27,304. They were allowed approximately \$6,500 as a trade-in and only required to pay a \$100 deposit.

However, insurance charges in excess of \$9,300 were added to the contract. At the same time, the young car-buyers were given an application for finance to fill in. The finance company accepted the application despite the fact that the two consumers had stated on the form that they had been employed for four months and eight months respectively and had no assets or other income. With the credit charge on top of the insurance costs, the car listed at \$27,304 would have cost around \$64,617 in total, if the consumers had been able to meet the repayments of \$966.95 per month over a five year period.

Of course, they found they could not keep up the payments. When they began to fall behind the vehicle was repossessed (in damaged condition, the finance company has subsequently advised). It was re-sold, but for a price substantially less than the amount still owing. The teenagers were left without

their car and liable for an outstanding amount of about \$26,369.

At this point, the Ministry's Conciliation Service became involved. After negotiations with Noel Gould Holden and the finance company, it was agreed that the consumers would only be required to repay half the amount outstanding as full settlement of the contract. It had been a costly lesson for them.

*Watch out for big commitments disguised behind small deposits. A binding contract is a binding contract, regardless of the amount of the deposit paid. Look at what you're going to have to pay in total and be realistic. Can you afford it? Is it worth it?*

*If you do decide to go ahead with a big purchase like a car, you should shop around for finance and insurance. Don't feel obliged to accept the dealer's own choice of finance or insurance company.*

*For further information on purchasing a car, contact the Ministry for a copy of "Big Deal - A Car Buyer's Guide".*

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### **Watch Out: Residential Tenancies - Condition Reports**

A tenant sought assistance from the Ministry in having the landlord of the rented premises carry out repairs as specified on his complaint form. A residential tenancies inspector visited the dwelling a few days later and identified a number of required repairs.

The landlord claimed that the tenant had caused some of the damage and that this could be verified from the condition report given to the tenant at the commencement of the lease. However, when the inspector went through the condition report she found the document useless as a means of obtaining a clear picture of the state of repair of the items in question at the commencement of the lease. Relevant sections had not been completed in sufficient detail.

The inspector was able to negotiate with the parties and a mutually satisfactory solution was achieved, with the landlord agreeing to the repairs. But it would have been much simpler for everyone if both the landlord and

the tenant had taken more care with the condition report at the start.

*Tenants should ensure that they receive a signed condition report upon entering into a tenancy agreement and that it has been filled out correctly. They are required by law to sign and return a copy to the landlord or agent after noting any points of disagreement on the document. (See pp. 5-6 of the "Renting Guide" booklet.)*

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### **Local Assistance in Dispute Resolution**

Agencies were funded under the Consumer Support and Tenant Support Programs to assist in the resolution of complaints at the local level - primarily by facilitating self-help, but also through intervention where necessary. These roles involved ensuring that clients were aware of their rights and entitlements and thus equipped to resolve matters themselves, and acting on clients' behalf to achieve appropriate settlements. Where issues were unable to be resolved, consumers were referred to the Ministry for appropriate action or assisted in preparing for hearings in the Small Claims Tribunals or the Residential Tenancies Tribunal.

The Liaison and Development Branch was responsible for continued administration of the twelve month pilot Tenants Advice Project, which was completed in December 1991. The project sought to increase the level of attendance at Residential Tenancies Tribunal hearings by tenants named as respondents. More than 2,000 tenants were contacted over the twelve month period. Initial analysis indicates a significant increase in attendance at hearings as a result of the project, and that tenants who did attend fared significantly better than those who did not.

## The Tribunals System

The Small Claims Tribunals Act 1973, Residential Tenancies Act 1980 and Credit (Administration) Act 1984 establish specialist tribunals to deal efficiently with relevant disputes.

Administrative support is supplied by the Ministry, but the members or referees are totally independent. Appointments are made by the Governor-in-Council and, except for particular positions on the Credit Tribunal panel, require legal qualifications. All part-time and two full-time positions on the Small Claims and Residential Tenancies Tribunals were publicly advertised this year, in addition to the position of Senior Referee/Chairperson. The selection process in all cases was independent of the Ministry.

Tribunal decisions are legally binding. There is no appeal against Small Claims or Residential Tenancies Tribunal decisions, although there is provision to apply for a Supreme Court order that a decision be reviewed, under the Administrative Law Act 1978, on the grounds of denial of natural justice or lack of jurisdiction.

To minimise inconvenience and travelling time for the parties involved, hearings are held as near as possible to the place the contract was entered into

(in the case of the Small Claims Tribunals) or the rented premises (Residential Tenancies Tribunal). Non-Ministry venues in 28 locations across Victoria were used for tribunal hearings in 1991-92 (see Appendix 8, p.135, for details).

The Ministry's Ringwood office began conducting hearings in August 1990 for the Residential Tenancies and Small Claims Tribunals. The Footscray and Dandenong offices commenced hearings in October and November 1991 respectively.

Up-grading of the Tribunals' computerised database was commenced in 1991-92, to make information retrieval speedier and enhance service for clients.

## Residential Tenancies Tribunal

### Residential Tenancies Act Cases

The number of applications lodged with the Residential Tenancies Tribunal fell by 10.1% in 1991-92 to 26,491. Applications were predominantly by landlords (92.6%), the majority of these (79.8%) being for possession.

The following tables show the number of applications made under different sections of the Residential Tenancies Act 1980.

APPLICATIONS TO THE RESIDENTIAL TENANCIES TRIBUNAL  
UNDER THE RESIDENTIAL TENANCIES ACT

YEAR	Landlord	Tenant	Total
1989-90	27,471 (94.5%)	1,610 (5.5%)	29,081
1990-91	27,469 (93.2%)	2,013 (6.8%)	29,482
1991-92	24,539 (92.6%)	1,952 (7.4%)	26,491

**TENANT APPLICATION BY TYPE**

<b>APPLICATION</b>	<b>1989-90</b>	<b>1990-91</b>	<b>1991-92</b>
General applications s.23	993 (61.7%)	345 (17.1%)	301 (15.4%)
Compensation s.105	175 (10.9%)	1,003 (49.9%)	962 (49.3%)
Reduction in fixed term tenancy s.113	130 (8.1%)	366 (18.2%)	447 (22.9%)
Repairs - general s.100	113 (7.0%)	95 (4.7%)	95 (4.9%)
Repairs - urgent s.99	32 (1.9%)	32 (1.6%)	10 (0.5%)
Entry s.96	107 (6.6%)	73 (3.6%)	49 (2.5%)
Other	60 (3.7%)	99 (4.9%)	88 (4.5%)
<b>Total</b>	<b>1,610</b>	<b>2,013</b>	<b>1,952</b>

LANDLORD APPLICATION BY TYPE

APPLICATION	1989-90	1990-91	1991-92
Possession			
s.118	261 (1.0%)	200 (0.7%)	193 (0.8%)
s.119	20,334 (74.3%)	19,923 (72.5%)	16,704 (68.1%)
s.120	137 (0.5%)	132 (0.5%)	145 (0.6%)
s.121	11 (<0.1%)	11 (<0.1%)	9 (<0.1%)
s.122	3,203 (11.7%)	2,553 (9.3%)	2,515 (10.2%)
s.123	9 (<0.1%)	18 (<0.1%)	13 (0.1%)
<b>Sub Total</b>	<b>23,955 (87.5%)</b>	<b>22,837 (83.1%)</b>	<b>19,579 (79.8%)</b>
Compensation			
s.105	1,440 (5.3%)	1,626 (5.9%)	1,612 (6.6%)
Abandoned premises s.111	111 (0.4%)	322 (1.2%)	339 (1.4%)
Reduction in fixed term tenancy s.113	7 (<0.1%)	33 (0.1%)	35 (0.1%)
Security deposit s.77	1,555(5.7%)	2,263 (8.2%)	2,567 (10.5%)
Other	310 (1.1%)	388 (1.4%)	407 (1.6%)
<b>Total</b>	<b>27,378</b>	<b>27,469</b>	<b>24,539</b>

The following case study demonstrates the Residential Tenancies Tribunal's role in resolving disputes between tenants and landlords.

**Case: An Oral Tenancy Agreement**

A landlord lodged an application for compensation for loss of rental and the cost of re-advertising after people he had been expecting to move in as tenants decided not to do so.

On 1 June 1991, the prospective tenants had viewed the premises by candlelight, as the power was not connected.

On 3 June they paid the landlord \$190. They later alleged that this money was paid as a holding deposit because the

landlord had claimed there was someone else prepared to rent the premises. The landlord's position was that it was part payment of rent and security deposit, the tenants having indicated that they would not have the balance until 7 June. On receipt of this payment the landlord had handed the tenants a copy of the Statement of Rights and Duties (or "Renting Guide") as is required at the start of a tenancy.

On 5 June, the electricity was connected. The tenants had been given the keys by the landlord and were able to inspect more fully. The premises were not in a state acceptable to them - the front door did not deadlock, one of the

bedroom doors would not shut, there was rubbish in the back yard, and the carpets were allegedly filthy.

On 7 June 1991, the tenants advised the landlord that they did not wish to rent the premises.

They claimed that they had not paid a security deposit or rent in advance, had not sighted or signed a written lease or a condition report and had not entered into a tenancy agreement.

The landlord claimed that an oral tenancy agreement had been entered into. After the payment on 3 June, the power had been connected in expectation of the tenants moving in, not to provide light for a further inspection.

The Tribunal ruled in the landlord's favour and ordered the tenants to pay the sum of \$1,249.71 claimed.

*It is important for landlords and tenants to be aware that an oral tenancy agreement is just as binding as a written one. If you change your mind after entering into an agreement, the other party can apply to the Tribunal for compensation.*

### Caravan Park Cases

The Residential Tenancies Tribunal determines disputes between caravan owners or caravan park owners on the one hand and caravan park residents on

#### APPLICATIONS TO THE RESIDENTIAL TENANCIES TRIBUNAL UNDER THE CARAVAN PARKS AND MOVABLE DWELLINGS ACT

YEAR	No.
1988-89	12
1989-90	93
1990-91	112
1991-92	138

the other. The number of applications lodged with the Residential Tenancies Tribunal in relation to the Caravan Parks and Movable Dwellings Act 1988 increased by 23.2% to 138 in 1991-92.

### Rooming House Cases

The Rooming Houses Act 1990, which came into operation on 1 November 1990, assigns rights and responsibilities to rooming house owners (and mortgagees) and residents.

In 1991-92 applications to the Tribunal totalled 521. This figure is the first full year total and cannot be compared with the previous year which accounted only for the period November 1990 to June 1991.

#### APPLICATIONS TO THE RESIDENTIAL TENANCIES TRIBUNAL UNDER THE ROOMING HOUSES ACT

YEAR	No.
1990-91	227
1991-92	521

The Rooming Houses Act 1990 came into operation on 1 November 1990.

### Case: Breach of Duty Notice

An application was lodged by a rooming house resident, claiming that the owner had failed to allow access to kitchen facilities and that all reasonable steps had not been taken to ensure the resident's quiet enjoyment. The application stated that a breach of duty notice had been given, as required by section 40 of the Rooming Houses Act, and that the owner had failed to comply.

At the commencement of the hearing, discussions exploring the possibility of negotiating a settlement failed.

A submission for the rooming house owner questioned the validity of the breach of duty notice, in that the notice had not been signed and served by the resident herself. The person who had acted on behalf of the resident argued that this was within the provisions of the Act.

The Tribunal considered that the legislation made it clear that agents could act for residents in some matters, but not in signing and serving a breach of duty notice. Accordingly, the resident's application was dismissed.

*It is important that applications made to the Tribunal under the Rooming Houses Act 1990 comply precisely with the legislation as the Tribunal has no discretionary powers in this area, regardless of the merit of the argument.*

#### Fair Rents Board Cases

The Residential Tenancies Tribunal sits as the Fair Rents Board to determine applications regarding prescribed premises under Part V of the Landlord and Tenant Act 1958. Essentially, this legislation protects tenants still subject to tenancy agreements made prior to 1 January 1956, where the rented premises were constructed before 1 February 1954.

#### APPLICATIONS TO THE FAIR RENTS BOARD

YEAR	No.
1984-85	47
1985-86	52
1986-87	42
1987-88	45
1988-89	3
1989-90	32
1990-91	15
1991-92	10

Ten hearings were conducted in 1991-92. The applications generally related to landlords seeking possession of premises or rental increases. It is expected that the number of hearings will continue to decrease as the number of prescribed premises decreases.

#### Small Claims Tribunals

The Small Claims Tribunals resolve disputes between consumers and traders, with a limit of \$5,000 on claims. The application fee is \$10.

The number of applications lodged with the Small Claims Tribunals fell by 5.2% in 1991-92 to 3,601.

#### APPLICATIONS TO THE SMALL CLAIMS TRIBUNALS

YEAR	No.
1983-84	3,292
1984-85	3,447
1985-86	3,572
1986-87	3,598
1987-88	3,456
1988-89	3,005
1989-90	3,577
1990-91	3,797
1991-92	3,601

The following are examples of the consumer-trader disputes dealt with by the Small Claims Tribunals.

#### Case: Care Labels and Dry Cleaning

A consumer took a special evening dress for dry cleaning. She claimed that she left the dress only after checking whether it could be cleaned in this way and receiving the assurance of the dry cleaner that it could be done satisfactorily. However, the dry cleaner had allegedly ironed the dress in a pressing machine,









# Maintaining Standards - Licensing and Enforcement

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***Objective: To improve compliance with established standards through a program of licensing and enforcement.***

In the interests of fair trading, motor car traders, travel agents, finance brokers and credit providers are all required to be licensed. They must observe certain minimum standards to gain and keep their licences, and the Licensing Investigation Branch polices compliance with these standards.

Installers and repairers of trade measurement instruments are required to be registered. The Trade Measurement Branch administers the registration system and is responsible for ensuring adherence to established trade measurement standards.

Apparent breaches of Ministry legislation in general are investigated by the Industry Regulation Branch and, where appropriate, prosecuted through the courts.

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## **Enforcement: Summary**

Standards established through legislation are usually enforceable by prosecution for non-compliance. The Ministry has responsibility for 23 Acts of Parliament and a number of associated regulations, most of which contain such enforcement provisions.

There is a steady stream of information about alleged offences from consumers, funded community group workers, competing traders and other sources. Of course, the Ministry does not prosecute in every case. Compliance is also achieved by administrative action, such as obtaining written undertakings from offending traders that they will alter their conduct or enlisting industry co-operation to change unacceptable practices, as well as warnings to individual traders.

Prosecution requires careful and often time-consuming investigation and preparation. The Ministry's efforts are therefore concentrated on actions which appear likely to be successful and effective.

In 1991-92, more than 1,700 matters were referred to the Ministry for investigation. Fifty-eight separate defendants were prosecuted for a total of 207 offences. Prosecutions arising from investigations by the Industry Regulation Branch are summarised at Appendix 10A, p.138. Prosecutions for breaches of the Shop Trading Act 1987, referred to the Legal Services Branch after investigation by the Department of Labour are summarised at Appendix 10B, p.143.

## **The Licensing System**

The Licensing Investigation Branch conducts investigations into applications for licences and monitors the activities of existing licensees. Its advice to the Director of Consumer Affairs may result in the Director objecting to the issue or continuation of a licence. (The Chief Commissioner of Police may also object to an application for a motor car trader's licence. Any person may object regarding finance brokers' or credit providers' licences.)

Objections are heard by independent licensing authorities established under the Motor Car Traders Act 1986, Travel Agents Act 1986 and Credit (Administration) Act 1984, respectively. In the case of finance brokers, objections to initial applications are referred to a Magistrates' Court, except where the Registrar appointed by the Minister under the Finance Brokers Act 1969 has been satisfied that the would-be licensee meets the relevant statutory requirements. Magistrates' Courts hear all objections to the continuation of existing finance brokers' licences.

Possible outcomes of objections are: refusal or cancellation of a licence, grant of a licence subject to certain conditions (this is provided for in all cases except finance brokers), or unconditional grant

of a licence notwithstanding the objection.

Appeals against decisions of the Credit Licensing Authority are heard in the Supreme Court, while appeals against Motor Car Traders and Travel Agents Licensing Authority decisions may be taken to the Administrative Appeals Tribunal.

The licences of travel agents who cease to be members of the Travel Compensation Fund for any reason are suspended automatically, without the need for an objection to be lodged.

Administrative support to the licensing authorities is provided by a separate Licensing Branch, which also carries out routine processing of licence applications and renewals.

LICENSING STATISTICS FOR 1991-92

	Motor Car Traders	Travel Agents	Finance Brokers	Credit Providers
Licensees at 30-6-92	1965	983	672	272
Applications made	230	149	167	148
Applications granted	220	117	158	7

## Maintaining Standards in Licensed Occupations

### Motor Car Traders

#### Licensing Objections

Appendix 9 (p.136) shows the outcomes of the 20 objections finalised in 1991-92. Three further objections were yet to be determined by the Licensing Authority at 30 June 1992.

In some cases the trader's financial viability was the issue. Other objections

related to serious breaches of the Motor Car Traders Act 1986, such as selling on consignment, failing to secure the cancellation of security interests or odometer tampering.

P M Vitalis trading as Wheels Plus was found to have been involved in tampering with odometers on motor vehicles on no less than six occasions. The Motor Car Traders Licensing Authority determined that the licensee was no longer fit and proper to hold a licence.

Double A P Pty Ltd trading as Shepparton Auto Trade also lost its licence after odometer tampering. This trader had reduced the distance recorded on a vehicle's odometer from 125,000 to 80,000 kilometres and had falsely represented that the altered reading was correct. The Authority also found that the trader was guilty of a number of breaches of the Act regarding its dealings book.

Aigner Pty Ltd had its licence suspended from 11 March 1992 to 11 March 1993 in another noteworthy case. The trader had failed to notify the Authority in its annual statement that one of its directors had been charged with an offence involving dishonesty or fraud.

Lane Anderson Motors Pty Ltd was reprimanded by the Authority after admitting to having operated as an unlicensed finance broker and to having made misleading statements regarding the ownership of certain vehicles in arranging finance for their sale. The trader agreed to pay a substantial contribution to the Motor Car Traders Guarantee Fund.

#### Prosecutions and Investigations

Only two licensed motor car traders were charged with offences. However, the Ministry was concerned at allegations that odometer tampering was rife in the motor car trade following the arrest and subsequent conviction at Ballarat Magistrates' Court in December 1991 of Mr Terrence Hajewski, who admitted to police that he had wound back the odometers of over 300 vehicles in the preceding year.

Priority will be given to odometer tampering investigations in the forthcoming reporting year and prosecutions and further licensing

objections will be launched. Such tampering is a serious fraud against consumers and disadvantages honest traders, who compete fairly rather than making profits by cheating their customers.

The Ministry set up a task force of inspectors to combat the proliferation of unlicensed motor car traders. The **Motor Car Traders Act 1986** renders unlicensed (or "backyard") motor car trading illegal. A fine of \$10,000 may be imposed for each vehicle bought or sold, as well as a further penalty of 15% of the sale price of any vehicle bought, sold or exchanged.

Inspectors investigated 83 allegations of unlicensed trading resulting in 5 prosecutions and a further 6 briefs of evidence being referred to the Legal Services Branch to process for prosecution.

Thirty-four unlicensed traders are still under investigation, while several small traders have been placed on notice that further sales will result in prosecution.

The level of unlicensed trading is cause for concern, particularly as evidence obtained indicates that these operators tend as a matter of routine to obtain bogus roadworthy certificates and to wind back the odometers on vehicles. The Ministry will continue to vigorously pursue these traders.

The Victorian Automobile Chamber of Commerce and VicRoads provide information to the Ministry on unlicensed traders on a regular basis. Residents whose neighbours are obviously engaged in unlicensed trading are encouraged to contact the Ministry, anonymously if they wish.

## Cases

Mr C H Kersley was prosecuted for trading in vehicles whilst unlicensed and was fined \$5,200 with \$636 costs. In addition, orders were sought and obtained for restitution to several consumers in the amount of \$1,442.

Whilst some unlicensed traders operate from their own or other homes this is not always the case. In two cases reported this year, cars were being sold from what looked like licensed premises.

Charges are being prepared against the individuals involved in these charades, one of which resulted in some 60 vehicles being illegally sold.

Ministry inspectors recently completed investigating the activities of Mr Michael Italiano who is alleged to have sold approximately 200 cars last year without a licence. Investigations have established that the odometers of many of the cars were wound back, thus increasing their apparent value. Vehicles which had travelled in the region of 180,000 kms typically had their odometers wound back to show only about 70,000 kms.

Charges have been laid against Mr Italiano under the Motor Car Traders Act 1986 and the Fair Trading Act 1985. It will be alleged that he operated from various addresses and made false representations in connection with the sale of many cars.

### Travel Agents

Three of the five objections finalised involved Travel Trend International Pty Ltd and its successor Tarson Pty Ltd trading as Travel Trend (Victoria).

The Director originally objected to the continuation of the licence of Travel Trend International Pty Ltd. On the basis of investigations of consumer complaints about misuse of credit cards and other

matters, it was alleged that Rudy Noel Frugtniet, a director of the company, was not a fit and proper person to be involved in the day to day conduct of the business.

Another company of which Mr Frugtniet was a director, Tarson Pty Ltd trading as Travel Trend (Victoria), then applied for a licence and an objection was lodged on similar grounds.

On 11 July 1991, the Travel Agents Licensing Authority granted Tarson's application on the condition that Mr Frugtniet would not be employed in the business in any capacity.

Tarson subsequently sought to appeal to the Administrative Appeals Tribunal against the imposition of this condition, but the appeal was out of time and the Tribunal refused to hear it. In the meantime, the earlier licensee Travel Trend International Pty Ltd had surrendered its licence.

A further licensing objection was lodged against Tarson Pty Ltd, alleging breach of the condition imposed by the Licensing Authority. However, on 2 March 1992, Tarson's licence was automatically suspended after its Travel Compensation Fund membership had been terminated due to lack of financial viability.

In other cases, the Licensing Authority found that Number Two Janminga Pty Ltd trading as In Vogue Travel Service had assisted an unlicensed person to carry on business as a travel agent, in breach of the Travel Agents Act 1986. On appeal, the Administrative Appeals Tribunal upheld this finding but substituted a reprimand for the Authority's penalty of a three month licence suspension.

Versatile Images Pty Ltd withdrew its application for a licence after the Director objected. The objection was due to one of the company's directors

having been a director of Number Two Janminga Pty Ltd at the time of the offences referred to above.

### Finance Brokers

Four objections were finalised. Two existing licensees had their licences cancelled in the Magistrates' Court when objections by the Director were upheld, and two new applicants failed to obtain licences. Prosecution proceedings were instituted against five defendants under the Finance Brokers Act 1969, including three for being unlicensed.

Mr Raymond Goldring and the company he operated, Macebale Finance and Mortgage Services Pty Ltd, were each prosecuted on 4 counts of trading as an unlicensed finance broker and one count of taking an up-front fee - a substantial one, over \$2,200. On 12 March 1992, the Magistrates' Court convicted both defendants and fined them a total of \$7,500 with an award of \$2,789 in costs to the Ministry. In addition, Mr Goldring paid over \$11,000 in restitution to the borrowers.

Macebale withdrew its application for a finance broker's licence on 24 April 1992, following the Director's objecting on the grounds that Mr Goldring was not a fit person to conduct the business.

Clifton Financial Services Pty Ltd (nominee Richard Atherton) was the other new applicant to which the Director objected. It was alleged that Mr Atherton was not of good character. A company of which he was a director had traded as a travel agent without a licence. Also, at the time of the application, a warrant for Mr Atherton's arrest was current, due to his failure to attend the Melbourne Magistrates' Court to answer a charge of attempting to obtain financial advantage by deception. The Magistrates' Court struck out the company's licence

application and ordered it to pay costs of \$350.

Andre Stomm trading as Fastlane Finance was disqualified from holding a licence for 2 months and ordered to pay costs of \$3,000. In objecting to the continuation of the licence, the Director had alleged firstly that invoices provided by the broker to financiers had falsely identified the vendor of certain vehicles being sold to consumers, and secondly that the broker had assisted an unlicensed person to carry on business as a finance broker.

Peter Behlevanas was a licensed broker whose eligibility was challenged on the grounds of bankruptcy. His licence was revoked on 10 April 1992.

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### Watch Out: Beware of the Unlicensed Finance Broker

*In Victoria, finance brokers must be licensed. Consumers can telephone the Ministry and ask the Registrar of Finance Brokers if a person holds a licence.*

*The Act prohibits brokers taking up-front fees, for the very good reason that unscrupulous brokers can extract large fees and then not secure the finance they purport to be able to get. If a loan is actually arranged, the broker is entitled to charge the consumer a fee of up to 2 per cent of the first \$5,000 of the loan amount and 1.5 per cent of the balance.*

The Ministry is concerned that in a time of recession people in debt are turning to so-called "finance brokers" as a last resort. Thousands of dollars have been paid in advance to unlicensed operators to secure finance. This is the last consumers see of their cash and they are never offered a loan.

The Ministry has successfully prosecuted a number of these people and will continue to investigate complaints alleging this type of conduct.



## Case

An invalid pensioner paid \$1,670 up-front to Mr V Calleja to arrange a loan of \$105,000. Needless to say, Mr Calleja could not arrange the loan but kept the fee. The Ministry prosecuted him for being unlicensed and accepting the up-front fee. He was convicted, fined \$1,000 plus \$300 costs and ordered to repay \$1,670 to the consumer.

## Credit Providers

### Licensing Objections

*Household Financial Services Limited  
(formerly HFC Financial Services Limited)*

On 6 December 1991, the Credit Licensing Authority granted Household Financial Services Limited (HFS) a credit provider's licence, concluding a case which had begun more than four years previously.

In 1987 the Director of Consumer Affairs and the Consumer Credit Legal Service objected to the company's original licence application, made under the name of HFC, due to various forms of unacceptable conduct, including:

- making consumer credit insurance compulsory
- unfair collection practices
- unfair selling practices on mortgage lending, and
- unfair practices relating to documenting guarantors as co-borrowers on loans.

After lengthy hearings, the Credit Licensing Authority rejected the licence application in September 1989. The company lodged a Supreme Court appeal and was granted a stay by the Court, allowing it to keep trading until the appeal was heard.

In the meantime, the company began developing procedures for the eradication of faults identified by the Authority and held extensive discussions

with the Ministry and the Consumer Credit Legal Service.

With the hearing of the Supreme Court appeal still pending, in late 1991, another application for a licence was made to the Authority under the new name of HFS.

In granting the application, the Authority took account of the organisational overhaul and reform of sales practices which HFS had instituted in an effort to overcome the deficiencies identified in 1989 and of a number of undertakings arising from the company's consultations with the Ministry and the Consumer Credit Legal Service.

These undertakings, fulfilment of which will ensure that the company has not profited from past unfair practices, include the following.

### Refund of overcharged amounts

HFS overcharged a large number of consumers for various fees on contracts such as stamp duty and vehicle security register fees. The company gave an undertaking to refund either the total fee (if wrongly applied) or the amount of overcharge together with interest on the fees. In many cases these refunds have already been made to consumers. This category also covers insurance rebating and premium errors.

### Review of real estate consolidated loans

All real estate consolidated loans between 1985 and 1989 which were unfairly consolidated will be reviewed and consumers compensated for any financial disadvantage caused by the loan.

The company had been involved in a practice where it refinanced consumers' existing real estate loans (which were often at quite low rates

of interest) into an HFC loan which was often at a relatively high rate. This was achieved by a selling technique which had the effect of misleading consumers into believing that their new loan would be cheaper than their existing loan.

The company has undertaken to identify those consumers who have been significantly disadvantaged and compensate them by the end of September 1992.

Review of secured contracts where the annual percentage rate exceeds 30%

HFS has undertaken to identify secured contracts where the Annual Percentage Rate exceeded 30% (in breach of the Credit Act). In addition to refunding actual security fees incorrectly charged in those cases, in cases where repossession or enforcement action had previously been instituted, HFS has undertaken to pay appropriate compensation.

Establishment of a Consumer Law Centre

A further undertaking was given to the Authority to make a financial contribution to a fund to establish a Consumer Law Centre for the benefit of all Victorian consumers. The Centre will operate as an independent, non-profit corporation, supervised by a board of directors appointed by various consumer organisations.

HFS has undertaken to contribute the sum of \$300,000 per year indexed at a rate of 8 per cent per annum for 10 years.

This amount was based partly on an estimate of insurance premiums extracted by HFS by making insurance a condition of a loan or including a premium in a loan without the consumer's consent, in

breach of the Credit Act. As affected consumers could not be located from the company's records, advertisements are to be placed in newspapers asking consumers who believe they were "forced" insurance in the period 1985-88 to come forward and claim on the fund. This will occur after the Consumer Law Centre has been incorporated.

The Ministry is continuing to monitor and oversee compliance with the above undertakings.

*Rena-Ware Distributors Pty Ltd*

This company sells water coolers and cooking utensils door to door on credit. The Director objected to its application for a credit provider's licence because it was not supplying a purchaser's copy of the finance agreement at the time of sale, was failing to provide other documentation required under the Credit Act and the door to door sales provisions of the Consumer Affairs Act, and was engaging in unfair sales practices.

On 10 December 1991, the Credit Licensing Authority granted the licence, but imposed conditions requiring company officers responsible for approving finance to:

- assess every new contract against a checklist of legal requirements and record the results
- cancel the contract if any requirements have not been met, and
- notify the Ministry periodically of the details of all such cancellations.

*Madura Limited*

This Bendigo credit provider had been charging interest in excess of the limits imposed by the Credit Act when the Director objected to the continuation its licence. The Credit Licensing Authority reprimanded the licensee.

## AGC

The Director's objection to AGC remaining a licensed credit provider was withdrawn following discussions with the company.

Proceedings Involving the Director in the Credit Tribunal

### *Civil penalties under the Credit Act 1984*

Under the Credit Act 1984 and the Credit (Administration) Act 1984, a credit provider automatically forfeits credit charges on any contract which:

- is made while the credit provider is not licensed (and not exempt from holding a licence), or
- does not disclose the legally required information, or
- is assigned to another credit provider who is not licensed (and not exempt).

If credit is provided without a licence the credit provider forfeits the amount financed as well.

Only the Credit Tribunal has the power to set aside or reduce these "civil penalties", on application by the credit provider.

When a credit provider applies for reinstatement of forfeited credit charges, consumers who would be liable to pay those charges (or eligible for a refund of charges already paid) have an obvious interest in the outcome. Individual consumers are therefore entitled to become involved in the proceedings if they wish. However, there is no need for separate participation by every person signed to the same type of faulty credit contract - the credit provider's excuse and the weight given to it by the Tribunal will be the same for each contract.

In some cases, the Director of Consumer Affairs becomes involved in order to protect the rights of affected consumers in general.

The Director made submissions on behalf of groups of affected consumers in a number of cases in 1991-92. Several of these are yet to be finalised. Among the cases which were concluded were those involving Ford Credit and AGC.

### *Ford Credit*

Ford Credit had applied to the Tribunal after entering into loan contracts using South Australian forms, which did not cover all the Victorian requirements. The Ministry reviewed all the documents and held discussions with the company. It was then submitted to the Tribunal that 80% reinstatement only would be appropriate. On 16 December 1991, the Tribunal made an order for 80% reinstatement, leaving the company to refund approximately \$500,000 to consumers.

### AGC

AGC was obliged to make about \$50,000 in refunds to consumers by a decision handed down on 13 April 1992. Approximately 60 fee reinstatement applications (involving about 70 consumers) had been lodged in relation to various breaches of the legislation, including failure to state the annual percentage rate of interest and mis-statement of the amount financed. None of the affected consumers chose to become involved individually, and the Director appeared in all proceedings in the public interest. While the Tribunal permitted AGC to retain 100% of charges on some contracts, on others as little as 50% was allowed.

## Prosecutions/Investigations in Other Areas

### Residential Tenancies

In 1991-92 the Ministry undertook 6 successful prosecutions under the Residential Tenancies Act 1980. The prosecutions involved a total of nineteen charges, including illegal eviction, failure to refund security deposits, not providing tenants with the required statement of rights and responsibilities (now known as the "Renting Guide"), failing to place security deposits in an approved trust account and failing to abide by orders of the Residential Tenancies Tribunal.

### Cases

One landlord was fined a total of \$450 with costs of \$400 for failing to fulfil his legal responsibilities when entering into an agreement with a new tenant. The written lease he had prepared was not in or to the effect of the required form, he had not provided a condition report or a receipt when accepting a security deposit, and had not paid the security deposit into an approved account.

In another case, a landlord who failed to comply with an order of the Tribunal to refund a security deposit was fined \$200 plus costs of \$150 and ordered to pay restitution of \$790.

### Building

A total of 6 prosecutions were brought against builders under the House Contracts Guarantee Act 1987.

#### Case 1

Mr R Kean trading as Harlequin Homes was prosecuted in the Seymour Magistrates' Court for:

- not being registered with the Housing Guarantee Fund Ltd (HGF)

- failing to provide an HGF guarantee, and
- falsely representing that a house could be properly repaired.

The consumer's property required extensive repairs. A contract was signed in the amount of \$17,858 for restumping, cladding and guttering. However, the house was so infested with white ants that the local building inspector ordered that work be stopped. A demolition order was subsequently issued. The consumer, who had already paid the original contract price of \$17,858, was duped into paying an additional \$3,000 to have the white ant infested house burnt down, a job the CFA would have done for \$20 as a training exercise. The builder has fled the State and failed to return any money to the consumer.

A penalty of \$18,950 plus costs of \$300 was imposed by the Magistrates' Court.

#### Case 2

Mr I Ostojich trading as Westgate Reblocking was another unregistered builder who failed to provide an HGF guarantee. He also made false representations to the local council about the value of the work to avoid the guarantee.

This matter related to the re-blocking of a Footscray house. Inspectors from the Ministry visited the property and discovered poor workmanship, slanting floors, cracked walls and insufficient clearance between the floor and ground. The elderly consumer described the builder as having been "absolutely charming" when she first met him, but he had become evasive and unco-operative when requested to complete the work. The magistrate was highly critical of the defendant's exploitation of an elderly person in such circumstances and handed down a total penalty of \$6,000 plus \$491 costs.

### Case 3

Mr Frank Cappelleri trading as Frank's Renovation Services advertised in the Melbourne Italian language newspaper "Il Globo". Mr Cappelleri was charged with:

- not being a registered builder with HGF
- falsely representing that he was so registered, and
- harassment and coercion in an attempt to extract payment.

The last charge arose from Mr Cappelleri damaging a client's house and making threats of physical harm against the client.

A building consultant estimated that on top of \$15,000 already paid to the contractor, it would cost \$8,510 to rectify his work.

The magistrate convicted Mr Cappelleri and the company he operated, F & L Pty Ltd, under the House Contracts Guarantee Act 1987 and the Fair Trading Act 1985, handing down a total penalty of \$44,000 plus costs of \$998 to the Ministry.

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### Watch Out: Unregistered Builders

Warning: The Ministry continues to receive many complaints concerning unregistered builders who perform shoddy work and in some cases fail to complete work.

Builders who perform domestic building work (except those who never do jobs priced higher than \$3,000) must be registered with Housing Guarantee Fund Ltd (HGF). They must also register every job over \$3,000 and purchase a 7 year guarantee from HGF for the consumer.

It may be that a cheaper quotation can be obtained from an unregistered or de-registered builder, but the consumer who employs such a builder is taking a grave risk.

As well as breaking the law by not being registered and not giving an HGF guarantee, these unscrupulous builders often charge deposits or obtain progress payments larger than the legal amount. (The legal deposit limit is 3% of the contract price for work costing \$20,000 or more, or 10% for work priced at less than \$20,000.) By extracting excessive deposits, they leave consumers with little power to bargain over shoddy or incomplete work.

*Consumers should always check with Housing Guarantee Fund Ltd before signing any contract for building works, to make sure the builder is registered.*

Being talked into registering with the council as an owner-builder, so that the real builder can avoid HGF's requirements, is a big mistake. If you are dealing with a builder who is prepared to be dishonest at the outset you can expect problems later - and as an "owner builder" you won't have a guarantee to fall back on.

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### Employment Advertising

The Ministry views most seriously conduct which misleads potential jobseekers as to the true nature of employment offered. In order to minimise the incidence of false or misleading advertisements being placed, it is working closely with staff from leading Melbourne newspapers in addition to taking strong action against the advertisers.

#### Case

A recent prosecution concerned misleading representations made in relation to offers of employment by Gaslight Publishing Pty Ltd.

The company had advertised positions for "drivers and couriers" which, according to applicants who had attended interviews, turned out to be door-to-door sales jobs, where remuneration was paid solely on a commission basis.

In order to investigate these claims, two Industry Regulation Branch inspectors

attended interviews for the positions, posing as job-seekers. The exercise confirmed that the jobs advertised were nothing more than door-to-door commission sales jobs, selling books to businesses.

The company was prosecuted in the Melbourne Magistrates' Court and found guilty under section 14 of the Fair Trading Act 1985. The Court convicted the company and fined it \$4,000 along with \$627 costs awarded to the Ministry.

### Introduction Agencies

The Ministry continues to receive complaints about the unethical and illegal conduct of several introduction agencies who are preying on the gullibility of their clients.

#### Case

A female consumer alleged that Trevor Edwards Winning Introductions through its proprietor, Mr Trevor Edwards of Shepparton, engaged in coercion in an attempt to receive payment from her for registration with his service - a service she neither sought nor wanted. Mr Edwards threatened to publish her name in the local newspaper for failing to pay an account he had rendered to her.

Ministry inspectors investigated this matter and laid two charges under the Fair Trading Act 1985. The firm was fined \$3,000 and ordered to pay costs of \$500.

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### Watch Out: Introduction Agencies

Thirty-nine complaints were received during the year against Sincerity Consultancy Services Pty Ltd, which also trades as Sincerity Consulting Services. The directors of this company are Enzo Nolo and Leanne Nolo.

Misleading conduct, failure to provide services, coercion and credit card fraud are among the allegations under investigation. Given that its supposed purpose is to match the client with a long-term partner, the fact that the agency runs a "lifetime membership" scheme is cause for concern in itself.

Dissatisfied Sincerity clients have been met with allegedly different persons when making follow-up enquiries. The manager uses the names Pauline, Helen, Angela and Christine.

There were a number of complaints of unauthorised use of credit or debit cards by Sincerity. Undertakings had allegedly been given by the agency that membership fees would not be processed straight away, to give consumers time to reconsider or to reduce outstanding balances owing on credit cards. Yet deductions were made immediately and consumers then told that cancellation was no longer possible.

Some consumers who had paid for membership by credit card alleged that their next account statements showed debits much higher than the stated fee.

#### Case

A consumer rang Sincerity Consulting Services to enquire about their services. Supposedly to ascertain "the genuineness of his enquiry", he was asked for credit card details. The consumer saw no harm in providing the details as his credit card facility was already overdrawn and he believed no further transactions could be made until he had reduced the balance owing. He gave no authority for any debit against his account.

A short time later the consumer received a call from his bank informing him that he was now well over the limit on his credit card. On investigation, he discovered that Sincerity Consulting Services had processed a transaction for the sum of \$1,600 against his account.

When contacted by Ministry staff, Sincerity claimed to have a tape recording of the consumer's authorisation. The alleged tape was never produced, however. After being pressed repeatedly to make it available,

Sincerity finally conceded that they would refund the consumer's money in full.

*The Ministry urges consumers never to sign credit card vouchers unless they are prepared to pay the amount signed for, immediately and unconditionally. Don't believe any salesperson who claims to have a "special relationship" with a bank which will delay processing credit card transactions.*

### Trade Measurement

The **Weights and Measures Act 1958** regulates both the sale of goods by measure and the maintenance of measuring instruments used by traders. Its basic purpose is to ensure that a purchaser paying for a commodity in a particular quantity actually receives that quantity.

Although the Ministry is ultimately responsible for administration of the Act, local authorities (municipalities or groups of municipalities) also play an important role.

The local authorities have immediate responsibility for testing the accuracy of retail instruments (such as petrol bowsers and supermarket scales). While they are not involved in enforcing the prohibition on deceptive packaging practices, local authorities also have a role in checking packaged goods for correct marking and content by quantity. (Appendix 10C, p.147, shows prosecutions undertaken by local authorities in 1991-92.)

The major functions of the Ministry's Trade Measurement Branch in enforcing trade measurement standards, and 1991-92 developments, are set out below.

### Investigation of Complaints

Complaints from both industry and consumers are attended to, some being referred to local authorities where appropriate.

There were 199 complaints received during 1991-92, regarding such matters as marking and labelling requirements, deceptive packaging, short weight or measure, and accuracy of weighing instruments.

Most complaints were resolved following investigations. Traders generally took corrective action, including compensating consumers.

### Packaging and Labelling Checks

Tests for correct measure, marking of measurement information or both were conducted on various packaged goods, including detergents, cereals, snack foods, confectionery, and fresh fruit and vegetables. Packers and sellers generally corrected anomalies without the need for further action.

The packaging of particular lines of ice cream and snack food was examined for compliance with the national code of practice on deceptive packaging. In both cases modifications to the packaging resulted.

### PACKAGING AND LABELLING CHECKS BY TRADE MEASUREMENT BRANCH

	Examined-Tested	Correct	Incorrect
Marking/Labelling	1,664	1,1031	633 (38%)
Content	2,071	1,409	662 (32%)
Deceptive Packaging	92	56	36 (39%)

### Testing of Trade Instruments

The Trade Measurement Branch's testing strategy gives particular emphasis to checking:

- the less reliable classes of measuring instruments
- instruments used in demanding environments, and
- instruments in very frequent use.

The Branch also responds to owners' requests for instrument tests.

Public weighbridges are especially important facilities for the communities they serve and efficient checking is a necessity. A new weighbridge test unit was commissioned during December 1991, replacing two units which had become too unreliable and expensive to operate.

### INSTRUMENTS TESTED

TYPE OF INSTRUMENT	USED FOR MEASURING	TESTED	REJECTED
Fabric measuring instrument	Textile; carpet	520	21 (4.0%)
Leather measuring instrument	Hides	11	1 (9.1%)
Wholesale liquid measuring instrument	Petrol; distillate; heating oil	641	133 (20.8%)
Class 1 & 2 scales	Pharmaceutical products; packages	66	23 (34.2%)
Weighbridges and other large capacity scales	Grains; building products; vehicles	530	90* (17.0%)
Farm milk tanks	Milk	468	13* (2.8%)
LP gas dispenser	Vehicle LP gas	583	175 (30.0%)

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

### Regulating Instrument Repairers

The Weights and Measures Regulations 1984 require all persons who carry out installation, alteration or repair of trade instruments to be registered by the branch. Registered persons are required to notify an inspector whenever an instrument is installed or repaired, and the instrument must then be tested by an inspector.

Continued monitoring of their work ensured that a high standard was maintained by companies and individuals providing repair and other services in 1991-92.

### Certification of Standards

Accurate measurement depends on accurate reference standards, and there are statutory requirements for certification and periodic reverification



of most types of standard. Under an appointment pursuant to the Commonwealth National Measurement Act 1960, the Branch's Measurement Laboratory acts as a verifying authority.

There has been an overall increase in demand for the calibration of standards and equipment, reflecting a trend towards the adoption of total quality management systems in industry and government agencies.

#### STANDARDS AND EQUIPMENT CALIBRATED

ITEM	TESTED	ADJUSTED
Standards of mass	3,086	612
Volumetric standards	398	32
Standards of length	111	-
Weighing instruments	58	1
Miscellaneous (mass, length, volume)	78	-

## Product Safety

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**Objective: To minimise risks to the public arising from the trading of hazardous products.**

The Standards Branch has primary responsibility for minimising product hazards.

This involves providing information to business and consumers, investigating complaints, monitoring the marketplace for standards compliance and the emergence of new hazards, networking with other relevant agencies, and developing policy options.

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### **Warning: Mistral "Gyro Aire" Fans**

As has been extensively publicised, the following types of Mistral "Gyro Aire" fan may be unsafe and should be destroyed: model numbers GA 12-10, GA 16-40 and GA 16-70, all style numbers.

There was substantial media coverage of the hazard following a coronial inquiry into the deaths of two toddlers in a 1988 house fire at Craigieburn.

The findings, comments and recommendations contained in the November 1991 report of the Victorian Deputy Coroner were studied by the Ministry and discussed with the Law Reform Commission of Victoria.

With a view to assisting in increasing public awareness of the hazard, the Ministry consulted with the State Electricity Commission of Victoria (SEC) and the Federal Bureau of Consumer Affairs. The SEC placed advertisements in the major daily newspapers, as well as regional and non-English language publications, and approached the Neighbourhood Watch organisation for help in reaching Mistral fan owners who may have missed the media coverage.

At all times people making enquiries to the Ministry were fully advised.

### **Product Ban: Cot Restraints**

On 8 April 1992, the Minister permanently banned "Baby Safe Cot or Bed Restraint", "Sleepsafe Suit", "Zewi Safety Cover" and "Johnco Safety Sleep" cot restraints for infants. The banning order was made because of the products' potential for causing strangulation and stoppage of blood circulation.

The Minister has the power to ban any goods which are likely to cause death or serious injury. A total of 22 Interim Banning Orders and 40 Permanent Banning Orders have been issued since the introduction of the banning provisions (under the Consumer Affairs Act 1972) in 1984.

### **Regulations**

The Consumer Affairs (Product Safety) (Aipots) Regulations 1992 took effect on 11 March, replacing the 1979 regulations. They require aipots to carry a warning label concerning possible leakage.

Regulations for spirit stoves (requiring a warning label: "Use methylated spirits

only”), portable fire extinguishers and pedal bicycles will be up-dated in the coming year.

There are also Consumer Affairs Regulations imposing safety/information standards for children’s toys and children’s nightclothes.

## **Prosecutions for Sale of Banned Products**

### **Balloon Blowing Kits**

Novelties designed for blowing balloon-like shapes with substances containing polyvinyl acetate, ethyl acetate, acetone or benzene were banned in January 1990 because of the toxicity and high flammability of these chemicals.

On 30 October 1991 Shuey Shing Pty Ltd of Abbotsford was convicted of selling balloon blowing kits in breach of the banning order. \$500 costs were awarded and the company was put on a \$2,000 good behaviour bond for 12 months.

### **Easter Eggs Containing Novelties**

On 17 October 1991 Mediterranean Wholesalers Pty Ltd of Brunswick was convicted of selling Easter eggs containing novelties. These have been banned since April 1985, because of the ingestion hazard. The company was fined \$500 and \$250 was awarded in costs.

Another case of selling Easter eggs with novelties inside, this time involving a chain store, is being investigated with a view to prosecution.

The maximum penalty for breaching a ban imposed under the product safety provisions of the Consumer Affairs Act is \$10,000.

## **Promoting Safety at the Royal Melbourne Show and Other Events**

The contents of 160 showbags were inspected on 21 August 1991 prior to the Royal Melbourne Show. For safety reasons, the following items were removed:

- dart gun - capable of firing improvised projectiles, such as nails and pins
- novelty fan - sharp edges on metal handles
- squirt pen with “magic” ink - risk of eye injury from highly alkaline ink
- key ring - ingestion/inhalation hazard, no age suitability label
- tic-tac-toe - ingestion/inhalation hazard, no age suitability label.

Novelties/toys given as prizes in “Side Show Alley” were generally found to be of an acceptable standard when inspected during the Show.

A set of “Guidelines On The Safety Of Toys/Novelties In Showbags” has been drafted, aimed at assisting importers and distributors to produce safer showbags. If endorsed nationally, the guidelines will provide the basis for a uniform approach by agencies involved in the inspection of showbags throughout Australia.

Compliance with the Consumer Affairs (Product Safety) (Children’s Toys) Regulations 1987 was found to be high when the Product Safety Officer attended the Melbourne Toy and Party Fair at the Exhibition Buildings on 16 July 1991. The objective of these Regulations is to reduce the risk to children less than three years of age from ingestion or inhalation hazards.

The Ministry was also represented at the “National New Product Parade” furniture exhibition at Flemington Racecourse on 12 August 1991. Again,

there was no cause for concern regarding standards compliance.

### Advice and Information

Representatives of the Ministry and Daimaru Australia Pty Ltd met prior to the commencement of this major new retailer's operations, to ensure that the company fully understood Victorian product safety and labelling requirements.

Safety related press releases were issued on a variety of products, for example: showbags, toys, Pigeon pacifiers, glass vases and exercise bikes.

"Safety Rules - A Nursery Furniture Guide", produced by the Ministry and

the Child Accident Prevention Foundation of Australia, remained the most widely requested of the Ministry's information kits.

The content material for a broad product safety brochure has been prepared, covering child restraints, children's nightclothes, toys, bike helmets, playground equipment, spas and swimming pools, electrical appliances, furniture and household chemical products.

### Products Investigated

There were investigations of the quality and safety of 253 products during 1991-92.

PRODUCT CATEGORY	INVESTIGATED
Animals, birds & insects, Products for	1
Automotive design	1
Automotive parts & accessories	6
Beverages & containers	0
Building & construction	28
Clothing & clothing accessories	1
Drapery & manchester	1
Food products	4
Footwear	0
Health products	2
Home maintenance products	11
Household goods	
consumer durables	44
cool & heat equipment	5
electronic	1
furniture	5
whitegoods	10
Nursery products	25
Personal use products	34
Sporting, recreation & camping	2
Stationery	6
Toys	65
Transport equipment (excluding motor vehicles)	1
<b>Total</b>	<b>253</b>

## Alleged Hazardous Products Register

A secretariat provided by the Commonwealth Attorney-General's Department co-ordinates notification of alleged hazardous products to all members of the Commonwealth/State Consumer Products Advisory Committee (CSCPAC), which comprises representatives of the consumer affairs agencies of the Commonwealth, all States and Territories and New Zealand.

The Ministry worked closely with other CSCPAC members in relation to investigations, notifications and exchanges of information regarding alleged hazardous products in 1991-92.

In all, 77 products were reported through CSCPAC, and the Ministry initiated 13 of these notifications.

## Product Recall Register

Information was registered on 276 voluntary recalls of consumer products, in a variety of categories.

### PRODUCT RECALLS 1991-92

CATEGORY	No.
Medical products	145
Vehicles	45
Toys	7
Electrical appliances	23
Food products	23
Other	33
<b>Total</b>	<b>276</b>

## Australian Standards

The Ministry is represented on a number of committees developing or reviewing Australian Standards for particular products.

These are committees established by the Standards Association of Australia (Standards Australia), the independent, non-profit organisation whose benchmarks, although not mandatory unless specifically incorporated in legislation, are nationally recognised. Standards are created at the request of any authoritative source, governmental or otherwise.

Some of the Standards Australia committees on which the Ministry was represented in 1991-92 were:

### Portable Fire Extinguishers

Revised standards for portable fire extinguishers have been published, detailing requirements for water, wet chemical, foam, powder, carbon dioxide and vaporising liquid type extinguishers.

The Consumer Affairs (Product Safety) (Portable Fire Extinguishers) Regulations 1977 are to be amended to reflect these latest standards.

### Burning Behaviour of Textiles and Textile Products

The Australian Standard for "Children's Nightclothes Having Reduced Fire Hazard" is to be amended, mainly to allow testing of butt-joined fabrics and thereby overcome current problems with garment samples which are too small for the original test specifications. This standard is referred to in the Consumer Affairs (Children's Nightclothes) Regulations 1987, compliance with which is monitored by the Standards Branch.

### Solid Fuel Burning Appliances

A revised standard for the safety, installation, performance and efficiency of these appliances is being developed.

## **Playground Equipment**

The standard for the design, construction, installation, labelling and maintenance of playgrounds and playground equipment for public use is under review.

## **Other Safety and Standards Forums**

### **Victorian Injury Surveillance System (VISS)**

VISS collects and tabulates information on injury problems as a basis for the development of prevention strategies. The Ministry is represented on the steering committee.

Data is now collected from the Royal Children's, Royal Melbourne, Royal Victorian Eye and Ear, Preston and Northcote Community, Western and Latrobe Regional Hospitals.

The Ministry has access to this data base, to assist in research and investigations, and is notified by the coordinators of any trends or areas of concern that may come to their attention. Valuable information relating to bunk beds and exercise cycles was obtained in this way.

### **Commonwealth/State Consumer Product Advisory Committee (CSCPAC)**

CSCPAC meetings, involving representatives from the Commonwealth, all States and Territories, New Zealand and (as a consultative member) Standards Australia, were held in October 1991 (in Melbourne) and May 1992 (Sydney).

Mutual recognition of standards across State borders, testing procedures for toys, and standards for smoke alarms are examples of the wide range of topics examined.

Referring to VISS data, Victoria stressed the risk of injury to children's fingers from the spokes of exercise cycles. VISS statistics on falls from bunk beds were also submitted, to assist in assessing and developing a response to this hazard.

Exercise cycles and bunk beds are both agreed priority items for 1992-93, together with: furniture flammability labelling, fibre content labelling, step and extension ladders, children's cots and babies' dummies.

### **Community Injury Prevention Programs Advisory Committee**

In 1990 the Victorian Health Promotion Foundation and VicRoads commissioned the Monash University Accident Research Centre, in co-operation with the Shire of Bulla, to undertake a community based injury prevention project. The initial project, "Safe Living", has now been operating in the Shire of Bulla for over a year.

The primary role of the committee, now that the initial program is well established, is to provide advice to other community based injury prevention programs and liaison between the project and other agencies with an interest in injury prevention.

### **Victorian Committee on Poisoning Prevention (VCOPP)**

VCOPP has met monthly to identify poisoning problems, develop counter-measures and evaluate preventive interventions. The Ministry's representative also took part in a VCOPP workshop in September 1991, where industry, government and consumer organisations considered strategy for preventing poisoning of young children by dishwashing machine detergents. This workshop led to an agreement that packaging for the detergents would be made child-resistant.

## Food Standards Bodies

The Victorian Food Standards Committee develops recommendations for regulations on purity standards for food offered for public sale. The Ministry is also represented on the Intersectoral Working Party on Food and Nutrition, which is examining current food and nutrition policy and structural arrangements.

## Inter-agency Consultations

In November 1992, the Australian Bureau of Statistics will be collecting data on personal injury through a supplement to its regular household survey. A pilot was conducted in May. The Ministry has contributed to the framing of questions through meetings of interested organisations, which also involved the Health Department, the Child Accident Prevention Foundation of Australia and the Monash Accident Research Centre. Matters covered will include: medicine, household chemical and poison storage, slippery surfaces, fencing of swimming pools, spas, handrails for the aged, bunk beds, highchairs, prams, strollers and baby walkers.

The Environment Protection Authority consulted the Ministry on the implementation of recommendations by the Natural Resources Environment Committee regarding waste management in the greater Melbourne area.

The Ministry was among the agencies represented at a meeting in March 1992 with the Federal Office of Trade and Foreign Affairs, to discuss the potential implications of mutual recognition of product regulations and standards between Australia and other countries.

# Prices

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## **Objective: To deter excessive prices.**

The Ministry contributes to deterrence of excessive prices through:

- consumer awareness activities
- submissions to Commonwealth Government inquiries into price related issues
- participation in national policy development, and
- provision of research support to the Prices Commissioner.

Research and policy work in relation to promoting price competition is the responsibility of the Research and Economics Branch.

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## **Bank Accounts: New Brochures**

A new group of brochures, designed to assist consumers in selecting the bank account best suited to their particular needs, was published and distributed by the Ministry in September 1991. Brochures were produced for three consumer groups: age pensioners, young people, and families.

"Best" accounts were chosen on the basis of the costs associated with different accounts and their influence on effective rates of interest. This information was derived from a report "Is the Consumer Really Winning?", prepared by Judy Taylor of LaTrobe University's School of Economics and Commerce.

As banking products are continually changing, the Ministry intends to provide regular updates of this information for consumers.

## **Cinema Tickets: Submission to Prices Surveillance Authority**

The Ministry was the lead agency in the preparation of Victoria's submission to the Prices Surveillance Authority (PSA) Inquiry into Cinema Admission Prices.

The submission expressed concern at steep increases in full admission prices in recent years, but noted that high usage of concession tickets had kept the average price reasonably stable. It was recommended that the PSA closely examine the relatively high concentration of ownership in the cinema industry, as such concentration provides the potential for the exercise of market power which could disadvantage independent film exhibitors and lead to reduced competition and increased prices.

Continued monitoring of the industry rather than intervention to control admission prices was the preferred option announced by the PSA in October 1991. In response, major operators promised either to freeze maximum prices or to extend bulk discounts to all showings.

## **Computer Software: Prices Surveillance Authority Inquiry**

The Ministry is taking a leading role in preparing a submission to a PSA inquiry into computer software prices.



## **Unit Pricing: Working Party**

Pack sizes are soon to be de-regulated and value-for-money comparisons between different brands and sizes will be difficult. One way of alleviating this problem is unit pricing - giving the price for a set quantity of the product as well as the item price.

Following agreement by the Standing Committee of Consumer Affairs Ministers (SCOCAM) on the need for unit pricing on a uniform basis in Australia, Victoria has convened a working party, comprising relevant Commonwealth, State and Territory consumer agencies, to develop a national policy.

The group is examining how consumers can be made more aware of unit pricing and its use as an aid to price comparison, and how supermarkets can be encouraged to set up a viable unit pricing system.

## **Prices Commissioner**

Professor Rodney Maddock of the Department of Economics at LaTrobe University was appointed Prices Commissioner in early 1992. He replaced Professor Allan Fels, who had resigned to take up an appointment as Chairman of the Trade Practices Commission.

The Prices Commissioner does not set consumer prices. His statutory roles are quite specific. One is to chair the Egg Prices Review Panel, which reviews proposals by the Victorian Egg Marketing Board for changes to the average wholesale price of eggs. The other is to advise the Minister for Food and Agriculture on the six-monthly milk price determinations of the Victorian Dairy Industry Authority.

In addition, the Prices Commissioner from time to time reviews certain professional fees at the request of the relevant minister, acts as the Attorney-General's nominee on the Supreme Court Solicitors' Remuneration Order Committee, and conducts inquiries on price-related issues.

The Research and Economics Branch provides research support to the Prices Commissioner to enable him to fulfil these responsibilities.

## **Community Prices Action**

Community prices action groups monitor supermarket prices on a voluntary basis to promote competition between local supermarkets. Due to resource constraints, the Ministry was only able to provide limited administrative support to a few groups in 1991-92. Prices action groups currently supported in this way, through the Liaison and Development Branch, are located in Sunshine, Hampton Park, Sale and Moe.

## Sustaining Our Performance

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**Objective: To achieve a high standard of management and administration.**

Maintenance of the Ministry's capacity to meet the demands placed upon it, requires a variety of work "behind the scenes".

The Research and Economics Branch collects and analyses data on the consumer and tenancy markets for use in planning and review of programs. Program evaluations are also carried out by this branch.

The Legal Services, Personnel, Information Systems and Finance Branches also provide vital internal services as their names imply.

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### Research for Planning and Policy Development

#### Market Research into Tribunals

A consultant was commissioned to survey users of the Small Claims and Residential Tenancies Tribunals (both applicants and respondents) in order to obtain up-to-date demographic information, data on post-hearing outcomes and user opinions of various aspects of the tribunal process.

#### Caravan Parks Residency Study

In late 1991, the Ministry commissioned a consultant to conduct a survey of over 1,300 long-term caravan park residents throughout Victoria, using sample weightings developed through the previous year's survey of caravan park owners and managers.

Much useful information was obtained from a preliminary analysis of the residents' survey data. For example, it showed that there are proportionally more males, more single people, and fewer children among caravan park residents than among the Victorian population as a whole, and that nearly 40% of survey respondents anticipated long term or permanent caravan park residency. A report

summarising these preliminary results was prepared and distributed to respondents and the owners and managers of participating parks.

A full analysis has since been undertaken and a detailed report is in preparation. The analysis will contribute to the achievement of the Ministry's monitoring and public information objectives in relation to the Caravan Parks and Movable Dwellings Act 1988.

#### Rooming House Tenants Association Survey Report

The Ministry funded the Rooming House Tenants Association (RHTA) to undertake a doorknock for the purposes of distributing tenancy information and conducting a survey of rooming houses and their residents. Data collected from over 900 residents was analysed by the Ministry and preparation of a report commenced in co-operation with the RHTA.

One significant finding was that nearly 30% of respondents had been living in rooming house accommodation for less than twelve months. The ratio of males to females was significantly higher for rooming house residents than for the Victorian population as a whole.

The analysis will assist the Ministry to direct information to rooming house residents more effectively.

### **Funded Consumer Groups' Surveys**

At the Ministry's instigation, all groups funded to provide regional information and advice services to consumers under the Consumer Support Program (CSP) have begun conducting six-monthly client surveys. Over a two week period, the nature of all complaints and enquiries is recorded, together with demographic data on the consumers concerned.

Data from the first survey has been analysed by the Ministry, and the second survey's results were being collected as this report was being written. Over time, analysis of the data will allow identification of changing trends in the types of complaints being made and in the types of people making use of the groups' services. Comparisons will also be made with statistical data for a given region as a whole to see whether all segments of the population are being catered for adequately.

By providing the funded groups with concise reports of the survey results, the Ministry will enable the groups to use the information gathered as a basis for future planning of services and programs.

### **Market Research on Consumer Perceptions and Expectations**

To gauge public expectations regarding consumer affairs in the mid 1990s, a consultant was engaged to conduct a telephone survey of 700 metropolitan and 300 country residents.

Pleasingly, there was a high generalised awareness and approval of the Ministry. The major issues or concerns identified were already being addressed by the Ministry, except "poor treatment by

sales staff", which is outside the Ministry's jurisdiction.

### **Review and Evaluation**

#### **"Renters Have Rights" Tenancy Awareness Campaign**

A full evaluation was carried out of the "Renters Have Rights" campaign conducted in late 1991 (see p.20). This supported embarking on a second campaign, but with more effective targeting of messages.

#### **Needs-Based Funding Model**

The needs-based funding model developed and introduced last year as a guide to more objective decision making on allocation of funding to community groups under the Ministry's Consumer Support and Tenant Support Programs was revised.

The review was undertaken in consultation with representatives of the funded groups and took specific account of differences between the two funding programs. A more refined model resulted.

This revised needs-based funding model was used in the 1991-92 funding round and, under the Ministry's triennial funding policy, will apply for 1992-93 and the following two years.

#### **Trade Measurement Branch**

Given the changes that will follow introduction of the agreed, nationally uniform trade measurement legislation, a service plan was drafted, to define the role of the Trade Measurement Branch in the 1990s and an appropriately revised structure.

#### **Regulation of Consumer Markets**

A paper examining regulation of consumer markets from an economic standpoint was prepared. This included

a discussion of reasons for and methods of market intervention and included a framework to facilitate review of existing or proposed regulatory schemes.

## **Research Support and Co-ordination**

The Research and Economics Branch co-ordinated the Ministry's input to Government consideration of issues such as mutual recognition of standards across state borders, and continued to assist other branches of the Ministry with research, economic and statistical analysis, and advice on review and evaluation of programs.

The Branch was also responsible for preparing an up-dated report for management on implementation of the recommendations of the 1989 Review of Residential Tenancies Functions and Services, summarising action to the end of March 1992 on each of the 82 recommendations.

## **Legal Advice**

The Legal Services Branch has regularly tendered written and oral legal advice to the Minister, Director, Assistant Directors and Branch Managers on a broad range of topics including contracts, delegations, interpretation of legislation, prosecutions and evidence relating thereto, and content of documents to be published.

Assistance has been obtained speedily from the Victorian Government Solicitor's Office where necessary.

## **Trade Measurement Matters**

A quality manual for the Measurement Laboratory was prepared and introduced, partly in order to meet the quality management conditions for continued appointment as a verifying authority

under the National Measurement Act (see pp. 45-6). Administrative and technical procedures have been improved as a result.

Trade Measurement Branch officers assisted the TAFE Off-Campus Authority in preparing for the re-accreditation of the course for people wishing to become trade measurement inspectors (Certificate in Trade Measurement). This assistance involved determination of course content and development of some subject material. Re-accreditation was required by TAFE because the course had been on offer for five years.

## **Liaison with Funded Group Workers**

The community sector has been assisted in improving service quality by appropriate training, provided through either the Ministry's regional offices or peak consumer and tenancy organisations. The Ministry was involved in 24 and 9 training days respectively under the Tenant Support and Consumer Support Programs, in addition to ongoing orientation days for new workers.

Responsibility for liaison with funded groups was re-centralised, requiring improved office and administrative procedures to maintain assistance and support with reduced resources.

A review and rationalisation of financial monitoring systems within the Liaison and Development Branch has resulted in simplified financial reporting and monitoring systems for both the funded sector and the Ministry.

Improvements in the financial and program accountability of individual projects were advanced further towards the end of 1991-92 with the introduction of three year funding programs.

## Training and Development

Strategically focused training under the Staff Development Program developed further in 1991-92, contributing to the achievement of corporate aims.

An analysis was conducted of training needs in four priority areas:

- service delivery and specialist technical advice
- staff understanding of the Ministry's role
- management expertise, and
- computer awareness throughout the Ministry

In-house courses were developed, based on this analysis and the achievements expected of each branch for the year, to foster the expertise necessary for the wide range of duties performed by Ministry staff.

Specialist training covered: particular legislation administered by the Ministry, project management, time management, and communication and presentation skills. Computer skills courses developed staff abilities with computer packages used in their daily work.

Induction programs assisted staff in understanding the role of the Ministry and their part in achieving the corporate mission, while supervisory skills training and a financial management program were provided for managers and supervisors.

Evaluation, including an end-of-year survey of staff and management, indicated that the programs had broadened knowledge and understanding as well as developing specific job skills. Staff confidence and responsiveness in client dealings had increased, as had computer skills. Other identified benefits included networking opportunities and good staff morale.

Four staff participated in the interchange program for administrative

officers classified AM-4 to AM-6, where staff swap jobs for four and a half months with staff in other agencies to widen their experience and gain new skills. The success of this program led to three AM-1 and AM-2 level staff participating in a similar interchange scheme. The Ministry has also released one of its legal officers to take part in the Executive Development Interchange Program. This officer is undertaking a placement in the private sector, with the Business Council of Australia.

## Personnel

### Equal Employment Opportunity (EEO)

#### Koorie Employment Strategy

Managers, selected staff and a number of Koories employed in the Victorian Public Service were in attendance when the Minister officially launched the Ministry's first Koorie Employment Strategy in January 1992. Three young Koorie people had already been recruited into permanent administrative positions in the Adjudication Support Branch in the latter half of 1991. The strategy brochure, outlining the activities to be undertaken by the Ministry over the next 3 years, was subsequently distributed to all Ministry staff.

The strategy provides for:

- work experience placements for secondary school students
- employment of and training and development opportunities for Aboriginal people, and
- career advice and counselling for Koorie staff.

To increase their understanding of Aboriginal people, Ministry supervisory and management staff took part in cross-cultural awareness workshops at Worowa College, Healesville, in 1992.

## Disability Employment Strategy

The Disability Employment Strategy developed by the Ministry's EEO Consultative Committee was distributed to all staff.

In May 1992 a disability awareness workshop was conducted for senior management, with participants discussing how they could contribute to achieving the strategy's aims of:

- increasing the number of people with disabilities employed by the Ministry
- ensuring access to training and development opportunities for disabled employees, and
- involving people with disabilities in the Ministry's consultative processes.

Among the Ministry's achievements under the strategy to date have been the taking on of three people with disabilities under the Commonwealth Rehabilitation Services three month work experience program and a person from the Public Service Board's Disability Register on a six month work trial.

## Office Based Structure

Keyboard, clerical and administrative positions in the Victorian Public Service are being amalgamated into eight "office based" classifications, in accordance with the Structural Efficiency Principle embodied in a national industrial agreement for productivity improvement.

Introduction of the Office Based Structure to the Ministry has commenced. Two working parties of management and staff representatives have been formed, charged with developing options for the re-design of work in the Client Services Division and the Development Division respectively. The needs of disadvantaged groups are being taken into account in the job re-

design process, and one working party has the benefit of both a Koorie and a visually impaired person being team members.

Training for working party members has included job re-design principles and practice, job evaluation techniques, project management skills, team building and change management.

Working parties for the Corporate Services Division and the Legislation and Regulation Division will commence in September 1992.

## Personnel Branch Restructure

Implementation has begun of a reorganisation of the Personnel Branch, to improve its capacity for providing advice and assistance both to managers exercising personnel delegations and to staff, and for planning and policy work.

At the same time the personnel services function has been recentralized and an audit undertaken of personnel decisions made under delegation by line managers.

## Redeployment

Severe budget cuts in the Ministry in 1991-92 led to 21 permanently occupied positions being declared redundant. Affected officers either left the Public Service with an Enhanced Resignation Package or were placed (permanently or on secondment) through the State Government's redeployment process. Only one officer was still to be redeployed into a funded position at 30 June 1992.

## Information Systems

### Computer Systems

The data communications network has been extended, giving users at regional offices and other Ministry sites away from 500 Bourke Street access to the

tribunals and corporate systems and the local area (personal computer) network.

The operation of the tribunals system was greatly improved with the installation of two Data General Aviiion computers in August 1991: one to accommodate the day to day transactions of Adjudication Support Branch staff, the other to provide a separate environment for program development and testing. It is no longer necessary for the system to be taken "off line" while developmental work is in progress.

A major development project designed to replace all existing tribunals applications, deliver enhanced management information and provide better search and reporting capabilities was commenced in September 1991. The scheduled completion date is November 1992.

Major applications development on the local area network has involved the design and implementation of multi-user systems for general file management and for access to data relating to industry regulation.

### **Records Management**

Priority was given to the development and implementation of a range of disposal schedules for old conciliation and tribunal files, which were taking up expensive storage space. To protect documents of continuing value, records disposal is controlled by the Public Records Office, under the Public Records Act 1973. Conciliation files must be kept for a minimum of seven years and tribunal files for at least fifteen years.

Further development of disposal schedules for the (less numerous) out-of-date Ministry files in other categories will be a priority in 1992-93.

## **Finance**

Additional revenue to the Residential Tenancies Fund of approximately \$2m has been achieved through improved monitoring of landlords, estate agents and financial institutions with respect to security deposits (bond monies). The Residential Tenancies Act 1980 requires that landlords or their agents pay every bond received into an approved trust account at an authorised financial institution (most banks and building societies are authorised). The institution must in turn pay the account interest into the Fund, which is used to cover the various administration costs of the Act and for other purposes the Act specifies.

Work has commenced on the implementation of a new revenue system, which will fully automate the processing of licence fee payments and payment of Ministry invoices. The system is due to be operational early in the new financial year.

The Ministry has been selected as a pilot site for the introduction of accrual accounting, which will provide clearer financial management information. As part of the implementation process, an assets system has been established, whereby a register is maintained of all Ministry assets and their current value.

The payroll of the Ministry was successfully changed to the Paymaster system from the first pay period of July 1991.

### **Internal Audit**

The Internal Audit Unit operated under a resource-sharing arrangement between the Ministry of Consumer Affairs (40%), the Ministry for Ethnic, Municipal and Community Affairs (35%) and the Department of Planning and Housing (25%).

The Unit achieved its work program for 1991-92 with the completion of the following audits:

- Tribunals - expenses
- safety and security (Liquor Licensing Commission)
- purchasing, including corporate credit cards
- Consumer Support and Tenant Support Programs
- Motor Car Traders Guarantee Fund
- leave entitlements.





## Overseas Visits

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During June-July 1991 the Assistant Director (Legislation and Regulation), Mr G Carleton, undertook a study tour in the USA and Canada. Mr Carleton visited sixteen local, state and federal consumer affairs agencies and discussed a range of issues, including:

- dispute resolution mechanisms
- legislative developments in areas such as weights and measures, credit and "lemon laws"
- occupational licensing
- regulation of builders
- product safety, and
- administration of weights and measures authorities.

One matter of particular interest to the Ministry was the voice response unit (VRU) used by the State Consumer Affairs Department in California. Mr Carleton was able to gain first hand knowledge of the operation of the Californian system, to which the VRU now installed in the Ministry is very similar.

In October 1991, the Director of Consumer Affairs, Ms PM Faulkner, joined a delegation to the OECD's Seminar on Consumer Policy in the 1990s. The delegation comprised industry representatives and Commonwealth and State officials.

The seminar was held over two days in Paris and whilst there Ms Faulkner was able to participate in two other OECD meetings.

In the following week she met with various government officials and staff of industry and subscriber funded consumer bodies in London. The

purpose of these discussions was to examine emerging consumer issues and methods for handling them. Ms Faulkner visited the Insurance Ombudsman, the Office of Fair Trading and the Consumers Association.

Materials collected on the above visits have been lodged in the Ministry's library.



## Consultative Groups

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### **Victorian Consumer Affairs Committee**

The Victorian Consumer Affairs Committee (VCAC) comprises 15 voluntary representatives from industry, trade union and consumer groups. Its monthly meetings are chaired by Suzanne Russell, Senior Lecturer in Consumer Science at Royal Melbourne Institute of Technology.

The Committee provides input from community organisations on consumer issues and acts as a source of policy advice to the Minister.

Issues are raised by Committee members and through public forums organised by the Committee. In December 1991, the VCAC conducted an Insurance Seminar with major speakers from the Insurance Industry Complaints Council and the Insurance and Superannuation Commission. Similarly, an information forum was organised in June 1992 on Privacy and the Credit Reference System.

During the last year the VCAC requested submissions from consumers, through newspaper advertisement, on the operation of the Code of Practice for Computerised Checkout Systems at Supermarkets. A report providing a consumer perspective on supermarket scanning was submitted to the Minister and subsequently to the Trade Practices Commission Inquiry.

### **Industry Liaison Group**

The Industry Liaison Group (ILG) is a consultative forum between the Ministry of Consumer Affairs and various

industry and commerce groups. Its main functions are to assist the Ministry in developing information and awareness programs for traders and consumers, and to advise on priority areas for research and information provision so as to facilitate a fair marketplace.

In 1991-92 the ILG supported the Ministry's celebration of World Consumer Rights Day on 15 March around the theme of "Consumers are Business" (see p.20). Several member organisations participated in related activities which aimed to assist traders to promote their customer relations policies and practices to consumers.

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

### **Tenancy Information and Research Advisory Committee**

The Tenancy Information and Research Advisory Committee (TIRAC) was established as a result of the recommendations of the Review of Residential Tenancies Functions and Services 1989 to provide a consultative forum on the planning of tenancy information, education and research for the Ministry.

TIRAC meets bi-monthly, with membership comprising representatives of the Tenants Union of Victoria, Shelter Victoria, the Real Estate Institute of Victoria, and the Department of Planning and Housing. The Tenants Union represents other tenant groups, including rooming house and caravan park residents' organisations, on this advisory committee.

# APPENDIX 1A

## FINANCIAL STATEMENTS

SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30 JUNE 1992

RECEIPTS	NOTES	CONSOLIDATED FUND		TRUST FUND			TOTAL		
		1991-92	1990-91	1991-92	1990-91	1991-92	1990-91	1991-92	1990-91
		\$	\$	State Accounts \$	1991-92 C'wealth Accounts \$	Total \$	Total \$	\$	\$
Corporate Services Program		192,512	175,461	11,360,718	-	11,360,718	11,602,703	11,553,230	11,778,164
Community and Consumer Services Program		155,344,520	150,837,447	2,324,917	-	2,324,917	1,874,556	157,669,437	152,712,003
Net Program Receipts		155,537,032	151,012,908	13,515,635	-	13,515,635	13,477,259	169,222,667	164,490,167
Total Consolidated Fund Receipts		155,537,032	151,012,908						
<b>TOTAL ALL RECEIPTS</b>								<b>169,222,667</b>	<b>164,490,167</b>

# FINANCIAL STATEMENTS

SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30 JUNE 1992

PAYMENTS	NOTES APPROPRIATIONS - CONSOLIDATED FUND				TRUST FUND			TOTAL	
	1991-92	1990-91	1991-92	1990-91	1991-92	1990-91	1991-92	1990-91	
	Special \$	Annual \$	Total \$	Total \$	State Accounts \$	Cwealth Accounts \$	Total \$	Total \$	\$
Corporate Services Program	-	3,761,413	3,761,413	4,647,922	2,968,269	-	2,968,269	1,828,080	6,729,682
Community and Consumer Services Program	-	11,904,787	11,904,787	13,581,824	12,097,780	-	12,097,780	8,714,104	24,002,567
Net Program Payments	-	15,666,200	15,666,200	18,229,746	15,066,049	-	15,066,049	10,542,184	30,732,249
Add transfer from Appropriations to Trust Account									28,771,930
Residential Tenancies Fund	(i)	170,000	170,000	163,489					
Total Consolidated Fund Payments	-	15,836,200	15,836,200	18,393,235					
PUBLIC ACCOUNT ADVANCES									
<b>TOTAL ALL PAYMENTS</b>									
									<b>30,732,249</b>
									<b>28,771,930</b>

# APPENDIX 1B

## FINANCIAL STATEMENTS

PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1992

Ref	Notes	1991/92	1990/91
		\$	\$
<b>CORPORATE SERVICES PROGRAM CONSOLIDATED FUND</b>			
Fees and Charges			
Freedom of Information		721	629
Miscellaneous Receipts			
1. Car Deductions		6,777	3,874
2. Appropriations Former Years		39,447	17,027
3. Interest on Bank Accounts		17,190	53,460
4. Commission on Group Assurance Premiums		2,588	1,466
5. Commission on Hospital and Medical Deductions		584	1,029
6. Costs Awarded in Court Proceedings Prices Office Contribution		18,246	33,480
		32,972	51,728
7. Sale of Government Property		73,723	12,491
Surplus Cash		264	277
<b>TOTAL CONSOLIDATED FUND</b>		<u>192,512</u>	<u>175,461</u>
<b>TRUST FUND</b>			
State Trust Accounts			
8. Motor Car Traders Guarantee Fund		198,250	261,468
9. Residential Tenancies Fund		11,162,468	11,341,235
Total Trust Fund		<u>11,360,718</u>	<u>11,602,703</u>
<b>TOTAL GROSS PROGRAM RECEIPTS</b>		<u>11,553,230</u>	<u>11,778,164</u>



# FINANCIAL STATEMENTS

PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1992

Ref	Notes	1991/92	1990/91
		\$	\$
<b>COMMUNITY AND CONSUMER SERVICES PROGRAM</b>			
<b>CONSOLIDATED FUND</b>			
Taxation			
10.		302,072	259,443
11.		806,563	550,930
		613,727	602,047
12.	(j)	153,092,235	148,915,944
Fees and Charges			
Weights and Measures			
		510,012	499,692
		2,051	2,358
Miscellaneous Receipts			
		-	2,268
13.		-	2,787
	(k)	17,614	2,787
14.		-	1,550
		246	428
<b>NET</b>		<b>155,344,520</b>	<b>150,837,447</b>
<b>TRUST FUND</b>			
State Trust Accounts			
15.		2,037,465	1,697,851
16.		287,452	176,705
		2,324,917	1,874,556
<b>TOTAL GROSS PROGRAM RECEIPTS</b>		<b>157,669,437</b>	<b>152,712,003</b>

# FINANCIAL STATEMENTS

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1992

Ref	Notes	Budget 1991/92 \$	Actual 1991/92 \$	Actual 1990/91 \$
<b>CORPORATE SERVICES PROGRAM CONSOLIDATED FUND</b>				
<b>ANNUAL APPROPRIATIONS</b>				
<b>Recurrent Expenditure</b>				
17.		1,359,210	1,353,856	1,484,118
18.	(l) (m)	351,000	427,694	609,741
<b>Other Recurrent Services</b>				
19.				
		34,000	36,137	32,595
20.		1,787,000	1,632,919	2,073,908
		<u>3,531,210</u>	<u>3,450,606</u>	<u>4,200,362</u>
<b>Works and Services Expenditure</b>				
<b>Administrative Unit Payments</b>				
21.		197,000	215,843	235,227
22.		45,000	33,331	27,640
23.	(n)	12,320	6,895	12,320
24.	(o)	60,000	54,738	65,248
		-	-	107,125
		<u>314,320</u>	<u>310,807</u>	<u>447,560</u>
<b>TOTAL GROSS CONSOLIDATED FUND</b>				
		<u>3,845,530</u>	<u>3,761,413</u>	<u>4,647,922</u>

# FINANCIAL STATEMENTS

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1992

Ref	Notes	ACTUAL 1991/92	ACTUAL 1990/91
		\$	\$
TRUST FUND			
State Trust Accounts			
25. Motor Car Traders Guarantee Fund		301,216	193,732
26. Residential Tenancies Fund		2,667,053	1,634,348
Total Trust Fund		<u>2,968,269</u>	<u>1,828,080</u>
<b>TOTAL GROSS PROGRAM PAYMENTS</b>		<u><b>6,729,682</b></u>	<u><b>6,476,002</b></u>



# FINANCIAL STATEMENTS

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1992

Ref	Notes	Budget 1991/92 \$	Actual 1991/92 \$	Actual 1990/91 \$
<b>TRANSFER TO TRUST FUND</b>				
<b>Residential Tenancies Trust Fund</b>				
33.	Payment to Residential Tenancies Fund of fees collected pursuant to section 26 of the Residential Tenancies Act 1980 by means of duty stamps	(i) 170,000	170,000	163,489
<b>TOTAL GROSS CONSOLIDATED FUND</b>		<b>12,293,570</b>	<b>12,074,787</b>	<b>13,745,313</b>
<b>TRUST FUND</b>				
<b>State Trust Accounts</b>				
34.	Motor Car Traders Guarantee Fund		1,876,802	1,578,822
35.	Residential Tenancies Fund		10,220,978	7,126,282
	Housebuilders' Liability		-	9,000
<b>Total Trust Fund</b>			<b>12,097,780</b>	<b>8,714,104</b>
<b>TOTAL GROSS PROGRAM PAYMENTS</b>			<b>24,172,567</b>	<b>22,459,417</b>

# APPENDIX 1C

## FINANCIAL STATEMENTS

### ADDITIONAL TRUST FUND INFORMATION

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#### STATEMENT OF TRUST FUND BALANCES AS AT 30 JUNE 1992

	Cash	Investments	Total
	\$	\$	\$
(a) General Trust Fund Accounts			
Motor Car Traders Guarantee Fund	55,066	1,895,000	1,950,066
Residential Tenancies Fund	901,989	27,800,000	28,701,989
(b) Suspense and Accounting Type Trust Accounts			
(1) Departmental Suspense Account	110,702	-	110,702
(2) Cash Suspense Account	11,282	-	11,282

# FINANCIAL STATEMENTS

## ADDITIONAL TRUST FUND INFORMATION

(c) STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS IN EXCESS OF  
\$ 200,000 FOR THE YEAR ENDED 30 JUNE 1992

	NOTES	1991/92	1990/91
		\$	\$
<b>1. MOTOR CAR TRADERS GUARANTEE FUND</b>			
Receipts			
Licence Fees		1,867,742	1,562,975
Fines		9,308	11,396
Interest on Investments		198,250	261,468
Section 80 Recoveries		160,415	123,480
Total Receipts		<u>2,235,715</u>	<u>1,953,319</u>
Payments			
Salaries, Allowances & Associated Costs		1,203,173	743,011
Accommodation Rental		179,540	179,000
General Expenses	(t)	795,306	850,543
Total Payments		<u>2,178,019</u>	<u>1,772,554</u>
Cash Surplus/(Deficit) for the Year		57,696	186,765
Balance brought forward		<u>1,892,370</u>	<u>1,705,605</u>
Balance carried forward		<u>1,950,066</u>	<u>1,892,370</u>

# FINANCIAL STATEMENTS

## ADDITIONAL TRUST FUND INFORMATION

### (c) STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS IN EXCESS OF \$ 200,000 FOR THE YEAR ENDED 30 JUNE 1992

	NOTES	1991/92	1990/91
		\$	\$
<b>2. RESIDENTIAL TENANCIES FUND</b>			
Receipts			
Interest on Bond Monies		8,098,465	8,000,380
Fees		197,893	94,998
Duty Stamp Fees	(i)	170,000	163,489
Interest on Investments		2,873,183	3,340,855
Other		110,380	81,707
Total Receipts		<u>11,449,921</u>	<u>11,681,429</u>
Payments			
Salaries, Allowances & Associated Costs		4,844,733	4,725,216
Accommodation Rental		809,324	544,000
General Expenses	(u)	5,233,974	3,491,414
Section 54 Loans	(y)	2,000,000	-
Total Payments		<u>12,888,031</u>	<u>8,760,630</u>
Cash Surplus/(Deficit) for the Year		(1,438,110)	2,920,799
Balance brought forward		30,140,099	27,219,300
Balance carried forward		<u>28,701,989</u>	<u>30,140,099</u>



# APPENDIX 1D

## FINANCIAL STATEMENTS

SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30 JUNE 1992

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### Payments from Appropriations of other Departments

As at 30 June 1992, the Ministry had made no payments from appropriations of other Departments.

### Resources Received and Provided Free of Charge

As at 30 June 1992, the Ministry had received no significant staff resources of other organisations.

### STATEMENT OF BALANCES

#### Cash and Investment Balances.

As at 30 June 1992, 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
		\$	\$	\$	\$
Advance Accounts	(v)	7,488	-	7,488	2,590
Drawings Account		-	-	-	6,242
Revenue Accounts		(17)	-	(17)	4,077
Suspense Accounts		25,000	-	25,000	753
Small Claims Trust Account		106		106	3,529

### DEBTORS

(a) As at 30 June 1992, the following amounts were outstanding.

<b>Debtors of the Ministry</b>	<b>\$</b>
Accounts Receivable for Weights & Measures	61,569
Miscellaneous Accounts	23,681
Recovery of Salary Overpayments	4,099
Tax and Miscellaneous Revenue due to the Liquor Licensing Commission	1,479,652
<b>TOTAL</b>	<b><u>1,569,001</u></b>

# FINANCIAL STATEMENTS

SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30 JUNE 1992

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## Notes

(b) The number of bad debts written off during the financial year to 30 June 1992

Ministry of Consumer Affairs	29
Liquor Licensing Commission	30

TOTAL	<u>59</u>
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(c) The aggregate of bad debts written off during the financial year to 30 June 1992

Ministry of Consumer Affairs	5,707
Liquor Licensing Commission	23,655

TOTAL	<u>29,362</u>
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(d) The allowance for doubtful debts as at 30 June 1992

Ministry of Consumer Affairs	(w)	8,900
Liquor Licensing Commission		386,800

TOTAL		<u>395,700</u>
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### General Stores on Hand

As at 30 June 1992, the Ministry had the following stores on hand.

TOTAL	11,030
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### Creditors

As at 30 June 1992, the Ministry had the following amounts outstanding.

General Expenses	96,340
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### Employee Entitlements

As at 30 June 1992, the Ministry had outstanding employee benefits incl.

Annual Leave	667,808
Long Service Leave	2,026,681

TOTAL	<u>2,694,489</u>
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# FINANCIAL STATEMENTS

SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30 JUNE 1992

## Capital Commitments

As at 30 June 1992, the Ministry had \$16,920 in Capital Commitments.

## Leasing Commitments

As at 30 June 1992, the Ministry had entered into lease commitments which are summarised as follows:

	Operating Lease \$	Finance Lease \$
Not later than 1 year		
Ministry of Consumer Affairs	2,047,019	175,000
Liquor Licensing Commission	432,976	-
Later than 1 years but less than 2 years		
Ministry of Consumer Affairs	2,020,886	53,000
Liquor Licensing Commission	421,350	-
Later than 2 years but less than 5 years		
Ministry of Consumer Affairs	739,736	-
Liquor Licensing Commission	1,264,051	-
Later than 5 years		
Ministry of Consumer Affairs	17,698	-
Liquor Licensing Commission	2,527,526	-
	9,471,242	228,000
	\$	

## Balance Outstanding on Loans

As at 30 June 1992, the outstanding loan balances on loans made by the Ministry under the Residential Tenancies Act are as follows,.

(a) Bond Recolation Scheme	330,134
(b) Bond Assistance Scheme	1,983,018
	2,313,152
TOTAL	
Less provision for doubtful recovery calculated at 70% and 50% respectively for a and b.	1,222,905
	1,090,847
TOTAL	

## Prepaid Licence Fees

As at 30 June 1992, the Liquor Licensing Commission had received prepaid licence fees to the value of \$47,574,975

## Ex-Gratia Payments

(a) The number of Ex-Gratia Payments during the financial year to 30 June 1992 totaled:	3
(b) The aggregate value of Ex-Gratia payments during the financial year to 30 June 1992 totaled:	\$157

# APPENDIX 1E

## FINANCIAL STATEMENTS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1992

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- (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 Ministry of Finance for telephone services.
- (d) Appropriations to the administrative unit which have been expended on its behalf by the Ministry of Planning and Housing 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) Due to the machinery of government changes the Aboriginal Affairs Program was transferred to the Department of Aboriginal Affairs at the end of the 1990-91 financial year.
- (i) Transfer to Trust Fund of Application Fees collected by way of duty stamps for Residential Tenancies Tribunal hearings.
- (j) The Liquor Licensing Commission produces its own accrual financial statements required under the Annual Reporting Act 1983, as a contributed income sector body.
- (k) Application fees are paid in cash and by duty stamps. Fees shown represent only cash received by the Ministry.

# FINANCIAL STATEMENTS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1992

	ACTUAL 1991/92	ACTUAL 1990/91
	\$	\$
(l) Actual expenditure of \$1,353,856 represents:		
Salaries and allowances	1,144,932	1,247,296
Overtime and penalty rates	5,221	1,579
Payments in lieu of long service leave	20,591	-
Payroll tax	83,578	80,428
State Employees Retirement Benefit Fund		
- Contribution	1,101	1,624
Workcare levy	98,433	153,191
	<hr/>	<hr/>
TOTAL	1,353,856	1,484,118
(m) Actual expenditure of \$427,694 represents:		
Travelling and subsistence	28,213	18,223
Office requisites and equipment, printing and stationery	86,516	184,589
Books and publications	23,836	32,218
Postal and telephone expenses	58,768	94,402
Motor vehicles - purchase and running costs	20,745	24,255
Fuel, light, power and water	6,871	14,955
Incidentals	40,229	60,821
Electronic data processing	137,161	180,278
Consultants and Special Projects	25,355	
	<hr/>	<hr/>
TOTAL	427,694	609,741
(n) Actual expenditure of \$6,895 represents:		
Design, Supervision and Administration	739	1,320
Minor Works	6,156	11,000
	<hr/>	<hr/>
TOTAL	6,895	12,320
(o) Actual expenditure of \$54,738 represents:		
Accommodation and refurbishment	54,738	59,514
Furniture Replacement	-	5,734
	<hr/>	<hr/>
TOTAL	54,738	65,248

# FINANCIAL STATEMENTS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1992

	ACTUAL 1991/92	ACTUAL 1990/91
	\$	\$
(p) Actual expenditure of \$4,787,931 represents:		
Salaries and allowances	4,463,475	4,701,278
Overtime and penalty rates	10,798	13,135
Payroll tax	313,658	311,595
<b>TOTAL</b>	<b>4,787,931</b>	<b>5,026,008</b>
(q) Actual expenditure of \$1,083,900 represents:		
Travelling and subsistence	89,474	121,868
Office requisites and equipment, printing and stationery	303,149	536,014
Books and publications	16,006	12,202
Postal and telephone expenses	121,777	74,686
Motor vehicles - purchase and running costs	109,189	198,639
Fuel, light, power and water	119,343	54,850
Incidentals	270,773	278,733
Electronic data processing	5,516	2,351
Consultants and special projects	31,810	7,660
Stores, equipment and materials	16,863	24,171
<b>TOTAL</b>	<b>1,083,900</b>	<b>1,311,174</b>
(r) Actual expenditure of \$13,180 represents:		
Design, Supervision and Administration	1,412	7,955
Minor Works	11,768	15,900
Weights and Measures - repairs	-	50,390
<b>TOTAL</b>	<b>13,180</b>	<b>74,245</b>
(s) Actual expenditure of \$52,183 represents:		
Minor Works	3,216	650
Credit Tribunal - establish hearing rooms	48,967	92,128
<b>TOTAL</b>	<b>52,183</b>	<b>92,778</b>

# FINANCIAL STATEMENTS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1992

	ACTUAL 1991/92	ACTUAL 1990/91
	\$	\$
(t) Actual expenditure of \$795,306 represents:		
Claims against the Guarantee Fund	554,045	702,003
Other General Expenses	241,261	148,540
<b>TOTAL</b>	<b>795,306</b>	<b>850,543</b>

(u) Actual expenditure of \$5,233,974 represents:

Residential Tenancies Grant Scheme	2,383,111	1,872,926
Payments to Tenants and Landlords	109,186	98,473
Other General Expenses	2,741,677	1,520,015
<b>TOTAL</b>	<b>5,233,974</b>	<b>3,491,414</b>

(v) Advanced Accounts

Ministry of Consumer Affairs Advanced Account	4,183
Ministry of Consumer Affairs Payroll Account	3,305
<b>TOTAL</b>	<b>7,488</b>

- (w) The provision of doubtful debts has been calculated 10% of outstanding debtors for the Ministry of Consumer Affairs and on specific assessment of outstanding debtors for the Liquor Licensing Commission.
- (x) The provision of annual leave and annual leave loading was extracted from the Ministry's personnel records and calculated on the average salary for each classification, while the provision for Long Service Leave was calculated for each employee with over 5 years service and based on their classification as at 30 June 1992.
- (y) Loan authorised by the Director Of Consumer Affairs pursuant to section 54 (1) of the Residential Tenancies Act 1980.

# APPENDIX 1F

## FINANCIAL STATEMENTS

### EXPLANATORY STATEMENT

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1. The increase in car deductions reflects the full year effect of SES officers added to the car scheme in 1990-91.
2. The increase represents receipts in 1991-92 from the sale of motor vehicles in 1990-91.
3. All interest on bank accounts were reported against the Corporate Services program in 1990-91. Interest earned on bank accounts held by the Liquor Licensing Commission is now reported under taxation for that administrative unit. (refer note 12)
4. This figure now includes commission received on State Public Service Federation subscriptions .
5. The decrease reflects a lower membership in private health funds.
6. The decrease reflects a lower level of receipts by the Ministry in relation to costs awarded by the courts.
7. This figure represents the proceeds from the sale of a Weighbridge Testing Unit at \$54,570 and other vehicles.
8. The decrease reflects lower interest rates which has reduced investment earnings.
9. Due to lower interest rates, interest on bond money decreased by \$2,099,283 and interest on investment decreased by \$467,673. An audit during the financial year on interest payments on bond money recovered \$2,197,367 of previously unpaid interest by financial institutions. This figure also includes \$170,00 transfer from appropriations for application fees paid by way of duty stamps.
10. The increase is due to a 6% increase in fees and the timing of licence renewal receipts between 1991 and 1992.
11. The increase is due to the requirement of Credit Unions to be licensed under the Credit Administration Act 1984 that came into effect on 1 July 1991.
12. The increase in Liquor Licensing Commission Receipts is due to an increase in the value of liquor sales, and improved collection and enforcement measures. This figure also includes an amount of \$25,359 in relation to interest received on bank accounts held by the Commission and \$264 transfer from Treasury Trust to Consolidated Revenue.
13. The increase represents fees collected by cash and cheques instead of duty stamps. The availability of duty stamps at Post Offices was discontinued during the financial year.
14. Transfers from the Treasury Trust Account to Consolidated Revenue is now reported under general revenue received by the Liquor Licensing Commission.
15. The increase in receipts for the Motor Car Traders Guarantee Fund is due to the implementation of fee increases.
16. The increase represents fees collected by direct payments, to the Registrar, and an increase in the issue of warrants and money paid into the Rent Special Account.
17. Incorrect budget figures' were published in the 1991-92 budget papers for Salaries and Associated Costs; the correct figure is \$1,374, 600. The lower expenditure is a result of the full year effect of budget cuts that were implemented in 1990-91.
18. Incorrect budget figures were published in the 1991-92 budget papers for Operating Expenses; the correct figure is \$466,800 .The lower expenditure is a result of the full year budget cuts that were implemented in 1990-91.
19. Additional funding was approved by the Ministry of Finance for non-budgeted expenditure.



# FINANCIAL STATEMENTS

## EXPLANATORY STATEMENT

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20. Outgoings claimed by the landlord in 1991-92 was substantially lower than estimated. In 1990-91, expenditure included arrears of outgoings from 1989-90.
21. A transfer of savings from other works was used to fund additional expenditure.
22. A result of budget cuts and lower staff levels reduced expenditure on furniture replacement.
23. Lower expenditure in 1991-92 reflects a reduced number of emergency breakdowns.
24. Ongoing refurbishment of Office accommodation did not proceed as planned and expenditure will be incurred in 1992-93 to complete the project.
25. The increased expenditure represents the implementation in 1991-92 of full cost recovery associated with the administration of the Motor Car Traders Guarantee Fund.
26. The increase represents the Residential Tenancies Fund proportion of costs associated with replacement of the VAX computer system at \$660,000, establishment of a Residential Tenancies Fund administrator's position, a \$265, 000 increase in rental costs applicable to the fund and the National Wage Increase.
27. Incorrect budget figures were published in the 1991-92 budget papers for Salaries and Associated Costs; the correct figure is \$4,871, 600 .The lower expenditure is a result of the full year effect of budget cuts that were implemented in 1990-91.
28. Incorrect budget figures were published in the 1991-92 budget papers for Operating Expenses; the correct figure is \$1, 222,300 .The lower expenditure is a result of the full year budget cuts that were implemented in 1990-91.
29. Transfer of savings from the Ministry of Consumer Affairs accommodation budget was approved to fund additional expenditure and additional funding was approved by the Ministry of Finance for the National Wage increase and the costs associated with the employment of three accountants by the Liquor Licensing Commission to assist in investigations.
30. Lower expenditure on furniture replacement was experienced as a result of budget cuts and reduced staff levels.
31. Expenditure relates to the completion of the Credit Tribunal hearing room that was commenced late in the 1990-91 financial year.
32. This expenditure relates to the purchase of a new weighbridge testing unit for the Trade Measurement Branch. Proceeds from the sale of the old unit were paid into consolidated revenue.(refer note,7.)
33. This line transfers from appropriations to the Residential Tenancies Fund amounts collected by way of Duty Stamps, in compliance with the Residential Tenancies Act.
34. The increased expenditure represents the implementation in 1991-92 of full cost recovery associated with the administration of the Motor Car Traders Guarantee Fund.
35. The increase represents a \$2.0m loan under section 54(1) of the Residential Tenancies Act for bond assistance administered by the Ministry of Housing and Planning; an increase of \$500,000 for the Tenancy Support Program, expenditure of \$475,000 in relation to phase one of the Tenancy Awareness Program and costs associated with the National Wage increase.

# APPENDIX 1G

## FINANCIAL STATEMENTS

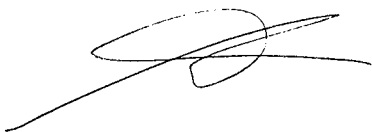
CERTIFICATION

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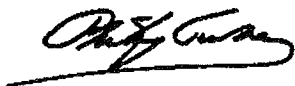
### CERTIFICATION

We 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 our 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 1992, and the Supplementary Information and Statement of Balances at the end of the financial year.



Director  
Ministry of Consumer Affairs  
Date: 2/10/1992



Philip Turner  
Finance Manager  
Ministry of Consumer Affairs  
Date: 2/10/1992

# FINANCIAL STATEMENTS

CERTIFICATION

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## AUDITOR-GENERAL'S REPORT

### Audit Scope

The accompanying financial statements of the Ministry of Consumer Affairs for the year ended 30 June 1992, comprising a summary of receipts and payments, a statement of Public Account program receipts and payments relating to that Ministry and appendices and note to the financial statements, have been audited. The Director of the Ministry is responsible for the preparation and presentation of the financial statements and the information they contain. An independent audit of the financial statements has been carried out in order to express an opinion on them as required by the Annual Reporting Act 1983.

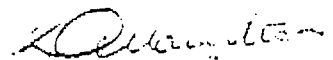
The audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Thee audit procedures included an examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and thee evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respect s, the financial statements are presented fairly in accordance with the Annual Reporting Act 1983.

The audit opinion expressed on the financial statements has been formed on the above basis.

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

### Audit Opinion

In my opinion, the financial statements present fairly the financial transactions of the Ministry of Consumer Affairs for the year ended 30 June 1992 in accordance with the Annual Reporting Act 1983 and comply with the requirements of that Act.



K.G. HAMILTON  
Deputy Auditor-General

MELBOURNE  
16/10/1992

# APPENDIX 1H

## FINANCIAL STATEMENTS

SUPPLEMENTARY ACCRUAL REPORT

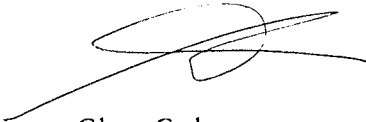
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### SUPPLEMENTARY ACCRUAL REPORT

In October 1991 the then Minister for Finance announced the intention to introduce accrual accounting for budget sector agencies. Six agencies were selected in a pilot program which included the Ministry of Consumer Affairs.

For the 1991-92 financial year each of the pilot program Departments is required to prepare a balance sheet only, in order that a position may be established. Once opening balances are established it will be possible to prepare an operating statement and cashflow statement in future years.

These statements are included for general information purposes and are un-audited. They represent the first step in the process of accrual reporting and therefore have only transitional status until all systems are established and other issues are finalised.



Glenn Carleton  
Director of Consumer Affairs

# FINANCIAL STATEMENTS

SUPPLEMENTARY ACCRUAL REPORT

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 1992

	Note	\$
<b>CURRENT ASSETS</b>		
Cash	2.1	18,753
Trust Funds	2.2	30,809,759
Debtors and Receivables	2.3	223,859
Inventories	2.4	11,030
<b>TOTAL CURRENT ASSETS</b>		<b>31,063,401</b>
<b>NON-CURRENT ASSETS</b>		
Property, Plant and Equipment	2.5	1,749,069
Total Non-Current Assets		1,749,069
<b>TOTAL ASSETS</b>		<b>32,812,470</b>
<b>CURRENT LIABILITIES</b>		
Annual Advance		10,000
Funds held in Trust	2.2	30,809,759
Creditors and Accruals	2.6	96,340
Employee Entitlements	2.7	667,808
Finance Lease	2.9	175,000
<b>TOTAL CURRENT LIABILITIES</b>		<b>31,758,907</b>
<b>NON-CURRENT LIABILITIES</b>		
Finance Lease	2.9	53,000
Total Non-Current Liabilities		53,000
<b>TOTAL LIABILITIES</b>		<b>31,811,907</b>
<b>NET WORTH</b>		<b>1,000,563</b>

# FINANCIAL STATEMENTS

## SUPPLEMENTARY ACCRUAL REPORT

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### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 30 JUNE 1992

#### 1. Summary of Significant Accounting Policies

##### 1.1 Basis of Accounting

The Statement of Financial Position has been prepared on an accrual basis of accounting. Non-current assets are valued at historical cost and in certain instances deemed values have been assigned when historical data was unavailable.

##### 1.2 Employee Entitlements

Employees accrue entitlements for recreation leave and long service leave in accordance with legal entitlements. For annual leave four weeks leave is accrued each year together with 17.5 percent loading, while for long service leave, employees are entitled to 13 weeks leave for each 10 years continuous service.

Annual leave is recognised in the balance sheet as a current liability. However, due to the ability which employees have to move between agencies, long service leave is recorded as a note to the balance sheet. Any liability relating to unfunded superannuation will be treated in the same way as for long service leave. This approach has been adopted for the first year of reporting, pending a decision on whether such employee liabilities should be assumed centrally.

##### 1.3 Leases

Leases are classified into two categories, "finance" and "operating", in accordance with AAS17 "Accounting for Leases". Operating lease commitments are disclosed via a separate note to the Statement of Financial Position.

Finance leases, for which substantially all the risks and benefits incidental to the ownership of the leased asset transfer to the lessee, give rise to an asset and a liability in the Statement of Financial Position. Such leases have risen only in relation to "central" lease facilities managed by the Department of Treasury in respect of computer equipment.

##### 1.4 Trust Funds

In addition to appropriations received from the consolidated fund, the department administers a number of trust accounts, the monies of which are not generally available for discretionary use by the department.

##### 1.5 Consolidation

As 1991-92 is the first year in which a departmental balance sheet has been prepared, a transitional approach to consolidation has been adopted. Under this approach, entities which publish separate annual reports are not consolidated. Only entities which are "controlled" and do not publish separate annual reports are consolidated.

# FINANCIAL STATEMENTS

## SUPPLEMENTARY ACCRUAL REPORT

### 2. EXPLANATORY NOTES

#### 2.1 CASH

	\$
Departmental Advance Account	4,183
Departmental Payroll Account	3,305
Cash Suspense Account	11,282
Revenue Account-	-17

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18,753

#### 2.2 TRUST ACCOUNTS

The asset side of the balance sheet reflects the actual cash on hand and short term investments in relation to trust accounts. The liability side reflects the fact that these funds are held in trust and are not available for discretionary use in the general operations of the Ministry.

Departmental Suspense Account	25,000
Treasury Suspense Account	110,702
Small Claims Trust Account	106
Motor Car Traders Guarantee Fund	1,950,066
Residential Tenancies Fund	28,701,989
Treasury Trust Account	21,896

---

30,809,759

#### 2.3 DEBTORS, RECEIVABLES AND PREPAYMENTS

Debtors under the Weights & Measures Act	61,569
Miscellaneous Accounts	23,681
Recovery of Salary overpayments	4,099

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89,349

Less provision for doubtful debts

8,900

---

80,449

Accrued director fees for services provided by the Ministry to the Housing Guarantee Fund Ltd.	12,900
Prepayments	130,510

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223,859

#### 2.4 INVENTORIES

This represents the unallocated stock of office requisites and stationery	11,030
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# FINANCIAL STATEMENTS

## SUPPLEMENTARY ACCRUAL REPORT

### 2.5 PROPERTY, PLANT AND EQUIPMENT

The Ministry controls a significant stock of non-current physical assets which facilitate the delivery and support of the agency's programs. These assets are summarised into the following categories and depreciation is charged on all depreciable assets on a straight line basis at rates designed to write off the carrying value of assets over the period of their estimated life.

	\$
Motor Vehicles & Machinery	1,178,483
Office Equipment	316,936
Office furniture and fittings	1,001,632
Computer Equipment	1,171,706
	<hr/>
	3,668,757
Less accumulated depreciation	1,919,688
	<hr/>
	1,749,069

### 2.6 CREDITORS AND ACCRUALS

Trade Creditors	90,225
Fringe Benefit Tax	6,115
	<hr/>
	96,340

### 2.7 EMPLOYEE ENTITLEMENTS

a)The provision for annual leave and annual leave loading was extracted from the Ministry's personnel records and calculated on the average salary for each classification.

Provision for annual leave and loading	\$667,808
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b)The provision for long service leave was calculated for each employee with over 5 years service and based on their classification at 30 June.

Provision for long service leave	\$2,026,681
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c)The provision for employer superannuation liability is unavailable at this stage.



# FINANCIAL STATEMENTS

## SUPPLEMENTARY ACCRUAL REPORT

### 2.8 OUTSTANDING LOANS

Loan balances in relation to loans provided under the Residential Tenancies Act and administered by the Ministry are disclosed by way note only.

	\$
Outstanding loans under the Residential Tenancies Act:	
(a) Bond Relocation Scheme	330,134
(b) Bond Assistance Scheme	1,983,618
	<hr/>
	2,313,752
Less provision for doubtful recovery calculated at 70% and 50% respectively for a and b.	1,222,905
	<hr/>
<b>TOTAL</b>	<b>1,090,847</b>

### 2.9 LEASES COMMITMENTS

#### a) Finance Lease

The Department of Treasury manages a finance lease on behalf of the Ministry in respect of computer equipment.

#### State leasing facility

not later than 1 year	175,000
later than 1 year but less than 2 years	53,000

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228,000

#### b) Operating Lease - Accommodation

The information relating to operating leases is disclosed by way of note only.

not later than 1 year	2,047,019
later than 1 year but less than 2 years	2,020,886
later than 2 year but less than 5 years	739,736
later than 5 years	17,698

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4,825,339

# APPENDIX 2

## PROGRAM STRUCTURE 1991-92

Program No	Program	Sub-program	Component
242	Corporate Services	Executive and Ministerial Management	Executive Management Ministerial Support Internal Audit
		Corporate Services	Corporate Services Executive Personnel and Staff Development Information Systems Finance and Administration
243	Consumer and Tenancy Services	Legislation and Regulation	Legislation and Regulation Executive Legal Services Licensing Standards Trade Measurement Industry Regulation Licensing Investigation
		Development	Development Executive Public Information Research and Economics Liaison and Development
		Client Services	Client Services Executive Conciliation Adjudication Support Regional Services Customer Services
		Liquor Licensing	Commissioners and Executive Research and Development Solicitor Licensing Administration Corporate Services Human Resources Field Operations Group

# PROGRAM STRUCTURE 1991-92

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

Estimate for 1992-93 **Black** figures, Actual for 1991-92 *Italic* figures

PROGRAM NO. PROGRAM NAME	242 Corporate Services	243 Consumer and Tenancy Services	TOTAL
Recurrent Appropriations	<b>3,602</b> <i>3,475</i>	<b>12,364</b> <i>11,868</i>	<b>15,966</b> <i>15,344</i>
Works and Services Appropriations	<b>234</b> <i>311</i>	<b>36</b> <i>203</i>	<b>274</b> <i>514</i>
Special Appropriations	<b>3,840</b> <i>3,786</i>	<b>12,400</b> <i>12,072</i>	<b>16,240</b> <i>15,857</i>
<b>TOTAL APPROPRIATIONS</b>	<b>3,840</b> <i>3,786</i>	<b>12,400</b> <i>12,072</i>	<b>16,240</b> <i>15,857</i>
Less Payroll Tax (included in Appropriation 1150)	<b>77</b> <i>84</i>	<b>328</b> <i>314</i>	<b>405</b> <i>397</i>
Other Appropriations classified as Revenue, Financing and Intra-Unit Transactions	<b>160</b> <i>199</i>	<b>170</b> <i>170</i>	<b>330</b> <i>369</i>
Receipts classified as Outlays	<b>28</b> <i>72</i>	<b>462</b> <i>530</i>	<b>489</b> <i>602</i>
Plus Trust Fund Transaction classified as Outlays	<b>2,676</b> <i>2,947</i>	<b>9,642</b> <i>12,098</i>	<b>12,318</b> <i>15,045</i>
<b>TOTAL OUTLAYS</b>	<b>6,251</b> <i>6,378</i>	<b>21,083</b> <i>23,156</i>	<b>27,334</b> <i>29,534</i>
% Change 1991-92 on 1990-91 Note: Totals may not add due to rounding	-2.0	-9.0	-7.4

# References to estimates for 1992-93 are those estimates presented to Parliament in the Appropriation Bill on 12 August 1992.

# **PROGRAM STRUCTURE 1991-92**

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## **SUB-PROGRAM NAME: EXECUTIVE AND MINISTERIAL MANAGEMENT**

### **Objectives**

To foster and develop the goals and objectives of the Ministry and oversee their implementation throughout the organisation.

To establish appropriate mechanisms to provide support and advice to the Minister.

### **Description**

The Executive Management Sub-program comprises three components: Director's Office; Ministerial Support; and Internal Audit. 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.

## **SUB-PROGRAM NAME: CORPORATE SERVICES**

### **Objective**

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

### **Description and Achievements in 1991-92**

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

It provides management information systems, computer technology, financial, personnel, records management and library and information services.

Achievements in 1991-92 included successful implementation of the Ministry's new operational computer systems; a new payroll system; a decentralised file management system; equal employment strategies for Koories and the disabled; and a monitoring program to maximise compliance with security deposit provisions in relation to the Residential Tenancies Fund.

### **Key activities planned for Corporate Services in 1992-93 include:**

- development of a 3 year women's employment strategy;
- renegotiation of agreements with financial institutions for the payment of interest on tenants' bonds to the Residential Tenancies Fund; and
- implementation of a new computerised application to improve the efficiency of services to the Residential Tenancies and Small Claims Tribunals and their clients.

# **PROGRAM STRUCTURE 1991-92**

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

### **Objectives**

To advise on and give effect to the legislative program of the Ministry.

To develop and maintain appropriate trading standards and remove unfair business conduct and unsafe and misrepresented products, by regulating the marketplace and ensuring compliance with the relevant legislation.

To ensure compliance with the relevant residential tenancies legislation.

To provide policy and legal advice and specialist litigation services to the Ministry.

### **Description and Achievements in 1991-92**

The Legislation and Regulation Sub-Program is concerned with the development, establishment, monitoring and enforcement of standards. This includes administration of licensing systems for credit providers, finance brokers, travel agents and motor car traders.

Government intervention is needed to maintain fairness in consumer markets, including the residential tenancies market. Investigations are conducted to ensure compliance with the Ministry's legislation and, where appropriate, breaches of the legislation are prosecuted.

Product standards are developed which identify certain design or construction criteria for particular goods, or provide that products must be labelled with specific warnings or instructions for use, with a view to reducing death or personal injury. In addition, there is a capacity to ban (either on an interim or permanent basis), the 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.

In 1991-92 the Government introduced the following legislation:

- Funeral Directors Registration Bill - introduced into the Legislative Assembly in May 1992 and will lie over until the Spring Session.
- Residential Tenancies (Fund) Bill - introduced into the Legislative Assembly in October 1991 but will not be proceeded with.
- Shop Trading (Further Amendment) Act 1991 - passed in October 1991.
- Small Claims Tribunals (Jurisdiction) Bill - introduced into the Legislative Assembly in the Autumn Session and will lie over until the Spring Session.
- Rental Bond Board Bill 1991 Legislation to establish a Rental Bond Board introduced into the Legislative Assembly in April 1991, was defeated in the Legislative Council on 17 September 1991.

## **PROGRAM STRUCTURE 1991-92**

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Fifteen sets of regulations were made and five regulatory impact statements were prepared during 1991-92.

During 1991-92 there was continued consultation with the Law Reform Commission and major interested parties in the house building industry regarding the drafting of a standard house building contract.

The fitness industry code of ethics and business practice was re-drafted, in co-operation with the Department of Sport and Recreation. The Furniture Removers Division of the Victorian Road Transport Association was also assisted in drafting a code of conduct for the domestic furniture removal industry.

Fifty-eight prosecutions, for a total of 207 offences under six different pieces of legislation were successfully completed. Penalties totalling over \$130,000 were imposed, in addition to costs.

The Director mounted 32 licensing objections during the year.

The Motor Car Traders Guarantee Fund received 435 claims during 1991-92 and 315 payments were made totalling \$534,965. The success rate of claims lodged averaged 72% and amounted to approximately \$1,698 per payment.

The Credit Tribunal ordered refunds of varying amounts to consumers in six cases where credit providers had applied to retain credit charges which they would otherwise have had to forfeit after contraventions of the Credit Act. In these cases, legal officers appeared for the Director of Consumer Affairs to represent the overall interests of affected consumers. A total of 110 contracts were involved.

The quality and safety of 253 products were investigated and one product was banned by the Minister.

### **Key activities planned for Legislation and Regulation in 1992-93 include:**

- continuing development of a Trade Measurement (Administration) Bill complementing the agreed uniform trade measurement legislation to replace the Weights and Measures Act 1958;
- legislation to establish a House Building Disputes Tribunal;
- development of a Fair Trading (Information Labelling) Bill to amend the Act to include a new part for product information labelling;
- amendment of the Motor Car Traders Act to cover some operational inadequacies of the Act; and
- amendment of the residential tenancies legislation to allow direct crediting of application fees to the Residential Tenancies Tribunal.

# PROGRAM STRUCTURE 1991-92

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## SUB-PROGRAM NAME: DEVELOPMENT

### Objectives

To develop an informed and efficient market place through public information, funding programs and community development.

To provide research, policy analysis, advice and program review services to the client services, legislation/regulation and public information functions and to public inquiries into consumer and tenancy related matters.

To promote community access to consumer and tenancy information and services, particularly socially and economically disadvantaged consumers and tenants.

To deter excessive prices through a variety of strategies to promote competition in the marketplace; and to provide research and administrative support to the Prices Commissioner.

### Description and Achievements in 1991-92

The development of consumer and tenant awareness of rights and obligations in the market place 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 education and information services. Community organisations also provide advice and advocacy. The special needs of disadvantaged consumers and tenants and of priority groups who require special assistance are also addressed.

A wide variety of materials and techniques are used, such as formal consultations, media campaigns, training exercises and printed materials. A pilot project was instituted to produce audio tapes in a number of languages advising ethnic communities of their rights in a range of consumer and tenancy issues.

In 1991-92, the Ministry continued to focus on tenancy and credit issues in its major public education campaigns. A radio advertising campaign warning consumers against credit overcommitment was re-run successfully. Continuing its tenant and landlord education campaign, the Ministry implemented the "Renters Have Rights" advertising campaign encouraging landlords and tenants to be aware of their rights and responsibilities.

A new, all colour publication, "Big Deal", was produced to help consumers avoid any pitfalls when buying a car, new or used, through a licensed dealer, privately or at auction.

A state-wide poster competition invited all primary and secondary schools to submit entries with the theme of "Shopsmart". A highlight of World Consumer Rights Day, the competition will be run again in 1993.

Community organisations are funded to provide information, advice and assistance to consumers and tenants, thus contributing to the service provided by the Ministry, and ensuring the responsiveness of the Ministry. The Ministry, in consultation with the community sector, developed a three-year funding program to take effect from 1 July 1992. A needs-based funding model was used in determining allocations.

## **PROGRAM STRUCTURE 1991-92**

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In 1991-92, the Consumer and Tenant Support Programs provided funding for some 50 community groups to provide advice services in all regions of the State. In addition, a number of specialist consumer projects were funded in the areas of buying advice and credit, while funded specialist tenancy projects addressed the needs of tenants with special needs, including aged tenants, tenants with disabilities and single mothers in tenancy. A bilingual ethnic tenancy project to assist Spanish, Turkish, Cambodian, Arabic and Vietnamese speaking tenants was also developed. A pilot project was undertaken to encourage tenants to appear at the Residential Tenancies Tribunal when they receive a notice of hearing.

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

In 1991-92, separate surveys of rooming house residents and caravan park residents were conducted. Market research into user experience of the Small Claims and Residential Tenancies Tribunals and community perceptions of consumer affairs issues for the mid 1990s was commissioned. A service plan was prepared for the trade measurement function in the 1990s. The effectiveness of the "Renters Have Rights" publicity campaign was evaluated to assist in planning future campaigns.

The sub-program also provides research support to the Prices Commissioner, who has various statutory responsibilities concerning the pricing of agricultural products.

### **Key activities planned for Development in 1992-93 include:**

- a major public awareness campaign informing of renting rights and responsibilities, focussed particularly on young tenants;
- continued development of public information products in community languages;
- continuing implementation of the Consumer Support Program and the Tenant Support Program, including implementation of recommendations of the Residential Tenancies Review relating to assistance to disadvantaged groups, through community funding programs;
- an analysis of the effect of consumer legislation on business;
- continuation of the process of co-ordinating submissions to public inquiries on behalf of the Government, including inquiries into computer software prices and credit card interest charges;
- organisation of a further state-wide schools "Shopsmart" poster competition to run in conjunction with World Consumer Rights Day; and
- development of information products on product safety, building, insurance and banking.



# **PROGRAM STRUCTURE 1991-92**

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## **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 and Achievements in 1991-92**

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

It provides the first point of contact for telephone and personal enquiries. Advice is given on a wide range of issues including residential tenancies, rooming house and caravan park residencies, building and extensions, motor vehicles, credit arrangements, household purchases etc.

This sub-program also provides informal and inexpensive means of dispute resolution for consumers and traders, and tenants and landlords. These include the Small Claims Tribunals, Residential Tenancies Tribunal and Credit Tribunal, and the conciliation and residential tenancies inspection services.

In 1991-92 the Ministry handled 274,259 telephone and counter enquiries which represents a slight increase on 1990-91 figures (273,033).

During the year, the Ministry implemented a number of initiatives to provide greater access to its advice and information services.

A Voice Response Unit (VRU) was launched in March 1992. Currently operating on the residential tenancies enquiries line the VRU is an interactive, recorded information service which offers a broad range of tenancy information while allowing the caller to transfer to information staff at appropriate points. At present more than 30% of calls going through the VRU are completed without the need for involvement of information staff. The recorded information service is available 24 hours a day, 7 days a week and represents a considerable enhancement to information provided by the Ministry.

The Public Liaison section of the Adjudication Support Branch, which deals with public enquiries on tribunal applications, has been connected to an automated call distribution (ACD) telephone system already used by the Customer Services Branch. This has meant quicker service, as well as permitting better monitoring of service demand and provision.

In addition, "messages-on-hold" information has been established in all three regional offices. This allows callers to hear a recorded message which may obviate the need to speak to a staff member.

Conciliation is an alternative dispute resolution service to the Tribunals. In 1991-92 the number of written complaints fell by 5.9 % to 11,250. Real estate and accommodation matters (mainly requests by landlords for abandoned goods inspections) accounted for 33.4% of complaints. The next major category was motor vehicles and other transport equipment (15.2%).

# **PROGRAM STRUCTURE 1991-92**

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## **Key activities planned for Client Services in 1992-93 include:**

- expansion of the Voice Response Unit to include general consumer information; and
- improvements in the administrative efficiency of Adjudication Support to reduce waiting times for Tribunal hearings and to provide more timely provision of copies of Orders and Determinations.

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

### **Objectives:**

To promote economic and social growth in Victoria by encouraging the proper development of the liquor, hospitality and tourism industries.

To facilitate the development of a diversity of licensed facilities reflecting consumer demand while providing adequate controls over the sale and consumption of liquor.

To collect efficiently fees payable by applicants and current licensees.

### **Description and Achievements in 1991-92**

The Commission is responsible for determination of applications for liquor licences and permits and for transfers and variations to licences and permits in accordance with the Liquor Control Act 1987. The Commission provides a state-wide advisory service to applicants and the public. The Commission assesses and collects liquor licence fees. It also seeks to ensure licensees operate within the conditions of their licences and determines applications to cancel or suspend licences.

### **Achievements in 1991-92 include:**

- further expansion and diversification of licensed premises in Victoria, evidenced by a 5.4% increase in the number of licensed premises to a total licence portfolio of 7,507 licensed premises;
- collection of \$153.05m from liquor licence fees and other charges - a 2% increase over 1990-91;
- expansion of liquor licence fee evasion investigation activities, with 272 investigations conducted and \$895,000 additional licence fee liability detected;
- implementation and improvement of the Responsible Serving of Alcohol Program, with 72 licensed premises involved in workshops, and other action to further the objective of eliminating promotional and advertising practices by licensees which may lead to liquor abuse;
- establishment of a short Victorian Liquor Licensing Course, being conducted by the Australian Hotels Association, Box Hill College of TAFE and the William Angliss College; and
- facilitation of introduction of gaming machines into licensed premises.

# PROGRAM STRUCTURE 1991-92

## Key activities planned for Liquor Licensing in 1992-93 include:

- provision of optimum service to applicants for licences and current licensees, with correctly lodged unopposed applications for licences available for determination by the Commission within 40 days of application;
- handling of enquiries, representations and/or complaints from the community regarding the operation of licensed premises in a timely manner;
- expanded investigation of assessment and collection of liquor licence fees to detect liquor licence fee avoidance and evasion to meet the 1992-93 revenue target of \$153.6m;
- implementation of a simplified "plain english" liquor licence;
- rationalisation of the Victorian "Proof-of-Age" card;
- increased availability of the Responsible Serving of Alcohol training program to cover 250 licensed premises in 1992-93 targeting particular community groups;
- publication of material from the "Victorian Licensed Premises Demographic Database";
- initiatives to better inform the community on the operation of licensed premises;
- review of licensing conditions on all liquor licences; and
- development of a more informative liquor licence for display in licensed premises.

## EXPLANATION OF VARIANCES - 1991-92 CURRENT OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	Budget \$'000	Actual \$'000	Variance \$'000	Variance %	Explanation
<b>Program 242</b>					
Executive Management	545	616	71	13.02	(1)
Corporate Services	6,273	5,803	(470)	(7.49)	(2)
	<b>6,818</b>	<b>6,419</b>	<b>(399)</b>	<b>(5.85)</b>	
<b>Program 243</b>					
Legislation & Regulation	4,709	6,559	1,850	39.28	(3)
Development	7,146	6,538	(608)	(8.50)	(4)
Client Services	6,734	6,764	30	0.44	(5)
Liquor Licensing	3,903	4,105	202	5.17	(6)
	<b>22,492</b>	<b>23,966</b>	<b>1,474</b>	<b>6.55</b>	
<b>TOTAL MINISTRY</b>	<b>29,310</b>	<b>30,385</b>	<b>1,075</b>	<b>3.67</b>	

# Incorrect budget splits were published in the 1991-92 Budget Papers for programs and sub-programs. The following information will explain performance against correct budgets, not against the budget figures shown above.

# Actual expenditure for 1991-92 includes an amount of \$170,000 which is a transfer from appropriation to the Residential Tenancies Trust Fund for fees collected by means of duty stamps.

# PROGRAM STRUCTURE 1991-92

## EXPLANATION

- (1) Vacancies in the Director's office resulted in savings under salaries.
- (2) Expenditure under Operating expenses was curtailed in the latter part of the financial year by the Director of Consumer Affairs which resulted in under expenditure. Outgoings claimed by the Lessor under Accommodation in 1991-92 were substantially below budget. The Staff Training and Development program experienced delays during the financial year consequently full expenditure was not incurred.
- (3) The Ministry, under provisions of the Residential Tenancies Act, provided the Department of Planning and Housing an amount of \$2m to fund the Bond Assistance Scheme. Savings in other operating areas partially offset the full amount.
- (4) Funds were provided for a two stage Residential Tenancy Awareness campaign of which only the first stage was completed in 1991-92. As in other sub-programs, savings were achieved under operating lines as well as delays experienced in filling vacancies.
- (5) Expenditure was incurred for the installation of a telephone Voice Response Unit and fit-out works for the new Footscray regional office for which Trust Fund budget was not included in initial budget bid.
- (6) The Liquor Licensing Commission was deemed to be a "Contributed Income Sector" agency and therefore were obligated to pay Employer Contributions for New Scheme Members backdated to the introduction of the scheme and Financial Institutions Duty for the financial year. However, funds provided were used to reduce the level of carry-forward of other operating expenses.

## EXPLANATION OF VARIANCES - 1991-92 CAPITAL OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	Budget \$'000	Actual \$'000	Variance \$'000	Variance %	Explanation
<b>Program 242</b>					
Executive Management	-	-	-	-	
Corporate Services	314	311	(3)	(0.95)	
	<b>314</b>	<b>311</b>	<b>(3)</b>	<b>(0.95)</b>	
<b>Program 243</b>					
Legislation & Regulation	107	154	(16)	(9.41)	(1)
Development	-	-	-	-	
Client Services	57	49	(8)	(14.03)	(2)
Liquor Licensing	-	-	-	-	
	<b>227</b>	<b>203</b>	<b>(24)</b>	<b>(10.57)</b>	
<b>TOTAL MINISTRY</b>	<b>541</b>	<b>514</b>	<b>(27)</b>	<b>(4.99)</b>	

# PROGRAM STRUCTURE 1991-92

## EXPLANATION

- (1) Works under Minor Works were not completed by the end of the financial year.
- (2) Final work undertaken at the Credit Tribunal was not completed in 1991-92.

## EXPLANATION OF VARIANCES - 1991-92 CAPITAL OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	Budget \$'000	Actual \$'000	Variance \$'000	Variance %	Explanation
PROGRAM 242					
Executive Management	616	551	(65)	(10.55)	(1)
Corporate Services	5 803	5 726	(77)	(1.33)	
	<b>6 419</b>	<b>6 277</b>	<b>(142)</b>	<b>(2.21)</b>	
PROGRAM 243					
Legislation & Regulation	6 559	4 664	(1 895)	(28.89)	(2)
Development	6 538	6 548	10	0.15	
Client Services	6 764	6 712	(52)	(0.77)	(3)
Liquor Licensing	4 105	4 193	88	2.14	(4)
	<b>23 966</b>	<b>22 117</b>	<b>(1 849)</b>	<b>(7.72)</b>	
<b>TOTAL MINISTRY</b>	<b>30 385</b>	<b>28 394</b>	<b>(1 991)</b>	<b>(6.55)</b>	

# References to estimates for 1992-93 are those estimates presented to Parliament in the Appropriation Bill on 12 August 1992.

# Actual expenditure for 1991-92 includes an amount of \$170,000 which is a transfer from appropriation to the Residential Tenancies Trust Fund for fees collected by means of duty stamps.

## EXPLANATION

\*\* To partly offset specific budget cuts, the Ministry has absorbed the 1992-93 CPI allowance and the 2.5% National Wage increase across the board.

- (1) One position will be abolished under this sub-program.
- (2) Over expenditure as detailed in note 3 page 105 will not be recurring in 1992-93.
- (3) Budget cuts which include the abolition of 5 positions has reduced the budget figure for 1992-93.
- (4) Additional funds have been provided under this sub-program to cover the cost of Financial Institutions Duty, Employer Contributions for New Scheme Members and 3 Investigation officers.

# PROGRAM STRUCTURE 1991-92

## EXPLANATION OF VARIANCES - 1991-92 CAPITAL OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	Budget \$'000	Actual \$'000	Variance \$'000	Variance %	Explanation
PROGRAM 242					
Executive Management	-	-	-	-	
Corporate Services	311	238	(73)	(23.47)	(1)
	<b>311</b>	<b>238</b>	<b>(73)</b>	<b>(23.47)</b>	
PROGRAM 243					
Legislation & Regulation	154	28	(126)	(81.82)	(2)
Development	-	-	-	-	
Client Services	49	8	(41)	(83.67)	(3)
	<b>203</b>	<b>36</b>	<b>(219)</b>	<b>(49.10)</b>	
<b>TOTAL MINISTRY</b>	<b>514</b>	<b>274</b>	<b>(353)</b>	<b>(39.49)</b>	

# References to estimates for 1992-93 are those estimates presented to Parliament in the Appropriation Bill on 12 August 1992.

### EXPLANATION

- (1) Refurbishment works at 500 Bourke St are almost complete. A minor allocation is included in 1992-93 to cover final costs of the project.
- (2) The purchase of a new Weighbridge Testing Unit was completed in 1991-92.
- (3) The establishment of Credit Tribunal Hearing Rooms was not completed in 1991-92. The reduced allocation covers the final cost of the project.

# PROGRAM STRUCTURE 1991-92

## MINISTRY OF CONSUMER AFFAIRS SUBPROGRAM OUTLAYS TRUST FUNDS

	MOTOR CAR TRADERS GUARANTEE FUND SUB PROGRAM OUTLAYS			RESIDENTIAL TENANCIES FUND SUB PROGRAM OUTLAYS				
	1991-92 Actuals \$000	1992-93 Estimate \$000	% Variance	Notes *	1991-92 Actuals \$000	1992-93 Estimate \$000	% Variance	Notes **
<b>PROGRAM NO 242</b>								
<b>CORPORATE SERVICES SUB-PROGRAM</b>								
Executive Management								
Salaries	3.5	3.4	(2.9)		77.0	76.0	(1.3)	
Operating	0.03	0.2	566.7	(1)	0.6	9.0	1 400.0	(1)
<b>TOTAL</b>	<b>3.5</b>	<b>3.6</b>	<b>2.9</b>		<b>77.6</b>	<b>85.0</b>	<b>9.5</b>	
<b>Corporate Services</b>								
Salaries	90.3	88.1	(2.4)		709.1	783.6	10.5	(2)
Operating	207.4	310.9	50.0	(2)	1 880.1	1 404.5	(25.3)	(3)
<b>TOTAL</b>	<b>297.7</b>	<b>399.0</b>	<b>34.0</b>		<b>2 589.2</b>	<b>2 188.1</b>	<b>(15.5)</b>	
<b>Total Program 242</b>	<b>301.2</b>	<b>402.6</b>	<b>33.7</b>		<b>2 666.8</b>	<b>2 273.1</b>	<b>(14.8)</b>	

# PROGRAM STRUCTURE 1991-92

## MINISTRY OF CONSUMER AFFAIRS SUBPROGRAM OUTLAYS TRUST FUNDS

	MOTOR CAR TRADERS GUARANTEE FUND SUB PROGRAM OUTLAYS			RESIDENTIAL TENANCIES FUND SUB PROGRAM OUTLAYS				
	1991-92 Actuals \$000	1992-93 Estimate \$000	% Variance	Notes *	1991-92 Actuals \$000	1992-93 Estimate \$000	% Variance	Notes **
<b>PROGRAM NO 243 COMMUNITY AND CONSUMER SERVICES</b>								
<b>SUB-PROGRAM</b>								
Legislation and Regulation								
Salaries	786.3	837.3	6.5	(1)		268.4	310.4	15.7 (1)
Operating	669.1	580.0	(13.3)	(3)		2 020.0	29.5	(98.5) (4)
<b>TOTAL</b>	<b>1 455.4</b>	<b>1 417.3</b>	<b>(2.6)</b>			<b>2 288.4</b>	<b>339.9</b>	<b>(85.2)</b>
<b>Development</b>								
Salaries	0	0	-			656.5	635.0	(3.3)
Operating	53.5	43.2	(19.3)	(4)		863.8	650.4	(24.7) (5)
Grants						2 383.1	2458.0	3.1 (6)
<b>TOTAL</b>	<b>53.5</b>	<b>43.2</b>	<b>(19.3)</b>			<b>3 903.4</b>	<b>3 743.4</b>	<b>(4.1)</b>
<b>Client Services</b>								
Salaries	323.1	325.1	0.62			3 133.5	3 114.4	(0.61)
Operating	44.7	90.3	102.0	(5)		895.7	678.1	(24.3) (7)
<b>TOTAL</b>	<b>367.8</b>	<b>415.4</b>	<b>12.9</b>			<b>4 029.2</b>	<b>3 792.5</b>	<b>(5.9)</b>
<b>Total Program 243</b>	<b>1 876.7</b>	<b>1 875.9</b>	<b>(0.04)</b>			<b>10 221.0</b>	<b>7 875.8</b>	<b>(22.9)</b>
<b>TOTAL MINISTRY</b>	<b>2 177.9</b>	<b>2 278.5</b>	<b>4.6</b>			<b>12 887.8</b>	<b>10 148.9</b>	<b>(21.3)</b>



# **PROGRAM STRUCTURE 1991-92**

## **MOTOR CAR TRADERS GUARANTEE FUND**

### **NOTES \***

- (1) The increase represents the estimated share of costs attributable to the Fund under this sub-program.
- (2) Expenditure was curtailed in the latter part of the financial year by the Director of Consumer Affairs which resulted in under expenditure. Outgoings claimed by the Lessor under Accommodation in 1991-92 were substantially below budget.
- (3) In addition to note 2 above, Claims Against the Fund were 7.7% below the estimated level for 1991-92.
- (4) Additional funds were provided in 1991-92 for two reprints of the Motor Car Traders Kit of which only one was completed. Funding for the second reprint has been provided in 1992-93.
- (5) See first sentence under note 2 above.

## **RESIDENTIAL TENANCIES FUND**

### **NOTE \*\***

- (1) Expenditure was curtailed in the latter part of the financial year by the Director of Consumer Affairs which resulted in under expenditure.
- (2) The main change under this item represents the redistribution of chargings between salaries and operating within the sub-program.
- (3) Outgoings claimed by the Lessor under Accommodation in 1991-92 were substantially below budget. In addition, actual 1991-92 expenditure includes the cost of a new computer system for Tribunals.
- (4) The Ministry, under provisions of the Residential Tenancies Act, provided the Department of Planning and Housing an amount of \$2m to fund the Bond Assistance Scheme. This was a once only payment.
- (5) Funds were provided for a two stage Residential Tenancy Awareness campaign of which only the first stage was completed in 1991-92.
- (6) The increase in grants represents an increase in approvals for funding granted by the Minister.
- (7) In addition to note 5 above, (under the Motor Car Traders Guarantee Fund), restructuring of proposed work practices is expected to produce savings in 1992-93.

# PROGRAM STRUCTURE 1991-92

## PERCENTAGE OF BRANCH SALARIES CHARGED TO TRUST FUNDS

SUB PROGRAM Branch	MOTOR CAR TRADERS GUARANTEE FUND		RESIDENTIAL TENANCIES FUND	
	1991-92 Actual %	1992-93 Estimate %	1991-92 Actual %	1992-93 Estimate %
<b>EXECUTIVE MANAGEMENT</b>				
Directors office	0.0	0.0	19.1	19.1
Ministerial Support	0.0	0.0	7.1	9.7
Internal Audit	6.4	6.0	41.5	39.0
<b>CORPORATE SERVICES</b>				
Corporate Services Executive	5.5	5.7	36.5	36.4
Personnel and Staff Development	7.4	7.5	43.0	41.8
Information Systems	2.7	2.0	46.2	50.4
Finance and Administration	6.2	5.6	38.4	43.4
<b>LEGISLATION AND REGULATION</b>				
Legislation and Regulation Executive	15.9	15.8	19.4	19.4
Legal Services	2.3	2.2	19.7	18.8
Licensing Investigation	51.8	51.7	0.0	0.0
Standards	0.0	0.0	0.0	0.0
Licensing	66.6	68.6	0.0	0.0
Trade Measurement	0.0	0.0	0.0	0.0
Industry Regulation	26.1	25.8	21.9	22.0
<b>DEVELOPMENT</b>				
Development Executive	0.0	0.0	40.1	40.0
Public Information	0.0	0.0	68.3	67.8
Liaison and Development	0.0	0.0	54.4	61.7
Research and Economics	0.0	0.0	27.6	27.4
<b>CLIENT SERVICES</b>				
Client Services Executive	11.2	10.2	44.6	48.7
Customer Information	13.6	13.6	35.6	35.5
Conciliation	22.6	17.4	3.6	23.7
Adjudication	0.0	0.0	86.9	84.2
Outer Eastern Office	12.7	11.0	35.7	44.2
Westernport Office	13.7	12.9	33.8	37.6
Footscray Office	16.1	14.0	23.7	32.5
RT Inspectors	0.0	0.0	100.0	*

\* RT Inspectors have been incorporated within the regional offices and conciliation in 1992-93.

# **PROGRAM STRUCTURE 1991-92**

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## **EXPECTED REVENUES 1992-93 - TRUST FUNDS**

### **MOTOR CAR TRADERS GUARANTEE FUND**

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Licence Fees	1,917,000
Section 80 Recoveries	140,000
Interest on Investments	120,000
Other	7,500

**TOTAL ESTIMATE 2,184,500**

### **RESIDENTIAL TENANCIES FUND**

Interest on Bonds	5,200,000
Fees	476,000
Recoveries	300,000
Interest on Investments	1,600,000
Other	100,000

**TOTAL ESTIMATE 7,676,000**

# APPENDIX 3

## LEGISLATION ASSIGNED TO THE MINISTRY

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<b>Caravan Parks and Movable Dwellings Act 1988</b> (Parts 1-5)	<p>Sets out the rights and responsibilities of caravan park residents, caravan park owners and caravan owners.</p> <p>Provides for resolution of disputes through the Residential Tenancies Tribunal.</p> <p>Note: Part 6 of the Act, which deals with standards for caravan parks and movable dwellings, planning requirements and licensing of caravan parks, is administered by the Office of Local Government within the Ministry of Ethnic, Municipal and Community Affairs.</p>
<b>Carriers &amp; Innkeepers Act 1958</b>	<p>Defines the liability and certain responsibilities of carriers and hotel and motel proprietors with regard to consumers' property.</p> <p>Note: The Premier transferred responsibility for the Act to the Minister for Consumer Affairs from the Minister for Labour on 3 February 1992.</p>
<b>Chattel Securities Act 1987</b> (Parts 1 and 2)	<p>Provides the legal framework for the operation of a security interest in goods (for example, a mortgage held by a finance company).</p> <p>Establishes rules of priority for competing security interests.</p> <p>Note: Part 3 of the Act, which provides for a registration system of security interest in motor vehicles, is administered by the Minister for Transport.</p>
<b>Consumer Affairs Act 1972</b>	<p>Specifies the powers and functions of the Director and officers of the Ministry of Consumer Affairs in relation to consumer complaints.</p> <p>Regulates door to door sales.</p> <p>Includes Safe Design and Construction of Goods provisions, allowing for:</p> <ul style="list-style-type: none"><li>• imposition by regulation of minimum standards for any type of goods</li><li>• regulations requiring appropriate warning labels</li></ul>

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## LEGISLATION ASSIGNED TO THE MINISTRY

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- prohibition by the Minister of the sale and distribution of particular dangerous consumer goods, either on an interim basis (28 days) or permanently.

Requires the marking of prescribed details on particular merchandise, for example, footwear.

Establishes a Consumer Affairs Committee to advise the Minister.

### Credit Act 1984

Applies where credit is provided to a non-corporate borrower and

- (i) the amount financed is no more than \$20,000 or
- (ii) the credit contract relates to a commercial vehicle or farm machinery.

Requires the disclosure of the actual dollar cost of credit and the annual percentage rate of interest.

Regulates the enforcement of credit contracts by credit providers.

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

Requires credit providers to be licensed.

Establishes the Credit Licensing Authority, with power to suspend or cancel a licence where a credit provider is acting in an unfair or illegal manner.

Provides for the Credit Tribunal to hear disputes between consumers and credit providers.

### Credit Reporting Act 1978

Provides for consumers to challenge information being used in assessing their credit worthiness and have errors corrected.

Note: The Act reflects an agreement reached between the Attorney General and approved Credit Reporting Agents. Under the agreement, the Director of Consumer Affairs assumed responsibility for the investigation of any file allegedly containing wrong information.

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## LEGISLATION ASSIGNED TO THE MINISTRY

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<b>Disposal of Uncollected Goods Act 1961</b>	Regulates repairers' selling of uncollected goods to recover repair costs, so that the rights of the consumer are protected.
<b>Fair Trading Act 1985</b>	<p>Prohibits false and misleading conduct in trade or commerce, including representations in relation to land or to employment, and including oral representations.</p> <p>Prohibits unconscionable conduct in the supply of goods or services in trade or commerce.</p> <p>Has maximum penalties for contravention of \$10,000 for an individual and \$50,000 for a corporation.</p> <p>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.</p> <p>Empowers the Minister or Director to apply to the County Court for an order requiring a person to undertake corrective advertising.</p> <p>Note: This legislation is modelled on Division 1 of Part V of the Commonwealth Trade Practices Act 1974.</p>
<b>Finance Brokers Act 1969</b>	<p>Requires finance brokers to be licensed and establishes a licensing system.</p> <p>Regulates the charging of commissions.</p>
<b>Fuel Prices Regulation Act 1981</b>	<p>Provides for the regulation of prices for declared fuels.</p> <p>Note: The Prices Commissioner is appointed under this Act.</p>
<b>House Contracts Guarantee Act 1987</b>	<p>Provides for a seven year, \$40,000 guarantee on all new houses and on improvements (such as extensions and bathroom or kitchen renovations) which cost more than \$3,000.</p> <p>Establishes a registration system for domestic builders.</p> <p>Imposes requirements for the content of domestic building work contracts.</p>

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## LEGISLATION ASSIGNED TO THE MINISTRY

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	Lays down procedures for the sale of owner built houses. Provides that Housing Guarantee Fund Limited is both the sole guarantor and the registration body.
Liquor Control Act 1987	Regulates the sale, disposal and consumption of liquor. Establishes the Liquor Licensing Commission.
Market Court Act 1978	Establishes the Market Court, with power to hear applications by the Director of Consumer Affairs for restraining orders against persons who repeatedly engage in conduct which is unfair to consumers. Provides for the Director to obtain a deed of assurance from the trader instead of applying to the Court, and makes breach of such a deed an offence.
Ministry of Consumer Affairs Act 1973	Establishes the Ministry, and sets out its objectives and the responsibilities of the Director of Consumer Affairs
Motor Car Traders Act 1986	Requires all motor car traders to be licensed and establishes the Motor Car Traders Licensing Authority. Establishes a three day cooling off period in relation to the purchase of used cars. Requires motor car traders to use a standard form contract for sale of used cars. Gives the Credit Tribunal power to rescind contracts up to \$20,000. Prohibits motor car traders from selling any car without clear title. Establishes the Motor Car Traders Guarantee Fund and the Guarantee Fund Claims Committee, which determines claims.

# LEGISLATION ASSIGNED TO THE MINISTRY

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<b>Petroleum Retail Selling Sites Act 1981</b>	Defines the rights and liabilities of petrol station operators.
<b>Residential Tenancies Act 1980</b>  (s.7, Part II, ss.64, 71, 77(4)-(7), 96, 100-101, 105-106, 108, 111-113, 127-135, 136(4)-(6), and Part IV)	<p>Sets out the rights and responsibilities of tenants and landlords in relation to residential tenancies.</p> <p>Establishes the Residential Tenancies Tribunal to resolve disputes between tenants and landlords. Decisions by the Tribunal are final and binding on the parties.</p> <p>Note: The provisions for which the Minister for Consumer Affairs is responsible include the Tribunal and enforcement functions. The Minister for Planning and Housing is responsible for the remaining provisions.</p>
<b>Rooming Houses Act 1990</b>  (ss.11, 12(1) and (3)-(4), 13(2), 15(6)-(9), 19(g), 21(4)-(5), 24, 35-38, 41, and 46-47, part of s.48(1), and ss.48(2) and 49-54)	<p>Sets out the rights and duties of owners and residents of rooming houses.</p> <p>Provides for resolution of disputes between owners and residents of rooming houses through the Residential Tenancies Tribunal.</p> <p>Note: The Ministry is responsible generally for the administration of the Act while the Department of Planning and Housing is responsible for issues of policy.</p>
<b>Shop Trading Act 1987</b>	Regulates the hours of operation of shops and market sites.
<b>Small Claims Tribunals Act 1973</b>	<p>Establishes the Small Claims Tribunals to resolve claims by consumers against traders relating to contracts for the supply of goods, the provision of services or insurance (excluding life assurance).</p> <p>Requires Tribunal Referees to attempt to bring the parties to a mutually acceptable settlement, and empowers them to adjudicate if unsuccessful in this.</p> <p>Provides for orders, enforceable by law, to a maximum of \$5,000.</p>

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## LEGISLATION ASSIGNED TO THE MINISTRY

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- Travel Agents Act 1986** Requires all travel agents to be licensed and establishes the Travel Agents Licensing Authority.
- Requires all travel agents to be members of the Travel Compensation Fund, a national body which compensates consumers where an agent fails to account for money paid.
- Note: This Act is part of a consumer protection scheme also involving New South Wales, South Australia, Western Australia, Tasmania, Queensland and the ACT, all of which have enacted substantially similar legislation. The Travel Compensation Fund was established under this scheme. 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.
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- Weights and Measures Act 1958**  
(excluding s.53B)
- Requires the maintenance of accurate standards of mass and measure 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.
- Requires the verification of instruments to specified standards on commissioning and the reverification of them at prescribed periods of time to maintain their accuracy.
- 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.
- Note: Section 53B is administered by the Minister for Ethnic, Municipal and Community Affairs.
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# APPENDIX 4A

## REGULATIONS MADE IN 1991-92

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THE FOLLOWING REGULATIONS WERE MADE DURING 1991-1992.

Consumer Affairs (Product Safety) (Airpots) Regulations 1992  
Credit (Administration) (Licensing) (Fees Amendment) Regulations 1992  
Finance Brokers (Licensing and General) (Fees Amendment) Regulations 1992  
Finance Brokers Regulations 1992  
Fuel Prices (Declaration of Secrecy) Regulations 1992  
Liquor Control (Licence and Permit Fees) Regulations 1991  
Market Court Regulations 1992  
Motor Car Traders (Fees) (Amendment) Regulations 1991  
Residential Tenancies (Fees) (Amendment) Regulations 1991  
Residential Tenancies (Amendment) Regulations 1991  
Residential Tenancies (Amendment) Regulations 1992  
Residential Tenancies Regulations 1992  
Small Claims Tribunals (Fee) (Amendment) Regulations 1991  
Small Claims Tribunals Regulations 1992  
Travel Agents (Amendment) Regulations 1991

# APPENDIX 4B

## REGULATIONS REVOKED IN 1991-92

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THE FOLLOWING REGULATIONS WERE REVOKED DURING 1991-92.

Consumer Affairs (Product Safety) (Airpots) Regulations 1979  
Consumer Affairs (Product Safety) (Pedal Bicycles) Regulations 1980  
Consumer Affairs (Product Safety) (Portable Fire Extinguishers) Regulations 1977  
Consumer Protection (Marking of Footwear) Regulations 1973  
Consumer Protection (Product Safety) (Spirit Stoves) Regulations 1973  
Consumer Protection (Trade Descriptions) Regulations 1974  
Credit Reporting Regulations 1978  
Finance Brokers (Licensing and General) Regulations 1974  
Fuel Prices (Declaration of Secrecy) Regulations 1982  
Market Court Regulations 1979  
Residential Tenancies Regulations 1981  
Small Claims Tribunals Regulations 1974

# APPENDIX 5A

## CONSUMER SUPPORT PROGRAM - FUNDING FOR THE PERIOD 1 JULY 1991 TO 30 JUNE 1992

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
Bairnsdale and District Community Health & Resource Centre 115 Main Street BAIRNSDALE 3875 \$28,760	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the eastern part of the East Gippsland Region.
Ballarat Children's Homes and Family Services 115 Lydiard Street North BALLARAT 3350 \$47,365	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Central Highlands Region.
Bendigo Community Health Services Inc 31 Havilah Street BENDIGO 3350 \$51,895	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Loddon Campaspe Region.
Box Hill Community Health Service 65 Carrington Road BOX HILL 3128 \$63,162	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to consumers throughout the Inner East Region.
Broadmeadows Community Health Services Cnr Coleraine Street and Pearce Dale Parade BROADMEADOWS 3048 \$54,979	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to consumers throughout the North West Region.
Consumer Credit Legal Service 4th Floor 636 Bourke Street MELBOURNE 3000 \$206,639	Undertaking of licensing objections and of casework in the Credit Tribunal. Representation of the interests of debtors in policy development forums. Training of workers to take cases to the Tribunal and to be advocates in their spheres. Consumer education; conduct of media campaigns.
Consumer and Tenancy Advice Service 110 Hume Street WODONGA 3690 \$47,983	Provision of a full range of consumer information/advice, complaint resolutions, advocacy and education services to the Upper Murray Region.

## CONSUMER SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
Consumer Advocacy and Financial Counselling Association of Victoria 4th Floor 247 Flinders Lane MELBOURNE 3000 \$46,253	Co-ordination of campaigns on key consumer issues.
Consumer Resource and Advocacy Centre Outer East Inc Suite 11 5-7 Chandler Road BORONIA 3155 \$71,245	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Outer Eastern Region.
Deer Park Community Information Centre Shop 95A Deer Park Central Shopping Centre Neale Road DEER PARK 3023 \$45,280	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the northern part of the Western Region.
Financial Counsellors and Consumer Information Service Inc 40 Myers Street GEELONG 3220 \$78,118	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Barwon Region.
Fitzroy and Carlton Community Credit Co-op Post Office Box 198 FITZROY 3065 \$32,000	Operation of a low-cost loan service.
Good Shepherd Youth and Family Services 74 Johnston Street COLLINGWOOD 3066 \$29,349	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the part of the Inner Urban Region north of the Yarra.

## CONSUMER SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
<p>Good Shepherd Youth and Family Services Buying Advice 74 Johnston Street COLLINGWOOD 3066 \$77,554</p>	<p>Operation of a buying advisory service for low income people, giving access to basic household products at reasonable prices and assisting low income people in making informed choices when purchasing household products.</p>
<p>Good Shepherd Youth and Family Services 74 Johnston Street COLLINGWOOD 3066 \$16,000</p>	<p>Operation of a no-cost loans service.</p>
<p>Goulburn Valley Community Care Centre 162 Maude Street SHEPPARTON 3630 \$52,599</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Goulburn Region.</p>
<p>Latrobe Valley Citizens Advice Bureau Shops 7-8 The Subway MORWELL 3840 \$47,031</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Central Gippsland Region.</p>
<p>Mallee Tenancy Advice Service 1/152 Pine Avenue MILDURA 3500 and 300 Campbell Street SWAN HILL 3589 \$58,755</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Mallee Region.</p>
<p>Macauley Community Credit Co-operative 507 Macauley Road KENSINGTON 3031 \$23,500</p>	<p>Operation of a low cost loans service.</p>
<p>Sale and District Community Support Services Macalister Court Macalister Street SALE 3850 \$27,521</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the western part of the East Gippsland Region.</p>

# CONSUMER SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
<p>South Western Community Care 26 Fairy Street WARRNAMBOOL 3280 and 63 Percy Street PORTLAND 3305 \$48,810</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Glenelg Region.</p>
<p>Southern Consumer and Financial Advocacy Service Shop 8, 3 Tuck Street MOORABBIN 3189 \$56,421</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Southern Region.</p>
<p>Springvale Community Aid and Advice Bureau Post Office Box 312 SPRINGVALE 3171 \$40,836</p>	<p>Provision of information, mediation and advocacy to the northern part of the Westernport Region, particularly people from non-English speaking backgrounds. Development of a range of consumer education programs.</p>
<p>St Kilda Legal Service 161 Chapel Street ST KILDA 3182 \$32,498</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the part of the Inner Urban Region south of the Yarra.</p>
<p>Sutherland Child, Youth and Family Services C/- 258 Nell Street WATSONIA 3087 \$73,102</p>	<p>Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the North-Eastern Region.</p>
<p>Victorian Association of Citizens Advice Bureaux 10th Floor 176 Wellington Parade EAST MELBOURNE 3002 \$26,460</p>	<p>Conduct of training sessions and dissemination of information to CABs. Distribution of the VACAB Consumer Affairs Kit. Representation of CABs' views and concerns on consumer matters.</p>

# CONSUMER SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
Waltons Action Group C/- Good Shepherd Youth and Family Services 74 Johnston Street COLLINGWOOD 3066 \$24,638	Assistance to former Waltons customers alleged to have outstanding debts, including provision of resources and advocacy, negotiations to achieve individual settlements, and public campaigns.
Western Credit Advocacy Group 38 Synott Street WERRIBEE 3030 \$45,610	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the southern part of the Western Region.
West Heidelberg Community Health Centre 20 Morobe Street WEST HEIDELBERG 3081 \$16,500	Operation of a low-cost loans service.
Wimmera Community Care 48 Wilson Street HORSHAM 3400 \$42,551	Provision of a full range of consumer information/advice, complaint resolution, advocacy and education services to the Wimmera Region.

## Aboriginal Counselling Program

Victorian Aboriginal Legal Service 6 Alexander Parade FITZROY 3065 \$47,308	Provision of a broad range of consumer information/advice, education programs and services specifically to Victorian Aborigines. Representation of the interests of Aboriginal consumers in policy development forums.
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# APPENDIX 5B

## TENANT SUPPORT PROGRAM - FUNDING FOR THE PERIOD 1 JULY 1991 TO 30 JUNE 1992

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
Bairnsdale and District Community Health & Resource Centre 115 Main Street BAIRNSDALE 3875 \$53,616	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the East Gippsland Region, particularly to assist disadvantaged tenants.
Barwon Regional Tenancy Network 1 Little Ryrie Street GEELONG 3220 \$111,412	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Barwon Region, particularly to assist disadvantaged tenants.
Barwon Regional Tenancy Network Caravan Park Project 1 Little Ryrie Street GEELONG 3220 \$37,940	Conduct of a special 12 month project, focussing on issues relating to those residents at risk of eviction during the holiday periods in the Barwon Region. Provision of information, advice and advocacy services to caravan park residents in the Barwon Region.
Bayside Tenants Information Service Inc 13 Wells Street FRANKSTON 3199 \$133,631	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Westernport Region, particularly to assist disadvantaged tenants. Extension of service and community education to the Cranbourne/Berwick/Pakenham areas.
Bendigo Urban Emergency Accommodation and Resource Centre 26 View Street BENDIGO 3550 \$64,556	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to tenants and long term caravan park residents in the Loddon Campaspe Region, particularly to assist disadvantaged tenants and caravan park residents.
Broadmeadows Tenants Information Service 7 Gordon Court GLENROY 3046 \$100,950	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the North West Region, particularly to assist disadvantaged tenants.
Cambodian Association of Victoria 55 Buckingham Avenue SPRINGVALE 3171 \$48,049	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to Victorians of Cambodian origin. Information gathering and development of strategies for meeting the tenancy service and information needs of the Cambodian community.

# TENANT SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
<p>Caravan Park Residents Network 1st Floor 247-251 Flinders Lane MELBOURNE 3000 \$93,476</p>	<p>Dissemination of information relevant to caravan park residents. Promotion of the establishment of regional residents' groups and a statewide network of groups. Raising of public awareness of caravan park issues.</p>
<p>Consumer and Tenancy Advice Service 110 Hume Street WODONGA 3690 \$48,313</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Upper Murray Region, particularly to assist disadvantaged tenants.</p>
<p>Council of Single Mothers and their Children Flinders Way Arcade 3/238 Flinders Lane MELBOURNE 3000 \$43,137</p>	<p>Provision of a telephone tenancy assistance service for single women with children. Undertaking of a pilot project providing assistance to general tenancy services in resolving tenancy problems involving single women with children.</p>
<p>Deer Park Community Information Centre Shop 95A, Deer Park Central Shopping Centre Neale Road DEER PARK 3023 \$47,895</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Western Region, particularly to assist disadvantaged tenants. Employment of two part-time ethnic workers (Spanish and Vietnamese) to promote the service.</p>
<p>Gippsland Tenants Services Inc 52 Buckley Street MORWELL 3840 \$129,561</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Gippsland Region, particularly to assist disadvantaged tenants. Further develop the service to South Gippsland located in Leongatha.</p>
<p>Good Shepherd Youth and Family Services 74 Johnston Street COLLINGWOOD 3066 \$27,593</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to Collingwood, Richmond and Fitzroy in the Inner Urban Region, particularly to assist disadvantaged tenants. Research into and addressing of the needs of specially vulnerable groups in private tenancy.</p>

# TENANT SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
<p>Goulburn Regional Housing Council 15 Nixon Street SHEPPARTON 3630 \$80,819</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Goulburn Region, particularly to assist disadvantaged tenants.</p>
<p>Housing for the Aged Action Group 2nd Floor 247 Flinders Lane MELBOURNE 3000 \$55,609</p>	<p>Provision of a community education telephone advisory and advocacy and support service on tenancy issues for the aged as a statewide project.</p>
<p>Inner Eastern Housing Service 12 Rutland Road BOX HILL 3128 \$49,226</p>	<p>Provision of a full range of tenancy information / advice, complaint resolution, advocacy and education services to the Inner East Region, particularly to assist disadvantaged tenants.</p>
<p>Mallee Tenancy Advice Service 1/152 Pine Avenue MILDURA 3500 and 300 Campbell Street SWAN HILL 3589 \$104,193</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Mallee Region, particularly to assist disadvantaged tenants.</p>
<p>Mallee Tenancy Advice Service Caravan Park Project 300 Campbell Street SWAN HILL 3585 \$25,714</p>	<p>Provision of an advice, advocacy, education and information service to all caravan park residents in the Mallee Region. Conduct of a special 12 month project paying particular attention to residents at risk of eviction during the holiday periods.</p>
<p>North Turkish Cyprus Community 125 Sydney Road BRUNSWICK 3056 \$49,994</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to Victorians of Turkish origin. Information gathering and development of strategies for meeting the tenancy service and information needs of the Turkish community.</p>

## TENANT SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
Outer East Tenants Information Service 312 Mt Dandenong Road CROYDON 3136 \$90,470	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Outer East Region, particularly to assist disadvantaged tenants.
Outer North East Tenants Information Service 37 Ivanhoe Parade IVANHOE 3079 \$69,279	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the North Eastern Region, particularly to assist disadvantaged tenants.
Park Residents Action and Support Team Inc C/- 7 Bogong Court BANGHOLM 3175 \$27,728	Provision of a full range of information/advice, complaint resolution, advocacy and education services to Victorian caravan park residents.
Rooming House Tenants Association 1/14-16 Argyle Street FITZROY 3065 \$91,330	Provision of rooming house residency information/advice, complaint resolution and advocacy services. Representation of the interests of rooming house residents in policy development forums. Co-ordination of a door-knock of rooming houses in Melbourne to circulate information to rooming house residents
Shelter Tenancy Rights Project 3rd Floor 247 Flinders Lane MELBOURNE 3000 \$51,861	Research into the tenancy needs of people with disabilities and development of viable options to provide an accessible tenancy advice service for such people within the existing structure of the Tenant Support Program.
South Western Community Care Inc 26 Fairy Street WARRNAMBOOL 3280 and 63 Percy Street PORTLAND 3305 \$85,171	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Glenelg Region, particularly to assist disadvantaged tenants. Expansion of services in Warrnambool and Portland, while maintaining existing services in Camperdown and Hamilton.

# TENANT SUPPORT PROGRAM

ORGANISATION	PURPOSE FOR WHICH GRANT MADE
<p>Springvale Community Aid and Advice Bureau Post Office Box 312 SPRINGVALE 3171 \$46,700</p>	<p>Provision of a full range of tenancy information /advice, complaint resolution, advocacy and education services to the Westernport Region, particularly to assist disadvantaged tenants, including those from a non-English speaking background.</p>
<p>Tenancy Advisory Service for Southern 372 South Road MOORABBIN 3189 \$109,379</p>	<p>Provision of a full range of tenancy information /advice, complaint resolution, advocacy and education services to the Southern Region, particularly to assist disadvantaged tenants.</p>
<p>Tenancy Information Network (Ballarat) Site 3, 2nd Floor 11 Lydiard Street South BALLARAT 3350 \$81,859</p>	<p>Provision of a full range of tenancy information /advice, complaint resolution, advocacy and education services to the Central Highlands Region, particularly to assist disadvantaged tenants.</p>
<p>Tenants Union of Victoria 80 Johnston Street FITZROY 3065 \$462,251</p>	<p>Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services particularly to assist disadvantaged tenants, from offices in Fitzroy, Footscray, St Kilda and Northcote, expanding resources at the latter three. Undertaking of statewide resourcing, monitoring, research, policy and community education work.</p>
<p>Victorian Association of Citizens Advice Bureaux 10th Floor 176 Wellington Parade EAST MELBOURNE 3002 \$27,460</p>	<p>Ensuring that CABs have current information on tenancy issues. Promotion of co-operation and referrals between CABs, tenant advice services and the Ministry. Training of CAB volunteers on tenancy issues.</p>
<p>Victorian Aboriginal Legal Service 6 Alexander Parade FITZROY 3065 \$50,000</p>	<p>Provision of a broad range of tenancy information/advice and education programs and services specifically to Victorian Aborigines. Representation of the interests of Aboriginal tenants in policy development forums.</p>

# TENANT SUPPORT PROGRAM

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ORGANISATION	PURPOSE FOR WHICH GRANT MADE
Wangaratta Housing and Tenancy Service Inc 45A Ovens Street WANGARATTA 3677 \$38,649	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Upper Murray Region, particularly to assist disadvantaged tenants.
Wimmera Community Care 48 Wilson Street HORSHAM 3400 \$55,973	Provision of a full range of tenancy information/advice, complaint resolution, advocacy and education services to the Wimmera Region, particularly to assist disadvantaged tenants.

# APPENDIX 6

## COMPLAINT STATISTICS

### CONSUMER COMPLAINTS BY PRODUCT TYPE

PRACTICE TYPE	89-90	90-91	91-92
Food, Beverages, Tobacco	38 (0.3%)	22 (0.2%)	33 (0.3%)
Clothing, Footwear, Drapery, Manchester	479 (3.7%)	498 (4.2%)	558 (5.0%)
Household Goods	1,625 (12.5%)	1,381 (11.6%)	1,347 (12.0%)
Motor Vehicles & Other Transport Equipment	2,247 (17.3%)	2,004 (16.8%)	1,714 (15.2%)
Building & Construction	1,439 (11.1%)	972 (8.1%)	789 (7.0%)
Commercial Equipment, Appliances & Supplies	23 (0.2%)	33 (0.3%)	35 (0.3%)
Personal Items, Entertainment & Novelties	622 (4.8%)	594 (5.0%)	553 (4.9%)
Transport, Post, Telephone & Energy	558 (4.3%)	466 (3.9%)	446 (4.0%)
Insurance, Finance & Investment	837 (6.5%)	874 (7.3%)	791 (7.0%)
Real Estate & Accommodation	3,552 (27.4%)	3,816 (31.9%)	3,758 (33.4%)
Miscellaneous Services	1,286 (9.9%)	990 (8.3%)	1,070 (9.5%)
Other/Unspecified	248 (1.9%)	298 (2.5%)	156 (1.4%)
<b>Total</b>	<b>12,954</b>	<b>11,948</b>	<b>11,250</b>

Note: The above categories are those of the National Consumer Complaints Statistics System. In some previous annual reports certain categories were combined or split. Also, the Ministry's system for compiling complaint numbers has been refined. For these reasons, the above figures may not correspond fully with older published data.

# COMPLAINT STATISTICS

## CONSUMER COMPLAINTS BY PRACTICE TYPE

PRACTICE TYPE	89-90	90-91	91-92
Advertising	82 (0.5%)	84 (0.6%)	134 (1.0%)
Representations	114 (0.7%)	74 (0.5%)	170 (1.3%)
Product Labelling	18 (0.1%)	21 (0.2%)	28 (0.2%)
Sales	138 (0.9%)	120 (0.9%)	176 (1.3%)
Price	1,054 (6.8%)	624 (4.6%)	652 (4.8%)
Quality	6,124 (39.6%)	5,011 (36.6%)	5,276 (39.1%)
Credit	355 (2.3%)	326 (2.4%)	418 (3.1%)
Contracts	2,574 (16.6%)	2,507 (18.3%)	1,899 (14.1%)
Warranties	617 (4.0%)	392 (2.9%)	497 (3.7%)
Miscellaneous Conduct	840 (5.4%)	784 (5.7%)	490 (3.6%)
Tenancy	3,567 (23.0%)	3,750 (27.4%)	3,752 (27.8%)
<b>Total</b>	<b>15,483</b>	<b>13,693</b>	<b>13,492</b>

Note: The above categories are those of the National Consumer Complaints Statistics System. In some previous annual reports certain categories were combined or split. Also, the Ministry's system for compiling complaint numbers has been refined. For these reasons, the above figures may not correspond fully with older published data.

The totals in this table are higher than those in the Consumer Complaints By Product Type table because a complaint can only be about one product but may concern more than one



# APPENDIX 7

## RESIDENTIAL TENANCIES: INSPECTION & OTHER SERVICES

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MATTERS REFERRED	89-90	90-91	91-92
Inspection directly requested			
abandoned goods	1,681	1,921	1,878
repairs	921	985	1,044
rent increase	239	196	150
Total written requests for assistance (including inspection requests and complaints regarding termination, bonds, quiet enjoyment etc)	3,448	3,672	3,621
Referrals from RT Tribunal			
inspections	83	43	11
service of hearing notices	83	41	16

\*Note: Figures for 1989-90 and 1990-91 have been re-calculated, apart from Tribunal referrals. The latter are almost certainly under-stated for 1990-91 and 1991-92 due to incomplete records.

# APPENDIX 8

## REGIONAL TRIBUNAL HEARINGS

### REGIONAL TRIBUNAL SITTING DAYS

LOCATION	89-90	90-91	91-92
Bacchus Marsh	-	1	-
Bairnsdale	15	16	15
Ballarat	39	51	52
Benalla	11	12	11
Bendigo	32	32	28
Camperdown	4	-	-
Cobram	10	11	7
Colac	11	10	9
Dandenong	49	40	168
Echuca	11	13	12
Footscray	-	-	148
Frankston	-	30	58
Geelong	90	98	86
Hamilton	10	13	11
Heytesbury (Cobden)	-	2	-
Horsham	11	14	10
Knox	44	1	-
Korumburra	12	14	13
Kyabram	4	-	-
Mansfield	6	10	7
Maryborough	5	10	3
Mildura	19	16	14
Moe	35	47	33
Mordialloc	165	175	93
Morwell	3	-	-
Myrtleford	5	6	1
Northcote	21	-	-
Oakleigh	33	-	-
Portland	11	15	11
Ringwood	-	182	273
Robinvale	1	1	-
Sale	13	15	13
Seymour	11	13	12
Shepparton	30	30	23
Springvale	105	122	91
Swan Hill	10	11	11
Wangaratta	12	18	11
Warragul	9	-	-
Warrnambool	10	17	10
Werribee	19	25	22
Wodonga	17	16	13
Yarrawonga	2	-	-

# APPENDIX 9

## MOTOR CAR TRADERS: LICENSING OBJECTIONS

### LICENSING OBJECTIONS BY THE DIRECTOR

TRADER	RESULT	COMMENTS
<b>NEW APPLICANTS</b>		
Peter Unsworth trading as Pete's Car Centre	licence refused	
S J Burrafato trading as Moonee Valley Car Sales	application withdrawn with objection part heard	
<b>EXISTING LICENSEES</b>		
P M Vitalis trading as Wheels Plus	licence cancelled	appeal to Administrative Appeals Tribunal (AAT) withdrawn
Double AP Pty Ltd trading as Shepparton Auto Trade	licence cancelled	
Hospital Service Station Pty Ltd	licence cancelled	appeal to AAT withdrawn
Montedeen Pty Ltd	licence cancelled	AAT granted licence on appeal, subject to conditions
Lane Anderson Motors Pty Ltd trading as Lane Toyota	reprimand	
GT Guppy trading as Geoff Guppy Motors	licence surrendered prior to hearing	
Elsternwick Car Sales Pty Ltd trading as Point Nepean Motors	licence surrendered with objection part heard	
Sunraysia Motors Pty Ltd	objection withdrawn	trader acted to allay Director's concerns
Volkspalce Pty Ltd	objection withdrawn	trader acted to allay Director's concerns
R J Plumpton Investments Pty Ltd trading as Julray Motors	licence surrendered prior to hearing	

# MOTOR CAR TRADERS: LICENSING OBJECTIONS

## LICENSING OBJECTIONS BY THE DIRECTOR

TRADER	RESULT &	COMMENTS
Cascianelli Pty Ltd trading as Lilydale Family Car Sales	licence surrendered with objection part heard	
John Love Hamilton Pty Ltd trading as John Love Toyota	hearing adjourned indefinitely	trader to report monthly to Authority
Aigner Pty Ltd	licence suspended for 12 months from 11.3.92	
NEB Pty Ltd trading as Fairway Car Centre	licence surrendered	
Second Novro Pty Ltd trading as Southern Commercials	objection withdrawn	trader complied with order of Authority to provide documents
Eureka Auto Sales Pty Ltd trading as Downtown Auto Sales	licence cancelled	AAT appeal not heard as at 30.6.92
Graeme Kemp's Auto Centre Pty Ltd	adjourned	trader to report quarterly to Authority
C.S. Car Sales Pty Ltd	licence surrendered prior to hearing	

# IX 10A SECUTIONS

NT	ACT & PROVISION*	BREACH SUMMARY	OFFENCES PROVEN	FINES \$	COSTS \$	OTHER ORDERS
to	FBA 18 21	A finance broker who received a fee before securing a loan and who failed to affix his name to business premises.	2	750	300	
Finance						
Lease & Loan	FBA 19 21	A finance broker who received a fee before securing a loan, failed to affix his name to business premises and who attempted to conceal documents.	2		300	Placed on a twelve month good behaviour bond. Ordered to pay \$500 into the Court Fund.
ly	MCTA 7	A person trading in motor cars whilst unlicensed.	4	5,200	636	Ordered to pay \$1,442 restitution.
	RTA 67 73 76 85	A landlord who prepared a defective written lease, failed to issue a receipt for a security deposit, failed to provide a condition report and failed to pay a security deposit into an approved account.	4	450	400	
	FTA 12	A motor car trader who made false representations concerning the history of used motor cars.	5	5,500	500	
wards Winning ns	FTA 22	A person who used coercion in connection with the payment for introduction services.	2	3,000	500	
omotive Repairs	MCTA 7	A person dealing in used motor cars without a licence.	1		400	Placed on a twelve month good behaviour bond.

# SECUTIONS

AGENT	ACT & PROVISION *	BREACH SUMMARY	OFFENCES PROVEN		FINES \$		COSTS \$		OTHER ORDERS	
	MCTA 7 reg 23	A motor car trader who failed to publish his licence number in advertisements and who continued dealing in motor cars after failing to renew his licence.	12	2,600	250					
Industations	HCGA 5 FTA 12	A person who entered into a building contract without providing the required guarantee.	1	300						
	RTA 146 (a) 148 (a) FTA 12 (i) 22	A person who attempted to compel a tenant to vacate residential premises.	4						Placed on a twelve month good behaviour bond.	
Urban Wholesalers	CAA 57 (f)	A company which traded in goods banned by order of the Minister for Consumer Affairs.	1	500	250					
ing Pty Ltd	CAA 57 (f)	A company which traded in goods banned by order of the Minister for Consumer Affairs	1		500				Placed on a twelve month good behaviour bond. Ordered to pay \$500 into the Court Fund.	
	FBA 5 18	A person who traded as an unlicensed finance broker.	2	1,000	300				Ordered to pay \$1,670 restitution.	
	MCTA 7	A person dealing in used motor cars without a licence.	1	1,000	250					
td vation Services	HCGA 5 FTA 22	A company which entered into a building contract without providing the required guarantee.	2	28,000						

# GENERAL PROSECUTIONS

DATE OF HEARING	DEFENDANT	ACT & PROVISION *	BREACH SUMMARY	OFFENCES PROVEN	FINES \$	COSTS	OTHER ORDERS
13 Dec 91	F Cappelleri	HCGA 5 FTA 22	A director of F & L Pty Ltd who used undue harassment in connection with the supply of goods or services.	2	16,000	998.50	Ordered to pay \$10,100 restitution
14 Jan 92	J Marcouliakis	HCGA 5 18 24	A person who entered into a building agreement without a signed contract and without providing the required guarantee.	3	250	400	
10 Feb 92	G Orrell trading as Geoff Neil Motors	MCTA 14	The holder of a wholesale motor car trader's licence who retained used motor cars contrary to the provisions of his wholesale licence.	9	2,700	187.50	
19 Feb 92	R Kean trading as Harfequin Homes	HCGA 5 20 23 (2) FTA 12 (i) CAA 15	A person who entered into a building contract while not an approved builder and without providing the required guarantee and who falsely represented that a house could be properly repaired.	6	18,950	300	
19 Feb 92	F Cassar	RTA 40 77 (2)	A landlord who failed to return a security deposit to his tenant and who failed to comply with orders made by the Residential Tenancies Tribunal.	4	250	250	
20 Feb 92	Gaslight Publishing Pty Ltd	FTA 14	A company advertising positions for drivers and couriers then engaging applicants to sell books door-to-door to businesses.	2	4,000	627.50	
12 Mar 92	Macebale Finance & Mortgage Services Pty Ltd	FBA 5 18	A company carrying on the business of a finance broker without a licence and which received fees before securing loans.	5	3,750	1,394.50	

# GENERAL PROSECUTIONS

DATE OF HEARING	DEFENDANT	ACT & PROVISION *	BREACH SUMMARY	OFFENCES PROVEN	FINES \$	COSTS	OTHER ORDERS
12 Mar 92	R Goldring	FBA 5 18	A director of Macebale Finance and Mortgage Services Pty Ltd knowingly involved in the offences committed by the company.	5	3,750	1,394.50	
23 Mar 92	H Placzek	RTA 40 87	A landlord who failed to comply with an order of Residential Tenancies Tribunal and who failed to give his tenant a statement of rights and duties.	2	350	350	
3 Apr 92	I Ostojich trading as Westgate Reblocking	FTA 12 (f) HCGA 5 23	A house re-blocker who entered into a building contract without providing the required guarantee, carried out the work without approval and falsely represented the value of the work to local council.	3	6,000	491	
8 May 92	P Spagnolo	RTA 40	A landlord who failed to comply with orders of the Residential Tenancies Tribunal.	2	200	150	Ordered to pay \$790 restitution.
11 May 92	S Foster trading as Metropolitan Washing Machines	FTA 12	A person who made false representations with respect to the service of washing machines.	6	3,750	3,030	No conviction was recorded but Ms Foster entered into an injunction restraining similar behaviour.
28 May 92	A Ryan	RTA 73 87 (1)	A landlord who failed to give to his tenant copies of both a condition report relating to the premises and a statement of rights and duties.	2	240	225	
29 June 92	C Hunt	MCTA 7	A person trading in motor cars whilst unlicensed.	11	3,300	350	



# GENERAL PROSECUTIONS

DATE OF HEARING	DEFENDANT	ACT & PROVISION *	BREACH SUMMARY	OFFENCES PROVEN	FINES \$	COSTS	OTHER ORDERS
30 June 92	G Chapman	FTA 12(ca)	A person who falsely represented that particular persons had agreed to acquire goods.	4	10,000	610	Ordered to pay \$1,065 restitution.

\* Section numbers unless otherwise indicated.

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 1986
RTA	Residential Tenancies Act 1980

# APPENDIX 10B

## PROSECUTIONS UNDER THE SHOP TRADING ACT 1987

### TRADERS WHOSE RETAIL SHOPS WERE OPEN WHEN REQUIRED TO BE CLOSED

DATE OF HEARING	DEFENDANT	OFFENCES PROVEN	FINES \$	COSTS \$	OTHER ORDERS
31 Jul 91	Trentham Falls Pty Ltd trading as The Big Lounge	4	1,200	300	
31 Jul 91	C Anderson trading as Yarra Design	1			Placed on a twelve month good behaviour bond and ordered to pay \$100 into the Court Fund.
31 Jul 91	Country Road Clothing Pty Ltd trading as Second Best	6	1,200	300	
31 Jul 91	Adriatic Furniture Imports Pty Ltd	1	200	125	
6 Aug 91	Townsend Furniture Pty Ltd	9	900	400	
16 Aug 91	Terrapee Valley Pty Ltd trading as Captain Snooze	1		200	Placed on a twelve month good behaviour bond.
16 Aug 91	Walnut Cove Pty Ltd trading as Midway Furniture Warehouse	1		200	Placed on a twelve month good behaviour bond.
20 Aug 91	Harbeam Investments Pty Ltd trading as Captain Snooze	1	100	400	

## PROSECUTIONS UNDER THE SHOP TRADING ACT 1987

DATE OF HEARING	DEFENDANT	OFFENCES PROVEN	FINES \$	COSTS \$	OTHER ORDERS
21 Aug 91	Natural Base Pty Ltd trading as Oz Design	1	75	100	
21 Aug 91	Scott Berkowitz Pty Ltd trading as Scott Berkowitz	7	840	150	
21 Aug 91	DSK Nominees Pty Ltd trading as Jannis Furniture and Bedding	1	75	100	
21 Aug 91	EAU Nominees Pty Ltd trading as Sortino Home Furnishings	8	1,200	150	
3 Sep 91	Bodine Pty Ltd trading as Oz Design	1	100	250	
3 Sep 91	Worthys Countrywide Furniture Centre Pty Ltd	1	100	200	
23 Sep 91	Freedom Furniture Pty Ltd trading as Freedom Furniture	4	600	350	
24 Sep 91	Duresta Furniture Pty Ltd	1			Placed on a twelve month good behaviour bond and ordered to pay \$200 into the Court Fund.
1 Oct 91	Antonio Nominees Pty Ltd trading as Sunrise Furniture	4	200	200	

## PROSECUTIONS UNDER THE SHOP TRADING ACT 1987

DATE OF HEARING	DEFENDANT	OFFENCES PROVEN	FINES \$	COSTS \$	OTHER ORDERS
1 Oct 91	Andersons Furniture Pty Ltd trading as Andersons Furniture	4	200	200	
1 Oct 91	Lawfords Furniture Pty Ltd	2	100	200	
6 Nov 91	Auction Imports Pty Ltd trading as Furniture Clearance Centre	6		250	Placed on a twelve month good behaviour bond.
25 Nov 91	Guests Furniture Pty Ltd trading as Guests Furniture	12	1,440	250	
2 Dec 91	Limbra Two Pty Ltd trading as Not Just Pine	2	700	250	
19 Feb 92	Venture Stores (Retailers) Pty Ltd trading as Venture	11	550	1,362	
21 Feb 92	Jacana Close Pty Ltd trading as The Big Lounge	2	400	1,200	
7 May 92	Goodings Supermarkets Pty Ltd trading as Goodings Tuckerbag	2	300	800	
8 May 92	Frank Mazzotta Furnishings Pty Ltd trading as Frank Mazzotta Furnishings	2		482	Placed on a twelve month good behaviour bond and ordered to pay \$400 into the Court Fund.

## PROSECUTIONS UNDER THE SHOP TRADING ACT 1987

DATE OF HEARING	DEFENDANT	OFFENCES PROVEN	FINES \$	COSTS \$	OTHER ORDERS
13 May 92	Mount Kialoa Pty Ltd trading as Freedom Furniture	2	400	250	
15 Jun 92	Australian Furniture Suppliers Pty Ltd trading as Fussy Furniture Fella	7		1,283	Placed on a twelve month good behaviour bond.

# APPENDIX 10C

## PROSECUTIONS BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT 1958

COURT & DATE OF HEARING	DEFENDANT	PROVISION*	OFFENCE	CHARGES	FINE \$	COSTS \$	AUTHORITY
Prahran 3 Feb 92	Forty-Sixth Decelda Pty Ltd	77(1)(a) 77(1)(b)	misleading packaging; short weight cheese	2	200 **	82	Prahran City
Prahran 3 Feb 92	G Kardaras	77(1)(a) 77(1)(b)	misleading packaging; short weight cheese	2	200 **	82	Prahran City
Geelong 10 Feb 92	Vernicosa Pty Ltd	79(4) 79A(1)	short weight bread; unmarked bread	3	400	60.20	Geelong District
Geelong 24 Feb 92	Echovale Pty Ltd trading as Lorne Hotel	67(1)	unstamped measures	5	500	64	Geelong District
Geelong 24 Feb 92	D North trading as Surfside Bakery	79(4) 79A(1)	short weight bread; unmarked bread	4	300	43.50	Geelong District
Geelong 24 Feb 92	Kaynor Pty Ltd trading as Surfside Bakery	79(4)	short weight bread; unmarked bread	4	300	60.50	Geelong District
Geelong 24 Feb 92	R Pidhaji trading as Bell Park Hot Bread	79(4) 79A(1)	short weight bread; unmarked bread	4	600	49.35	Geelong District
Geelong 24 Feb 92	J Zen trading as Belmont Hot Bread	79(4)	short weight bread	3	225	43.50	Geelong District

# PROSECUTIONS BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT 1958

COURT & DATE OF HEARING	DEFENDANT	PROVISION*	OFFENCE	CHARGES	FINE \$	COSTS \$	AUTHORITY
Geelong 24 Feb 92	A Langerano trading as Belmont Hot Bread	79(4)	short weight bread	4	225	43.50	Geelong District
Geelong 24 Feb 92	Kilham Holdings Pty Ltd trading as Baker's Delight	79(4) 79A(1)	short weight bread; unmarked bread	6	900	60.90	Geelong District
Moe 7 Apr 92	AC Dicker	77(1)(b) 81(3) 81(7)(c)	short measure of firewood; sale of firewood - no delivery docket; knowingly selling short measure of firewood	4	1,200	80	Central Gippsland
Geelong 13 Apr 92	B Kalken-Johnson	reg16, 234,235	failure to pay account	1	40	54	Geelong District
Geelong 13 Apr 92	Taliman Pty Ltd	reg16, 234,235	failure to pay account	1	60	71	Geelong District
Geelong 27 Apr 92	P Markham	reg16, 234,235	failure to pay account	1	100	81.90	Geelong District
Geelong 29 Jun 92	Blue Bay Packing Pty Ltd	67(1)	unstamped scales used for trade	1	300	42	Geelong District

\* Section numbers unless otherwise indicated.

\*\* In addition to these fines, the defendants were placed on bonds.

# APPENDIX 11

## PERSONS EMPLOYED BY THE MINISTRY

### PERSONS EMPLOYED BY THE MINISTRY OF CONSUMER AFFAIRS

	MALES	FEMALES	TOTAL
Persons employed as at 19 June 9992			
Full time	131	158	293
Part time	28	20	48
<b>Total</b>	163	178	341
Average number of Personnel for 1990-91	185	184	369
Average number of Personnel for 1991-92	171	183	353

- The above figures include 13 full time statutory appointees and 35 part time statutory appointees.
- The above figures also include the Office of Aboriginal Affairs, which became part of the Ministry of Consumer Affairs as a machinery of government change on 1 October 1990. The office employed 16 full-time persons. The office of Aboriginal Affairs transferred to the Department of Treasury as a machinery of government change on 1 July 1991.
- The above figures do not include employees of the Liquor Licensing Commission which are included in the Liquor Licensing Commission's own Annual Report.



# APPENDIX 12

## DECLARATIONS OF PECUNIARY INTERESTS

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During 1991-92, all relevant officers made declarations to the Minister of their pecuniary interests.

The following is a list of all those who made such declarations.

Esther Alter	Beverley Kliger
Rod Armitage	Angela Kominos
Russell Bancroft	Vikki Kyriakopoulos
Heather Barker	Andrew Lachowicz
Raymond Bartlett	Stan Lancaster
Vicky Bates	John Lesser
Marilyn Beebe	Andrew Levens
Christopher Bishop	Michael Levine
Andris Blums	Rodney Maddock
Elizabeth Bond	Harry Matheas
Billee Jean Boyd	Karen Maynard
Judy Bretherton	Marcia McLennan
Desmond Brooks	Ron McLennan
Susan Burdon-Smith	Peter McMullin
Glenn Carleton	Elaine McNamara
Peter Carrigan	Peter Molony
Ray Charter	Carmel Morfuni
Jim Clements	Catrina Muldery
Peter Cohen	Rosemary Musolino
John Collins	Denis Nelthorpe
Alan Copsey	Lisa Neville
Damien Cremean	Katherine Norman
Carole Fabian	Anne O'Shea
Patricia Faulkner	Frank Plata
Ron de Forest	Mary Retiniotis
John Fulton	Suzanne Russell
Neville Gay	Kevin Ryan
Helen Glass	Tony Ryan
Jeanne Gorman	Peter Shaw
Graham Greenberger	Mary Slade
Gary Gromb	James Slattery
Kate Hamond	Janice Slattery
Jeremy Harper	Jenny Steinicke
Duncan Harris	Robert Taylor
Graeme Harris	Helen Tinning
Mary Ann Hayes	Lester Twidale
William Holloway	Roger Vincent
Tim Holt	Richard Viney
David Jones	Jack Wajcman
Brian Kearney	Pamela Williams
Jacqueline Kefford	Richard Wright

# APPENDIX 13

## ASSETS MANAGEMENT SYSTEM

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### **Operating Assets**

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

### **Motor Vehicles**

The Ministry's fleet of motor vehicles comprise a pool of passenger vehicles, SES vehicles and a number of fork lift trucks and specialised inspection vehicles used by the Trade Measurement Branch.

### **Plant and Machinery**

These 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.

### **Furniture and Fittings**

- General office furniture and fittings
- Conference room furniture and fittings
- Special furniture for Hearing rooms

### **Office Equipment**

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**

Minicomputer systems 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 Ministry of Finance but is under the day-to-day control of the Ministry.

### **Community Assets**

A number of antique measuring devices housed at the Trade Measurement Branch are of historic significance.

# APPENDIX 14

## FREEDOM OF INFORMATION (FOI)

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During the 1991-92 financial year, the Ministry received 112 requests for access to documents under the Freedom of Information Act 1982.

At 30 June 1992, decisions on 10 of these requests were yet to be made.

The results for the requests finalised in 1991-92 were as follows.

### REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT

RESULT	No.
Access to Ministry documents granted in full	53
Access to Ministry documents granted in part only	31
Access to Ministry documents denied	19
Access to Ministry documents apart from the Act	1
Request transferred in full to another agency	13
Request transferred in part to another agency	10
Request withdrawn	5

Where access was denied in full or in part, the reasons were as follows:

REASON	No.
The information requested pertains to the judicial functions of a court (s.6)	3
Access to the document is available through another enactment for a fee (s.14(1)(a))	2
Access to the document is available through administrative arrangement (s.14(1)(b))	2

# FREEDOM OF INFORMATION (FOI)

REASON	No.
The document is subject to legal professional privilege (s.32(1))	5
Disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (s.33(1))	17
Disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking (s.34(1)(a))	13
The document was communicated in confidence to an agency or a Minister (s.35(1)(a))	1
An enactment prohibits specified persons from releasing the type of information contained in the document (s.38)	1

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

DAYS	No.
0-15	15
16-30	29
31-45	35

The voluminous nature of several requests received from Members of Parliament led to 43 requests being answered outside the 45 day period in 1991-92.

During the period under review, 13 applicants sought an internal review of a decision in accordance with section 51 of the Act.

One request for an internal review was withdrawn.

# FREEDOM OF INFORMATION (FOI)

## FOI Internal Procedures

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

PRESCRIBED AUTHORITY	PRINCIPLE OFFICER	AUTHORISED OFFICERS
Ministry of Consumer Affairs Travel Agents Licensing Authority Motor Car Traders Licensing Authority Credit Licensing Authority Liquor Licensing Commission	Director Director Chairman Chairman Chief Executive Officer	FOI Officer Registrar Registrar Registrar FOI Officer

The handling of all FOI requests is co-ordinated by the Ministry's Freedom of Information Officer. Procedures instituted in the Ministry's Records Management Unit ensure that FOI requests are extracted from the bulk of correspondence, registered and passed to the authorised officer for acknowledgment.

## FOI Staff Training and Development

Ministry staff have attended 8 training courses and discussion sessions conducted by the Attorney-General's Department.

## 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
- report literature.

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.

Copies of the Part II Statement for the Liquor Licensing Commission are available for purchase from the Commission's Freedom of Information Officer, who is located at 232 Victoria Parade, East Melbourne.

