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ANNUAL REPORT



1989

COUSINS

VICTORIA

Report

of the

MINISTRY OF CONSUMER AFFAIRS

for the

Year ended 30 June 1989

Ordered by the Legislative Assembly to be printed

MELBOURNE
JEAN GORDON GOVERNMENT PRINTER
1988-89

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

Sir,

ANNUAL REPORT 1988/89

Pursuant to Section 8 of the **Annual Reporting Act 1983**, I present to you my report on the activities and operations of the Ministry of Consumer Affairs, for the year ending 30 June, 1989.

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

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

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

Yours faithfully

P. M. Faulkner

P. M. Faulkner
Director of Consumer Affairs
November 1989

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DIRECTOR'S OVERVIEW



DIRECTOR'S OVERVIEW

1988/89 was a period of great change for the Ministry of Consumer Affairs.

The most visible of these changes was the establishment in October 1988 of two new Regional Offices of the Ministry - one in Ringwood and one in Dandenong. At the same time the Ministry's Office in Footscray commenced full time operations. The establishment of these offices reflects the Ministry's determination to make its services more accessible to the public.

1988/89 was a record year for client service by the Ministry. Almost 183,000 clients were assisted through the Ministry's Customer Information, Conciliation and Dispute Resolution Services.

Attempts to make the Ministry's service accessible have also been accompanied by increasing emphasis on the prevention of unfair practices and consumer/trader, landlord/tenant disputes. This is being achieved in a variety of ways. A State network of community-based information and education services is being provided through increased funding. The Ministry is improving its information systems to enable the earlier identification and response to problems in the marketplace.

To assist in the re-orientation of Ministry services, two major reviews were conducted in 1988/89. A management review of the Ministry was completed by the Public Service Board of Victoria in October 1988 and a review of the Residential Tenancies Functions and services was completed in June 1989.

The implementation of changes recommended in the PSB Review has already commenced as have a number of the changes indicated in the preliminary report of Residential Tenancies Review.

Responsibility for the Liquor Licensing Commission and for the Shop Trading Hours Act were transferred from the Department of Industry, Technology and Resources to the Ministry of Consumer Affairs in February, 1989.

The Ministry's work in legislation review and development continued with

major effort put into the development of proposed uniform legislation in the areas of Credit and Trade Measurement (formerly Weights and Measures).

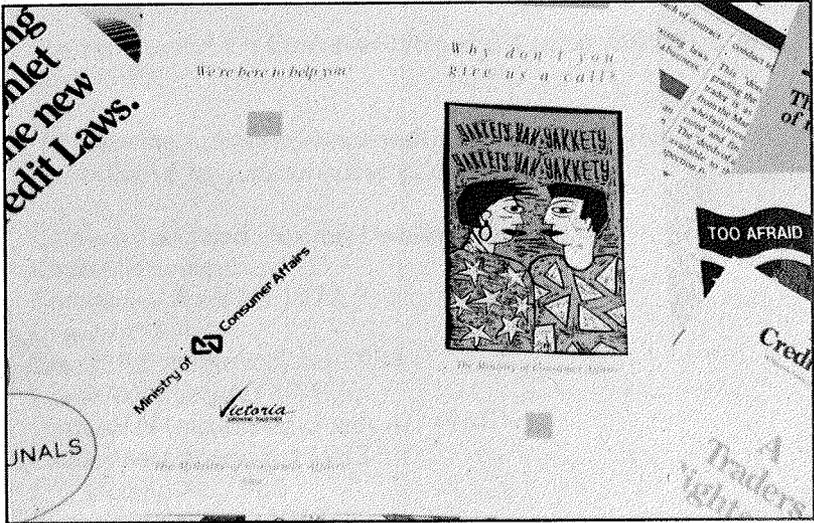
A major hearing of the Credit Licensing Authority relating to an application from HFC Financial Services was conducted. The Director of Consumer Affairs and the Consumer Credit Legal Service objected to the granting of this licence. This hearing involved 120 sitting days and produced 11,500 pages of transcript. A decision will be handed down in September.

In November 1988, Mr David Hall completed his term of appointment as Director of Consumer Affairs. David has since taken up an appointment with Richmond Fellowship of Victoria. The best wishes of staff of the Ministry go to David in his new position.

P. M. Faulkner

Patricia Faulkner
Director of Consumer Affairs

THE MINISTRY



THE MINISTRY

Enabling Legislation

On June 3 1974, the Ministry of Consumer Affairs Act 1973 came into operation establishing a Ministry and appointing a Director of Consumer Affairs.

This superseded the Consumer Protection Bureau which had operated since 1970.

The following Acts are administered by the Ministry entirely or in part. (See Appendix 16 for summary description of each Act).

Caravan Parks and Movable Dwellings Act 1988
Chattel Securities Act 1987
Consumer Affairs Act 1972
Credit Act 1984
Credit (Administration) Act 1984
Credit Reporting Act 1978
Disposal of Uncollected Goods Act 1961
Employment Agents Act 1983 —
Fair Trading Act 1985
Finance Brokers Act 1969
House Contracts Guarantee Act 1987
Liquor Control Act 1987
Market Court Act 1978
Ministry of Consumer Affairs Act 1973
Motor Car Traders Act 1986
Residential Tenancies Act 1980
Shop Trading Act 1987
Small Claims Tribunal Act 1973
Travel Agents Act 1986
Weights and Measures Act 1958, excluding section 53B

*Roaming Houses
Act 1990*

Responsible Minister

Under section 5, sub-sections (a) and (b) of the Ministry of Consumer Affairs Act, the Minister for Consumer Affairs is responsible for the

administration of that Act and other Acts where the administration is transferred to or vested in him.

Corporate Mission

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

Corporate Objectives

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

Management of the Ministry

The Director is responsible to the Minister for Consumer Affairs for the management of the Ministry of Consumer Affairs.

Corporate Advisory Group

A Corporate Advisory Group comprising the Director, the four Assistant Directors, a VPSA representative and the Minister's Advisor is responsible for the development of immediate and long term policies and strategies as well as the evaluation of existing programmes.

Branch and Regional Managers assist the Corporate Advisory Group in developing management strategies and are responsible for implementing the Ministry's programmes.

Victorian Consumer Affairs Committee

The Victorian Consumer Affairs Committee, established in 1985, acts as an advisory body to the Minister on a broad range of consumer matters. The committee is drawn from various industry, trade union and community groups as well as geographical regions across Victoria. A summary of the activities of the VCAC for 1988/89 is included in Appendix 13.

***T*HE ORGANISATION**



T HE ORGANISATION

Structure

Significant changes in structure are being implemented in the Ministry as a result of the review of the Ministry conducted by the Public Service Board during 1988.

The Ministry is now divided into four divisions each headed by an Assistant Director who is responsible to the Director.

1. Client Services Division

Client Services Division has responsibility to:

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

The Division provides basic telephone information to the public, conciliation and adjudication services to assist in speedy resolution of disputes

This service is provided in part through 3 regional offices.

The offices at Dandenong, Footscray and Ringwood provide a service to the metropolitan and country areas within their regional boundaries (see Figure 2)

This Division supports the operation of the Small Claims, Credit and Residential Tenancies Tribunals which are separate statutory bodies (see Figure 1).

2. Legislation and Regulation Division

A Legislation and Regulation Division provides a comprehensive grouping of the Ministry's regulatory responsibilities including the professional legal functions.

Figure 1.

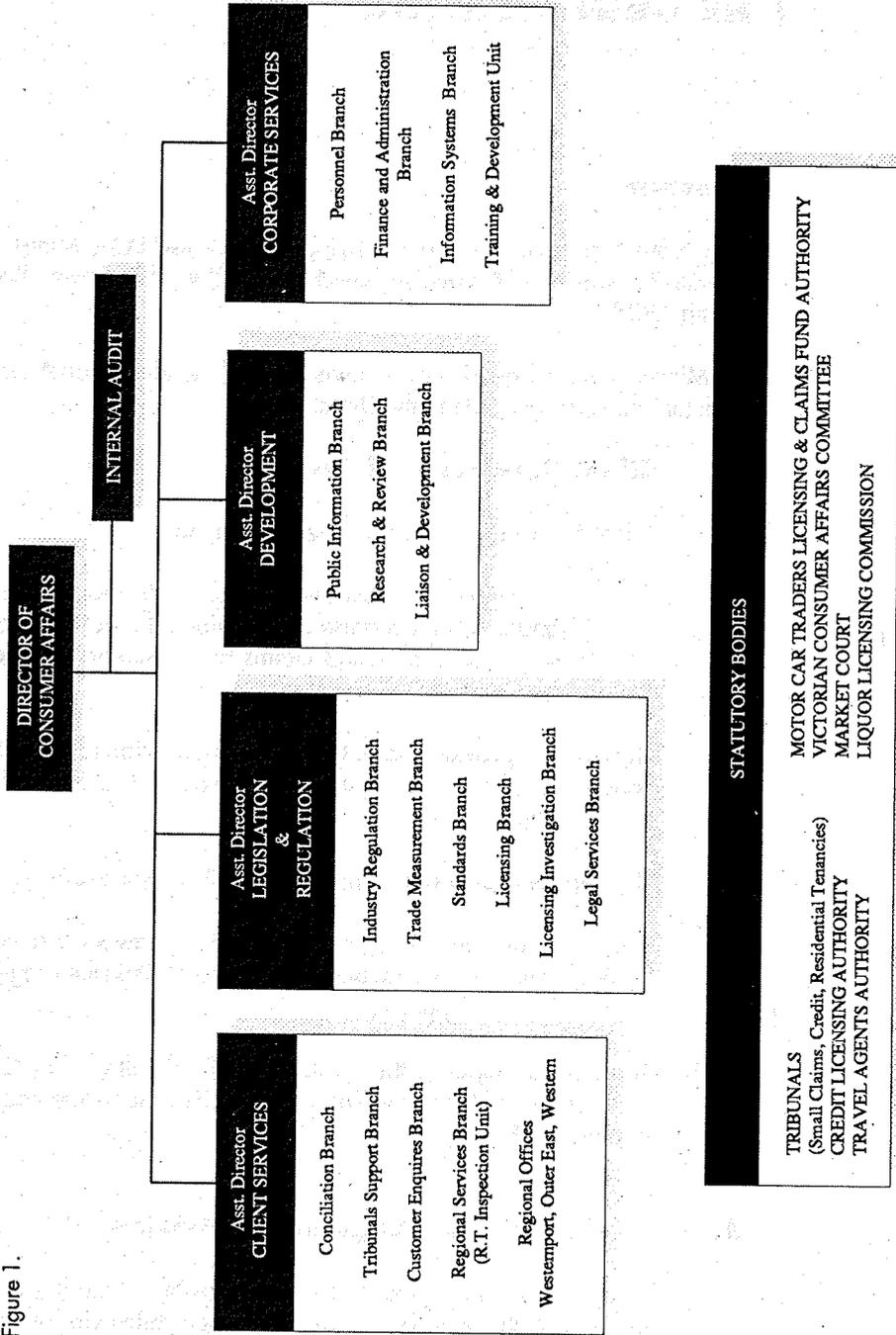
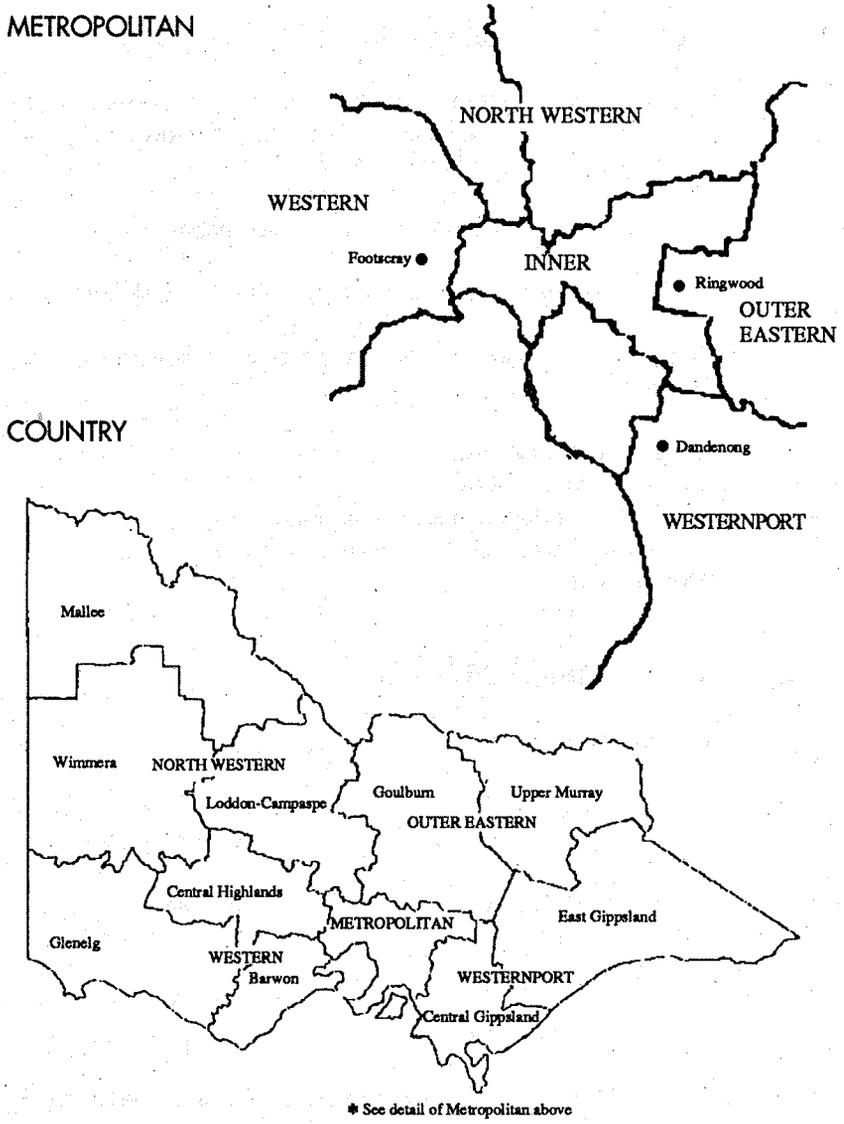


Figure 2.
METROPOLITAN



Legislation and Regulation Division has responsibility to:

- . develop and maintain fair trading standards and remove unfair business conduct and unsafe and misrepresented products.
- . develop appropriate residential tenancy laws .
- . ensure compliance with the relevant legislation.

The Division supports the operation of the following statutory bodies:

Credit Licensing Authority
Travel Agents Authority
Motor Car Traders Licensing Authority
Motor Car Traders Guarantee Fund and Claims Committee
Market Court

3. Development Division

Development Division has responsibility to:

- . develop an informed and efficient market place through public information and community awareness.
- . administer government grants to community based groups to deliver consumer and tenancy services
- . provide research and program review service to the Client Services and Legislation and Regulation Divisions.

A Development Division was established following the review to ensure appropriate emphasis is placed on the Ministry's research, information, community and business liaison functions. The Division supports the operation of the Victorian Consumer Affairs Committee which is a separate statutory body.

4. Corporate Services Division

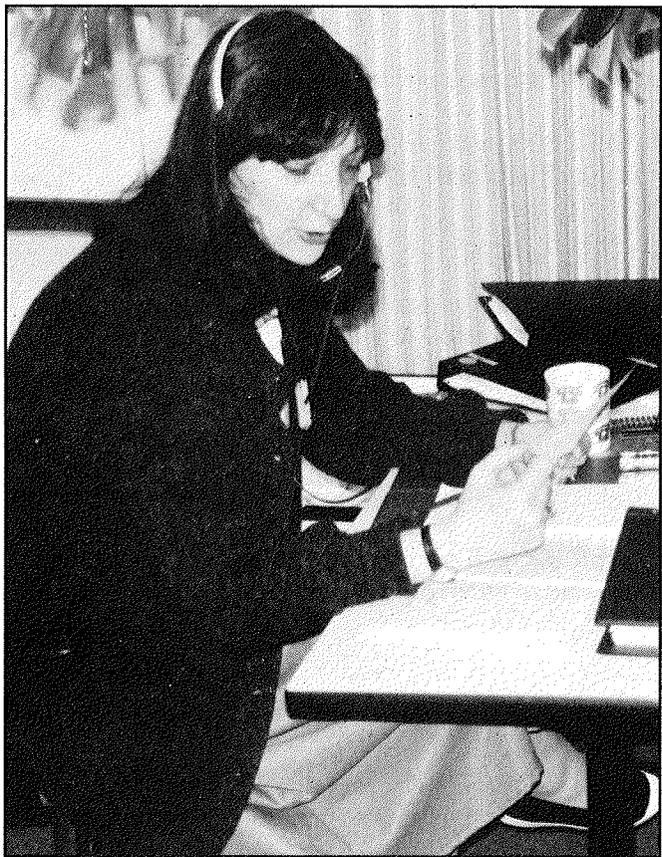
Corporate Services Division has responsibility to:

- . provide efficient and effective management and administrative services to support the Ministry's operational activities.

- . services include management reviews, financial, personnel, data services, management information systems, word processing, typing, secretarial and registry services.

The Corporate Services Division was strengthened by the establishment of a Training and Development function and the commencement of work on new information systems for the Ministry.

CONTACTING THE MINISTRY



CONTACTING THE MINISTRY

How can we help

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

Telephone: General Enquiries and Information
602 8123
Toll Free Number: 008 13 6716
Residential Tenancies Enquiries
602 8140

Correspondence: The address for correspondence is:
Ministry of Consumer Affairs
GPO Box 5408CC
MELBOURNE VIC 3001

Personal Visit

Enquiries desk: The main reception area is on the 3rd floor, 500 Bourke Street, Melbourne. Reception is open to enquiries between 9.00 am - 4.30 pm Monday to Fridays.

Regional Offices

Regional offices are also able to assist with enquiries and complaints about general consumer, credit and residential tenancy matters.

Dandenong Office
61-73 Walker Street
DANDENONG
Tel: 706 8884
(008) 133 837

Footscray Office
20 Droop Street
FOOTSCRAY
Tel: 689 8744

Ringwood Office
88 Maroondah
Highway
RINGWOOD
Tel: 879 5677
(008) 133 838

Community Organisations

The Ministry also funds many 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 3.

What to do if you have a problem

If you have a problem you think Consumer Affairs may be able to help you with, remember that the first thing you must do is go back to the trader or other party and try to amicably resolve the problem. If you have a dispute with a person who has sold you something or done work for you or is your landlord, always talk to them to try and resolve the dispute. It is encouraging how many people upon going back to the other party and calmly stating their complaint find that the problem can be readily resolved.

Ring for advice

If you have talked to the trader or the landlord or tenant and the problem is not settled then the next thing to do is ring the Ministry's general enquiry number for advice. Try to tell your story as briefly as possible and have all the facts and documents with you before you ring. It is a good idea to make written notes of all that has happened between you and the other party prior to contacting us and for future reference if necessary.

Lodge a written complaint/ claim

After having spoken to one of our telephone enquiry staff you will know what to do next and what your rights and obligations are. You may be advised to send us a written complaint or to make a claim in one of the Tribunals. If the matter is urgent or serious you may be asked to come into our office for an interview. When you come in bring all relevant papers with you. You will be asked to fill in a complaint or a claim form and copies will be made of your documents - the originals will be given back to you.

Conciliation / Adjudication

If you have lodged a written complaint, the matter will be handled by a Conciliation Officer. Claims will be heard in the appropriate Tribunal - Small Claims, Credit or Residential Tenancies.

Complaint Handling Hearings

Complaints are handled by the appropriate regional Ministry Office. A Conciliation Officer will attempt to get both parties to amicably settle the complaint.

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

POLICY & LEGISLATION

LEGISLATION

The following legislation was enacted during the year:

- **CREDIT (AMENDMENT) ACT 1989**

This Act amends the Credit Act 1984. The Act validates certain methods of calculation of the amount financed under loan contracts; authorizes and validates the making of certain loan contracts made by credit societies on credit unions, applies the credit legislation to credit societies and credit unions.

The Act (except for section 6) came into operation on June 14, 1989. Section 6 requires Credit Unions to comply with the legislation and will come into operation on July 1, 1991.

- **CREDIT (ADMINISTRATION) (AMENDMENT) ACT 1989**

The purpose of this Act is to establish a Credit Tribunal under the Credit (Administration) Act 1984 and to amend the provisions dealing with appeals from the Credit Licensing Authority to the Supreme Court.

Sections 1, 2, 3 and 5 of the Act came into operation on May 2, 1989. Sections 4, 6, 7, 8 and 9 will come into operation on a day to be proclaimed.

- **HOUSE CONTRACTS GUARANTEE (AMENDMENT) ACT 1989**

This Act makes miscellaneous amendments to the House Contracts Guarantee Act 1987 and adds the House Contracts Guarantee Act to the schedule to the Ministry of Consumer Affairs Act 1973.

The Act came into operation on May 2, 1989.

- **LICENSING AUTHORITIES (AMENDMENT) ACT 1989**

This Act amends the licensing authority provisions of the Credit

(Administration) Act 1984, the Motor Car Traders Act 1986 and the Travel Agents Act 1986.

Parts 1 and 5 came into operation on May 2, 1989. Parts 2, 3 and 4 will come into operation on a day to be proclaimed.

SMALL CLAIMS TRIBUNALS (AMENDMENT) ACT 1989

This Act increases the jurisdiction of the Small Claims Tribunal from \$3000 to \$5000 and dispenses, in certain circumstances, with the requirement that a consumer pay money into trust with the Tribunal before making a claim.

This Act came into operation on June 19, 1989.

Responsibility for administration of the Liquor Control Act 1987 was transferred to the Minister for Consumer Affairs on February 15, 1989. Responsibility for the administration of the the Shop Trading Act 1987 was transferred to the Minister on February 15, 1989.

REGULATIONS

The following regulations were made during the year:

- Chattel Securities (Fee Amendment) Regulations 1989
- Credit (Administration) (Licensing) (Fees Amendment) Regulations 1989
- Credit (Amendment) Regulations 1989
- Finance Brokers (Licensing and General) (Fees Amendment) Regulations 1989
- Residential Tenancies (Amendment) Regulations 1988
- Weights and Measures (General Amendment) Regulations 1988

Weights and Measures (Fees Amendment) Regulations
1989

CREDIT LAWS

The Credit Act 1984 has been in operation since February 1985. The Act is uniform with legislation in a number of other States and Territories.

A joint working party of officers from the Commonwealth, New South Wales, South Australia, Queensland and Victoria in conjunction with the Victorian Law Reform Commission is reviewing the Act. The review will address the need to simplify and streamline the legislation to enable both credit providers and consumers, to understand better their rights and obligations under the Act. This review is due for completion in December 1989.

ELECTRONIC FUND TRANSFER SYSTEMS

Since September 1986 financial institutions that issue debit cards and debit/credit cards for use in automatic teller machines have been governed by guidelines known as the "Recommended procedures to govern the relationship between the users and providers of electronic funds transfer (EFT) systems".

The Ministry is monitoring complaints about EFTS to check that financial institutions are complying with these procedures. Unfortunately case studies on dispute resolution practices used by many financial institutions appear to show that their practices are inadequate.

The Ministry recently reviewed the "recommended procedures" and in March 1989 released a report entitled "Electronic Funds Transfer Systems" which expressed dissatisfaction with its operation and made recommendations to improve the situation.

FUNERAL DIRECTORS INDUSTRY

The Ministry is investigating, through consultation with the industry, the most effective way of protecting prepaid funeral money.

A working party including representatives from the Health Department (Victoria), Ministry of Consumer Affairs and practising funeral directors was established in 1988 to consider the need for regulation. This working party will make recommendations to the Minister for Health.

LABELLING

A number of labelling provisions are contained in the Consumer Affairs Act and supporting regulations. Many of these provisions were transferred to the administrative jurisdiction of the Ministry of Consumer Affairs from Labour and Industry legislation and originated early in the twentieth century to protect industry rather than consumers.

The Ministry is now reviewing the legislation to update the provisions of the Consumer Affairs Act in relation to the labelling of information on goods sold in Victoria.

TRADE MEASUREMENT

The Working Party on Uniformity of Trade Measurement Legislation and Administration formed by the Federal, State and Territory Governments to develop uniform national Trade Measurement legislation has nearly completed its work.

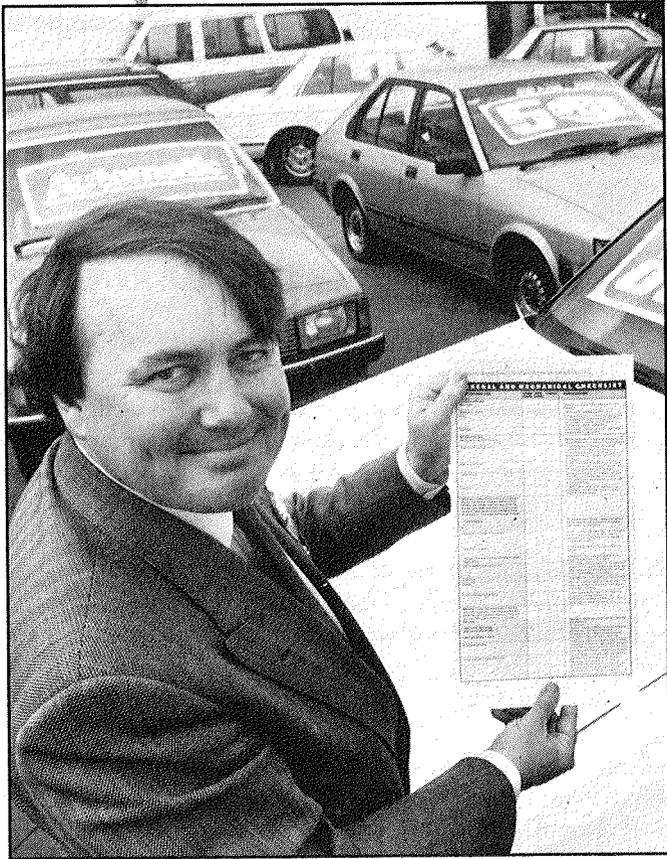
The Ministry has seen this as an opportune time to review the State's unique system of weights and measures administration where both State and Local Government have specified responsibilities. An options paper is being prepared on the administration of the legislation.

STANDING COMMITTEE OF CONSUMER AFFAIRS MINISTERS

In July 1988, the Minister for Consumer Affairs hosted the Standing Committee of Consumer Affairs Minister's meeting in Melbourne.

Matters considered included consumer credit, electronic funds transfer systems, uniform trade measurement legislation and the development of industry codes of practice.

/ NFORMATION / EDUCATION



I NFORMATION / EDUCATION

The Ministry of Consumer Affairs plays an important role informing consumers and traders, tenants and landlords of their rights and responsibilities. The Ministry operates a telephone and counter enquiry and referral service for its clients. Information brochures are published and distributed widely, and publicity campaigns and educational programs are organised regularly.

This information and education service is delivered by both Head office and Regional office staff. Regional offices provide telephone and counter enquiry services and distribute printed literature. They also operate a mobile van service to regional and country centres.

CUSTOMER SERVICES

Customer Services staff act as a first point of contact for all telephone and personal enquiries. They provide a telephone and counter enquiry and referral service to the public between 9am and 4.30pm. Advice is given on a wide range of issues including residential tenancies, motor vehicles, buildings and extensions, caravan parks and movable dwellings, credit and all general consumer matters.

Customer Services aims to continually improve its service to Victorian consumers, tenants and landlords. Major improvements this year included the installation of a new host for the Data Point phone system and a new software package enabling Customer Services staff to meet the demands of clients more efficiently.

A training program was designed for Customer Services staff. Initial sessions were devoted entirely to Residential Tenancy issues in order to ensure a quality advice service to tenants, landlords and agents. Refresher courses are held regularly.

The close liaison with the Victorian Association of Citizens Advice Bureaux (CAB) has seen a number of CAB officers regularly staffing the Customer Services enquiry phones. This has added to their understanding of consumer needs. Also, members of metropolitan and regional tenancy advice groups have been spending time regularly with information officers

to gain an insight into problems experienced by landlords and tenants.

142,907 telephone enquiries were handled during 1988/1989. About 36 per cent of the calls handled related to Residential Tenancies, 21.8% from tenants and 14.2% from landlords. Other enquiries covered a wide range of consumer issues with enquiries concerning motor vehicles (purchase, repair and warranty) forming the largest single group with 13.2% of calls.

The majority of telephone enquiries involved provision of verbal information and advice. Information brochures and booklets on a range of issues and prescribed forms for applications to the Tribunals were also despatched. Where necessary, referrals were made to other sections of the Ministry, to relevant industry contacts, to government bodies such as the Legal Aid Commission and the Trade Practices Commission, and to trade associations such as the Master Plumbers and Mechanical Services Association.

Where possible, Customer Services employ multilingual staff in an effort to assist clients from non-English speaking backgrounds. Existing English speaking staff are encouraged to study a second language. The service aims to ensure that people are not disadvantaged through inability to express their needs clearly.

Table 1. Customer Information - Telephone and Counter Enquiries
1985/6-1988/9

1985/86	95,342
1986/87	103,296
1987/88	137,793
1988/89	151,103

PUBLIC INFORMATION

The Public Information Branch (PIB) designs, produces and distributes information to consumers and traders, landlords and tenants on key areas such as credit, consumer/trader rights and on residential tenancy issues. In the year under review PIB provided information in a diverse range of areas and in particular for disadvantaged people identified by the Social Justice Strategy. Media activities included publicising unfair practices in the marketplace, and responding to topical issues and support of initiatives and information campaigns.

The major initiatives developed and launched during the year include 'Big Deal! A Car Buyer's Guide', the 'Caravan Parks' Campaign based on the Caravan and Mobile Dwellings Act, the promotion of opening Regional Offices and services, the 'Youth and Credit' Campaign, various Residential Tenancy products in community languages such as the 'Too Afraid to Ask' pamphlet and an updated version of Statement of Rights and Duties' for tenants and landlords.

Information Campaigns

The BIG DEAL! A CAR BUYER'S GUIDE was launched on the 23 May 1989. The guide is a consumer kit of seven 'easy to read' pamphlets. Posters, stickers and badges supported the awareness campaign which detailed how to make informed decisions when buying a car. The campaign was jointly sponsored by the RACV and demand for materials exceed expectations. The first 20,000 kits were distributed to all High School in Victoria, to Motor Car Traders, to RACV regional offices, and to community groups.

The CARAVAN RIGHTS AND RESPONSIBILITIES CAMPAIGN sought to inform the public about new laws effecting long time residents of caravan parks and caravan park management. Launched in February 1989, campaign material was distributed through caravan parks state-wide, local councils, funded groups and at the Caravan and Camping Show.

THE YOUTH AND CREDIT CAMPAIGN was launched by the comedians 'The Dodgey Brothers' in the City Square in July 1988 accompanied by an information sheet titled 'Buy, Save or Borrow'. The campaign materials were designed to appeal to youth and to flag the issues of debt incurred through credit. They provide youth with contacts for advice on credit issues and were distributed to youth workers as well as young people.

The campaign continued with a series of school debates on credit held in different locations supported by a number of MCA staff and financial counsellors.

Other ongoing Youth and Credit campaign materials included 'Fantastic Plastic', a report by a 21 year old MCA staff member about how easy it is for young people to get access to numerous credit cards. This resulted in nationwide coverage on Channel Nine's 'A Current Affair'.

The 'CREDIT IS SUDDEN DEBT' CAMPAIGN was launched with products such as, Youth and Credit Cards, posters and badges. The Youth and Credit Task Force's report 'Charge it', a survey of young peoples credit spending and credit bankruptcy, was also released at this time.

CREDIT information for consumers has also focussed on ethnic media with press advertisements and editorial in community languages on credit issues. A series of pamphlets on the Credit Laws in eight languages was produced and widely distributed to ethnic communities and workers state-wide.

Information produced on RESIDENTIAL TENANCIES included 'Too Afraid to Ask', an information pamphlet introducing tenants and landlords to their rights and responsibilities under the Residential Tenancy Act. Advertisements in community languages promoting awareness of residential tenancy issues were placed in ethnic media.

The Residential Tenancies 'Statement of Rights and Duties' was redesigned and updated. More than 100,000 requests for copies of this book are received each year.

The WHY DON'T YOU GIVE US A CALL? pamphlet is a simple brochure on the Ministry and contacts for its services. A list of all funded community groups is included with the pamphlets as well as a listing of the regional offices. Forty thousand pamphlets were distributed to Citizen's Advice Bureaux, regional offices and funded community groups.

MCA INFORMATION SHEETS have been updated promoting consumer awareness about issues like Door-to-Door Sales, Lay-by Guidelines, Bag Searches and Mail order buying. These are distributed to regional offices and community groups.

The Electronic and print media provide important avenues for advising the public on unfair trading practices.

Ministry staff regularly contribute to programs in the electronic media including Radio 3LO (particularly the John Jost show), region ABC radio, 3AK and 3UZ.

Product bans generally receive wide coverage; Doubtful schemes such as chain letters promising financial reward, overseas mail order for healing dolls, four million year old crystals which could make dreams come true, and overseas lotteries which falsely claimed to represent charities were also given much attention. Publicity about prosecutions in country courts, extensions of shop trading hours or the results of liquor license applications is produced by the PIB.

Speaking Engagements

The Ministry made staff available for selected public speaking engagements. This year staff gave over thirty different talks covering the role of the Ministry and dealing with such areas as Residential Tenancies, Consumer Rights and Protection, Product Safety and the Small Claims Tribunals.

REGIONAL ACTIVITY

Regional offices were officially opened by the Minister on 11 November 1988, in Dandenong and on 7 December in Ringwood. Publicity of the Ministry's regional activities and extended services included advisory displays at shopping centres and agricultural shows.

Contact between regional offices, local groups and government agencies has quickly created an awareness of the Ministry of Consumer Affairs' services.

Regional activities included the production of a bi-monthly newsletter for each region, distributed to local and country media as well as community groups and local MP's. Ministry news and information is also spread by the Ministry' Mobile Vans during regular circuits of the State.

Various education and training activities have been initiated, including the following:

- . Credit Seminar at Dandenong TAFE College for workers in the credit area and students undertaking courses in
- . Training on general consumer issues for staff and Citizen Advice Bureaux and other funded community
- . Pilot trader information seminars in Central and East Gippsland
- . Talks on consumer issues and the role of the Ministry
- . Talks to staff and Boards of Management at Migrant Resource Centres and to students of Adult Migrant
- . Residential Tenancy programs, in conjunction with local real estate agent groups; for agents, property owners and tenants

The Ministry of Consumer Affairs was one of a number of agencies who participated in a program run by L.I.A.S.E. (Low Income Action Support and Equity) in the Outer East Region. This program brought information to the community from several sources at once in a convenient and accessible way.

***D* ISPUTE RESOLUTION**



D ISPUTE RESOLUTION

The Ministry of Consumer Affairs aims to provide informal, speedy and accessible avenues for resolving disputes between consumers and traders, tenants and landlords through a conciliation process or the three Tribunals - Small Claims, Small Claims (Credit) and Residential Tenancies.

Initially the Ministry encourages and supports clients in their attempts to resolve disputes themselves. Where this is not possible, the Ministry will negotiate with the parties to a dispute in an effort to reach a mutually satisfactory resolution, or people can lodge an application with the appropriate Tribunal. Where no acceptable resolution is reached through conciliation, clients can take their problems if within jurisdiction to one of the independent Tribunals associated with the Ministry for adjudication on the disputed matter.

CONCILIATION

The Conciliation area deals with complaints which come in to the Ministry and not directly to one of the three tribunals. Conciliation attempts to resolve disputes between consumers and traders, and tenants and landlords as efficiently, amicably and promptly as possible.

During 1988/89, the Ministry received 8848 written complaints, with 7565 being received at head office, 742 at Footscray, 381 at Dandenong, and 160 at Ringwood.

Of the complaints handled by conciliators in 1988/1989, 47.3% resulted in full redress being obtained, with partial redress being obtained in 4.2% of cases. 11.3% of complaints were resolved by clarification of the situation or the provision of information. Referrals to the Small Claims Tribunal represented 13.5%. Referrals to other agencies including government bodies; unjustified or withdrawn complaints, and matters that do not come within the Ministry's jurisdiction, made up the remainder. For figures on conciliation complaints see Appendices 5A and 5B.

The complaints are handled by conciliators who have an exten-

sive knowledge of products and practices within particular industries. They are also familiar with relevant laws at Local, State and Commonwealth Government levels. While helping to resolve disputes, conciliators have had the opportunity to inform traders about consumer law and standards of trading. Generally throughout 1988/89 action on each complaint was commenced within two weeks of being lodged.

Complaints arise due to the quality of product or service, the way they have been sold, and the way a trader negotiates with a customer after a problem has arisen.

Ministry staff continue to be concerned that traders fail to address the concerns of their dissatisfied customers unless prompted by the Ministry staff.

TRIBUNALS

Consumers, tenants and landlords can refer disputes to the Small Claims Tribunal, the Small Claims (Credit) Tribunal or the Residential Tenancies Tribunal for resolution.

The Tribunals are designed to settle disputes quickly, at low cost and in a non-legalistic environment.

The Referees presiding over tribunals are legally qualified people appointed by the Governor-in-Council. Tribunals are independent of the Ministry, and their decisions are legally binding. The Ministry's function is to provide administrative support services.

This involves processing claims for the Small Claims Tribunal, applications for Residential Tenancies Tribunal, applications for Protected Tenants, Claims for the Small Claims (Credit) Tribunal, and applications under the Caravan Parks and Moveable Dwellings Act 1988.

The Adjudication Support Branch assists clients to lodge applications and claims, deals with telephone enquiries relating to tribunal procedures, and advises on the progress of matters before the tribunals.

It also provides information officers at hearings to assist clients. It also checks all claims, does corporate affairs checks, lists claims for hearing and disburses money from the Small Claims Trust and Rent Special Accounts as ordered by the Tribunals.

A unique feature of the Small Claims Tribunal Act is that unpaid money in dispute must be paid to the respondent or placed in the Small Claims Trust Account when a claim is lodged.

1. Small Claims Tribunal

The Small Claims Tribunal deals with disputes between consumers and suppliers of goods and services. The statutory limit for claims was \$3,000 until 19 June 1989, when the limit was increased to \$5,000.

The number of Small Claims lodged in the year was 3005, a drop of 14 per cent on the previous year's total of 3456. The largest number of claims related to building and construction matters with 693 (23.10%) claims followed by repair and servicing of motor vehicles with 489 (16.27%) consumer durables and furnishing with 473 (15.74%) and motor vehicles and other transport equipment with 473 (15.27%) claims.

Table 2. Small Claims Lodged between 1982-1989

YEAR	APPLICATIONS
1982/83	3210
1983/84	3292
1984/85	3447
1985/86	3572
1986/87	3598
1987/88	3456
1988/89	3005

The Adjudication Support Branch has begun a program to monitor respondents who are not complying with monetary orders of the Tribunal. The aim is to reverse the practice of non-compliance. On request, the Adjudication Support Branch will first send a warning letter to the trader and if payment is not made, send the necessary documents for the claimant to lodge the order with the Magistrates' Court. This assists with enforcement of orders of the Tribunal. As in other judicial and arbitration services, some parties are unwilling to pay up when ordered to do so. Further, claimants are informed of measures available to recover money, leaving a Warrant of Distress as a last resort.

A computer link between the Tribunals and the Sheriffs' Office is expected to assist claimants to make an informed decision or action to enforce orders. The link will also assist the Ministry in monitoring those respondents who continually disregard monetary orders made against them.

The following are examples of the type of disputes handled by the Small Claims Tribunal:

Case Study:

A married couple bought a Pomeranian pup from a market on a Sunday for \$196, but it died from the disease parvovirus after three days.

At the resulting tribunal hearing, the couple told the tribunal that the pup had the disease before they bought it, as they had a veterinary clinic report for confirmation.

The trader who sold the pup was adamant that he had had the pup vaccinated against the disease and therefore he was not at fault.

The referee awarded in favour of the consumers on the grounds that after spending \$196 on a pup, they were entitled to expect it to have a reasonable life span.

The trader was ordered to pay the consumer the total purchase price immediately.

Case Study:

Two parents enrolled a daughter each in the Plenty Valley Montessori School.

The contract entered into in both cases was the same. That is, if a parent wished to withdraw their child from the school, they had to give one term's notice or lose their school bond money.

In both instances the children were taken out of the school without the required term's notice, and both parents claimed they were entitled to a refund of their bond money. The two parents had different reasons for withdrawing their children.

The first parent argued that her child had had seven or eight changes of classroom teacher from the beginning of the year to August.

The parent claimed it was only reasonable that a child or a parent should expect continuity and stability in the classroom.

The second parent's argument was that her child's teacher had been sacked and she as a parent had the right to know why.

The tribunal referee dismissed the second parent's case because the contract did not stipulate that a parent had a right to say who the school hired or fired.

But the referee did find in favour of the first parent and stated it certainly implied in the contract that a child and/or a parent had the right to some sort of continuity in the child's education.

2. Residential Tenancies Tribunal

The rate of applications to the Residential Tenancies Tribunal continues to grow with a total of 28,142 this year - an increase of 16 per cent on last year's tally of 24,137.

Applications were analysed on the basis of Landlord and Tenant

applications lodged from 1 July 1988 to 30 June 1989 and linked to Sections of the Residential Tenancies Act 1980 under which the applications were lodged.

Table 3. Applications to the Residential Tenancy Tribunal 1988/89

	No.	%
Landlord	26,581	94.5
Tenant	1,547	5.5
Total Applications	<u>28,128</u>	<u>100</u>

Table 5. Tenant Application by Type

	Section	No.	%
General Applications	23	891	57.8
Compensation	105	308	19.9
Reduction in Fixed Term Tenancy	113	125	8.1
Repairs-General	100	74	4.8
Repairs-Urgent	99	37	2.4
Entry	96	53	3.4
Other	Misc.	59	
TOTAL		<u>1,547</u>	

Table 4. Landlord Application by Type

	Section	No.	%
Possession	118	193	.7
	119	19,380	72.9
	120	160	.6
	122	3,815	14.4
	SUB TOTAL	<u>23,548</u>	<u>88.6</u>
	Section	No.	%
Compensation	105	1,154	4.4
Abandoned Premises	111	167	.6
Reduction in Fixed Term Tenancy	113	19	.1
Security Deposit	77	1,289	4.8
Other	Misc.	404	
TOTAL		<u>26,581</u>	<u>100</u>

Eighty-eight percent of applications from landlords over the year, related to possession of premises. By far the most common ground for seeking possession related to Section 119 of the Residential Tenancies Act. Experience suggests that the majority of these involved rental arrears. The large number of applications in this area may be partially attributed to the continued decline in the affordability of private rental housing over the past year and an increase in applications from the Ministry of Housing and Construction.

Of the 1547 applications by tenants, over half were made under Section 23 - a general provision covering disputes arising under the tenancy agreement, a breach of the agreement or disputes over the return of the security deposit.

Examples of the type of dispute heard by the Tribunal are:

Case Study:

Tenants lodged an application with the Tribunal for repairs to be carried out by the landlord under Section 100 of the Residential Tenancies Act 1980.

The tenants had been living in a big old house for approximately three years, and recently were invaded by hundreds of warbling pigeons in their roof. The tenants advised the Real Estate Agent who in turn advised the landlord. However, nothing was done about the problem.

One tenant while giving evidence at the hearing about the state of the roof, told the Referee that while he was in the bathroom, a pigeon fell from the roof and landed in his lap!

The Referee ordered that the tenants pay the rent into the Rent Special Account, until the landlord had completely and fully carried out the repairs.

The Referee also advised the tenants to lodge a compensation claim against the landlord.

Case Study:

In this case both the landlord and the tenant went to the tribunal seeking compensation from each other over a house which suffered badly from mould.

The tenant vacated the premises with the landlord's consent after two months of a six month tenancy due to an astounding and rapid mould growth throughout the property.

The tenant applied for \$3000 for property damage, relocation expenses, and rental reduction resulting from the condition of the premises and inconvenience. The landlord claimed \$1500 for repainting and cleaning.

The tenant argued that the mould was caused by a structural defect within the home, while the landlord argued that the tenant did not allow proper ventilation in the home, keeping windows closed and failing to use the heaters properly.

Evidence was produced by experts, for both parties, and the tribunal referee concluded that both tenant and landlord had failed in respect to their claim. Neither party had demonstrated "on the balance of probabilities" that the other was responsible for the damage.

FAIR RENTS BOARD

The Residential Tenancies Tribunal also hears disputes between protected tenants and their landlords. There are an estimated 1,500 protected tenants in Victoria, defined as people who have rented the same property since 1956. These tenants are covered by the Landlord and Tenant Act of 1958 and have certain special tenancy rights in relation to security of tenure and protection against rent increases. The Fair Rents Board, which is part of the Residential Tenancies Tribunal, received 31 applications in 1988/89.

Table 6. Applications to the Fair Rents Board

1984/85	47
1985/86	52
1986/87	42
1987/88	45
1988/89	31

Having lived in the same place for more than 30 years, protected tenants are generally elderly and many of them are living in sub-standard accommodation.

Case Study:

An old man living in Elwood had no power points or hot water and only one electric light. He could not run a fridge, a stove, and had no hot water for washing clothes, dishes or himself. The Fair Rents Board made orders for more power points to be installed, and for running water outlets and toilet facilities to be improved.

Case Study:

Two elderly friends lived in adjoining flats upstairs. The stairs were dangerous but the landlord refused to repair them. The Fair Rents Board reduced their rent to \$1 a week until the landlord secured the stairs.

3. Caravan Parks and Moveable Dwelling Act 1988

The Residential Tenancies Tribunal also hears disputes pursuant to Caravan Parks and Movable Dwellings Act 1988 which came into operation on February 15, 1989.

To date, the Residential Tenancies Tribunal has received 12 applications under this act.

Examples of this type of dispute are:

Case Study:

The Residential Tenancies Tribunal received an application from residents who owned their own caravan and had lived on-site in the caravan park for about two and a half years.

The residents claimed that their intention had always been to sell the caravan on site. They had a prospective purchaser for the caravan, but the caravan park owner was reluctant to transfer the residents' right to occupy the site to the prospective purchaser.

The tribunal ordered that the owner obtain a signed Transfer of Occupancy Right in accordance with Schedule 2 of the Caravan Parks and Movable Dwellings Act 1988.

The referee also made a series of orders relevant to Section 46 of the Act to ensure that the owner did not unreasonably refuse to consent to the transfer of occupancy right.

4. Regional and Suburban Hearings

The Ministry holds hearings nearest to the location of contract or the rented premises to minimise inconvenience and travelling for the parties.

Table 7. During 1988/89 Hearings were held in the following locations:

Location	No.	Location	No.
Bacchus Marsh	2	Mansfield	2
Bairnsdale	12	Mildura	7
Ballarat	30	Moe	30
Beechworth	10	Mordialloc	75
Benalla	9	Morwell	17
Bendigo	27	Myrtleford	6
Bright	4	Northcote	55
Brunswick	11	Oakleigh	35
Camberwell	56	Orbost	1
Camperdown	3	Portland	6
Cobram	2	Port Melbourne	5
Colac	4	Sale	12
Dandenong	49	Seymour	12
Eaglehawk	2	Shepparton	24
Echuca	3	South Melbourne	25
Geelong	70	Springvale	36
Hamilton	9	Swan Hill	9
Horsham	8	Tatura	2
Kerang	3	Wangaratta	10
Korumburra	8	Warmambool	9
Knox	31	Werribee	5
Kyabram	4	Wodonga	14

5. Small Claims (Credit) Tribunal

There were 144 claims lodged with the Small Claims (Credit) Tribunal between July 1988 and June 1989.

Proceedings in this tribunal are more formal than the others because of factors including the often complex nature of finance contracts, the sensitivity of claims to providers of credit (a claim by a consumer can

be representative of large numbers of like contracts, the result affecting numerous consumers and multiple credit providers), and the practice of having legal representation provided.

Appeals against determinations exceeding \$3000 can be taken to the Full Supreme Court of Victoria.

In 1988/89 four determinations of the Small Claims (Credit) Tribunal were appealed to the Supreme Court. The Supreme Court upheld all decisions of the Small Claims Tribunal.

Case Study:

In the matter of Hudson V Stateside Credit Corporation P/L and Visa Credit Corporation P/L, the tribunal found contrary to the view of the credit providers, that a mortgage over a house as distinct from a truck was sufficient to bring the matter within the Credit Act. The Supreme Court upheld the view of the Tribunal.

Case Study:

In Morlend V Bartlett, the tribunal found that notwithstanding proceedings in the Supreme Court for the recovery of debt, that the Tribunal had exclusive power to deal with opening of unjust contracts. The Supreme Court upheld that view.

WATCH OUT - AREAS OF CONCERN

10 August 1989
CONSUMER AFFAIRS TO GET TOUGHER WITH DISREPUTABLE TRADERS
- Mr Tom Roper today issued a clear message of investigation and prosecution budget initiatives.
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News Release
Minister for Consumer Affairs

1989

DEALER REFUSED RENEWAL
- Minister convicted of tampering with
today refused renewal of his
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News Release
Minister for Consumer Affairs

2 August, 1989.
CALL FOR MATCHMAKERS TO LIFT THEIR GAME
The Minister for Consumer Affairs, Mr Tom Roper, today issued a report today calling for introduction agencies to a voluntary code of ethics.
The Ministry report accuses some of Victoria's 30 in the industry of unethical practices, including giving poor service at all, and unauthorised use of credit card for the industry to take up to 10 per cent of the cost of the industry. Mr Roper said.
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WATCH OUT - AREAS OF CONCERN

WATCH OUT - AREAS OF CONCERN

The Ministry consistently receives complaints about particular goods and services and problem traders. Listed below are the major complaint areas and case studies illustrating common problems. Further case studies are also listed in the Industry Regulation and Licensing Investigation reports.

1. Motor Vehicles Industry

The Motor Vehicle sales and repair industry again generated a large number of complaints. Of the complaints received at the Ministry, 17.24% related to the motor vehicle sales and repairs. This represented a total of 1,895 complaints. The main concern was the used vehicle market, with the use of questionable sales methods and after sales disputes over warranty work.

A number of traders required consumers to sign the "waiver" to their right to a three day cooling-off period, when the vehicle was not being delivered until a later date. The "waiver" form has no effect unless signed at the same time the vehicle is delivered. Traders are warned that "waiver" forms must be used in strict compliance with the Motor Car Traders Act 1986.

Complaints were lodged against several traders because of their attitude to consumers and their reluctance to carry out warranty obligations.

Case Study:

One offender has been Jetport Car Sales of Keilor Rd, Niddrie. Ten complaints were received during the year and all consumers complained of being threatened and intimidated during their dealings with the trader's staff. One consumer even reported that tomatoes had been thrown at his vehicle and produced photographs as evidence.

Case Study:

A consumer brought a car from **Trentarc Motors**, 472 Geelong Road, West Footscray had trouble with it and returned it to the dealer for repairs under warranty - only to be told that there was no warranty. When he brought his contract into the Ministry, it appeared quite straightforward. Listed was the price of the car - \$1,500 - followed by amounts for transfer and stamp duty - and an extra amount of \$1,499 detailed as work necessary to make the car roadworthy.

The consumer had paid \$2,999 for the motor car, plus charges. The trader maintained that the price of the car was still only \$1,500, that is, ONE DOLLAR under the minimum requirement to provide a warranty for a motor car.

To avoid his obligations, the dealer had split up the price of the car. Further investigations showed that he had bought the vehicle for \$2,200. When challenged, he agreed to cancel the contract and refund the entire purchase price.

2. Automatic Teller Machines

Disputes over automatic teller machines (ATMs) are still of serious concern. Most cases reported to the Ministry related to the unauthorised or fraudulent use of a card. A number of consumers complained that they had not withdrawn funds from their accounts although financial institutions indicated that they had. This was despite the fact the cards had always been in their possession.

There has been a tendency for the financial institutions involved to claim that either the cardholder is being untruthful, or that a member of the cardholder's household has performed the unauthorised transactions. Consumers are made to feel guilty and are often discouraged from taking the matter further for fear of being labelled criminals.

Case Study:

A Victorian man was visiting Canberra with his wife when his wallet went missing. It contained several credit cards including a State Banking System card with a Visa credit facility. The cardholder reported the matter to the police and to his various card issuing institutions, but had

difficulty notifying the State Bank in Melbourne, because he was calling from a public phone.

A total of \$1,200 withdrawals were made on the Visa credit facility. The Bank treated the transactions as "authorised", removing the limits on the card holder's liability under "unauthorised" transactions. The Bank assumed the card holder was at fault despite his doing all that was required of him in reporting the loss.

This Ministry argued there was no evidence to suggest that the cardholder or his wife had withdrawn the money or that the police report was not genuine. Unless charges were to be laid the Bank had to treat the transactions as "unauthorised" and the limits on liability would apply.

The Bank finally agreed. The cardholder's credit limit was \$1000 but as the cardholder had already made purchases totalling \$950 which had yet to be paid for, his available credit was almost nil. Under the limits on liability, the cardholder was not responsible for any amount exceeding his limit. Because the \$1200 exceeded the limit, the cardholder was relieved from repaying the money.

3. Credit

Credit related complaints continued to be received, with many people being referred to the Ministry by financial counsellors or similar agencies.

The general trend is that most credit problems involved people who financially overcommitted themselves. This occurred either at the time of taking out the loan, or by not allowing for the possibility of other commitments.

Several cases involved hardship where people were unable to work due to an illness or accident; they did not have appropriate insurance or had their insurance claims denied. Insurance claims are often denied on the basis that the illness was pre-existing or, in the case of an accident, that the insured was still capable of employment.

The Ministry successfully negotiated a number of variations to loan contracts and in some instances had contracts set aside, or outstanding balances substantially reduced or written off.

Case Study:

Finance for a car became problematic when a car dealer arranged an 'extra' \$3,000, so a consumer could buy some furniture in addition to a car.

The consumer already owned a vehicle, which was under finance. His fiancée wished to buy a vehicle as well, so the pair went to **Eastside Mitsubishi** to select a car. The dealer arranged finance through **Esanda Finance Corp Ltd.** for the fiancée's car.

At the same time the dealer suggested he refinance the consumer's vehicle to take advantage of a better interest rate. The payout on the consumer's vehicle was \$14,101, but the dealer represented to **Esanda** that the figure was \$17,101; an overstatement of \$3,000. The \$3,000 were to be given to the consumer to buy furniture.

The consumer and his fiancée could not afford both loans and fell behind in repayments. The Ministry was able to have the consumer relieved of any further payment under his contract because of **Eastside Mitsubishi's** false representations to **Esanda Finance**.

His vehicle was surrendered and under the provisions of the **Credit Act 1984**, the dealer was accountable to **Esanda Finance** for any loss by the credit provider.

Having been relieved of their obligations under one contract, the consumers were able to meet their commitments on the fiancée's contract.

*** This matter was referred to the Industry Regulations Branch for follow up : overstating the purchase price of a vehicle to obtain extra finance.**

Case Study:

A young consumer borrowed \$900 for his insurance premium but could only get \$600 in cover when his car was written off in a road accident.

The consumer had purchased a used motor vehicle for \$1400 and borrowed \$1200 from Custom Credit Corp Ltd. The selling dealer, Autoscene, of Wodonga, arranged comprehensive insurance on the vehicle for a premium of \$900. This was added to the amount financed bringing the loan to \$2100.

The vehicle was later written off in an accident and the insurance company paid on the market value of \$1400. Because the consumer was under 25, an age excess of \$800 applied, leaving a balance of \$600 to be paid to the consumer.

The consumer had therefore borrowed the insurance premium of \$900 to receive a maximum cover of \$600 on a \$2100 loan.

The Ministry approached Custom Credit to relieve the consumer of a substantial part of the outstanding balance on the loan on the basis that the contract was unrealistic considering the purchase price of the car. The finance company disagreed and stated it was not they who asked for the vehicle to be insured. All they did was approve the loan.

4. Insurance

The Ministry is concerned at a disturbing trend where insurance companies have been undervaluing cars written off in road accidents, often by as much as \$2000.

The normal practice is to pay the current market value. A number of complaints have been received about cars being undervalued by as much as \$2000.

Ministry staff have often succeeded in having settlements increased to true market value after discussions with insurance companies.

Case Study:

A consumer owned a 1976 model Holden station wagon which was in exceptional condition for its age. The vehicle was involved in an accident and was eventually written off by the insurance company. An offer was made to the consumer for \$1500. Ministry enquiries established that the vehicle was probably worth slightly less than \$4000. The insurance company finally agreed to pay \$3000.

LOAN PROTECTION

Consumer credit insurance (CCI) is an area of insurance where, in many cases, the insured is unaware exactly what they are covered for and limitations on claims.

In the majority of cases a person taking out or applying for a loan, is encouraged to take out consumer credit insurance (also known as loan protection insurance) by the agent arranging the finance. This can often be the salesman or finance manager in a car yard or dealership.

The terms and conditions of the policy are often not explained fully or at all especially in the car yard environment. There is heavy incentive to sell these types of insurance because commissions can be fairly substantial, in some cases, 100 % of the true premium.

Unfortunately for many policy holders, claims are often denied on the basis that their illness or injury was related to a pre-existing condition which was not disclosed. In all probability, the consumers involved were never asked to disclose relevant details, because the salesmen would have been anxious not to have the proposal declined by the insurance company.

Case Study:

The company, *Swann Insurance*, was relying on the duty of disclosure by stating that the consumer should have disclosed full details of his medical history and this would have enabled them to determine whether or not to accept the risk. The consumer then chose to take the case to the Small Claims Tribunal.

After hearing all the submissions and evidence put to him, the Referee found:

1. That at the time of signing the declaration the insured did not believe he was suffering from or receiving treatment for any chronic illness, disability or disease.
2. That at the time of signing the proposal form, the insured was not specifically informed as to the duty to disclose.
3. That at the time of signing this insurance proposal form, the insured also signed numerous other documents in quick succession and was not given the opportunity to read any of the documents.
4. That the consumer was not fraudulent in any way when completing his proposal form.
5. That Swann Insurance rejected the risk after having the full advantage of seeing the extent of the insured's claim.

The Referee found that Swann Insurance could not avoid the contract and he ordered that Swann Insurance pay \$2240 to the consumer.

Case Study:

A consumer bought a vehicle under finance in June 1986. After making one of 48 monthly payments, the consumer suffered a work-related injury and Workcare payments began.

A claim was made and paid under the consumer credit insurance policy without challenge until January 1989, when the consumer was required to attend the insurer's medical specialist for examination and review.

After the examination, the insurer advised the consumer that they were informed he was fit to return to normal duties other than heavy lifting, and that they were discontinuing payments under the policy.

The consumer complained to the Ministry seeking re-instatement of payments under the consumer credit insurance policy and Ministry staff proceeded with the matter.

Investigation revealed that the consumer had been a skilled tradesman with his employer for more than six years, before the Workcare claim. He had co-operated in progressive attempts to return to his work. Despite repeated attempts the consumer still experienced difficulty carrying out his normal duties and was dismissed in March 1989.

The insurers held that no claim now existed but the Ministry protested on the grounds that the consumer, on the evidence his employer provided to them, could not carry out all the normal duties of his usual occupation. His doctor continued to certify him unfit for work.

After negotiation an offer of 60 per cent of the amount of the claim balance (\$2300) was made and accepted by the consumer.

Case Study:

The wording of some policies is not always considered to be in the insured's best interests and the Ministry recently wrote to an insurance company over the wording in one of its accident/illness policies.

The insurance company limited its liability to only make payments where the insured was incapable of performing work of any kind.

The Ministry believes this to be too great a restriction on an individual's rights and has written seeking that the policy terms be reviewed to make payments on behalf of an insured where the insured is incapable of performing work for which they are trained or qualified.

HOUSEHOLD INSURANCE

The Ministry continues to receive complaints regarding rejection of household insurance claims, often on very technical grounds.

Case Study:

A householder lodged a claim to replace water damaged carpet after heavy rain came through broken tiles on the roof of the house.

Apparently the householder's son had retrieved his misdirected football from the roof at different times and cracked a number of tiles.

With most policies valid claims can be made when storms or tempests cause an opening in the building causing rainwater damage. This particular policy had no such provision.

GRE initially rejected the claim on the basis of "lack of care" because the householder had allowed her son to climb on the roof. It was pointed out that parents can hardly be expected to stand guard over their children 24 hours a day.

GRE then claimed there had been no storms during the month concerned, however the householder produced records from the Bureau of Meteorology verifying strong winds and heavy rain on the relevant dates.

GRE then noted that one of the quotes to repair was dated one month before the event. The tradesman had made an error when dating his quote and made a statutory declaration to that effect.

The claim was finally accepted and a cheque for \$575 was sent to the householder.

TRAVEL INSURANCE

Travel insurance is another area where the fine print needs to be carefully read and understood.

Case Study:

A consumer recently sought Ministry assistance when the insurance company refused to pay a claim for suitcases stolen from a locked car while on holiday in the UK.

The consumer had parked her hire car in what she thought was a safe place (just around the corner from a police station) but it was broken into and two suitcases were taken.

The consumer had been staying in hostels and similar shared accommodation and thought that the luggage would be safer locked in the vehicle, rather than left in the rooms.

Jetset Insurance Services (Agencies) P/L initially rejected the claim on the basis that "reasonable precautions were not taken for the safety of the items claimed in that they were left unattended overnight in an area to which the public has access."

The theft happened between 6.00 pm and 9.00 am. The insurance company claimed it was a known high risk area. The consumer stated that she did not know this.

It was argued by the consumer and the Ministry that keeping the cases in the room would have exposed them to strangers. The consumer was staying in shared accommodation and did not know the other occupants.

At all times, the consumer took the safety precautions the average person could reasonably be expected to take.

The insurance company finally settled for \$1500.

5. Unauthorised Advertisements

The Ministry has received a number of complaints against "publishers" attempting to extract payments for unauthorised advertisements in magazines and trade directories. Operators of this sort use the telephone to trap their victims.

Their techniques vary, but all rely on "conning" people into believing they owe money for an advertisement in a magazine. These publishers are skilled confidence tricksters. Many falsely claim they represent a charity, a union or an authority such as the police or tax office.

One common approach is to ring a firm asking to "confirm" details of an advertisement supposedly booked some time earlier. To make the approach sound genuine, they often read out an advertisement the firm had placed somewhere else - or an entry in the yellow pages. People who refuse to pay are intimidated by threats of legal action against them.

Small businesses are often targets for publishers of bogus international fax or telex and trade directories.

Organisations known to send out bogus invoices include the **World Telex Edition, The International World Telex, Telecom and World Communication Systems Est., Facsimile Directory of Australian Services and Child Abuse Prevention Journal.**

It is an offence under the Victorian Fair Trading Act for a person to assert a right to payment for unsolicited goods or services. The maximum penalty for a company is \$50,000 and for a person \$10,000.

The Ministry, through its enforcement activities, is continuing to investigate these operators.

6. Introduction Agencies

Complaints received by the Ministry indicate that unethical practices are occurring in the introduction agency industry. Complaints include low levels of service or no service after payment of a fee, problems with refunds, and allegations of unauthorised use of credit cards.

Over a number of years various introduction agencies have come to the attention of this Ministry and have been investigated. Some agencies have changed their names but are essentially the same, even if they have moved premises.

This year the Ministry has again received a number of complaints. Problems have been identified with management of the agencies, especially in their dealing with consumer complaints.

The introduction agency industry operates through about thirty

agencies spread across Victoria. Most are situated in metropolitan and suburban areas. It appears that in some cases directors may be common to two or more agencies.

Agencies advertise that they provide a matching service for single people seeking introductions to other people. "Introduction" is the basis of the service contracted for, and is the basis of all complaints received. There are various ways that these introductions can take place or be arranged. The general pattern is telephone contact first, followed by a meeting if the consumer is happy with the telephone contact.

The agencies advertise in suburban and country papers and mass circulation newspapers such as **The Truth**. The advertisements are expensive, persuasive in their appeal and are often full-page. Television is used less frequently.

People most likely to use introduction agencies have difficulty in meeting other people due to personal, social or work reasons. Other users included the disabled, disadvantaged and geographically isolated. For some it is embarrassing to be known as a person who uses an introduction agency and those who complain to this Ministry usually do not want publicity.

Complaints have been received from a variety of people including professional and business people. It is a frequent complaint that, once a client has paid money, little or no service is given, i.e. the agency loses interest in the client and makes little effort to encourage contact between clients and prospective "matches".

Clients usually have some idea of the type of person they wish to meet and they often stipulate certain requirements for the agency to follow. There are complaints that agencies ignore these requirements or dismiss them entirely. When challenged, the agencies invariably claim that the clients are "too fussy", "too choosy" or "in a difficult age group", etc.

Generally, the staff employed by agencies are not required to have any special qualifications or skills. The process of interviewing clients is often inadequate, cursory in nature and not based on any type of

psychological or personality testing. Thus, the next step of actually "matching" a client with another client will often have serious shortcomings.

Clients often cannot speak to the person in charge of the agency but are referred to an "office manager" or "senior consultant". There are also frequent staff changes necessitating clients having to spell out their requirements to each new agency staff member. It is alleged that staff do not always use their correct name. This is unethical and very disconcerting for clients.

When agency staff first interview clients it is likely that misrepresentations are willingly and deliberately made in an attempt to "sell the company". Contact with the client is verbal and on a one-to-one basis so representations can be easily denied if challenged.

Clients who complain about service are usually told that the service will be better if they move up into a higher and more expensive category of client services. This is little more than a way of extracting extra money from the client. The better service often may not eventuate and the cycle is repeated whereby a higher category is thrust upon the client and more money is requested.

The most serious allegation against introduction agencies involves the unauthorised debiting of clients' credit cards in telephone transactions. Consumers claim deductions have been made over and above agreed amounts, at different times to those authorised, and that no attempts are made by the agency to correct or redress the situation.

There have been complaints of inadequate documentation being exchanged at the time that clients enter into agreements with agencies. Receipts are sometimes not given.

THE AGENCIES

Norma Jean Murphy and Pebden Pty Ltd of 7 Oldham Lane, Dandenong trading as Lifetime Introductions (also known as Norma Jean's Lifetime Introductions) were a source of great concern with 12 complaints

in a six month period.

The complaints related to incompetent service, poor communication, inadequate documentation and allegations of unauthorised debiting of credit cards. It also seemed that the agency took advantage of the consumers' vulnerability by promising services which were not provided.

Lifetime also placed customers on a marriage introduction file upon payment of a fee between \$2,000 and \$3,000. In the period 19 January to 25 March 1989 a consumer paid a total of \$2,090 for services on a "Money Back Guarantee Marriage Introduction File", which was to include:

1. Correspondence and a personal introduction to a contact in the Philippines.
2. One introduction a week to ladies living in Australia.

The agreement signed by the consumer and agency contained the following condition:

"In agreeance to both parties the client must (be) serviced within a specified time on or before the 11 of June 1989 or a full refund of money will be due."

By 11 June, the consumer had received only one introduction and a letter from a contact in the Philippines. The consumer's request for a refund was refused.

Additionally, several Orders made in favour of claimants by the Small Claims Tribunal have not been complied with by Lifetime Introductions.

Other introduction agencies that came to the attention of the Ministry included:

**Trevor Edwards Introductions;
Telemates;
and Premier Partners.**

Some of the complaints lodged against introduction agencies appeared to be breaches of legislation eg. allegations of unauthorised use of credit cards. The Ministry will further investigate the complaints and, where appropriate, prosecute the offenders.

7. Mail Order

Advertisements for mail order shopping now cover a wide range of goods and services. It is an easy and convenient way to shop, but it does have its dangers. Many consumers justifiably complain when they don't receive the merchandise they ordered and paid for. Other consumer complaints relate to long delays in delivery and failure to provide refunds for undelivered goods. In the past year there have been two interstate mail order companies which attracted a number of complaints over failure to deliver the goods.

Firstly, there was **Slim and Healthy**, of 40 Goulburn Street Ruse, NSW which was found to be connected to Queensland business figure, **Peter Foster**.

Slim and Healthy's advertisements for dietary products, using television personality Rowena Wallace to promote them, were placed by a company called **Vabcorp Pty. Ltd.**, the directors being Marie Austin and David Parry.

Ms Austin's Surfers Paradise address was found to be a vacant apartment and Mr Parry's address of Level 5, 16 Queensland Avenue, Broadbeach also in Surfers Paradise, was found to be the home of Mr Foster, well known in Queensland and Britain for his dubious business practices.

The second interstate mail order company that caused complaints for non supply was Delta Enterprises P/L. This company operating from a Sydney post office box number, placed advertisements for a cordless telephone in a number of reputable magazines distributed Australia-wide.

The advertisements appeared to be legitimate but people started complaining about non-delivery of goods ordered. After investigation it

was discovered that the proprietor of Delta Enterprises, a Mr D Nesis had placed the advertisements. Further enquiries revealed that Mr Nesis had left the country with the proceeds of his short lived but profitable venture.

It is difficult to tell disreputable mail order dealers from the genuine and consumers should be aware of the risks involved. The Australian Direct Marketing Association offers a measure of protection if you deal with their members. Consumers are advised to keep a copy of the advertisements, order form and the trader's address for future reference if problems occur. Consumers are also well advised to avoid any transactions with companies advertising the sale of goods and offering a Post Office Box as their only address. This is prohibited under Victorian Consumer Affairs legislation.

8. Travel Industry

Loss of baggage when travelling internationally can be both inconvenient and expensive, when the baggage is not recovered. Airlines are governed by the rules of the Warsaw Convention which regulates international air travel and specifies reimbursement for loss of baggage based on weight and payable at a rate of US\$20 per kilo, regardless of contents.

Some airlines of course, will make discretionary payments, but consumers should always ensure they are adequately insured against such losses.

The introduction of compulsory licensing for travel agents in 1987 has led to a reduction in complaints for the industry. However, the Ministry still continues to receive a number of complaints, especially in relation to international travel.

Most tour operators, including airlines, reserve the right (as per their booking conditions) to impose cancellation fees. The fees can vary from loss of initial deposit to the entire tour cost or airfare, depending on the amount of notice given.

The Ministry has approached a number of tour operators who, despite being given adequate notice, still imposed heavy cancellation fees. Some operators who were unable to justify their fees reluctantly offered consumers refunds, less an appropriate handling charge.

Consumers should ask their travel agents to have all the cancellation fees itemised. Obviously, if a consumer cancels travel arrangements a couple of days prior to departure, he or she can expect little, if any refund. Most cancellation fees are worked out on a sliding scale and directly relate to the actual costs incurred by the operator's i.e. the shorter the notice, the higher the fees.

Case Study:

A man charged for 14 days he never spent in a Thai hotel eventually got a substantial refund.

The consumer pre-booked and paid for 14 nights accommodation for himself and his wife at the hotel, but on arrival in Bangkok, the consumer's wife was detained by local immigration authorities due to irregularities with her passport.

The consumers returned to Australia the same day and immediately notified their travel agent.

The consumer was expecting to incur a fairly hefty cancellation fee, but when there was no refund at all he contacted the tour operator. The operator advised that in accordance with their booking conditions, no refund would be applicable on the unused accommodation.

The Ministry contacted the tour operator who was unable to supply documentation to prove his company had been charged by the hotel for the full 14 nights accommodation. The consumer got his refund.

Tour operators reserve the right to increase the cost of travel due to a rise in airfares, land content, currency fluctuations etc.

This often puts consumers in a no win situation of either paying the increase, or cancelling the trip and incurring cancellation charges.

Consumers should always anticipate possible price increases when planning their travel arrangements and budget accordingly. The travel agent should be asked to advise on how increases could be avoided, perhaps by pre-payment or by selecting a fixed price tour.

Case Study:

A consumer paid a travel agent \$1000 for an airline ticket for his fiancée to fly from Ethiopia to Australia so they could be married.

Due to a number of difficulties, both with the travel agent and the Ethiopian Government, the consumer's fiancée was unable to fly to Australia for six months. By this stage, the agent was requesting additional funds to cover increased airfares.

After discussions with the Ministry, the travel agent agreed to absorb all fare increases, but in the normal course of events the consumer would have been responsible for any fare increases or additional costs incurred by the agent.

Case Study:

A consumer arranged for an international airline to forward a video cassette recorder overseas to his sister in Rumania.

The VCR was sent but when it did not arrive at its destination, the consumer contacted the forwarding agent and was advised to complete a claim form.

Processing the claim, the airline noted the lack of insurance cover and paid the consumer \$200 in accordance with the rules of the Warsaw Convention.

The Ministry investigated the matter but was unable to assist because the consumer had rejected the optional insurance offered by the airline, and therefore accepted the risk associated with forwarding goods overseas.

Complaints regarding the conduct of some travel agents, delays in receiving refunds, poor standards of accommodation and tours, and

other travel related problems including travel insurance were also made.

A large percentage of complaints could have been avoided had consumers taken the time to carefully read all the relevant booking/cancellation conditions and taken out adequate travel insurance to cover any unforeseen circumstances.

Travel agents have obligations to ensure their clients are supplied with all the relevant information and are given accurate advice about their travel arrangements.

9. Appliance Repairs

Complaints against businesses repairing electrical appliances, particularly washing machines and refrigerators again must be highlighted.

Case Study:

One unsatisfactory business is **Metropolitan Washing Machine Service**, of Glenhuntly Rd, Elsternwick (also known as Masterwash and Metropolitan Appliance Service). Ms Susan Foster and Mr David Foster run these businesses and are also associated with Reliable Washing Machine Services and Elite Washing Machine Services.

Consumers have consistently criticised this business's practices, which include bait advertising, coercion, undue harassment and false representations.

Consumers claim that when the company's servicemen examine the faulty appliances in the consumers' homes, they advise that repairs cannot be done without the machines being taken away to the factory.

Quotes for repairs are generally far lower than the actual amounts charged and a number of consumers alleged that repairs were performed without authorisation and the trader refuses to return the appliances unless the unauthorised repairs are paid for.

The trader's modus operandi is to suggest that the appliance

needs to be taken away for further investigation. Consumers who have objected find that the trader becomes agitated and hostile. Repairs are done without consent and the trader refuses to return appliances unless unauthorised repairs are paid for.

Metropolitan Washing Machine Service advertises a \$10 service call, but consumers are asked to pay \$35.

In two instances consumers refused to pay and it is alleged the trader stormed out but took parts from the consumers' appliance with him.

The Ministry's Conciliation Branch has discussed these and other similar complaints with the trader. Answers to questions regarding the complaints can be best described as evasive and defensive. The trader maintains that most of the consumers who lodged the complaints are liars or dishonest.

Generally repairs failed after a short time and the trader refused to attend to the consumer complaints.

In some instances the consumers have been informed by the trader that their appliance is beyond economical repair and they are offered a "fully reconditioned" appliance for around \$350.

A number of consumers have bought a "fully reconditioned" appliance which broke down a short time after purchase. In all complaints received the trader claimed the failure was due to consumer misuse, and that it was not covered by warranty.

Appraisals of the appliances by independent repairers have indicated in most cases that the appliances have not been reconditioned.

In another case a washing machine sold as a particular model and labelled as such was found to be an older model than the label indicated.

One consumer engaged Metropolitan Washing Machine Service to examine a faulty washing machine. She was told the machine needed

to be taken to the factory for repairs and it would cost \$320. The consumer was later told a new motor was required and that the total cost would be \$500.

The consumer decided to contact the manufacturer of the washing machine to enquire about the cost of a new motor. The manufacturer informed the consumer that it would be less than the \$500 she was being charged. In the course of the conversation with the manufacturer the consumer discovered that Metropolitan Washing Machine Service had sent her washing machine motor to the manufacturer for repair. The manufacturer had not replaced the motor but had repaired it for a cost of \$191.

The consumer referred her complaint to the Ministry, Metropolitan Washing Machine Service would not inform conciliation officers as to the whereabouts of the appliance. Eventually the Ministry conciliator determined the whereabouts of the washing machine and arranged for the consumer to collect her appliance directly from the manufacturer.

Consumers have also been referred to the Small Claims Tribunal for adjudication of their disputes, as the trader has been uncooperative in resolving these issues. The Tribunal received 13 applications during the year. Several of the orders made have not been complied with.

The Ministry is conducting investigations into a number of breaches of the Fair Trading Act.

Case Study:

Another unsatisfactory business notable for complaints is **Koornang Road Trading**, of Koornang Rd, Carnegie, which is owned and operated by Mr and Mrs Frank Bondy.

This trader predominantly deals in reconditioned refrigerators, but also operates a repair facility. The most disturbing of a number of complaints is that of a woman who left a refrigerator to be repaired, only to find it on sale in Koornang's display area three weeks later. The consumer had taken her refrigerator for a quote on repairs and it is alleged that about a week later she phoned Mr Bondy and was told it would cost

\$250. She believed this to be uneconomical and told the trader she would collect the fridge unrepaired within a fortnight.

A fortnight later, the consumer called to collect her fridge and found it displayed in the store for sale at \$285.

She alleged that the trader argued that the fridge was now his and the customer could buy it back if she still wanted it.

A conciliator from the Ministry contacted Koornang Road Trading in an effort to resolve the dispute. He pointed out to the trader that they had performed unauthorised repairs.

When asked why the fridge was being sold the trader's response was that he had a sign in his shop that indicated that any goods left for repair and not collected after 14 days would be forfeited by the consumer and become his property.

The trader was made aware of the relevant provisions of the Disposal of Uncollected Goods Act 1961, but he refused to give the consumer her fridge unless she paid \$285.

The consumer was referred to the Small Claims Tribunal, who ordered the trader to return the fridge within 21 days and, if he failed to do this, to pay the consumer \$285.

The Ministry is instituting proceedings for non-compliance with legislative requirements.

A number of complaints received by the Ministry against this trader indicate that the appliances purchased have been faulty. Consumers have confronted the trader with their problem only to be abused by Mr Bondy. He refuses to repair the appliance or to give a refund.

Consumers have been referred to the Small Claims Tribunal for adjudication of their disputes and have had Orders awarded in their favour, only to have the trader ignore them. Consumers have been forced

to take out Warrants of Distress against the trader.

10. Timeshare

Timesharing gives you the right to stay at and use the facilities of a resort complex for a specific number of weeks each year, either for a fixed number of years or in perpetuity.

There are two basic ways timeshare resorts sell their time - "fixed time" and "floating time". An upfront purchase price for a week's share in a resort generally ranges between \$5,000 to \$16,000.

Timesharers basically buy their holidays in advance. "Fixed time" timesharers buy a specific week or weeks in the year and prices vary according to the time of the year. A week in the school holidays will be more expensive than a week in the off season.

"Floating time" allows you to take your week(s) at any time during the year but it means having to book up to a year ahead for popular times.

Timeshare owners must pay an annual maintenance fee generally varying between \$120 to \$220 per week.

The marketing of timeshare has caused problems. Consumers are enticed to attend "no obligation" presentations of timeshare resorts.

A common ploy is for timeshare resort developers and or marketing companies to offer consumers, through suburban shopping malls, or the local milkbar or fast food outlets, free entry into competitions which offer prizes such as overseas holidays, gold bullion, video recorders, television sets and designer luggage.

Invariably all those that have entered the competition are contacted by the resorts advising that they have won a prize and to receive it, they must attend an obligation free presentation of what the resort has to offer. At this stage, it is unlikely that the consumer is aware that a timeshare resort is involved.

The presentations are generally high-pressure sales pitches from a number of salespeople. There have been reports of sales persons hurling abuse and insults at those who resist the hard-sell techniques.

Many consumers have reported being bullied, as well as humiliated and intimidated.

Many consumers have found it difficult to resell their timeshare units and a number have complained that when they bought them, they were told they could sell them easily, or that the company offered buy back facilities.

The National Companies and Securities Commission expect resort developers to give every assistance to owners who may wish to sell their timeshare, but there is no obligation to buy back.

Most developers have substantial backlogs and are generally not interested in selling unwanted timeshares for existing owners.

Ministry enquiries within the timeshare industry revealed that between 35 to 50 per cent of the retail cost of timeshare is taken up with marketing and promotional costs. This is why consumers have difficulty recouping their outlay when the time comes to sell.

A cooling-off period of seven days exists with timeshare purchases because they are considered a prescribed interest under the companies code. Timeshare purchasers are entitled to rescind their applications in writing, within seven days. This is in accordance with the National Companies and Securities Commission's Policy Statement Number 117.

It has been alleged by some consumers that the prospectus which informs them of the cooling-off period has not been offered by the timeshare developer. This information should be available to the purchaser prior to, or at the submission of the contract for sale, for signatures.

Case Study:

A consumer alleged that she and her husband were telephoned as a result of entering a competition in the local fish and chip shop.

They attended a presentation in Camberwell and it was then that they realised it was a sales promotion for a timeshare development.

After three salespersons, at different times, had applied considerable pressure, it became apparent that the consumers would not sign up.

The salesperson then became hostile, threw the contracts across the room, took away half-finished cups of coffee, removed the ashtrays and ushered the couple out the back door.

Case Study:

Another consumer alleged that she was telephoned by Capri Waters Country Club, advising that she had won second prize in a competition.

She had to drive from her home town of Griffith to Yarrowonga to collect the prize.

She drove the considerable distance because she had been told the big prize would be either a remote control TV, a holiday for two to New Zealand, or a holiday for two in Hobart, Tasmania.

When the consumer arrived at the resort she had to sit through a 90 minute video and a lecture on timesharing.

The consumer protested stating that she came simply to collect her prize. She was then advised she had to scratch a lottery ticket to see if she had won a prize at all.

The consumer was quite shocked and pointed out that she intended to pursue the matter through Consumer Affairs. At this point she was given a pocket Kodak camera.

It is an offence under the Fair Trading Act for a person to offer prizes or other free items with the intention of not providing them, or not providing them as offered.

The Ministry is continuing investigations into allegations received.

***P*RODUCT SAFETY**



PRODUCT SAFETY

An important objective of the Ministry of Consumer Affairs is to ensure that goods supplied to consumers are safe and that dangerous consumer goods are banned from sale in Victoria.

The Consumer Affairs Act gives the Minister power to:

- . ban the supply of unsafe goods
- . impose safety requirements (including labelling) by regulation.

The following goods are covered by regulations made under the Act:

- . Children's Toys
- . Children's Nightclothes
- . Pedal Bicycles
- . Portable Fire Extinguishers
- . Airpots
- . Spirit Stoves

1. Investigations

Two hundred and fifty-eight products were investigated for safety during the year.

Table 8. Product Safety Investigations 1988/89

Auto design, parts and accessories	14
Beverages and beverage containers	5
Building and construction	27
Clothing and clothing accessories	7
Fire extinguishers	1
Food products	9
Health products	10
Home maintenance products	3
Household goods - consumer durables	34
" " - electronic	3
" " - furniture and accessories	11
" " - whitegoods	8
" " - cooling and heating	4
Nursery products	20
Personal use products	18
Products for birds, animals and insects	7
Sporting, recreational and camping equipment	8
Stationary	2
Toys and novelties	59
Transport equipment (excluding motor vehicles)	5
Weapons	3
	TOTAL 258

2. Showbags Inspection

The contents of 130 showbags were inspected. A potentially dangerous retractable knife, wax crayons containing unacceptably high levels of lead and chromium and three food items were removed from showbags before the Royal Melbourne Show. Inappropriate age labels were found on 16 showbags and the distributors agreed to rectify the problem.

3. Banned Products

The Minister for Consumer Affairs signed two interim bans and two permanent bans during the year.

A total of 32 consumer products have been banned since the introduction of the banning powers in 1984, under the Consumer Affairs Act.

Table 9. Products banned by the Ministry of Consumer Affairs 1988/89

Product	Reason for Banning	Interim Ban Date	Permanent Ban Date
Emergency Car Light and Sound Watch.	Button batteries are easily accessible. Possible choking hazard.	23-11-88	21-12-88
Blowgun Survival Weapon.	A dangerous weapon which is capable of projecting darts at high velocity.	24-5-89	21-6-89

4. Alleged Hazardous Products Register

The Product Safety Officer continued to collect and exchange information on potentially hazardous consumer goods through the auspices of the Commonwealth/State Consumer Products Advisory Committee (CSCPAC).

Membership of CSCPAC consists of representatives from Consumer Affairs Authorities in the Commonwealth and in each State, Territory and New Zealand.

The Federal Bureau of Consumer Affairs, (which is part of the Attorney-General's Department) provides the Secretariat for co-ordinating the exchange of information and for maintaining the Alleged Hazardous Products Register (AHP Register). CSCPAC recorded 54 products on the AHP Register during the year and 12 of these were reported by this Ministry.

5. Product Recalls

The Ministry monitors safety recalls and registers notifications of voluntary safety related product recalls submitted by suppliers to the Federal Bureau of Consumer Affairs.

Table 10. Recalls of Consumer Products notified to Ministry of Consumer Affairs 1988/89.

Auto design, parts and accessories	8
Beverages and beverage containers	4
Building and construction	13
Clothing and clothing accessories	2
Fire extinguishers	1
Food products	3
Household Goods - consumer durables	7
" " - electronic	3
" " - furniture and accessories	5
" " - whitegoods	1
" " - cooling and heating	1
Medical Products	101
Nursery products	7
Personal use products	6
Products for birds, animals and insects	1
Sporting, recreational and camping equipment	3
Toys and novelties	14
Transport equipment (excluding motor vehicles)	5
Vehicles (motor)	38
	<hr/>
TOTAL	223
	<hr/>

6. Product Standards

A branch objective is to ensure that goods available in the market place reach a minimum standard of quality and safety in accordance with their intended use.

One way of ensuring that products reach a minimum standard of quality and safety is to develop standards to which industry can refer for guidance. To this end an officer of the Standards Branch represents the Ministry on Standards Australia's Consumer Standards Advisory Board, which sets the work program for consumer standards for the coming year.

An officer of the Standards Branch also participates in the development and revision of specific standards by Standards Australia, including:

- . Pedal bicycles
- . Safety of children's toys
- . Safety requirements for children's furniture
- . Labelling of clothing and other textiles
- . Playground equipment
- . Trampolines
- . Bicycle lamps and reflectors
- . Fire extinguishers
- . Babies dummies
- . Matches

7. Compliance Monitoring

The Standards Officer inspected many retail outlets in conjunction with the Federal Bureau of Consumer Affairs across Melbourne for compliance with State and Commonwealth requirements.

Concentrated efforts were made on furniture labelling for both care labelling (Commonwealth) and trade description labelling (State) requirements. As a result of these inspections evidence was taken for prosecutions under the Consumer Affairs Act 1972 and the Consumer

Protection (Trade Descriptions) Regulations 1974.

8. Anti-social Toys Ban

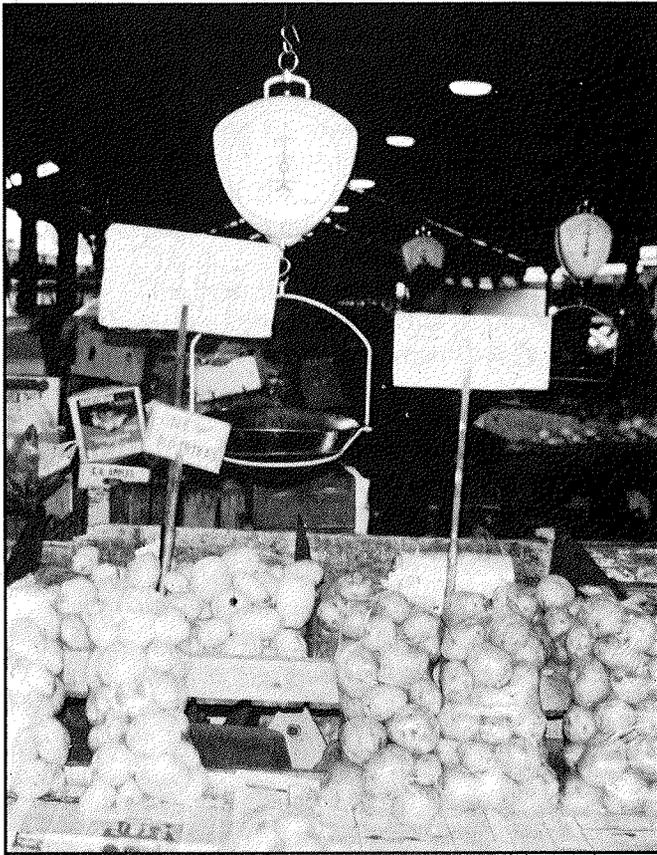
At the request of the Federal Bureau of Consumer Affairs the Standards Officer surveyed 18 metropolitan and 16 regional stores for the sale of anti-social toys in defiance of the voluntary code negotiated between industry and the Commonwealth.

That survey and similar surveys in other states resulted in the Federal Minister imposing a ban on specific anti-social toys:

- Skateboard Smackup or Skateboard Smackups
- Garbage Pail Kids
- Krazy Kookie Balls
- Weird Balls
- Foul Balls
- Mad Ball, or Mad Balls
- Trash Head Spitballs
- Gross Out Grunkies
- Kuddlee Uglee
- Super Dough Squeezers
- Rude Ralph or Rude Ralph Gang

This Ministry sees collaborative compliance monitoring between the Commonwealth, States and Territories as a cost efficient and effective means of surveying the market-place where agencies have identical or related legislative requirements. CSCPAC attributes similar importance to such a program, making it a standing agenda item for meetings of that committee.

***E*NFORCEMENT**



ENFORCEMENT

INDUSTRY REGULATION

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

The Industry Regulation Branch dealt with 1100 matters referred to it during the year. Investigations resulted in 46 separate defendants being prosecuted for 224 offences of the legislation administered by the branch. The Courts in recognising the seriousness of matters brought to prosecution are imposing more severe penalties.

The branch is a focal point for many receipt of allegations of alleged breaches from other branches of the Ministry, statutory authorities, community groups and the general public.

Not all allegations are investigated as potential prosecutions. Minor breaches where there is insignificant consumer detriment, where the conduct is not prevalent or when the evidence is inconclusive, are dealt with on an administrative basis whereby the trader complained of is given a formal warning.

The Ministry maintains close contact with community groups which are a source of information and complaints from people who are disadvantaged in the market place and with problems which might otherwise not come to our attention. The branch looks to community groups as a source of complaints indicating that legislation is not being adhered to.

Likewise, trader or industry associations also refer breaches of the law to the branch because they appreciate that it is unfair that they have to compete against dishonest traders. These breaches will only be investigated where consumers are disadvantaged.

Following a period of time to allow its emergence into the market place, the Fair Trading Act 1985 is starting to have a significant impact.

Traders now have to think seriously about the high penalties before contemplating breaching the Act. They also have to seriously consider having a system to prevent illegal conduct on their premises.

Odometer tampering and false advertising used to attract small fines, but offences under this Act can result in fines of up to \$50,000.

1. Motor Car Traders

Case Study:

Ministry officers found that a vehicle being represented as "Ex Ford Lease" by Astelot Tooling P/L, trading as **Sheppartons World of Cars**, of High St, Shepparton, was in fact a former rental vehicle.

Charges were laid under Section 12 of the Fair Trading Act 1985 against the company.

The company was convicted at the Shepparton Magistrates Court and was fined \$5000 and costs. Mr Winch of the company was also ordered to pay a fine of \$1000 and costs for his involvement.

Both defendants appealed to the County Court on the grounds that neither was guilty and that the penalty was excessive. The appeal was dismissed.

ODOMETER TAMPERING

Odometer tampering is blatant conduct designed to cheat car buyers. A number of such cases were dealt with in this financial year.

Case Study:

Carmont P/L, of Sydney Rd, Coburg, trading as **Prestige and Performance Motors**, was fined \$40,000 under the Fair Trading Act in the Preston Magistrates Court for lowering the odometer reading on a 1979 Holden Premier.

Case Study:

The proprietor of **Ascot Motors**, of Ballarat Rd, Braybrook, Mr George Glouftsis, and his manager, Mr Garrie Bounsell, were convicted and fined over \$7000 under the Fair Trading Act 1985 for tampering with

an odometer and then falsely representing the vehicle.

Another staff member, Mr Barry Jones, was placed on a good behaviour bond of \$750 for his role in the matter.

Case Study:

A car dealer was told by a Ministry inspector that an Alfetta car at his car yard had an odometer that had been tampered with, but the car dealer sold the car anyway.

P.B and E.L Wright P/L, trading as **Camberwell Car Centre**, Riversdale Rd, Camberwell, was convicted for making a false representation in breach of the Fair Trading Act 1985 regarding the same Alfetta motor car.

Fines against P.B. & E.L. Wright P/L and dealer Peter Bray Wright totalled \$3040 plus \$853 costs.

The consumer who bought the car was also awarded \$750 compensation through the Small Claims Tribunal against P.B. & E.L. Wright P/L.

Unlicensed Motor Car Traders

Unlicensed motor car traders present a great risk to consumers because transactions with them are not protected by the provisions of the Motor Car Traders Act, 1972.

The Act provides warranties for used cars, a three day cooling off period, clear title, and regulations to protect consumers from odometer tampering or other false representations made at the time of sale.

An amendment to the Motor Car Traders Act, 1986, increased the penalty for conducting a business in the trading of motor cars without a licence to a maximum of \$10,000 for each motor car bought, offered for sale or sold.

Several unlicensed traders were investigated during 1988/1989 and some of their customers sought and made successful claims in the Small Claims Tribunal.

Case Study:

Two unlicensed traders fled the state to avoid prosecution and investigations into their whereabouts are continuing.

Mr H Van Harselaar and Mr C Kersley were ordered by the Tribunal to pay several consumers car repair costs which had been represented as being in roadworthy condition when they were sold. These two unlicensed traders joined several others who have fled the state.

Imported Cars

The lucrative practice of importing and selling cars without a licence, particularly American cars, has been stopped due in part to the successful efforts by Ministry inspectors.

To date, 16 warnings were given to individuals to cease unlicensed trading. Four of them have since applied for a motor car trader's licence.

The cars were usually sold unregistered, still in left hand drive and without warranties. This meant buyers had to spend an extra \$20,000 or more so they could drive the cars on Victorian roads.

2. Itinerant Traders

A number of itinerant traders were convicted for various offences after investigations by a task force set up between Ministry inspectors and detectives from Victoria Police.

Case Study:

An itinerant roof painter who pocketed thousands of dollars from aged pensioners had to be extradited from South Australia. Andrew Russell Price, of Adelaide, was convicted on June 13, 1989 at Ringwood Magistrate's Court on six charges of obtaining property by deception.

Price was sentenced to six months jail, fined \$6000, and was ordered to pay \$4500 restitution to four elderly pensioners. The jail sentence was suspended for 12 months.

Mr Price "worked" in the Croydon, Ringwood and Nunawading neighbourhoods during January 1987, offering to repair or paint roofs for aged pensioners for between \$600 and \$2000.

He used substandard materials and either did no work at all or a minimal amount. Mr Price would drive his clients to their banks and supervise while they withdrew his fees from their bank accounts.

3. Cladding Companies

Cladding companies which install aluminium windows and repair rooves were the subject of many complaints to the Ministry in 1988/1989.

Many of the complainants alleged false advertising by the company as well as unethical door to door sales practices which may contravene the Consumer Affairs Act 1972. Several are being considered for prosecution under both the Fair Trading Act 1985 and the Consumer Affairs Act 1972.

Case Study:

A cladding company, Capital Vinyl P/L, of Keilor Rd, Niddrie, was prosecuted for breaching the door to door sales provisions of the Consumer Affairs Act 1972, by not providing a notice of the 10 day cooling-off period available to consumers who enter into agreements as a result of an unsolicited door to door sale.

The company was placed on a \$500 12-month bond and was ordered to pay \$350 costs.

4. Aerosol Manufacturers

Several companies were charged and convicted under the Fair Trading Act 1985 for falsely representing the type of propellant contained

in their fly spray and air freshener products. Each company was fined \$5000 and ordered to pay \$300 costs.

The aerosol cans were labelled "Propellant: Hydrocarbon" when the propellant which they contained was Chlorofluorocarbon. The Ministry is considering further prosecutions of others involved.

5. Builders

Several builders were convicted under the now repealed Building Contracts (Deposits) Act, 1963 for failing to put deposits into a special purpose account.

Case Study:

Mr John Yovanovich, of Airport West, was sentenced in the Broadmeadows Magistrates Court to three months jail for failing to pay \$3200 into a joint bank account for a consumer.

Yovanovich appealed, and the penalties were altered. He was fined \$300, and was ordered to pay restitution of \$3200 and costs of \$1650.

The Ministry took action against a number of unregistered builders under the now repealed House Builders Liability provisions of the Local Government Act.

*George Fuller, trading as **Summit Steel House Frames**, of Hume Hwy, Campbellfield, was fined \$400 in Broadmeadows Magistrates Court for entering into a contract without having an approved indemnity in force. He was ordered to pay \$400 costs.*

The new House Contracts Guarantee Act 1986, came into force on May 1, 1988, replacing the abovementioned Acts. This Act provides higher penalties for builders not approved by the Housing Guarantee Fund Ltd or who take deposits which are larger than the amounts provided by the Act. The Ministry is considering several prosecutions under the new Act.

6. Door to Door Sales (see cladding companies)

Mr Frank Norman Blundell, and Capital Vinyl Co P/L, were charged with a number of offences against the Door to Door sales provisions of the Consumer Affairs Act 1972.

Both were successfully prosecuted by the Ministry for their failure to give clients a notice advising them of their right to a 10-day cooling off period. They were each placed on twelve-month good behaviour bonds and Mr Blundell was ordered to pay \$300 into the court fund.

The Ministry has a continuing concern with companies and staff engaging in this conduct. Consumers are entitled to a cooling-off period in agreements which come under the door to door sales provisions of the Act.

Removing such a right is an offence and companies and individuals who persist in not fulfilling their obligations under the Act will be pursued, because consumers are considered more vulnerable and susceptible in their own environment rather than in appropriate trade premises.

7. Washing Machines and Refrigerators Repairs

Several washing machine and refrigerator repair firms are being investigated for allegedly unacceptable behaviour and practices which may be in breach of the provisions of the Fair Trading Act 1985 and other consumer protection legislation.

Matters under investigation include:

- Quoting substantially more than would be necessary for a particular repair.
- Giving a tentative quote, which is then substantially increased after the unit is in the repairer's possession.

- Failing to advise consumers of the final repair cost and carrying out unauthorised repairs.
- Charging for repairs which have not been carried out.
- Quoting for repairs which are unnecessary.
- Failing to honour warranties.

In one case, independent expert mechanical advice suggests that such conduct is aimed at exploiting consumers who need urgent attention to their appliances.

Consumers are warned that this kind of conduct is prevalent and that they should be careful to secure the services of a reputable repairer.

8. Bait Advertising

Bait advertising is any practise where traders promote goods with a view to enticing consumers into the store and then fail to offer those goods for sale. Once the consumer is in the store they are offered higher priced or alternative goods.

Charges have been laid under the Fair Trading Act 1985 against Decaw P/L, trading as **Dandy Sound Centre**, of Maroondah Hwy, Mitcham, for alleged bait advertising in March 1988.

Advertisements featured in print and electronic media for a "sale" of JVC Compact Disc players at \$100. The company had only two such players in stock at the time of the sale and went into liquidation soon after. The director of the company is being charged with bait advertising.

9. Chain Letter

The **Edward L Green** chain letter has virtually collapsed in Victoria following warning letters issued to participants in the scheme by

the Ministry and the Trade Practices Commission. The Ministry has referred matters to Victoria Police for possible prosecutions under the Lotteries Gaming and Betting Act 1966 and is now considering further prosecutions under the Fair Trading Act 1985 of several continuing participants in the scheme.

10. Breaches of the Residential Tenancies Act

The Ministry is investigating tenant complaints that exclusion clauses are included in Residential Tenancy Agreements.

Some of these extra clauses appear to be contrary to the Residential Tenancies Act 1980 and may mislead tenants as to their rights.

The Ministry stresses to prospective tenants the need to read the whole of the lease agreement, particularly any additional clauses before signing. If not sure about a particular clause, the tenant should ask for clarification before signing. If still in doubt, take the lease agreement away and refer it to an officer of Consumer Affairs.

Three separate landlords were prosecuted in the Geelong Magistrates Court during the last year for offences including illegal evictions, not refunding security deposits, and not providing tenants with a statement of Rights and Duties, which they are required to do under the Residential Tenancies Act 1980.

Information received from funded agencies in the area suggested that such offences were common. Hopefully the successful prosecution of these landlords will have the desired deterrent effect as an alternative to increased prosecution action.

Case Study:

A prospective tenant was required to pay a \$100 deposit to secure a house. She was unable to go ahead with renting the house but the landlord refused to return the deposit.

*A Residential Tenancies Tribunal order to return it was not complied with. The house owner, **Olado P/L**, of Kellaway St, Maidstone, and landlord **Frank Vincent Cappelleri**, were successfully prosecuted.*

Total fines, costs and a compensation order amounted to \$1687.

11. Residential Tenancies Inspections

Case Study:

An irate tenant in Strathmerton, northern Victoria, claimed that the toilet in the house she and her family were renting was constantly overflowing into and under the house.

She said the electric heater was faulty and did not work and the combustion stove had once caught fire and had to be doused by the local fire brigade.

A Residential Tenancy inspector inspected the premises on Friday, May 12, 1989 and found they had neither heating or cooking facilities, and an unusable toilet.

There was a beehive in the chimney which gave the house the appearance of an apiary, and the outlet pipe for the shower was leaking into a pool under the house making the house damp.

The inspector discussed all the necessary repairs with a property manager in the agent's Cobram office.

The manager insisted the landlord was in Tasmania and refused to do any further repairs to the property. The inspector then requested the agent to tell the landlord that the tenant would be applying to the Residential Tenancies Tribunal for the repairs to be completed, for all rent to be paid into the Rent Special Account and for compensation for withdrawal of services.

The following Monday morning, the agent rang the inspector in Melbourne and advised that the landlord had reluctantly agreed to carry out all repairs to the property. The inspector rang the tenant that afternoon and was told all repairs had been attended to.

Case Study:

Another tenant complained there was little or no water at the rented premises. An inspection confirmed that the water pressure and volume was very poor and that a service pipe to the meter was crimped and fed two houses.

The problem was discussed with the landlord who claimed he had the same trouble and blamed the M.M.B.W. mains.

Inspectors contacted the M.M.B.W. and requested a flow meter to be attached to the mains. The flow meter registered 30 PSI which was just enough to service the two houses.

After negotiations the landlord agreed to lay more plumbing and the tenant was very happy with the result. It should be noted that the landlord pays all water bills that are incurred by the tenant.

TRADE MEASUREMENT

The Weights and Measures Act and Regulations are jointly administered by the Trade Measurement Branch of the Ministry of Consumer Affairs and Local Authorities Weights and Measures Unions.

The purpose of the Weights and Measures Act is to ensure that neither the buyer nor the seller gains any advantage in transactions of physical quantities. This area is administered in co-operation with local government authorities.

The Trade Measurement Branch, formerly Weights and Measures Branch, has a responsibility to ensure correct measurement of physical quantity, to ensure that the public is provided with appropriate information about the measurement of physical quantity and the identification of the provider of goods and services, and to preserve and maintain the appropriate legal standards of measurement.

In addition, consultation with the following activities were undertaken during 1988/89:

- . An Options Paper on the future administration of Weights and Measures in Victoria has been prepared within the Ministry. The paper will be made available for interested parties including municipalities, local authorities and various relevant associations for consultation.

- . Surveys were conducted on the selling of earth, sand and ballast; L.P.G. by decanting; solid fuel and chaff.

Several meetings were held with trade and consumer representatives in the specific areas of bread and beer glasses to establish current trends in the market place and to determine the relevance of current legislation.

Short Weight at Melbourne Wholesale Fruit and Vegetable Market.

The Branch has undertaken activities at the Melbourne Wholesale Fruit and Vegetable Market after interstate government agencies detected short weight produce from Victoria in their states.

The Branch has undertaken visits to the market in co-operation with the Melbourne City Council, the Department of Agriculture and Rural Affairs, and the Melbourne Wholesale Fruit and Vegetable Market Trust. These visits are on-going.

At the time of writing several prosecutions are pending against merchants detected for selling short-weight produce during these visits. Discussions are being held with grower and packer organisations and the Victorian Farmers Federation (Vegetable Growers Group) to inform growers of their responsibilities.

Figures detailing the activities of the Section are shown in Appendix 15.

Figures detailing prosecutions carried out by the Local Authorities are shown in Appendix 12B.

One important aspect of the work of the Local Administration Section in the area of packaging is to encourage manufacturers, packers and importers to submit product samples for examination prior to their release for sale. Many traders appreciate the service because it allows them to avoid problems like costly product withdrawals due to non-compliance.

2. Technical Services

The Branch is responsible for maintaining standards and equipment for the administration of the legislation and the provision of scientific and workshop services.

The following number of items were tested by the Technical Services Section during the year.

Table 11. Number of Items Tested

Item	Number Tested	Number Adjusted
Standards of Mass	2070	162
Volumetric Standards	320	27
Length Standards	152	-
Area Templets	4	-
Weighing Instruments	81	5
Miscellaneous (Mass, Length, Volume)	37	-

Additionally, 247 certificates and 143 reports on the testing of these standards and equipment were issued. Some unusual tests included: The density of an imported peanut oil was determined for Australian Customs; the true mass of two 50 kg bolts and their matching 20 kg nuts was determined for a local company; a height indicator was calibrated for the Victoria Police; a number of different sized shot puts were weighed for the Victorian Little Athletics Association; two 172 kg masses were calibrated for a lift company; the volume of a five litre beer can was determined.

The National Standards Commission re-assessed the suitability of the position of the Superintendent of Weights and Measures to be a verifying authority, and granted the re-appointment.

3. Inspection Services

The Branch is responsible for the inspection and verification of trade measuring instruments that are of types not tested by Weights and Measures inspectors employed by municipal councils.

The testing of these instruments require specialised standards and equipment. In general, local authority inspectors test trade instruments used for retail purposes.

Towards the end of June 1989 the Branch commissioned a new test unit for the verification of L.P. gas dispensers. This unit has taken considerable development work but will allow an accurate and efficient means of testing L.P. gas dispensers throughout the State.

Table 12. Instruments tested during the period 1 July 1988 to 30 June 1989.

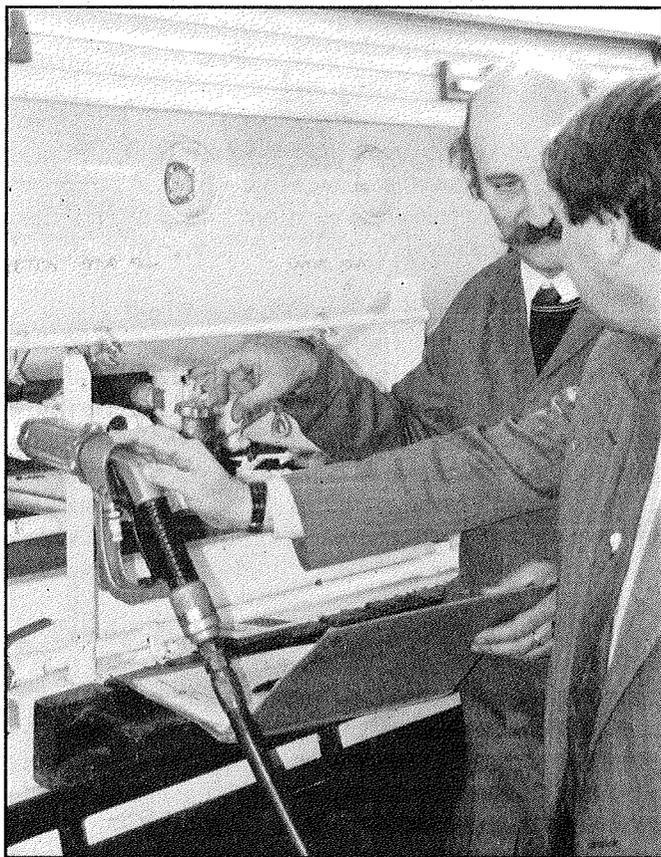
Type of Instrument	Tested	Rejected%	Rejected
Fabric Measuring Instruments	499	22	4.4
Wholesale Liquid Measuring Instruments	316	78	24.7
Class 1 & 2 Scales	27	2	7.4
Weighbridges	505	78*	15.4
Farm Milk Tanks	836	164	19.6
Leather Measuring Instruments	5	1	20
Hopper Scales	4	-*	-
Liquid Petroleum Gas Dispensers	-	-	-
Belt Conveyor Weighers	1	-	-

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

4. Other Activities

The impact in packaging and labelling laws has been the findings made by the Commonwealth Industries Assistance Commission and Commonwealth Business Regulation Review Unit - Victorian Regulation Review Unit concerning packaging and labelling of food. Essentially, these Authorities advocated substantial deregulation. Continued discussions would occur among the Commonwealth, State/Territory Governments to reach a position on packaging and labelling laws.

L ICENSING



L LICENSING

LICENSING INVESTIGATION BRANCH AND LICENSING BRANCH

The Ministry provides administrative support to three Licensing Authorities responsible for licensing Motor Car Traders, Travel Agents and Credit Providers. The Registry of Finance Brokers which is responsible for licensing finance brokers in Victoria is also staffed by officers of the Ministry.

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

The Director of Consumer Affairs is provided with a copy of all applications for licences. Ministry staff review an applicant's complaint history and conduct searches of bankruptcy, corporate affairs and police records as part of the investigation process. Reports are prepared and recommendations made to the Director of Consumer Affairs. These recommendations may result in an objection to the issue of a licence. As a consequence of the objection, the Authorities and the Registry may refuse to grant a licence or grant a licence subject to conditions or undertakings given by the applicant.

1. Credit Providers

A total of 39 new applications for credit provider's licences were received by the Licensing Investigation Branch for investigation and report and/or recommendation to the Director during the year.

Of those 39, six were withdrawn, 10 are being investigated and assessed, four are awaiting hearing by the Credit Licensing Authority and the rest have been granted licences, some with conditions attached.

The Licensing Investigation Branch also investigates complaints relating to the provision of credit that may result in prosecutions. Sixteen such complaints were received during the year, four are now being investigated and investigations into the rest have been completed. Suc-

successful prosecutions of credit providers may also result in the Director objecting to the holding or renewal of licences by these credit providers.

Where a prosecution is not undertaken due to a lack of evidence or where the nature of the complaint falls outside the Ministry's jurisdiction, letters are sent to warn licensees of their apparent breach of legislation. These licensees are then closely monitored to ensure that they are not engaging in further objectionable conduct.

As well as following the investigation procedures described above, interviews are usually held with the applicant or their representative in the case of a corporation and financial statements and annual reports are read. Other independent enquiries are made depending on circumstances and then it is decided whether or not to recommend objecting to the granting of a licence or seeking to have conditions attached to it. Documentation intended to be used by the applicant is usually examined and matters of concern are referred to the applicant.

Case Study:

Metro Furnishing Co P/L, of Main Rd, West St Albans, was fined a total of \$1025 at Broadmeadows Magistrates Court for four breaches of the Credit Act 1984, including unlicensed credit provision. The court awarded \$600 costs to the Ministry.

The debtor involved was relieved of further repayments of the outstanding debt by the operation of Section 64 of the Credit (Administration) Act 1984.

Objections

Objections have been lodged against the granting of licences to:

- HFC Financial Services Limited (HFC).

The hearing which began on May 3, 1988 has to date produced a transcript of evidence exceeding 11,000 pages. The Credit Licensing Authority has adjourned to decide to either grant or refuse the licence. All of the evidence from the

objectors and the applicant have been put before the Authority.

- **AVCO Financial Services Limited (AVCO).**

The Director and CCLS have opposed granting a licence to AVCO. The discovery process is taking place and the hearing of the objection will start after the determination of the HFC application.

- **Rena-Ware Distributors P/L.**

The Director has opposed granting a licence to Rena-Ware Distributors P/L. A preliminary hearing was held and the discovery process is continuing.

- **Morlend Finance Corporation (Victoria) P/L.**

The Director has conducted an investigation at the request of the Credit Licensing Authority (pursuant to Section 32 of the Credit [Administration] Act 1984) and provided a report on November 9, 1988. The Authority reconvened on February 13, 1989 to continue the Section 59 hearing. Applicant Maurice Ivan Luke did not appear and his application was dismissed.

2. Finance Brokers

Formal Objections

An officer of the Ministry appointed as Registrar under the Finance Brokers Act 1969 is responsible for the licensing of finance brokers in Victoria.

The Finance Brokers Licensing Scheme differs from the other licensing schemes administered by the Ministry. As there is no licensing authority constituted under the Act, the Registrar is empowered to grant a licence.

The Registrar cannot, however, refuse a licence but must, if he is not satisfied that the applicant complies with the licensing provisions of

the Act, refer the application to a Magistrate's Court for consideration.

The following objections to the issue of finance brokers licence were submitted during the year:

1. **M.Hazan** - of Unit 1, 44-46 Dale Street, trading as **Bulleen Australian Ownership and Investment Finance Company**. The Director lodged an objection. The Registrar did not issue a licence. The applicant appealed to the Heidelberg Magistrates Court and the licence was refused on August 24, 1988.

2. **F.Rizzo** - of 2 Walsh Street, Coburg. The Director objected to the granting of a licence and the Registrar refused to issue a licence. The applicant appealed to the Magistrates Court but withdrew his appeal on June 20, 1989.

3. Motor Car Traders

The Licensing Investigation Branch conducts investigations into motor car traders and makes recommendations to the Director. During the year the Licensing Investigation Branch lodged 10 objections which resulted in the cancellation of licences or disciplinary action.

Objections to the Application for the Grant of a Licence

- **T Arpaci**, trading as **Arpaci Motors**, of Newlands Rd, Reservoir. The application was refused July 7, 1988.
- **A Arpaci**. The Director objected and the Applicant subsequently withdrew his application on October 12, 1988.
- **Endwell P/L**, trading as **Peninsula Car World**, of Wells Rd, Seaford. An objection was lodged to a licence application by Endwell Pty Ltd, trading as Peninsula Car World. The applicant was granted a licence on 22 November, 1988 subject to certain conditions.
- **R McNaughton** of 1 Lambert Road, Toorak. The Director

objected and the licence was refused on November 30, 1988. The applicant appealed to the Administrative Appeals Tribunal but subsequently withdrew his appeal.

- **Ralena P/L**, of Queen St, Melbourne. A licence was refused on 21 December 1988. The applicant has appealed to the Administrative Appeals Tribunal. The determination of the appeal is pending.

Disciplinary action taken against Motor Car Traders

The Director issued objections against motor car traders for breaches of Section 30 of the Motor Car Traders Act.

- D Sturgess, trading as **David Sturgess Motors**, formerly of Main St, Bairnsdale. The licence was cancelled on March 17, 1989.

- R J Price, trading as **Delmonte Motors**, of Thompson Rd, North Geelong. The licensee was reprimanded and fined on November 29, 1988.

- L Vitiello, trading as **LVJ Motors**, of North Rd, Newport. The licensee was reprimanded and fined on December 13, 1988.

- W V Glen, trading as **New Bourne Motors**, of Melbourne Rd, Newport. The licensee was reprimanded.

- R Hogan, trading as **Hogan Ford**, of Hughes St, Leongatha. The licensee was reprimanded on June 28, 1989.

4. Travel Agents

The Director lodged an objection against **Intercontinental Travel P/L**. The Travel Agents Licensing Authority refused to grant the applicant a licence. The applicant appealed to the Administrative Appeals Tribunal but later withdrew its appeal.

Licences Suspended

The following licensees are suspended due to termination of membership by the Travel Compensation Fund (section 16, Travel Agents Act 1986):

- . **Pamela Marjorie Darrington**, trading as **Novelty Tours**, of Westmont Rd, Healesville.
- . **Designer World Travel P/L**, of Stephenson Rd, Mt Waverley.
- . **Jim Doumtses Travel Agency**, of Smith St, Fitzroy.
- . **Garrard Travel Service**, of Aviation Rd, Laverton.
- . **J C & M E Platt**, trading as **Heathmont Travel Service**, of Danielle Crt, Heathmont.

A further eight licences were suspended due to termination of membership by the Travel Compensation Fund but were later reinstated on readmittance to membership of the Fund.

COMMUNITY FUNDING PROGRAM



COMMUNITY FUNDING PROGRAM

The Ministry's four grants schemes provided in excess of \$2.8 million during the year to community organisations giving advice and acting as advocates for tenants and consumers.

The four schemes are:

- Consumer Affairs Grants Scheme	\$ 290,000
- Residential Tenancies Grants Scheme	\$1,308,000
- Community Credit Program	\$1,241,000
- Counselling Services for Aborigines	\$ 40,000

The introduction and expansion of the grants program reflects efforts to increase consumer awareness and to make tenancy services more accessible and relevant to all citizens of Victoria, particularly disadvantaged consumers.

The grants program also recognises the partnership role and unique contribution of community organisations in helping consumers and tenants. The funded organisations ensure that a variety of consumer and tenancy information services are available throughout Victoria, complementing the work of the Ministry.

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

1. Consumer Affairs Grant Scheme

The CAGS enables the Ministry to fulfil its education, information, conciliation and consultation objectives by funding consumer and community groups to undertake these roles in their local areas.

Funding decisions attempt to ensure an appropriate geographic spread of funds and sought to target areas of high need, such as country Victoria, where the public has limited access to Ministry services.

(A list of projects funded under the Consumer Affairs Grants Scheme is included in Appendix 3)

2. Residential Tenancies Grant Scheme

The Residential Tenancies Grant Scheme was established in 1984, and grants were made under Section 11(1)(f) of the Residential Tenancies Act 1980 to fund community-based programs aimed at disseminating information and promoting awareness of tenancy rights throughout Victoria.

Monies made available for this program derive from the Residential Tenancies Fund which comprises interest paid on tenants bond deposits. \$1,308,000 was allocated from the fund to community groups in the current funding round.

The provision of advice and assistance to people with tenancy problems and community education are the two major components of the grant scheme. Community tenancy advice services are well placed to assist those tenants in greatest need. Groups such as the Tenants Union of Victoria undertake research, monitor and examine trends in the private rental sector, and make a significant contribution to the policy debate in the broader housing field.

Table 13. Total Grants Allocated to Community Organisations 1985/86 - 1988/89

	* ₁ May 85 Mar 86	* ₂ Mar 86 Dec 86	Jan 87 Dec 87	Jan 88 Dec 88	Jan 89
CAGS	145,000	224,109	252,107	281,943	281,634
RT		307,010	356,900	740,285	1,309,079
CCP		475,000	964,765	1,958,787	1,100,000

*₁ May 1985 - March '86

Funds not released due to delay in process, released in May for 12 months commencing March.

*₂ March '86 - Dec '86

Funding adjusted to calendar year basis.

Information sessions for new workers are provided by the Ministry and regular training sessions are also provided by the Tenants Union of Victoria.

As a result of an interim recommendation to the Minister in September 1988, from the Residential Tenancies Review, a full-time Community Liaison Officer was appointed to work with the community sector to develop relevant links, programs and services.

Major initiatives under this scheme have included:

- . A grant of \$312,908 to the Tenants Union of Victoria which includes funding for the tenancy information and advice service; a full-time worker to assist caravan park residents and advise them of their rights under the new Caravan Parks and Movable Dwellings Act 1988; and an advocate for Protected Tenants who have been identified as a target group under the Government's Social Justice Strategy.

- . A grant to the Fitzroy Rooming House Tenants Association of \$30,000 to document the tenancy problem facing Victoria's boarders and lodgers. The Government has introduced new legislation to the Parliament to provide coverage for such tenants.

- . A number of grants to groups throughout Victoria providing tenancy information and advice to caravan park residents and working to ensure that the views of residents are adequately represented in legislative amendment or regulation.

(A list of projects funded under the Residential Tenancy Grants Scheme is included in Appendix 3).

3. Community Credit Program

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

The program aims to:

- . Influence the consumer credit industry to be more responsive to the needs of low income people.
- . Strengthen the network of credit advocacy for low income people and improve community recognition and understanding of the problems they face.
- . Ensure that low income consumers are able to purchase major household items at reasonable prices and on fair terms.
- . Improve access by low income people to low cost consumer credit.
- . Help low income people plan and organise their finances so that they can meet their financial commitments.
- . Community Credit Program Grants for 1989 totalled \$1,241,000.

(A list of projects funded under the Community Credit Program is included in Appendix 3).

VICTORIAN CONSUMER AFFAIRS COMMITTEE

The Victorian Consumer Affairs Committee was established in 1985 by the Consumer Affairs Committee Act 1983 which amended the Consumer Affairs Act 1972.

It has 17 members plus a chairperson, Mr William Ford, the Director of Income and Business Development for the Brotherhood of St Laurence. The members are appointed by the Minister and are drawn from many sections of the community. All members are voluntary and attend monthly meetings, as well as further sub-committee meetings when required.

Nine of the current members are from various industry, trade

union and community organisations, and the remaining eight are from geographical regions across Victoria. (See Appendix 13 for list of Committee members).

The Committee acts as a consultative body to seek information and opinion from the members' geographical areas and organisations. In order to achieve this, the Committee consults with relevant persons and conducts investigations or enquiries where it deems necessary.

The Committee met eleven times in 1988/89 and considered information relating to a broad range of issues.

It examined a number of credit-related issues, including positive reporting, over-commitment (especially by young people), excessive provision of credit, and amendments to the Credit Act.

Food issues covered this year included additives, packaging and labelling while the committee met with the writers of the report "Food Regulation in Australia". Supermarket pricing, codes and scanners were also covered, along with the costs of funerals.

The Committee examined the role of voluntary codes of practice in the toy, health and fitness, and advertising industries, and for the Direct Selling Association.

Public utility charges and procedures, particularly relating to Telecom, were also put under the spotlight, particularly billing procedure, timed local calls, and cross subsidies.

Banks and financial matters were also examined, particularly the withholding of social security payments and the basis of charges. The Committee is now addressing the issue of interest charges on State Bank school account holders and Commonwealth Bank charges.

The Committee looked at consumer complaints regarding professional services and how these were handled in the Small Claims Tribunal, while a number of issues concerning motor car traders, particularly cooling-off periods on contracts, warranties on used cars, and

advertising, were examined.

General MCA issues occupying the Committee's time included the operation of the Grant Scheme, identification of key groups in the community needing access to services, and the impact of the Social Justice program.

Other issues included the feasibility of a coordinating body in Victoria of consumer groups, funding of non-government agencies, timeshare resorts, sub-standard rural development, baby safety bassinets in motor vehicles, and the Health Department Review of the Registration Board.

The Committee has also met with a number of community groups and consumers, and sought to channel their complaints and concerns.

The Committee recently employed a part-time secretary-research officer responsible for all administrative activities associated with the Committee and conducting research.

RESIDENTIAL TENANCIES REVIEW

During 1988/89 the Residential Tenancies Review Steering Committee, supported by the Review Team, undertook during 1988/89 a comprehensive examination of functions and services performed under the provisions of the Residential Tenancies Act 1980.

The Review focussed on three main areas of residential tenancies service provision - the Ministry of Consumer Affairs, the Residential Tenancies Tribunal and the community sector.

The Minister for Consumer Affairs received an interim report in September, 1988 and acted on a number of the recommendations, e.g. the extension of services to the West and North regions of Melbourne, regionalisation of Tribunal Services and the appointment of a community liaison officer.

The final report was to be submitted in August, 1989.

Membership

The following people have been members of the Steering Committee:

John Harrowfield M.P.
(Chairperson) Member for Mitcham

Joseph Aron Ministry for Housing and Construction

Kate Coleman Shelter Victoria

Carole Hamilton Ministry of Consumer Affairs

Tim Jordan Tenants Union of Victoria (to July 1988)

Jan Oates Tenants Union of Victoria (August to December 1988)

Glenn Foard Tenants Union of Victoria (from January 1989)

Wayne Richards Ministry of Consumer Affairs

Darrell Simpson Real Estate Institute of Victoria

Lea Corbett Ministry of Consumer Affairs (observer)

Graham Stanley Real Estate Institute of (occasional substitute Victoria for D Simpson)

A Review Team was established within the Ministry of Consumer Affairs to assist the Committee.

CORPORATE SERVICES



C ORPORATE SERVICES

PUBLIC SERVICE BOARD MANAGEMENT REVIEW

In the first half of the year the Public Service Board conducted an issue based review of the Ministry and made significant structural, systems and process recommendations in a report to the Minister in November 1988.

The recommendations included the establishment of a Client Services Division, the re-structuring and upgrading of senior management positions, enhancement of public information and education activities, strengthened enforcement and a range of internal management changes.

Implementation of the recommendations began early in 1989 and is continuing.

COMMUNICATIONS

The Ministry's communications facilities were upgraded by the introduction of the Vistel telecommunication network.

In May and June the Ministry installed a new Datapoint ACD telecommunications system for the Customer Enquiry Service and worked with Vistel Ltd to introduce its communications network for the remainder of the Ministry.

These two new systems, together with the continuing implementation of the communications strategy mentioned above, are providing the Ministry with the latest communications technology to assist in providing better services to Victorian consumers.

This significantly increased switchboard capacity, as well as providing more flexible telecommunication facilities such as phone clustering, tele-conferencing and computer fax.

INTERNAL AUDIT

The Ministry has established an inter-agency internal audit unit to serve the Ministry of Consumer Affairs, the Ministry for Planning and Environment and the Local Government Department.

PERSPAY PERSONNEL MANAGEMENT SYSTEM

A PC based personnel management system was introduced as a prelude to the development and implementation of PERSPAY, the Government's centrally developed personnel management system which is expected to be acquired in the 1989/90 year.

TRADE MEASUREMENT BRANCH ORGANISATION REVIEW

A detailed organisation review of the Trade Measurement Branch (formerly the Weights and Measures Branch) was conducted during the year. The review provided improved career paths for staff, enhanced the effective and efficient use of human resources and provided improved service to the public. Implementation of the review is almost complete.

NEW UMBRELLA FOR LIQUOR LICENSING COMMISSION AND SHOP TRADING HOURS

Responsibility for the Liquor Licensing Commission and for the Shop Trading Hours Act were transferred from the Department of Industry, Technology and Resources to the Ministry of Consumer Affairs in February, 1989.

These changes reflected a view that the essential purpose of these responsibilities was to assist the provision of consumer facilities in the community interest.

INFORMATION STRATEGY PLAN

Late in the reporting period the Ministry began a review of its five year Information Strategy Plan. The project will be completed in the later part of 1989.

VISTEL TELECOMMUNICATIONS NETWORK AND CUSTOMER INFORMATION SERVICE COMMUNICATIONS

In May and June the Ministry installed a new Datapoint ACD telecommunications system for the Customer Enquiry Service and worked with Vistel Ltd to introduce its communications network for the remainder of the Ministry. These two new systems, together with the continuing implementation of the communications strategy mentioned above, are providing the Ministry with the latest communications technology to assist in providing better services to Victorian consumers.

ACCOMMODATION

500 Bourke Street

Works have been completed to provide additional Residential Tenancies and Small Claims Tribunals hearing rooms and waiting area. Works on floors 3, 5 and 8 have provided additional offices, interview facilities, and hearing facilities for the various Licensing Authorities.

Regional Offices

Two new regional offices were established in October 1988, at Dandenong and Ringwood. These offices were established as part of the Ministry's contribution to the Governments' Social Justice Strategy and will, when fitted out, offer a full range of consumer and adjudication services. Negotiations are currently underway to upgrade the Ministry's regional office in Footscray.

Trade Measurement Office

Work commenced in early 1989 on the upgrading of the Old Observatory Building, South Yarra. An on-going program of works to bring the buildings up to an acceptable standard, consistent with their historic building status, for office accommodation will be completed in the 1989/90 financial year.

LIBRARY AND REFERENCE SERVICES

The Library was totally reorganised in early 1989 in order to make it more functional and efficient. Library transactions have approximately doubled since December 1988, reflecting its improved level of services and its attractiveness as the first point of call for information and reference services to Ministry staff.

INFORMATION SYSTEMS

Action was taken during the year to improve the efficiency and performance of the Ministry's VAX 11/780 through implementation of a major archival program for Tribunal records. It is expected that significant gains will be made on completion of this project in July 1989.

Arrangements have also been made to link the Ministry with the Sheriff's Office computer system. This will improve the quality of the advice provided by Ministry staff to consumers enquiring about enforcement of Small Claims Tribunals orders.

Major applications developed in the 1988/89 year were Travel Agents Licensing, Education Mailing List and Trade Measurement Correspondence and Filing Systems.

RECORDS MANAGEMENT

The Ministry maintained its emphasis on development of appropriate records management systems with the appointment of a Records Manager in May 1989. In addition, significant enhancements were made to the Ministry Correspondence and Filing Systems. Review and enhancement or redevelopment of existing systems remained a priority during the year and will continue to be a priority into 1989/90.

A PPENDICES

APPENDIX 1A FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30 JUNE 1989

RECEIPTS	NOTES CONSOLIDATED FUND		TRUST FUND		TOTAL	
	1988/89	1987/88	1988/89	1987/88	1988/89	1987/88
Corporate Services	\$ 47,996	\$ 63,940	State Accounts \$ 9,599,932	Commonwealth Accounts \$ -	Total \$ 9,599,932	Total \$ 7,496,983
Program						
Community and Consumer Services	40,287,583	1,595,840	971,882	-	971,882	856,526
Program						
NET PROGRAM RECEIPTS	40,335,579	1,659,780	10,571,814	-	10,571,814	8,353,509
Add Administration Costs recouped from Motor Car Traders Guarantee Fund		9,595				
Total Consolidated Fund Receipts	40,335,579	1,669,375				
TOTAL ALL RECEIPTS					50,907,393	10,013,289

SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED
30 JUNE 1989

PAYMENTS	NOTES APPROPRIATIONS - CONSOLIDATED FUND			TRUST FUND			TOTAL
	1987/88	1988/89	1987/88	1988/89 State Accounts	Common-wealth Accounts	1987/88 Total	
	\$	\$	\$	\$	\$	\$	\$
Corporate Services Program	-	2,942,169	2,370,948	629,242	-	629,242	3,571,411
Community and Consumer Services Program	-	8,093,288	5,494,965	5,588,821	-	5,588,821	13,682,109
NET PROGRAM PAYMENTS	-	11,035,457	7,865,913	6,218,063	-	6,218,063	17,253,520
Add Administration Costs recouped from Motor Car Traders Guarantee Fund	-	-	9,595	-	-	-	-
Total Consolidated Fund Payments	-	-	-	-	-	-	-
PUBLIC ACCOUNT ADVANCES	-	11,035,457	7,875,508	-	-	-	17,253,520
TOTAL ALL PAYMENTS							12,354,155

APPENDIX 1B FINANCIAL STATEMENTS

MINIISTRY OF CONSUMER AFFAIRS

PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1989

Ref.	Notes	1988/89 \$	1987/88 \$
CORPORATE SERVICES PROGRAM CONSOLIDATED FUND			
Fees and Charges			
	Freedom of Information	439	989
Miscellaneous Receipts			
	Interest on Bank Accounts	24,330	25,262
	Appropriations of Former Years	405	27,566
	Commission on Group Assurance Premiums	596	742
	Commission on Hospital and Medica lDeductions	535	413
1	Costs awarded in court proceedings	20,236	8,693
	Small amounts paid in by Departments	10	275
	Recoup-Super annuation contributions	1,445	-
TOTAL CONSOLIDATED FUND		47,996	63,940
TRUST FUND			
STATE TRUST ACCOUNTS			
2	Residential Tenancies Fund	9,346,314	7,345,452
3	Motor Car Traders Guarantee Fund	253,618	151,531
TOTAL TRUST FUND		9,599,932	7,496,983
TOTAL GROSS PROGRAM RECEIPTS		9,647,928	7,560,923

MINIISTRY OF CONSUMER AFFAIRS
 PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED
 30 JUNE 1989

Ref.	Notes	1988/89	1987/88
COMMUNITY & CONSUMER SERVICES PROGRAM CONSOLIDATED FUND			
Taxation			
		555,921	553,591
4		255,943	207,735
5		562,145	374,960
6	(h)	38,542,862	-
Fees and Charges			
Weights and Measures			
7		367,426	441,798
		1,147	879
		-	4,356
	(i)	2,139	2,596
		-	9,925
NET		40,287,583	1,595,840
Add Administration Costs recouped from Motor Car Traders Guarantee Fund			
		-	9,595
TOTAL CONSOLIDATED FUND TRUST FUND		40,287,583	1,605,435
STATE TRUST ACCOUNTS			
		161,680	130,652
		810,202	725,874
TOTAL TRUST FUND		971,882	856,526
TOTAL GROSS PROGRAM RECEIPTS		41,259,465	2,461,961

APPENDIX 1C FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1989

Ref.	Notes	Budget 1988/89 \$	Actual 1988/89 \$	Actual 1987/88 \$
CORPORATE SERVICES PROGRAM CONSOLIDATED FUND				
RECURRENT EXPENDITURE				
8	Salaries and Associated Costs (j)	1,845,000	2,022,897	1,874,770
9	Operating Expenses (k)	330,000	390,139	315,999
10	Ex-Gratia Payments to Liquor Licensing Commission Judges Campton and Kimm transferred to the County Court	-	45,650	-
Total Recurrent Expenditure		<u>2,175,000</u>	<u>2,458,686</u>	<u>2,190,769</u>
WORKS AND SERVICES EXPENDITURE				
Administrative Unit Payments				
	EDP Facilities and Services Project	150,000	138,745	119,937
	Vistel	20,000	842	-
	ACD Phone System	-	41,430	-
	Ministry of Housing & Construction (l)	104,902	79,286	60,242
11	Department of Property & Services	353,498	223,180	-
Total Works & Services Expenditure		<u>628,400</u>	<u>483,483</u>	<u>180,179</u>
TOTAL GROSS CONSOLIDATED FUND		<u>2,803,400</u>	<u>2,942,169</u>	<u>2,370,948</u>

MINISTRY OF CONSUMER AFFAIRS
 PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED
 30 JUNE 1989

Ref	Notes	Actual 1988/89 \$	Actual 1987/88 \$
TRUST FUND			
STATE TRUST ACCOUNTS			
	Motor Car Traders Guarantee Fund	5,827	6,962
	Residential Tenancies Fund	623,415	322,904
	TOTAL TRUST FUND	<u>629,242</u>	<u>329,866</u>
	TOTAL GROSS PROGRAM PAYMENT	<u><u>3,571,411</u></u>	<u><u>2,700,814</u></u>

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED
30 JUNE 1989

Ref	Notes	Budget 1988/89 \$	Actual 1988/89 \$	Actual 1987/88 \$
COMMUNITY & CONSUMER SERVICES PROGRAM CONSOLIDATED FUND				
RECURRENT EXPENDITURE				
12	Salaries & Associated Costs (m)	3,764,000	3,822,814	3,312,100
13	Operating Expenses (n)	872,000	998,453	505,466
	Other Recurrent Services			
	Victorian Consumer Affairs Grant Scheme	290,000	285,307	255,000
	Victorian Consumer Affairs Committee	12,000	7,147	6,960
	Community Credit - Anti Poverty Strategy - Grants	1,181,000	1,230,755	1,118,762
	Travel Agents Licensing	282,000	224,435	255,814
	Counselling Services for Aboriginals	40,000	40,000	-
14	Liquor Licensing Commission Expenses	-	1,187,856	-
	Total Recurrent Expenditure	6,441,000	7,796,767	5,454,102
WORKS & SERVICES EXPENDITURE				
	Ministry of Housing & Construction Building & Civil Engineering - including maintenance (o)	100,200	38,585	25,869
15	Administrative Unit Payments Regional Offices - Outer Eastern & Westerport	60,000	-	-
	Micro Computer Strategy	200	-	14,994
	Weights and Measures Testing Unit	52,000	52,000	-
16	Liquor Licensing Commission - Computer Information Systems	-	205,936	-
	Total Works & Services Expenditure	212,400	296,521	40,863
	Add Administration Costs recouped from Motor Car Traders Guarantee Fund	-	-	9,595
TOTAL GROSS CONSOLIDATED FUND		6,653,400	8,093,288	5,504,560

MINISTRY OF CONSUMER AFFAIRS
 PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30
 JUNE 1989

Ref	Notes	Actual 1988/89 \$	Actual 1987/88 \$
TRUST FUND			
STATE TRUST ACCOUNTS			
	Motor Car Traders Guarantee Fund	820,517	917,394
	Residential Tenancies Fund	4,768,304	3,235,097
	Youth Guarantee Program Trust Account		5,885
TOTAL TRUST FUND		<u>5,588,821</u>	<u>4,158,376</u>
TOTAL GROSS PROGRAM PAYMENTS		<u>13,682,109</u>	<u>9,662,936</u>

APPENDIX 1D FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS ADDITIONAL TRUST FUND INFORMATION

STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS OF EXCESS OF \$200,000 FOR THE YEAR ENDED 30 JUNE 1989

(a) General Trust Accounts

	Notes	Cash \$	Investments \$	Total \$
Motor Car Traders Guarantee Fund		33,811	1,645,000	1,678,811
Residential Tenancies Fund		1,221,041	19,712,425	20,933,466

(b) Suspense and Accounting

Type Trust Accounts

Departmental Suspense Account	135,000	-	135,000
Housebuilders Liability	9,000	-	9,000

MINISTRY OF CONSUMER AFFAIRS
 ADDITIONAL TRUST FUND INFORMATION

STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS OF EXCESS OF
 \$200,000 FOR THE YEAR ENDED
 30 JUNE 1989

RESIDENTIAL TENANCIES FUND

Ref.	Notes	1988/89	1987/88
Receipts			
		6,521,657	5,516,378
Interest on Bond Monies			
Fees		161,680	164,851
Vote Transfer		89,960	51,689
Interest on Investments		2,734,697	1,743,186
Total Receipts		<u>9,507,994</u>	<u>7,476,104</u>
Payments			
Salaries and Allowances		2,762,180	1,872,840
General Expenses	(p)	2,629,540	1,685,161
Total Payments		<u>5,391,720</u>	<u>3,558,001</u>
Cash Surplus for the year		4,116,274	3,918,103
Balance brought forward		16,817,192	12,899,089
Balance carried forward		<u>20,933,466</u>	<u>16,817,192</u>

MINISTRY OF CONSUMER AFFAIRS
 ADDITIONAL TRUST FUND INFORMATION

STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS OF EXCESS OF
 \$200,000 FOR THE YEAR ENDED
 30 JUNE 1989

MOTOR CAR TRADERS GUARANTEE FUND

Ref	Notes	1988/89 \$	1987/88 \$
Receipts			
		805,368	721,184
		4,834	4,690
		253,618	151,531
		<u>1,063,820</u>	<u>877,405</u>
Payments			
		500,752	451,917
	(a)	325,592	472,439
		<u>826,344</u>	<u>924,356</u>
		237,476	(46,951)
		1,441,335	1,488,286
		<u>1,678,811</u>	<u>1,441,335</u>

MINISTRY OF CONSUMER AFFAIRS
 SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES
 FOR THE YEAR ENDED 30TH JUNE 1989

SUPPLEMENTARY INFORMATION

Payments from Appropriations of other Departments

As at 30 June 1989, the Ministry had made no payments from appropriations of other Departments.

Resources Received and Provided free of charge

As at 30 June 1989, the Ministry had provided no significant staff resources to other organisations.

As at 30 June 1989, the Ministry had received no significant staff resources from other organisations.

STATEMENT OF BALANCES

Cash and Investment Balances

As at 30 June 1989, the Ministry had the following cash and investment balances held in accounts outside the Public Account which are administered, held or transacted by the Ministry.

	Notes	Cash	Investments	Total	Interest Earned for the year
		\$	\$	\$	\$
Dishonoured Cheque Accounts		(81,281)		(81,281)	-
Trust Accounts	(r)	94,210	-	94,210	4,366
Suspense Accounts		94,192	-	94,192	1,426
Advance Accounts	(s)	858,707	-	858,707	8,896
Revenue Accounts	(t)	2,098,560	-	2,098,560	11,965

Debtors

a) As at 30 June 1989 the following amounts were outstanding

- Debtors of the Ministry

Accounts Receivable - Weights & Measures	42,140
Miscellaneous	1,395
Salary Recovery	80
Liquor Licensing Commission	2,713,543

TOTAL

2,757,158

**MINISTRY OF CONSUMER AFFAIRS
SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES
FOR THE YEAR ENDED 30TH JUNE 1989**

Debtors (continued)	Notes
Amounts collected but not paid to the Public Account	
Liquor Licensing Commission	2,098,560
TOTAL	<u>4,855,718</u>

b) The number of bad debts written off during the financial year to 30 June 1989	17	
c) The aggregate amount of bad debts written off during the financial year to 30 June 1989	365	
d) The allowance for doubtful debts as at 30 June 1989	\$ 138,000	(u)

General Stores on Hand

As at 30 June 1989, the Ministry had the following stores on hand.

Ministry of Consumer Affairs	9859
Liquor Licensing Commission	<u>93666</u> 103,525

Creditors

As at 30 June 1989, the Ministry had the following amounts outstanding:

	\$	\$	
General Expenses		280,561	(v)
Employee Entitlements			
As at 30 June 1989, the Ministry had outstanding employee benefits including			
Annual Leave	440,909		(w)
Long Service Leave	<u>1,167,996</u>	1,608,905	(x)

Capital Commitments

As at 30 June 1989, the Ministry had \$48,563 in Capital Commitments.

Leasing Commitments

As at 30 June 1989, the Ministry had no Leasing Commitments.

Balance Outstanding on Loans

As at 30 June 1989, the outstanding loan balances on loans made by the Ministry.

Loans under Residential Tenancies Act	\$ 389,725
---------------------------------------	------------

Prepaid Licencing Fees

As at 30th June 1989, the liquor Licensing Commission had recieved prepared licence fees to the value of

37,270,862

APPENDIX 1E FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1989

- (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 Management and Budget for superannuation and by the Department of Property and Services for rent, cleaning and telephone services.
- (d) Appropriations to the administrative unit which have been expended on its behalf by the Ministry of Housing and Construction have been included in the financial statements to provide a comprehensive statement of the resources allocated to the Administrative Unit.
- (e) A reference in the financial statements to a 'Budget' figure means:
 - (i) 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 "Receipts and Program Expenditures" published in respect of that financial year.
- (f) A reference in the financial statements to an 'Actual' figure means the payments actually made by the administrative unit in respect of the item to which it refers.

MINISTRY OF CONSUMER AFFAIRS
 NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE
 YEAR ENDED 30 JUNE 1989

(g) The receipts and payments set out in the financial statements include receipts and payments which come within the overall responsibility of the administrative unit whether or not they have been collected or paid by the administrative unit.

(h) This item refers to receipts made by the Liquor Licensing Commission. Machinery of Government changes shifted responsibility for the Commission to the Ministry from the Department of Industry, Resources and Technology.

The Liquor Licensing Commission produces its own accrual financial statements required under the Annual Reporting Act 1983, as a contributed income sector body.

(i) Application fees are paid in cash and by duty stamps. Fees shown represent only cash received by the Ministry.

j) Actual 1988/89 Expenditure of	Actual	Actual
\$2,022,897 consisted of:	1988/89	1987/88
	\$	\$
Salaries and allowances	1,596,975	1,588,968
Overtime and penalty rates	17,471	3,755
Payments in lieu of long service leave	152,155	59,714
Payroll tax	92,120	94,807
State Employees Retirement Benefit Fund- Contribution	127	1,314
Employers Superannuation Contribution	6,081	12,910
Workcare Levy	157,968	113,302
	<u>2,022,897</u>	<u>1,874,770</u>
TOTAL		

MINISTRY OF CONSUMER AFFAIRS
 NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE
 YEAR ENDED 30 JUNE 1989

(k) Actual 1988/89 Expenditure of \$390,139 consisted of:	Actual 1988/89 \$	Actual 1987/88 \$
Travelling and subsistence	14,795	10,842
Office requisites and equipment, printing and stationery	69,700	79,883
Books and publications	18,011	16,021
Postal and telephone expenses	44,381	48,407
Motor vehicles - purchase and running costs	23,063	18,525
Fuel, light, power and water	10,900	12,018
Incidentals	64,604	25,076
Electronic Data Processing	140,685	98,628
Consultants and Special Projects	4,000	600
Standing Committee of Consumer Affairs Ministers	-	5,999
TOTAL	390,139	315,999

(l) Expenditure of \$79,286 consisted of the following:	\$
Design, Supervision and Administration	34,770
Minor Works	30,157
DPS Accommodation and Refurbishment	1,502
Furniture Replacement	12,857
	<u>79,286</u>

(m) Actual 1988/89 Expenditure of \$3,822,814 consisted of:	Actual 1988/89 \$	Actual 1987/88 \$
Salaries and allowances	3,599,600	3,123,474
Overtime and penalty rates	15,564	1,818
Payroll tax	207,650	186,808
TOTAL	3,822,814	3,312,100

MINISTRY OF CONSUMER AFFAIRS
 NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE
 YEAR ENDED 30 JUNE 1989

n) Actual 1988/89 Expenditure of \$998,453 consisted of:	Actual 1988/89	Actual 1987/88
	\$	\$
Travelling and subsistence	103,179	99,967
Office requisites and equipment, printing and stationery	241,285	63,633
Books and publications	14,620	3,542
Postal and telephone expenses	45,708	27,457
Motor Vehicles - Purchase and running costs	128,090	114,875
Fuel, light, power and water	16,109	7,863
Incidental expenses	353,762	178,544
Electronic Data Processing	61,636	-
Stores, equipment and materials	34,064	9,585
TOTAL	998,453	505,466
		\$
o) Actual 1988/89 Expenditure of \$38,585 consisted of:		
Design, Supervision and Administration		4,134
Weights and Measures Minor Works		19,179
Weights and Measures Repairs		13,611
Travel Agents - Furniture		1,661
		<u>38,585</u>
		\$
p) Actual 1988/89 Expenditure of \$ 2,629,540 consisted of :		
Residential Tenancies Grant Scheme		1,519,810
Payments to Tenants and Landlords		67,027
Other General Expenses		1,042,703
		<u>2,629,540</u>
		\$
q) Actual Expenditure of \$325,592 consists of		
Claims against Guarantee Fund		219,371
Other General Expenses		106,221
		<u>325,592</u>

MINISTRY OF CONSUMER AFFAIRS
 NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE
 YEAR ENDED 30 JUNE 1989

(r) Trust Accounts	\$
Small Claims Tribunal Trust Account	61,924
Liquor Licensing Commission Trust Account	32,286
	<hr/>
	94,210

(s) Advance Accounts	
Ministry of Consumer Affairs Advance Account	868,056
Liquor Licensing Commission Advance Account	(9,349)
	<hr/>
	858,707

(t) Revenue Accounts	
Ministry of Consumer Affairs Collection Account	-
Liquor Licensing Commission Revenue Account	2,098,560
	<hr/>
	2,098,560

(u) The provision for doubtful debts has been calculated at 5% of debtors outstanding as at 30/6/89.

(v) Creditors	
Ministry of Consumer Affairs	119,656
Liquor Licensing Commission	160,905
	<hr/>
	280,561

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

(x) The provision for Long Service Leave was calculated as for each employee with over 5 years service and based on their classification as at 30 June 1989.

APPENDIX 1F FINANCIAL STATEMENTS

EXPLANATORY STATEMENTS

1. The higher revenue reflected the increased involvement of Ministry staff in legal proceedings.
2. Increased receipts for this Trust Fund were due mainly to high interest rates which generated \$791,511 of interest income higher than the previous financial year.
3. Increased receipts reflected the climate of high interest rates, which resulted in an increase of \$62,618 in interest receipts over the previous financial year.
4. Finance Brokers licenses were higher due to increased applications and the 6% annual fee increase.
5. Travel Agents licences were higher due to an increase in the number of applications processed and the annual CPI fee increase of 6%.
6. The Liquor Licensing Commission transferred to the Ministry in March 1989 from the Department of Industry, Resources and Technology. Receipts shown, reflect activity after the transfer date.
7. Inspection fees by the Weights and Measures branch are down on last year due mainly to the decrease in the number of inspections completed by the branch.
8. The increase reflects the National Wage Case increases awarded during the year, and the effect on associated salary costs, as well as the employment of staff to work on special EDP projects.
9. Operating expenses increased due to extra consultants engaged in the policy area, and unforeseen legal expenses which were subsequently approved by the Treasurer.
10. Ex-gratia payments were awarded to ex Liquor Licensing Com-

mission Judges Campten and Kim upon their transfer to the County Court following the establishment of the Liquor Licensing Commission.

11. Expenditure on major refurbishment projects did not proceed at the planned rate.
12. The increase reflects the effects of the National Wage Case and the subsequent increase in associated salary costs.
13. Special approvals were granted by the Treasurer, to meet additional expenditure relating to legal and associated costs.
14. The Liquor Licensing Commission transferred from the Department of Industry, Technology and Resources during this financial year. A budget of \$824,885 was transferred and increased costs incurred during the year were approved by the Treasurer.
15. The establishment of the Westernport and Outer Eastern Regional Offices began late in the financial year, therefore expenditure against this item will occur in the 1989/90 financial year.
16. An allocation of \$522,000 was provided by the Department of Industry, Technology and Resources for the Liquor Licensing Computer Information System under works and services, however the development of the system was not at the rate expected.

APPENDIX 1G FINANCIAL STATEMENTS

CERTIFICATION

Statement by the Principal Accounting Officer

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

In my opinion the information set out in the financial statements presents fairly the receipts of and payments made by, on behalf of or falling within the policy responsibility of the Ministry for the year ended 30 June 1989, and of the Supplementary Information and Statement of Balances at the end of the financial year.

Harry Matheas
Finance Manager
Ministry of Consumer Affairs

H. Matheas

Date 27/10/89

Statement by the Chief Administrator

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

In my opinion the information set out in the financial statements presents fairly the receipts of and payments made by, on behalf of or falling within the policy responsibility of the Ministry for the year ended 30 June 1989, and of the Supplementary Information and Statement of Balances at the end of the financial year.

Patricia Faulkner
Director
Ministry of Consumer Affairs

Patricia Faulkner

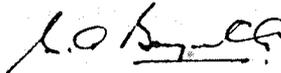
Date 27/10/89

AUDITOR-GENERAL'S REPORT

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

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

In my opinion, the financial statements comply, in all material respects, with the *Annual Reporting Act 1983* and present fairly the financial transactions of the Ministry of Consumer Affairs for the ended 30 June 1989 in accordance with that Act.



C.A. BARAGWANATH
Auditor-General

MELBOURNE
31 Oct 1989

APPENDIX 2

SMALL CLAIMS TRIBUNAL

ANALYSIS OF CLAIMS DETERMINED - PRODUCT/SERVICE CLASSIFICATION - 1988/89

	No.
1. FOOD AND BEVERAGES	
Food Products	4
Beverages	2
SUB TOTAL	<u>6</u>
2. CLOTHING, FOOTWEAR AND DRAPERY	
Clothing	69
Footwear	20
Drapery	29
SUB TOTAL	<u>118</u>
3. CONSUMER DURABLES AND FURNISHINGS	
Washing Machines	37
Dishwashers	5
Clothes Driers	4
Stoves and Ovens	11
Refrigerators and Freezers	41
Air Conditioners	12
Heaters and Hot Water Systems	21
Small Household Appliances	9
Vacuum Cleaners	3
Sewing Machines	6
Kitchenware - Tableware	5
Ornaments - Decorations	5
TV, Radio, Stereo	23
Video Recorders and Cameras	16
Home Computers	14
Furniture	112
Soft Floor Coverings	63

Hard Floor Coverings	22
Curtains and Blinds	39
Lamps Light Fittings	3
Flyscreens Security Doors	12
Nursery Products	4
Other	6
SUB TOTAL	<u>473</u>

4.A MOTOR VEHICLES AND OTHER TRANSPORT EQUIPMENT

Motor Vehicle New & Used	290
Parts and Accessories	103
Motor Bikes	22
Cycles	3
Boats, Outboard Engines	19
Caravans, Campervans	18
Trailers	3
Tractors, Farm Machinery	1
SUB TOTAL	<u>459</u>

4.B REPAIR AND SERVICING OF MOTOR VEHICLES

Mechanical	366
Electrical	30
Rust Proofing	2
Panel Beating	46
Exchange Engines	15
Detailing, Painting	26
Towing & Storage	4
SUB TOTAL	<u>489</u>

5. BUILDING AND CONSTRUCTION

New Homes	46
Extensions and Renovations:	

Concreting, Blockwork, Brickwork, etc	90
Fences and Walls	63
Carpentry	18
Painting and Decorating	48
Plumbing	25
Electrical Work	5
Roofing and Insulation	38
Cladding	15
Tiling	25
Kitchens, Bathrooms, Garages	125
Building Products	87
Garage Doors	18
Swimming Pools	33
Gardening	37
Other	20

SUB TOTAL	<u>693</u>
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6. MISCELLANEOUS PRODUCTS

Communications - (Newspapers, Books Periodicals, etc)	3
Records & Tapes	5
Office Equipment	5
Sporting Goods	29
Camping Equipment	6
Jewellery, Watches and Clocks	27
Toys and Musical Instruments	7
Photographic Equipment	14
Spectacles and Dentures	3
Animals, Pets and Livestock	20
Cleaning Equipment	4

SUB TOTAL	<u>123</u>
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7. TRANSPORT AND ENERGY SERVICES

Transport	15
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	Hire Transport	8
	Fuel Supplies	4
	Freight Services	31
	Travel	54
	Other	2
	SUB TOTAL	<u>114</u>
8.	Insurance	58
	Finance	24
	SUB TOTAL	<u>82</u>
9.	REAL ESTATE AND ACCOMMODATION	
	Property Management	2
	Lease and Rental	3
	Purchase, Sale	12
	Short Term Accommodation	7
	SUB TOTAL	<u>24</u>
10.	MISCELLANEOUS SERVICES	
	Professional Services	82
	Semi-Professional Services	98
	Laundry and Dry Cleaning	87
	Other Household Services	69
	Educational	24
	Entertainment, Recreation	45
	Other	19
	SUB TOTAL	<u>424</u>
	GRAND TOTAL	<u><u>3005</u></u>

APPENDIX 3

CONSUMER AFFAIRS GRANT SCHEMES (CAGS)

GRANTS - APPROVED PROJECTS 1989

Number and Address	Purpose of Grant	Amount
CAGS 89/01 COBURG C.A.B. INC 80 Bell Street, COBURG 3058. Phone: 350-3737.	To continue its consumer advisory program through training volunteers, media releases, links with local services and the production and distribution of consumer rights material. Consumer Affairs Grant Scheme \$840. Residential Tenancies Grant Scheme \$360.	\$ 1,200
CAGS 89/02 WIMMERA INFORMATION NETWORK INC. P.O. Box 761, HORSHAM 3400 Phone: (053) 82-5301.	To continue its consumer education program and to network with other community groups in the region.	7,070
CAGS 89/03 WANGARATTA CITIZENS ADVICE BUREAU INC. 36 Ford Street, WANGARATTA 3677 Phone: (057) 21-236	To provide an information and referral service to consumers in the region and conduct seminars on consumer and tenancy related issues.	500
CAGS 89/5 DEER PARK COMMUNITY INFORMATION CENTRE Shop 95A Neale Rd, DEER PARK 3023 Phone: (03) 363 1442	To provide an information and referral service, conduct education and awareness seminars, develop resource material and maintain networks with relevant organisations in the sub region.	8,000

CAGS 89/06
 CONSUMER AND TEN-
 ANCY ADVICE SERVICE
 51 Hovell Street,
 WODONGA 3630
 Phone: (060) 24-7829.

To provide information, advice,
 and negotiation and advocacy
 services to consumers in the
 Upper Murray region and under-
 take consumer education through
 the media, seminars and newsletters.

18,599

CAGS 89/07
 MOORABBIN CITIZENS
 AID & ADVICE BUREAU
 INC.
 12 Katoomba Street
 MOORABBIN 3189
 Phone: 555-6560.

To provide a consumer informa-
 tion, advice and referral
 service to the local community.

1,000

CAGS 89/8
 SPRINGVALE COMMUN-
 ITY AID AND ADVICE
 BUREAU,
 5 Osborne Avenue,
 SPRINGVALE 3171
 Sally Cooke,
 Phone: 546-5255

To provide a consumer and
 tenancy information and
 advisory service, conduct
 consumer education workshops
 and undertake community
 development and promotion of
 the service to the low income
 and migrant communities.

16,944

Consumer Affairs Grant
 Scheme.. .. \$11861
 Residential Tenancies
 Grant Scheme .. \$ 5083

CAGS 89/09
 LATROBE VALLEY CAB.
 INCCnr. Commercial &
 Hazlewood Roads,
 MORWELL 3840
 Phone: (051) 34-1118
 33-7806.

To provide increased consumer
 awareness in the region through
 production of newsletters for
 distribution through community
 groups and provide an informa-
 tion, advice and complaint
 resolution service.

4,395

<p>CAGS 89/10 WIMMERA C.A.B. INC. 240 Roberts Avenue, HORSHAM 3400 Phone: (053) 82-0541.</p>	<p>To provide consumer information, advice and mediation service and undertake community education in conjunction with Wimmera Information Network.</p>	<p>3,275</p>
<p>CAGS 89/11 FINANCIAL COUNSELLORS ASSOCIATION OF VICTORIA 4th Floor, 247 Flinders Lane, MELBOURNE 3000 Phone: 650-5422</p>	<p>To inform the community and other organisations on consumer issues; produce information kits and education packages; liaise with government/industry /community organisations on consumer issues and promote consumer awareness through the media.</p>	<p>20,000</p>
<p>CAGS 89/12 CONSUMER CREDIT LEGAL SERVICE, 4/636 Bourke Street, MELBOURNE 3000</p>	<p>To promote consumer rights, pursue reform in relevant law (and industry practices) and seek funding to encourage participation by other legal practitioners in this area.</p>	<p>64,459</p>
<p>CAGS 89/13 GLENELG FAMILY CARE 113 Koroit Street WARRNAMBOOL 3280 (055) 62-6628 62-6159</p>	<p>To provide a consumer information, advice and mediation service in the region and work in co-operation with the regional officer of the Ministry of Consumer Affairs.</p>	<p>9,144</p>
<p>CAGS 89/15 SHERBROOKE CITIZENS AID AND ADVICE BUREAU INC., 554 Main Road, BELGRAVE 3160 Phone: 754-2222.</p>	<p>To provide a consumer information and advisory service; increase public awareness and undertake outreach programs to schools and teenage groups.</p>	<p>2,000</p>

- | | | |
|--|--|---------------|
| <p>CAGS 89/16
DANDENONG COMMUNITYADVICE BUREAU INC. Town Hall,
Lonsdale Street,
DANDENONG 3175
Phone: 791-8344.</p> | <p>To undertake a local consumer information and education program in conjunction with the Dandenong Office of the Ministry.</p> | <p>2,076</p> |
| <p>CAGS 89/17
BAIRNSDALE & DISTRICT COMMUNITY HEALTH & RESOURCE CENTRE,
115 Main Street,
BAIRNSDALE 3875
Phone: (051) 52-6735.</p> | <p>To provide a consumer information and advice program with monthly service to outlying areas of the East Gippsland Region and community education through the media, newsletters and seminars.</p> | <p>14,326</p> |
| <p>CAGS 89/18
C.A.B. (BALLARAT) INC.,
32 Lydiard Street,
BALLARAT 3350
Phone: (053) 32-7909.</p> | <p>To provide a consumer information and referral service with promotion through local media, schools and community groups.</p> | <p>530</p> |
| <p>CAGS 89/23
C.A.B. SUNRAYSIA,
P.O. Box 1091,
MILDURA 3500.
(050) 23-3131.</p> | <p>To continue and expand the consumer information and advice service and to promote the service through the local media.</p> | <p>15,768</p> |
| <p>CAGS 89/24
BENDIGO URBAN EMERGENCY ACCOMMODATION RESOURCE CENTRE,
P.O. Box 212,
BENDIGO 3550.
Phone: (054) 42-3205</p> | <p>To provide a consumer advice, information and advocacy service with visits to outlying centres in the Loddon-Campaspe Region.</p> | <p>17,978</p> |

<p>CAGS 89/26 CONSUMER RESOURCE & ADVOCACY CENTRE OUTER EAST INC. 214 Mt. Dandenong Rd., CROYDON 3136. Phone: 723-4469.</p>	<p>To provide an information and referral service to be promoted through local networks, media and schools.</p>	<p>14,310</p>
<p>CAGS 89/28 Co-ordinator, GOULBURN VALLEY COMMUNITY CARE CENTRE, 162 Maude Street, SHEPPARTON 3630. Phone: (058) 21-1699</p>	<p>To provide a community based consumer information, advisory and advocacy service.</p>	<p>9,830</p>
<p>CAGS 89/30 FINANCIAL COUNSEL- LING & CONSUMER INFORMATION SERVICE, 40 Myers Street, GEELONG 3220 Phone: (052) 21-7644.</p>	<p>To provide an information and conciliation service for consumers in the Barwon Region and represent consumer interests in decisions impacting upon the market place.</p>	<p>28,742</p>
<p>CAGS 89/41 VICTORIAN ASSOCIAT- ION OF CITIZENS ADVICE BUREAUS, 10th Floor, 176 Wellington Parade, EAST MELBOURNE 3002. Phone: 419-9866.</p>	<p>To enable your organisation to resource and train individual Bureau staff and develop a codified Consumer Affairs data base. Consumer Affairs Grant Scheme.. .. \$21,813 Residential Tenancies Grant Scheme .. 10,249</p>	<p>32,062</p>
<p>CAGS 89/43 BALLARAT CHILDREN'S HOMES & FAMILY SERVICES,</p>	<p>To undertake a consumer awareness and education program in the Central Highlands region and provide advocacy and</p>	<p>12,249</p>

115 Lydiard Street,
 BALLARAT 3350
 Phone: (053) 32-1434).

mediation services.

CAGS 89/47
 HASTINGS C.A.B.
 30 King Street,
 HASTINGS 3915
 Phone: (059) 79-2762.

To undertake consumer education with particular emphasis on youth; distribute publications; assist low income people to understand saving, banking and consumer rights and undertake community development in conjunction with the Ministry's Dandenong Office. 509

Consumer Affairs Grant Scheme	289,274
Residential Tenancies Grant Scheme	15,692
TOTAL	<u>304,966</u>

RTGS - RESIDENTIAL TENANCIES GRANT SCHEME

GRANTS - APPROVED PROJECTS 1989

Organisation	Purpose of Grant	Amount \$
TENANTS UNION OF VICTORIA, 80 Johnston Street, FITZROY 3065. Phone: (03) 419-5577	To provide a Statewide tenants information and advice service including assistance to protected tenants and caravan park residents and to undertake research and develop policy related to key tenancy and rental market issues.	312,908

- BROADMEADOWS TENANTS INFORMATION SERVICE,**
7 Gordon Court,
GLENROY 3046
Phone: (03) 300-3148
- To provide an expanded information and advice service to tenants and caravan park residents in Broadmeadows and to promote awareness of tenancy rights through community education. 50,336
- BAYSIDE TENANTS INFORMATION SERVICE,**
P.O. Box 731,
FRANKSTON 3199.
Phone: (03) 783-4233
- To provide an expanded tenancy information and advice service to Frankston and the Bayside area, including assistance to caravan park residents and to extend the community education program to schools in the sub-region. 106,602
- SOUTHERN REGIONAL HOUSING COUNCIL, (TENANCY ADVISORY) SERVICE.** 372 South Road,
MOORABBIN 3189.
Phone: (03) 553-4396
- To provide an expanded regional tenancy information and advice service, to resource other community groups and housing services in the region and to undertake community education on tenancy issues. 47,796
- INNER EASTERN HOUSING SERVICE,**
12 Rutland Road,
BOX HILL 3128.
Phone: (03) 890-5411
- To provide an expanded regional tenancy information and advice service and undertake community education on tenancy issues. Regional Tenancy Worker. 43,156
- OUTER EAST REGIONAL HOUSING COUNCIL, (TENANTS INFORMATION SERVICE),**
312 Mount Dandenong Road, CROYDON 3136.
Phone: (03) 725-9152
- To provide a more comprehensive and accessible regional tenancy information, advice and advocacy service and to undertake community education on tenancy issues. 64,098

- WIMMERA COMMUNITY CARE, P.O. Box 185, HORSHAM 3400**
 Phone: (053) 82-5966
- To provide a part-time regional tenancy information, advice and referral service and to undertake community education on tenancy issues.
- 21,910
-
- GOULBURN REGIONAL HOUSING COUNCIL, P.O. Box 596, BENALLA 3672**
 Phone: (057) 62-5477
- To provide a more accessible regional tenancy information, advice and referral service, including assistance to caravan park residents, to undertake community education and to link with similar tenancy services in the neighbouring Upper Murray region.
- 49,330
-
- CONSUMER & TENANCY ADVICE SERVICE, P.O. Box 1141, WODONGA 3690**
 Phone: (060) 24-7829
 (060) 56-1951
- To provide an expanded tenancy information and advice service in Wodonga and a visiting service to other towns in the region; to undertake community education and to co-ordinate with funded agencies in the Upper Murray and neighbouring regions.
- 48,982
-
- OVECA, P.O. Box 539, WANGARATTA 3677**
 Phone: (057) 21-7750
 (057) 22-1273.
- To provide an expanded tenancy information and advice service, assist tenants at the Residential Tenancies Tribunal, undertake community education work and link with tenancy services in Wodonga and Benalla in order to provide a co-ordinated regional service.
- 42,852
-
- BAIRNSDALE DISTRICT COMMUNITY HEALTH & RESOURCE CENTRE, P.O. Box 696,**
- To provide an expanded tenancy information, advice and referral service, including assistance to caravan park residents and to
- 29,804

BAIRNSDALE 3875
Phone: (051) 52-6735
(051) 52-6681

undertake community education in
the East Gippsland Region.

GIPPSLAND TENANTS
SERVICES INC.
P.O. Box 40,
MORWELL 3840
Phone: (051) 34-8257

To provide an expanded regional 72,084
tenants information and advice
service and undertake community
education on tenancy issues.

CENTRAL HIGHLANDS
REGIONAL HOUSING
COUNCIL, Tenancy
Information Service,
P.O. Box 453,
BALLARAT 3350
Phone: (053) 33-2350

To provide an expanded regional 44,338
tenancy information and advice
service and undertake community
education on tenancy issues.

BENDIGO URBAN EM-
ERGENCY ACCOMM-
ODATION RESOURCE
CENTRE INC.P.O.
Box 212,BENDIGO 3550
Phone: (054) 42-3205

To provide a tenancy information, 53,734
advice and education service in
Bendigo and an expanded service
to other parts of the region and
to provide assistance to caravan
park residents.

GEELONG TENANTS
ADVICE SERVICE,
P.O. Box 1268,
GEELONG 3220
Phone: (052) 21-3951

To provide an expanded regional 91,466
tenancy information and advice
service including assistance to
caravan park residents and under-
take a community education
program in the Barwon Region.

SOUTH WEST TENANTS
INFORMATION N.W.
INC. P.O. Box 701,
Shop 14, McIntyre's
Arcade PORTLAND,
3305

To provide an expanded tenancy 61,345
information, advice and advocacy
service from Warrnambool, Portland
Camperdown and Hamilton, including
assistance to caravan park

Phone: (055) 23-6044. residents and undertake community
113 Koroit Street, education on tenancy issues.
WARRNAMBOOL 3280
Phone: (055) 61-1951.

HOUSING FOR THE To provide a telephone advisory 13,000
AGED ACTION GROUP, and advocacy service on tenancy
P.O. Box 688, issues for the aged in the
FRANKSTON 3199 Westernport region.
Phone: (03) 783-4978

TENANCY ADVICE To provide an information, advice 21,500
ADVOCACY SERVICE and advocacy service to low
(GOOD SHEPHERD)income tenants in the sub-region
YOUTH & FAMILY of Richmond/Collingwood/Fitzroy.
SERVICE. 74 Johnston To work toward the establishment
Street, COLLINGWOOD of a tenant group in the area to
3066 advocate on behalf of tenants in
Phone: 419 5477 the future.

FITZROY ROOMING To establish a Statewide rooming 30,000
HOUSE TENANTS ASSO-house tenants advocacy association
CIATION, 222 Brunswick with a view to undertaking re-
Street, FITZROY 3065 search into the tenancy issues
Phone: (03) 4179-7475 and problems pertaining to this
group.

PARK RESIDENTS ACT- To provide a tenancy information 46,200
ION & SUPPORT TEAM, and advice service to caravan
c/o Carrum Downs Post park residents throughout
Office, Victoria and work to ensure that
CARRUM DOWNS 3201 the views of residents are
Phone: (03) 782-1936 represented in legislative
008 - 133816 amendment or regulation.

<p>KANGAROO FLAT TEN- ANTS INFORMATION AND ADVICE SERVICE, 182 High Street, KANGAROO FLAT, 3555 Phone: (054) 47-9663</p>	<p>To continue to provide an advice 17,946 information and advocacy service to private and public tenants in the region and to establish links with other tenancy services to ensure a co-ordinated regional program.</p>
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<p>SUNRAYSIA CITIZENS ADVICE BUREAU, Room 3, Bowrings Buildings (Box No.1091), MILDURA, 3500 Phone: (050) 23 3131</p>	<p>To undertake a regional commun- 24,000 ity education program on tenancy issues and to provide information and advice to Mallee citizens on their rights under the Residential Tenancies and Caravan Park and Dwellings legislation.</p>
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THE FOLLOWING ORGANISATIONS ALSO RECEIVED PARTIAL
FUNDING UNDER THE RESIDENTIAL TENANCIES GRANT SCHEME
FOR 1989

<p>COBURG C.A.B. Phone: (03) 350-3737</p>	<p>360</p>
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<p>SPRINGVALE CITIZENS AID & ADVICE BUREAU, Phone: (03) 546-5255</p>	<p>5,083</p>
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<p>VICTORIAN ASSOCIATION OF CITIZENS ADVICE BUREAUS Phone: (03) 419-9866.</p>	<p>10,249</p>
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<p>TOTAL</p>	<p><u>1,309,079</u></p>
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CCP - COMMUNITY CREDIT PROGRAM

GRANTS - APPROVED PROJECTS 1989

Number and Name and Address	Purpose of Grant	Amount \$
CCP 89/1A Bairnsdale District CH&R Cntr P O Box 696 BAIRNSDALE 3875 (051) 525212/	To provide low-income people with information and skills to assist them in taking control of their economic lives through a financial advisory service and consumer credit advocacy.	24,192
CCP 89/1B Sale & District Community Support Service McAllister Street SALE 3850	To provide low-income people with information and skills to assist them in taking control of their economic lives through a financial advisory service and consumer credit advocacy.	20,792
CCP 89/3 Latrobe Valley Financial Counselling Service P O Box 160 MORWELL 3840 (051) 348076/	To identify and advocate on consumer issues affecting low-income consumers; change commercial practices, legislation and policies; and provide- consumer and community education.	21,305
CCP 89/5 Eaglehawk and Long Gully Community Health Centre, Seymour Street EAGLEHAWK 3556 (054) 468800/ David Kippen	To conduct a financial advisory service; provide education through schools, media and other agencies; conduct a credit advocacy program through research of credit issues; and influence the credit industry to be more responsive to the needs of low-income consumers.	41,212

CCP 89/6	To provide financial advice, credit advocacy, low cost lending and buying advice to low income consumers.	23,524
Wimmera Community Care P O Box 185 HORSHAM 3400 (053) 825966		
CCP 89/7	To promote more responsible use and provision of credit in the community; monitor access to credit by low-income consumers; and educate school children and low-income consumers about credit.	35,396
Mallee Family Care Inc. P O Box 1870 MILDURA 3500 (050) 235966		
CCP 89/8	To continue the existing credit advocacy and financial advisory services and develop public education and awareness projects on credit issues for low-income consumers.	30,276
Broadmeadows Community Health Centre P O Box 197 GLENROY 3046 3019777		
CCP 89/11	To provide a preventative model for financial advice; educate low-income consumers to maximise their income; and undertake media and workshop activities.	32,487
Glenelg Family Care 113 Koroit Street WARRNAMBOOL 3280 (055) 626628		
CCP 89/12	To provide a credit advocacy service to undertake credit licence objections and representative actions.	79,114
Consumer Credit Legal Srv 4/636 Bourke Street MELBOURNE 3000 6705088		

CCP 89/13	To provide statewide support and training to financial advisors and credit advocates.	22,843
Association of Victoria 4th Floor, Ross House 247 Flinders Lane MELBOURNE 3000 6505423		
CCP 89/14	To expand the buying advisory service.	10,733
BUEARC P O Box 212 BENDIGO 3550 (054) 423205		
CCP 89/15	To identify major credit issues; affecting low-income consumers assist low-income consumers to seek redress on credit issues; and represent the interests of these consumers to affect policy changes.	51,021
Financial Counselling and Consumer Info. Srv. 40 Myers Street GEELONG 3220 (052) 217644		
CCP 89/16	To continue the existing financial advice and credit advocacy program.	31,428
Melton Community H.C. P O Box 3 MELTON 3337 7432022		
CCP 89/17	To continue existing financial advice, credit advocacy and low cost lending services.	62,375
Good Shepherd Youth & Family Service 74 Johnston Street COLLINGWOOD 3066 4195477		

<p>CCP 89/18 Victorian Community Buying Advisory Service C/- 507 Macaulay Road KENSINGTON 3031 4199233</p>	<p>To provide a buying advisory service for low-income consumers and finalise marketing strategies for the continuation of the service.</p>	<p>120,546</p>
<p>CCP 89/19 Shop 95a, Deer Park Comm Info Centre ,Neale Road DEER PARK 3023 3631442</p>	<p>To continue existing financial advisory services for low-income consumers.</p>	<p>18,692</p>
<p>CCP 89/20 Davey House Wonthaggi & Dist. Hospital ,Graham Street WONTHAGGI 3995 (056) 721 422</p>	<p>To provide financial advice and credit advocacy with a focus on public education and awareness of credit issues affecting low- income consumers.</p>	<p>19,948</p>
<p>CCP 89/21 Consumer Resource and Advocacy Centre 214 Mt Dandenong Road CROYDON 3136 7234469</p>	<p>To provide a credit advocacy service and a buying advisory service for low-income consumers.</p>	<p>38,519</p>
<p>CCP 89/22 Hanover Welfare Services P O Box 243 CARLTON SOUTH 3053 3475611</p>	<p>To maintain the existing buying advisory service and access to low cost lending and to provide financial advice to homeless people.</p>	<p>42,056</p>

<p>CCP 89/23 Western Family Services P O Box 30 WILLIAMSTOWN 3016 3913155</p>	<p>To establish and provide a low cost lending service; continue the credit advocacy service; and undertake research on credit and overcommitment in the region.</p>	<p>35,511</p>
<p>CCP 89/24 Family Action: Dandenong Valley P O Bbx 95 DANDENONG 3175 7940666</p>	<p>To continue the credit advocacy project and further develop networks to address issues on a statewide basis.</p>	<p>38,882</p>
<p>CCP 89/25 Ballarat Children's Homes & Family Services "Ludbrook House" 115 Lydiard Street North BALLARAT 3350 (053) 321434</p>	<p>To Provide a credit advocacy service which involves use of the local media and research and policy activities.</p>	<p>22,661</p>
<p>CCP 89/27 South Port Community Health Service 7 Perrins Street SOUTH MELBOURNE 3205 6909144</p>	<p>To provide a credit advocacy project with an emphasis on educating low-income consumers about their rights and options.</p>	<p>24,886</p>
<p>CCP 89/31 Sunbury Community H.C. P O Box 218 SUNBURY 3429</p>	<p>To undertake community development and education regarding consumer credit issues and information; to document credit issues; and</p>	<p>14,987</p>

7444455

to influence credit providers
to be more responsive to the
needs of low-income consumers
by campaigns and policy work.

CCP 89/32

To provide a credit advocacy
project.

22,531

Box Hill Community
Health Service
65 Carrington Road
BOX HILL 3128
8902220

CCP 89/33

To further develop and expand
the low cost lending and
ancillary services and the
financial advice service for
low-income consumers.

42,860

Fitzroy & Carlton Comm.
Credit Union
P O Box 198
FITZROY 3065
4194533

CCP 89/34

To further develop and refine
the low cost lending and
ancillary services and the
financial advice service for
low-income consumers.

36,879

Macaulay Community
Credit Co-op Ltd
507 Macaulay Road
KENSINGTON 3031
3768573

CCP 89/35

To conduct research and provide
a credit advocacy service

28,150

Shopfront Family
Resource Centre
258 Nell St
WATSONIA 3087
4359777

CCP 89/35 A	To develop low cost lending, buying advise and financial advisory services.	50,053
West Heidelberg Comm. Health & Welfare Centre 20 Morobe Street WEST HEIDELBERG 3081 459 8833		
CCP 89/36	To document financial issues affecting low-income consumers and to continue existing financial advisory service.	3,433
Endeavour Centre 101 Matthew Flinders Ave. ENDEAVOUR HILLS 3802 7002349		
CCP 89/37	To continue credit advocacy by education on credit issues; seeking to change industry practices at a policy level; and finalisation of computer research.	29,034
Victorian Aboriginal LegalService P O Box 218 FITZROY 3065 4193888		
CCP 89/39	To document the needs and issues relating to the Community Credit Program through the inner urban services and develop strategies to address these issues.	18,000
Inner Urban Network C/- Good Shepard Youth & Family Services 74 Johnston St COLLINGWOOD 3066 Auspiced by Brotherhood of St. Lawrance.		

TOTAL	<u>1,094,326</u>
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APPENDIX 4 STATISTICS - REGIONAL OFFICES

	1988												1989																										
	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL													
DANDENONG																																							
REGIONAL OFFICE																																							
No. of complaints received							25	43	45	37	47	73	111	381								25	43	45	37	47	73	111	381										
No. of complaints resolved							10	15	31	31	32	53	114	286								10	15	31	31	32	53	114	286										
No. of enquiries (letter/phone)							365	240	274	388	422	561	847	3097								365	240	274	388	422	561	847	3097										
No. of enquiries (in person)							132	84	133	196	209	226	222	1202								132	84	133	196	209	226	222	1202										
Total enquiries							497	324	407	584	631	787	1069	4299								497	324	407	584	631	787	1069	4299										
RINGWOOD																																							
REGIONAL OFFICE																																							
No. of complaints received							8	10	18	24	17	29	54	160								8	10	18	24	17	29	54	160										
No. of complaints resolved							6	4	8	17	13	15	30	93								6	4	8	17	13	15	30	93										
No. of enquiries (letter/phone)								112	136	368	339	452	481	1145									112	136	368	339	452	481	1145										
3033																																							
No. of enquiries (in person)							57	71	122	107	151	157	282	947								57	71	122	107	151	157	282	947										
Total enquiries							169	207	490	446	603	638	1427	3980								169	207	490	446	603	638	1427	3980										
FOOTSCRAY																																							
REGIONAL OFFICE																																							
No. of complaints received							22	30	40	37	25	76	60	76	65	91	139	81	742								22	30	40	37	25	76	60	76	65	91	139	81	742
No. of complaints resolved							27	14	25	14	59	24	43	35	70	56	90	33	490								27	14	25	14	59	24	43	35	70	56	90	33	490
No. of enquiries							327	316	261	317	311	255	248	390	377	487	437	444	4170								327	316	261	317	311	255	248	390	377	487	437	444	4170
(letter/phone)																																							
No. of enquiries (in person)							119	130	140	120	168	101	166	166	243	309	377	129	1609								119	130	140	120	168	101	166	166	243	309	377	129	1609
Total enquiries							462	469	401	437	479	356	414	556	620	796	814	573	5779								462	469	401	437	479	356	414	556	620	796	814	573	5779

APPENDIX 5 ANALYSIS OF CONSUMER COMPLAINTS

COMPLAINTS ON PRACTICES 1988/89

PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
ADVERTISING				
PRICE	5	0.04		
QUANTITY	1	0.01		
OFFENSIVE OR DISTASTEFUL ADVERTISING	2	0.02		
SPONSORSHIP OR APPROVAL	1	0.01		
SPECIFICATION OF GOODS OR SERVICES	16	0.12		
NATURE OF SERVICES	3	0.02		
FREE GIFTS, SPECIAL OFFERS	14	0.11		
AVAILABILITY	5	0.04		
CONDITIONS OF SALE	11	0.08		
OTHER ADVERTISING	1	0.01	59	0.45
REPRESENTATIONS				
PRICE	3	0.02		
QUANTITY	2	0.02		
OFFENSIVE OR DISTASTEFUL REPRESENTATION	2	0.02		
SPONSORSHIP OR APPROVAL	1	0.01		
SPECIFICATION OF GOODS OR SERVICES	5	0.04		
NATURE OF SERVICES	6	0.05		

PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
FREE GIFTS, SPECIAL OFFERS	9	0.07		
CONDITIONS OF SALE	4	0.03		
OTHER REPRESENTATIONS	2	0.02	34	0.26
PRODUCT LABELLING				
SAFETY LABEL OR INSTRUCTIONS	3	0.02		
CARE OR OPERATING LABEL OR INSTRUCTIONS	3	0.02		
DESCRIPTION OF CONTENTS	2	0.02		
DECEPTIVE PACKAGING	2	0.02		
UNSAFE PACKAGING	1	0.01		
WEIGHT OR VOLUME OF PACKAGED GOODS	1	0.01	12	0.09
SALES				
UNSOLICITED PRODUCT OR SERVICE	2	0.02		
DOOR-TO-DOOR	11	0.08		
HIGH PRESSURE SALES	9	0.07		
ACTIONS AND MOCK AUCTIONS	2	0.02		
TELEPHONE SALES	4	0.03		
MAIL ORDER	176	1.35		
DOUBLE TICKETING	1	0.01		
NEED TO BUY A WHOLE ASSEMBLY	3	0.02		

PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
MULTI-LEVEL MARKETING	4	0.03		
OTHER SALES METHODS	1	0.01	213	1.64
PRICE				
CHARGES ABOVE QUOTE	61	0.47		
INDUSTRY PRICING POLICIES	35	0.27		
DISPUTED ACCOUNT OR INVOICE	354	2.72		
OVERCHARGING, INCORRECT CHARGING	157	1.21		
FAILURE TO INDICATE SELLING PRICE	1	0.01		
FAILURE TO PROVIDE ESTIMATE	3	0.02		
CHARGES FOR "FREE EXTRAS"	3	0.02		
RENTAL CHARGES	8	0.06		
COMPARISONS WITH OTHER QUOTED PRICES	1	0.01		
CHARGING FOR QUOTE	6	0.05		
PRICE CONTROL	1	0.01		
FREQUENT PRICE RISES	2	0.02		
RETENTION OF DEPOSIT	172	1.32		
OTHER PRICES OR CHARGES	21	0.16	825	6.35
QUALITY				
UNSATISFACTORY REPAIR	490	3.77		
UNSATISFACTORY INSTALLATION	214	1.65		

PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
UNSATISFACTORY PERFORMANCE OF A PRODUCT	198	1.52		
UNSATISFACTORY PERFORMANCE OF A SERVICE	1020	7.85		
UNAVAILABILITY OF PRODUCT COMPONENT/SERVICE	35	0.27		
UNSAFE OR HAZARDOUS PRODUCT OR SERVICE	10	0.08		
UNSATISFACTORY ADVICE	107	0.82		
UNAUTHORISED REPAIRS	32	0.25		
DEFECTIVE GOODS	1720	13.23		
LOSS OF CONSUMERS GOODS	122	0.94		
DAMAGE TO CONSUMERS PROPERTY	248	1.91		
WEIGHT OR MEASURE OF UNPACKED GOODS	2	0.02		
SUPPLY OF INCORRECT GOODS	118	0.91		
NON-PERFORMANCE OR NON-COMPLETION	990	7.62		
OTHER QUALITY OR PRODUCT OR SERVICE	33	0.25	5339	41.08
CREDIT				
REPOSESSION	37	0.28		
DEBT COLLECTION	13	0.10		
EXORBITANT HIDDEN OR INCORRECT INTEREST	40	0.31		
OVERCOMMITMENT	103	0.79		

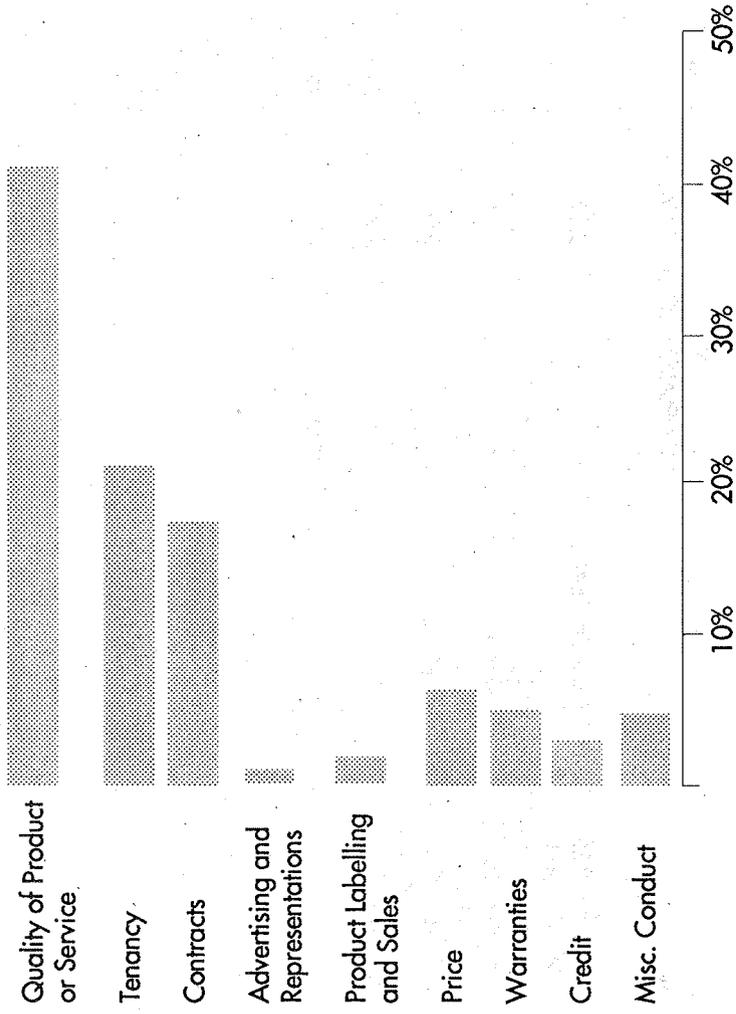
PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
DOCUMENTATION COMPLAINTS	94	0.72		
REBATES (CREDIT & INSURANCE)	24	0.18		
INVASION OF PRIVACY	7	0.05		
UNAUTHORISED TRANSACTIONS	42	0.32		
REPAYMENT DIFFICULTIES - NO NOTICE SERVED	9	0.07		
REPAYMENT DIFFICULTIES - NOTICE SERVED	21	0.16		
OTHER CREDIT PRACTICES	7	0.05	397	3.05
CONTRACTS				
HARSH & UNCONSCIONABLE CONTRACTS	162	1.25		
NON-ADHERENCE TO TERMS OF CONTRACT	228	1.75		
NON-DISCLOSURE & MISREPRESENTATION OF TERMS	121	0.93		
DEPOSITS	3	0.02		
LAY-BYS	28	0.22		
DISPUTE CONCERNING CHANGES OR CANCELLATION	381	2.93		
NON-SUPPLY OF GOODS & SERVICES	795	6.12		
NON-PERFORMANCE OF SERVICE WITHIN A REASONABLE TIME	282	2.17		
REJECTION OF INSURANCE CLAIM	171	1.32		
DELAYS IN PROCESSING INSURANCE CLAIMS	39	0.30		
FAILURE TO HOLD STATUTORILY REQUIRED LICENCE	1	0.01		

PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
NON-PERFORMANCE OF REPAIRS & MAINTENANCE	38	0.29		
GAZUMPING	2	0.02		
OTHER CONTRACTS	10	0.08	2261	17.40
WARRANTIES				
STATUTORY WARRANTIES	465	3.58		
EXPRESS (INCLUDING ORAL) WARRANTIES	137	1.05		
OTHER GUARANTEES & WARRANTIES	22	0.17	624	4.80
MISCELLANEOUS CONDUCT				
PROVISION OF A CREDIT NOTE	17	0.13		
PARTIAL REDRESS	23	0.18		
PROVISION OF A REPLACEMENT	12	0.09		
REPAIR - NO REPLACEMENT, REFUND	16	0.12		
NO REFUND POLICY	287	2.21		
INSISTENCE THAT CONSUMER PAY FOR REPAIR	58	0.45		
FREIGHT CHARGE RELATING TO REPAIRS	4	0.03		
NO REPLACEMENT, NO REFUND	87	0.67		
INACCURATE MEASURE	3	0.02		
HARSH OR UNCONSCIONABLE CONDUCT	22	0.17		

PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
OTHER OFFERS OF REDRESS	2	0.02	531	4.09
TENANCY				
DOCUMENTATION COMPLAINTS	25	0.19		
BONDS (INCLUDING INSURANCE)	12	0.09		
RENTAL BOND RETENTION	128	0.98		
RENT INCREASE - NOTICE OF INCREASE	9	0.07		
RENT INCREASE - NOTICE OF WITHDRAWAL	32	0.25		
REPAIRS AND MAINTENANCE - URGENT	753	5.79		
REPAIRS AND MAINTENANCE - GENERAL	51	0.39		
COMPENSATION	42	0.32		
TERMINATION - IMMEDIATE AND 14 DAYS	46	0.35		
TERMINATION - OTHER	29	0.22		
VALIDITY OF NOTICE TO QUIT	79	0.61		
QUIET ENJOYMENT - INCLUDING "ENTRY"	4	0.03		
ASSIGNMENT AND SUBLETTING	1138	8.76		
ABANDONED PREMISES AND GOODS	18	0.14		
REQUEST FOR RETURN OF GOODS	1	0.01		
APPLICATION FOR EXEMPTION FROM LEGISLATION	1	0.01		
APPLICATION TO HAVE AN ORDER VARIED	4	0.03		
UNAVAILABILITY OF PREMISES ON LEASE COMMENCEMENT				

PRACTICE	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP	GROUP
UNINHABITABILITY OF PREMISES ON LEASE COMMENCEMENT	2	0.02		
DISPUTED CHARGES IN CONTRACT	14	0.11		
ACCOMMODATION MANAGEMENT PRACTICES	14	0.11		
DISPUTED PORTABILITY OF RETIREMENT ACCOMMODATION	1	0.01		
MISCELLANEOUS	45	0.35	2701	20.78
	12996	100.00	12996	100.00

COMPLAINTS ON PRACTICES



CONSUMER PRODUCT STATISTICS 1988/89

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
FOOD, BEVERAGES & TOBACCO				
CAKES, BUNS, BISCUITS AND PASTRY	6	0.05		
MILK-FRESH, SKIM AND FLAVOURED	3	0.03		
CHEESE	1	0.01		
MEAT	5	0.05		
VEGETABLES - FRESH	1	0.01		
FRUIT - FRESH	2	0.02		
NUTS - FRESH	1	0.01		
CANNED GOODS	1	0.01		
PACKAGED OR BOTTLED GOODS	1	0.01		
TAKE-AWAY FOODS (COOKED)	1	0.01		
CONFECTIONERY AND MILKBAR PRODUCTS	6	0.05		
EGGS	1	0.01		
BEER - RETAIL	1	0.01		
WINE - BOTTLED	8	0.07		
WINE - CASKS, FLAGON AND BULK	2	0.02		
FORTIFIED WINES	15	0.14		
SPIRITS	2	0.02		
SOFT DRINKS	2	0.02		
COFFEE	2	0.02		
CIGARETTES	1	0.01	62	0.56

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
CLOTHING, FOOTWEAR, DRAPERY & MANCHESTER				
CLOTHES - MEN AND BOYS	44	0.40		
CLOTHES - WOMEN AND GIRLS	182	1.66		
CLOTHES - BABIES AND TODDLERS	5	0.05		
CLOTHES - SPORTS	10	0.09		
FOOTWEAR - MEN AND BOYS	23	0.21		
FOOTWEAR - WOMEN AND GIRLS	55	0.50		
FOOTWEAR - BABIES AND TODDLERS	2	0.02		
FOOTWEAR - SPORTS	13	0.12		
CLOTHING ACCESSORIES - MEN AND BOYS	9	0.08		
CLOTHING ACCESSORIES - WOMEN AND GIRLS	35	0.32		
HABERDASHERY AND CLOTHING MATERIALS	8	0.07		
LINEN	12	0.11		
TOWELLING	5	0.05		
QUILTS, EIDERDOWNS, DOONAS, PILLOWS	8	0.07		
CAR RUGS, TRAVELLING RUGS AND SOLAR BLANKETS	1	0.01	412	3.75
HOUSEHOLD GOODS				
WASHING MACHINES	72	0.66		
CLOTHES DRIERS	5	0.05		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
ELECTRIC STOVES	5	0.05		
ELECTRIC WALL OVENS AND HOT PLATES	6	0.05		
MICROWAVE OVENS	14	0.13		
GAS STOVES	14	0.13		
GAS WALL OVENS AND HOT PLATES	7	0.06		
REFRIGERATORS	63	0.57		
FREEZERS	7	0.06		
AIR CONDITIONERS	19	0.17		
EVAPORATIVE AIR COOLERS	1	0.01		
OIL HEATERS	2	0.02		
GAS HEATERS	19	0.17		
ELECTRIC HEATERS	6	0.05		
SOLID FUEL BURNING HEATERS	23	0.21		
OPEN FIRE PLACES	5	0.05		
ELECTRIC HOT WATER SYSTEMS	8	0.07		
GAS HOT WATER SYSTEMS	8	0.07		
SOLAR HOT WATER SYSTEMS	3	0.03		
OTHER HOT WATER SYSTEMS	1	0.01		
ELECTRIC SHAVERS	6	0.05		
ELECTRIC HAIRCLIPPERS, TRIMMERS	1	0.01		
ELECTRIC FANS - PORTABLE	2	0.02		
ELECTRIC FANS - FIXED	4	0.04		
ELECTRIC KETTLES AND JUGS	6	0.05		
ELECTRIC FOOD MIXERS, BLENDERS	1	0.01		
ELECTRIC FRYING PANS, FRYPANS	2	0.02		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
ELECTRIC TOASTERS, WAFFLE MAKERS, TOASTER OVENS	4	0.04		
BEVERAGE MAKERS	3	0.03		
ELECTRIC IRONS, PRESSURES & MANGLES	4	0.04		
VACUUM CLEANERS - MOBILE	20	0.18		
VACUUM CLEANERS - INBUILT	2	0.02		
SEWING, KNITTING AND OVERLOCKING MACHINES	21	0.19		
OTHER SMALL HOUSEHOLD APPLIANCES	4	0.04		
KITCHENWARE (NOT ELECTRICAL)	35	0.32		
TABLEWARE	5	0.05		
DINNERWARE	9	0.08		
ORNAMENTS, PAINTINGS & DECORATIONS	18	0.16		
TELEVISIONS	40	0.36		
TELEVISION AERIALS	19	0.17		
RADIOS	4	0.04		
RADIOS INCORPORATING CASSETTE PLAYERS	14	0.13		
AUDIO CASSETTE PLAYERS	10	0.09		
STEREO HI-FI	38	0.35		
COMPACT DISK PLAYERS	6	0.05		
CB AND HAM RADIOS	6	0.05		
VIDEO RECORDERS	41	0.37		
VIDEO CAMERAS	13	0.12		
COMPUTERS	36	0.33		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
COMPUTER PERIPHERALS	19	0.17		
COMPUTER SOFTWARE	6	0.05		
TYPEWRITERS	4	0.04		
CALCULATORS	1	0.01		
BEDS (CONVENTIONAL)	22	0.20		
BEDS, BASES WITHOUT MATTRESSES	1	0.01		
MATTRESSES	10	0.09		
PORTABLE BEDS	1	0.01		
WATER BEDS	4	0.04		
BUNKS	2	0.02		
BEDSTEAD WITHOUT BASE OR MATTRESS	2	0.02		
BEDROOM FURNITURE (NOT ONLY BEDS)	46	0.42		
LOUNGE SUITES CHAIRS - CLOTH	70	0.64		
LOUNGE SUITES CHAIRS - LEATHER	27	0.25		
LOUNGE SUITES CHAIRS - CANE	3	0.03		
LOUNGE SUITES CHAIRS - OTHER	34	0.31		
DIVANS INCLUDING SOFA BEDS	2	0.02		
BEAN BAGS	1	0.01		
OCCASIONAL TABLES	9	0.08		
DINNING SUITES - UPHOLSTERED	14	0.13		
DINNING SUITES - OTHER	17	0.15		
WALL UNITS, BOOKCASES, SHOWCASES	22	0.20		
KITCHEN FURNITURE	16	0.15		
GARDEN FURNITURE - TIMBER	7	0.06		
GARDEN FURNITURE - METAL	1	0.01		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
GARDEN FURNITURE - OF OTHER MATERIAL	4	0.04		
BARBECUES - PORTABLES	2	0.02		
DESKS AND CHAIRS	11	0.10		
BATHROOM FURNITURE AND ACCESSORIES	7	0.06		
CARPETS, RUGS AND SOFT FLOOR COVERINGS	119	1.08		
LINOLEUM	30	0.27		
CORK TILES	1	0.01		
HARD FLOOR COVERINGS (NOT CERAMIC)	8	0.07		
CURTAINS INCLUDING CURTAIN RODS, TRACTS	34	0.31		
ROLLER BLINDS FOR INSIDE USE	11	0.10		
VENETIAN AND VERTICAL BLINDS	28	0.25		
AWNINGS AND EXTERNAL ROLLER BLINDS	9	0.08		
LAMPS - ELECTRICAL	1	0.01		
LIGHT FITTINGS	12	0.11		
FLYSCREENS AND SCREEN DOORS	4	0.04		
SECURITY SCREEN DOORS	30	0.27		
STROLLERS AND PRAMS	16	0.15		
COTS	2	0.02		
REFRIGERATION SYSTEMS AND COMMERCIAL FREEZERS	3	0.03	1335	12.15

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
MOTOR VEHICLES & OTHER TRANSPORT EQUIPMENT				
AUTOMOBILES - SEDANS, COUPES	905	8.24		
AUTOMOBILES - STATION WAGONS	55	0.50		
AUTOMOBILES - VANS	31	0.28		
AUTOMOBILES - PANEL VANS	8	0.07		
AUTOMOBILES - UTILITIES	17	0.15		
AUTOMOBILES - OFF ROAD, REGISTRABLE	37	0.34		
AUTOMOBILES - OFF ROAD, NOT REGISTRABLE	2	0.02		
MOTOR VEHICLE CONSIGNMENT SALES	19	0.17		
AUTOMOTIVE REPAIRS - MECHANICAL ENGINE	265	2.41		
AUTOMOTIVE REPAIRS - MECHANICAL, MANUAL TRANSMISSION	7	0.06		
AUTOMOTIVE REPAIRS - MECHANICAL, AUTO TRANSMISSION	15	0.14		
AUTOMOTIVE REPAIRS - MECHANICAL SUSPENSION	3	0.03		
AUTOMOBILE REPAIRS - MECH OTHER, WHEEL ALIGNMENT	47	0.43		
AUTOMOTIVE REPAIRS - ELECTRICAL LIGHTING	5	0.05		
AUTOMOTIVE REPAIRS - ELECTRICAL ENGINE	7	0.06		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
AUTOMOTIVE REPAIRS - ELECTRICAL OTHER	6	0.05		
AUTOMOTIVE REPAIRS - PANELBEATING	46	0.42		
BODYWORK				
AUTOMOTIVE REPAIRS - DETAILING	5	0.05		
CAR WASH SERVICES	2	0.02		
AUTOMOTIVE REPAIRS - PAINTING	11	0.10		
WINDOW, WINDSCREEN REPAIRS	8	0.07		
AUTOMOTIVE RUSTPROOFING	2	0.02		
AUTOMOTIVE EXCHANGE ENGINES	63	0.57		
AUTOMOTIVE TOWING	8	0.07		
PARKING - AUTOMOBILES, MOTORBIKES	14	0.13		
VEHICLE INSPECTION SERVICES	8	0.07		
AUTOMOTIVE CONVERSIONS, BODY	1	0.01		
AUTOMOTIVE CONVERSIONS, ENGINE	7	0.06		
AUTOMOTIVE RESTORATION	3	0.03		
AUTOMOBILE WHEELS	9	0.08		
AUTOMOBILE TYRES, TUBES	23	0.21		
AUTOMOBILE WHEEL RIMS	2	0.02		
BRAKE PARTS AND ASSEMBLIES	8	0.07		
CLUTCH PARTS AND ASSEMBLIES	6	0.05		
GEARBOX, GEAR PARTS	17	0.15		
TRANSMISSION PARTS AND ASSEMBLIES	7	0.06		
EXHAUST SYSTEMS - PARTS	8	0.07		
ENGINE PARTS	18	0.16		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
SHOCK ABSORBERS	5	0.05		
BATTERIES - AUTOMOTIVE	4	0.04		
LIGHTS FOR AUTOMOBILES	4	0.04		
ELECTRICAL PARTS	5	0.05		
AIR CONDITIONERS	9	0.08		
AUTOMOBILE SECURITY SYSTEMS	14	0.13		
SCANNING DEVICES	1	0.01		
RADIOS AUTOMOTIVE	2	0.02		
RADIOS INCORPORATING CASSETTE PLAYERS	3	0.03		
AUDIO CASSETTE PLAYERS	4	0.04		
CB AND HAM RADIOS	4	0.04		
STEREO HI-FI	1	0.01		
AUTOMOBILE SOUND SYSTEMS AND AERIALS	2	0.02		
AUTOMOBILE DOORS, BODY PANELS AND DOOR LOCKS	6	0.05		
AUTOMOBILE SEATS, UPHOLSTERY, CAR SET COVERS	8	0.07		
AUTOMOBILE WINDOWS	6	0.05		
AUTOMOBILE SUN ROOFS	2	0.02		
BUMPER BARS	1	0.01		
TOW BARS	1	0.01		
ROOF RACKS, ROOF BARS	1	0.01		
MATS	2	0.02		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
AUTOMOTIVE ADDITIVES, ANTI-FREEZE, RADIATOR CLEANER	1	0.01		
MOTORBIKES AND TRAIL BIKES	18	0.16		
MOTOR SCOOTERS	1	0.01		
BICYCLES	21	0.19		
BICYCLE PARTS AND ACCESSORIES	3	0.03		
CARAVANS INCLUDING ANNEXES	38	0.35		
CAMPERVANS, MOBILE HOMES AND RELOCATABLE HOMES	15	0.14		
TRAILERS	2	0.02		
TRACTORS	6	0.05		
YACHTS	1	0.01		
CABIN CRUISERS AND TRAWLERS	2	0.02		
SAILING SKIFFS	1	0.01		
LAUNCHES	6	0.05		
OUTBOARD MOTORS	2	0.02		
BOAT REPAIRS & MAINTENANCE	9	0.08		
BOATING EQUIPMENT	3	0.03		
TRUCKS	4	0.04		
AIRCRAFT	2	0.02	1925	17.52
BUILDING & CONSTRUCTION				
HOUSE CONSTRUCTION	172	1.57		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
HOME UNITS, TOWN HOUSES, VILLA UNIT CONSTRUCTION	11	0.10		
KIT HOUSES AND KIT HOUSE CONSTRUCTION	6	0.05		
HOUSE EXTENSIONS - KITCHEN	7	0.06		
HOUSE EXTENSIONS - OTHER	30	0.27		
HOUSE RENOVATIONS - KITCHEN	79	0.72		
HOUSE RENOVATIONS - BATHROOM	19	0.17		
HOUSE RENOVATIONS - OTHER	58	0.53		
GARAGES, SHEDS AND CARPORTS	55	0.50		
TANKS	6	0.05		
CONCRETE PUMPING AND DELIVERY	8	0.07		
CONCRETE FOUNDATIONS	10	0.09		
CONCRETE PATHS, DRIVEWAYS, KERBING & GUTTERING	43	0.39		
BRICKLAYING, REPAIRS TO BRICKWORK	11	0.10		
PAVING	21	0.19		
BLOCKWORK	13	0.12		
TERRAZZO LAYING	2	0.02		
STONEWORK INCLUDING FENCES	2	0.02		
FENCING INCLUDING GATES - TIMBER	80	0.73		
FENCING INCLUDING GATES - METAL	7	0.06		
FENCING INCLUDING GATES - OF OTHER MATERIAL	5	0.05		
CARPENTRY AND JOINTERY	8	0.07		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
HOUSE OR OTHER BUILDING - PAINTING	43	0.39		
ROOF TREATMENTS	25	0.23		
WALL PAPERING	1	0.01		
PLASTERING	3	0.03		
PLUMBING - WATER AND DRAINAGE	21	0.19		
PLUMBING - GAS	6	0.05		
ELECTRICAL CONTRACTING	14	0.13		
ROOF TILING	38	0.35		
ROOF INSULATION	7	0.06		
ROOFING - NON TILE	23	0.21		
GUTTERING	13	0.12		
CLADDING OR COATING	51	0.46		
INSULATION	1	0.01		
GLAZING	2	0.02		
TLING - QUARRY & SLATE	12	0.11		
TLING - CERAMIC	19	0.17		
BITUMEN, ASPHALT PATHS AND DRIVEWAYS	2	0.02		
GRAVEL PATHS AND DRIVEWAYS	2	0.02		
EARTHMOVING AND EXCAVATION	5	0.05		
LAND CLEARING (NON RURAL)	1	0.01		
HAND TOOLS	10	0.09		
NAILS, SCREWS, FASTENERS AND RIVETS	1	0.01		
TILES (CERAMIC AND SLATE)	6	0.05		
PAINT, PAINT THINNER AND TURPENTINE	3	0.03		
WALLPAPER, PASTE ETC	1	0.01		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
POWER TOOLS	8	0.07		
GARAGE DOORS	12	0.11		
WINDOWS, WINDOW UNITS	32	0.29		
DOORS (NOT SECURITY OR SCREEN)	24	0.22		
GATES	1	0.01		
HOUSE BRICKS	7	0.06		
TIMBER - SOLID	3	0.03		
COMPOSITE BOARD	1	0.01		
WOODEN PANELS AND PARTITIONS	1	0.01		
SAND AND GRAVEL	2	0.02		
DESIGNER FINISHES	2	0.02		
PLUMBING SUPPLIES	11	0.10		
ELECTRICAL SUPPLIES	4	0.04		
SEALANTS, FASTENERS, GLUES AND PASTES	1	0.01		
SWIMMING POOLS - CONCRETE - IN GROUND	45	0.41		
SWIMMING POOLS - ABOVE GROUND	2	0.02		
SPA BATHS, POOLS AND HOT TUBS	18	0.16		
SWIMMING POOL EQUIPMENT	13	0.12		
LANDSCAPE GARDENING	12	0.11		
GARDEN STATUES	4	0.04		
OUTDOOR PLANTS	7	0.06		
INDOOR PLANTS	2	0.02		
SEEDS	3	0.03		
FERTILISER, PESTICIDES AND GARDEN SUPPLIES	5	0.05		
GARDEN HOSES AND SPRINKLERS	4	0.04		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
LAWN MOWERS	26	0.24		
GARDENING MACHINES, WHIPPER SNIPPERS, SOIL MIXERS	3	0.03		
CHAINSAWS	7	0.06		
GENERATORS - ELECTRIC	4	0.04	1227	11.17
GAMBLING				
RACING SYSTEMS	2	0.02		
LOTTO	2	0.02		
LOTTERIES	4	0.04		
RAFFLES AND OTHER COMPETITIONS	10	0.09	18	0.16
LITERATURE TAPES & RECORDS				
NEWSPAPERS	3	0.03		
MAGAZINES	29	0.26		
PERIODICALS	5	0.05		
BOOKS - GENERAL	31	0.28		
ENCYCLOPAEDIAS	11	0.10		
RECIPE CARDS, PROMOTIONAL CARDS AND STICKERS	9	0.08		
GREETING CARDS AND GIFT WRAPPING	3	0.03		
RECORDS EXCLUDING EDUCATIONAL RECORDS	1	0.01		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
TAPES - AUDIO PRE-RECORDED	3	0.03		
TAPES - VIDEO BLANK	2	0.02		
TAPES - VIDEO PRE-RECORDED	11	0.10		
COMPACT DISCS	2	0.02		
EDUCATIONAL AUDIO, VIDEO TAPES, RECORDS	10	0.09		
DIRECT ADVERTISING MATERIAL	4	0.04		
PENS, PENCILS, FELT PENS AND HIGHLIGHTERS	4	0.04		
ENVELOPES, FOLDERS, COVERS & CARBON PAPER	1	0.01		
ARTISTS SUPPLIES	1	0.01		
OTHER MISCELLANEOUS STATIONERY PRODUCTS	3	0.03	133	1.21
COMMERCIAL EQUIPMENT - OTHER PRODUCTS & SERVICES				
OFFICE FURNITURE	1	0.01		
COMPUTERS	4	0.04		
COMPUTER PERIPHERALS	1	0.01		
COMPUTER SOFTWARE	1	0.01		
TYPEWRITERS	2	0.02		
PHOTOCOPIERS	1	0.01		
TELEPHONE ANSWERING MACHINES	3	0.03		
OFFICE EQUIPMENT SUPPLIES	2	0.02		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
TELEPHONE EQUIPMENT	15	0.14	30	0.27
HOBBIES, CRAFTS, GAMES & TOYS				
MODELLING	6	0.05		
STAMP COLLECTING	3	0.03		
COIN COLLECTING	3	0.03		
VIDEO GAMES	2	0.02		
INDOOR GAMES	2	0.02		
TRICYCLES, BILLY CARTS, SCOOTERS, MOBILE TOYS	11	0.10		
DOLLS, TEDDY BEARS, SOFT TOYS AND STUFFED TOYS	6	0.05		
EDUCATIONAL AND CREATIVE TOYS	1	0.01		
DOLLS HOUSES	2	0.02		
OTHER TOYS	4	0.04	40	0.36
SPORTING AND CAMPING EQUIPMENT				
SCUBA DIVING AND SNORKELLING GEAR	2	0.02		
SAILBOARDS AND WINDSURFERS	1	0.01		
FISHING GEAR (RODS, LINES, HOOKS, SINKERS, REELS)	2	0.02		
SNOW SKI EQUIPMENT	4	0.04		
WATER SKI EQUIPMENT	3	0.03		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
ROLLER SKATING GEAR	2	0.02		
FENCING	3	0.03		
TENNIS GEAR	7	0.06		
BADMINTON, SHUTTLE COCK, TABLE TENNIS GEAR	1	0.01		
CRICKET GEAR	1	0.01		
GYMNASIUM GEAR, TRAMPOLINES	1	0.01		
ABSEILING, MOUNTAINEERING, CAVING EQUIPMENT	1	0.01		
EQUESTRIAN EQUIPMENT	2	0.02		
SPORTING EQUIPMENT SUPPLIES	2	0.02		
NETS, HURDLES, ACCESSORIES	1	0.01		
CYCLISTS ACCESSORIES	1	0.01		
CAMPING EQUIPMENT SUPPLIES	1	0.01		
SLEEPING BAGS	1	0.01	36	0.33
JEWELLERY, CLOCKS & WATCHES				
JEWELLERY	61	0.56		
PRECIOUS STONES	1	0.01		
CLOCKS	7	0.06		
WATCHES	48	0.44		
ITEMS OF METAL	1	0.01		
IDENTIFICATION TAGS OR BRACELETS	3	0.03		
PRECIOUS METALS	1	0.01		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
JEWELLERY, CLOCK AND WATCH SUPPLIES	17	0.15	139	1.27
MUSICAL INSTRUMENTS				
MUSICAL INSTRUMENTS - STRINGED AND PLUCKED	2	0.02		
ELECTRIC GUITARS	1	0.01		
PIANOS	2	0.02		
ORGANS - NON PORTABLE	4	0.04	9	0.08
PHOTOGRAPHIC EQUIPMENT & SUPPLIES				
CAMERAS	26	0.24		
CAMERA ACCESSORIES	5	0.05		
PHOTOGRAPHIC SUPPLIES	11	0.10	42	0.38
CHEMICAL, HEALTH & HOUSEHOLD EQUIPMENT/PRODUCTS				
PHARMACEUTICALS - PRESCRIBED	3	0.03		
SLIMMING, HEALTH TABLETS AND PREPARATIONS	7	0.06		
TOILETRIES, SOAP, PERFUMES AND COSMETICS	10	0.09		
HEARING AIDS	8	0.07		
SPECTACLES	4	0.04		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
SUNGLASSES - PRESCRIBED	1	0.01		
SUNGLASSES - NON PRESCRIBED	2	0.02		
OTHER OPTICAL DEVICES - TELESCOPES, BINOCULARS	2	0.02		
SLIMMING, HEALTH AND MEDICAL EQUIPMENT	4	0.04		
DENTURES	2	0.02		
DETERGENTS, SOAPS, CLEANSERS	11	0.10		
POLISHES OF ALL TYPES	1	0.01		
PACKING MATERIALS	1	0.01		
MATCHES AND LIGHTERS	1	0.01		
BATTERIES DRY CELL	1	0.01	58	0.53
ANIMALS, PETS & LIVESTOCK				
PETS	9	0.08		
ANIMALS - COMMERCIAL AND RECREATIONAL	7	0.06		
PET FOOD	1	0.01		
PET SUPPLIES	3	0.03	20	0.18
TRANSPORT, POST, TELEPHONE AND ENERGY SERVICES				
BUS PASSENGER SERVICES - INTER STATE	20	0.18		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
BUS PASSENGER SERVICES - INTRA CITY OR STATE	5	0.05		
AIR PASSENGER SERVICES - INTER STATE	1	0.01		
AIR PASSENGER SERVICES - OVERSEAS	30	0.27		
TRAIN PASSENGER SERVICES - INTER STATE	3	0.03		
TAXI PASSENGER SERVICES	2	0.02		
HIRE CARS (DRIVER SUPPLIED)	3	0.03		
RENT-A-CAR	25	0.23		
TAXI TRUCKS (SELF DRIVE)	2	0.02		
HIRE TRAILERS	1	0.01		
HIRE CAMPVANS AND CARAVANS	2	0.02		
FREIGHT - ROAD	12	0.11		
FREIGHT - AIR	9	0.08		
FREIGHT - SEA	12	0.11		
FREIGHT FORWARDING	6	0.05		
FURNITURE REMOVAL	65	0.59		
HIRE OF TRANSPORT EQUIPMENT	1	0.01		
TOURS (DOMESTIC)	12	0.11		
TOURS (OVERSEAS)	12	0.11		
TOUR OPERATORS	9	0.08		
TRAVEL AGENTS	136	1.24		
TRAVEL GOODS	5	0.05		
TRAVEL - MISCELLANEOUS	3	0.03		
POSTAL SERVICES	6	0.05		
TELEPHONE SERVICES	21	0.19		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
PETROL	6	0.05		
GAS - LIQUEFIED	1	0.01		
GAS - PIPED	19	0.17		
ELECTRICITY	9	0.08		
WATER AND SEWERAGE	12	0.11		
FIREWOOD	1	0.01	451	4.11
INSURANCE, FINANCE & INVESTMENT				
LIFE ASSURANCE	24	0.22		
TRAVEL INSURANCE	29	0.26		
HEALTH INSURANCE	30	0.27		
SICKNESS, ACCIDENT INSURANCE	48	0.44		
MOTOR VEHICLE INSURANCE	159	1.45		
MOTOR VEHICLE EXTENDED WARRANTY INSURANCE	24	0.22		
COMMERCIAL INSURANCE	5	0.05		
HOUSEHOLD INSURANCE	52	0.47		
BUILDING & CONSTRUCTION INSURANCE	6	0.05		
MARINE INSURANCE	1	0.01		
CONSUMER CREDIT INSURANCE	2	0.02		
SUPERANNUATION	9	0.08		
SPORTING INSURANCE	1	0.01		
PUBLICITY LIABILITY INSURANCE	1	0.01		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
PERSONAL EFFECTS INSURANCE	2	0.02		
REMOVAL INSURANCE	3	0.03		
CREDIT CARDS	58	0.53		
DEBIT CARDS	13	0.12		
STORE CREDIT	11	0.10		
CHattel MORTGAGES	4	0.04		
LAY-BY	4	0.04		
HIRE PURCHASE	84	0.76		
LEASE	6	0.05		
PERSONAL LOANS	129	1.17		
REAL ESTATE MORTGAGES	15	0.14		
HOME FINANCE CONTRACTS	25	0.23		
BANKING SERVICES - FINANCIAL	70	0.64		
RURAL INVESTMENTS	8	0.07		
TRUST FUNDS	1	0.01		
FINANCE COMPANY INVESTMENTS	11	0.10		
INSURANCE COMPANY INVESTMENT	13	0.12		
BANKING SERVICES - INVESTMENT, INCLUDING CURRENCY FUNDS	8	0.07		
TRUST FUNDS, INCLUDING EDUCATIONAL TRUSTS	2	0.02		
STOCK EXCHANGES, INCLUDING SHARE TRADING	4	0.04	862	7.85

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
REAL ESTATE & ACCOMMODATION				
PROPERTY MANAGEMENT - STRATA TILE MANAGING AGENT	2	0.02		
PROPERTY MANAGEMENT - COMMERCIAL	2	0.02		
PROPERTY MANAGEMENT - RESIDENTIAL	7	0.06		
PURCHASE, SALE BY PRIVATE TREATY - COMMERCIAL	2	0.02		
PURCHASE, SALE BY PRIVATE TREATY - RESIDENTIAL	8	0.07		
PURCHASE, SALE - RURAL PROPERTIES	3	0.03		
PURCHASE, SALE BY REAL ESTATE DEALER	19	0.17		
PROPERTY RENTAL AGREEMENT - GENERAL	13	0.12		
PROPERTY RENTAL AGREEMENT - COMMERCIAL	1	0.01		
PROPERTY RENTAL AGREEMENT - RESIDENTIAL	2590	23.58		
GENERAL				
PROPERTY RENTAL NO AGREEMENT - RESIDENTIAL	3	0.03		
PROPERTY RENTAL NO AGREEMENT - RESIDENTIAL	17	0.15		
HOTELS	11	0.10		
MOTELS	23	0.21		
CARAVAN PARKS	4	0.04		
CABINS AND CAMPING SITES	1	0.01		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
RETIREMENT HOMES AND VILLAGES	4	0.04		
TIME SHARING UNITS	19	0.17		
TIME SHARING UNITS - LINKED	11	0.10	2740	24.94
MISCELLANEOUS SERVICES				
MEDICAL & PARA-MEDICAL SERVICES				
MEDICAL SERVICES	14	0.13		
DENTAL SERVICES	9	0.08		
PHARMACEUTICAL SERVICES	3	0.03		
OPTOMETRIC AND OPHTHOLOGIC SERVICES	3	0.03		
PHYSIOTHERAPY SERVICES	1	0.01		
HOSPITAL SERVICES	9	0.08		
NURSING HOMES, HOSTELS AND MENTAL INSTITUTIONS	2	0.02		
NATUROPATHIC SERVICES	1	0.01		
PATHOLOGY SERVICES	3	0.03	45	0.41
OTHER PROFESSIONAL SERVICES				
LEGAL SERVICES	17	0.15		
FUNERAL DIRECTORS	5	0.05		
FUNERAL FUNDS, INCLUDING FUNERAL INSURANCE	3	0.03		
MONUMENTAL MASONS	10	0.09		

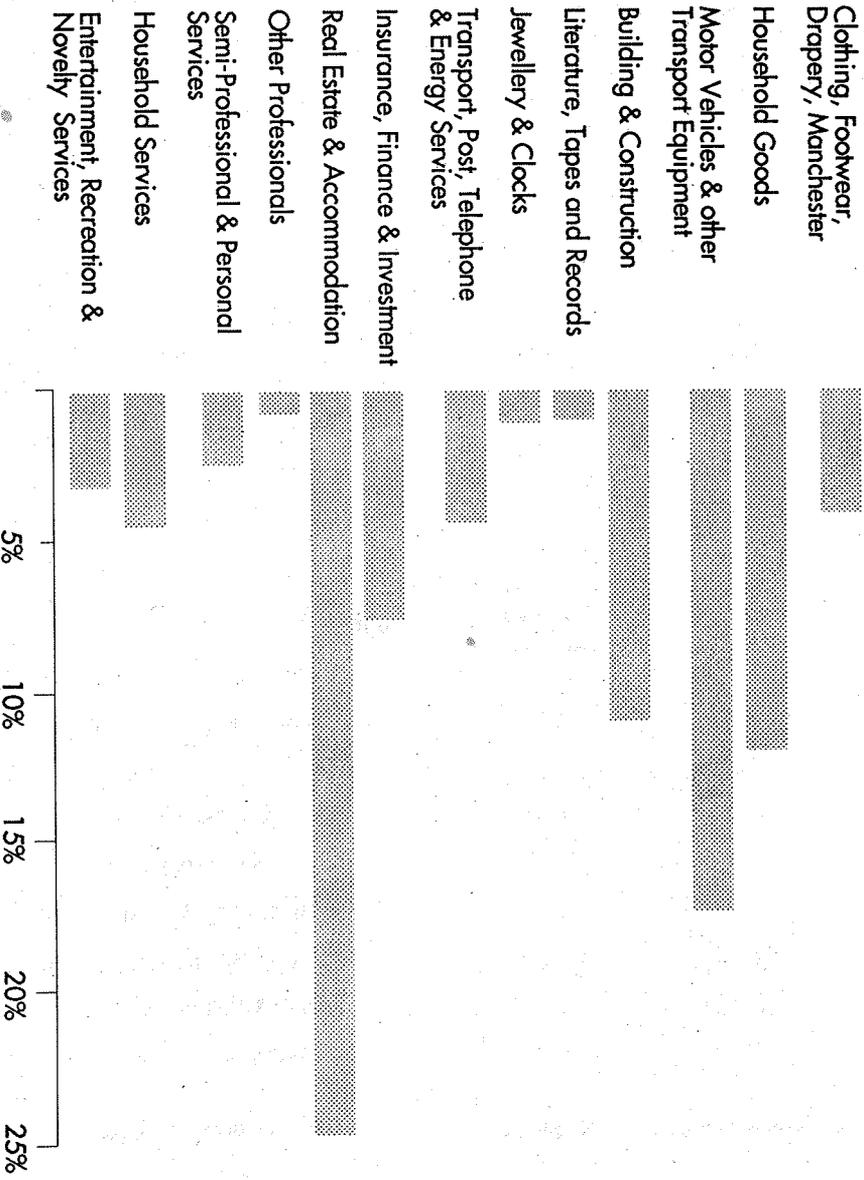
PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
CEMETERIES	1	0.01		
ARCHITECTURAL SERVICES	2	0.02		
ENGINEERING SERVICES	2	0.02		
SURVEYING SERVICES	1	0.01		
ACCOUNTING SERVICES	3	0.03		
MANAGEMENT CONSULTANTS	2	0.02		
TAX CONSULTANTS	4	0.04		
STOCKBROKERS	2	0.02		
INVESTMENT CONSULTANTS	4	0.04		
DIRECTORY ENTRIES, ADVERTISING SERVICES	23	0.21		
BANKING SERVICES	16	0.15		
INSURANCE BROKERS	4	0.04		
INSURANCE ASSESSORS	6	0.05		
DEBT COLLECTION AGENCIES	3	0.03		
DEBT, FINANCIAL COUNSELLING	2	0.02	110	1.00
AUCTIONEER & AGENT SERVICES				
PURCHASE, SALE BY AUCTION - GOODS & CHATTELS	4	0.04		
PURCHASE, SALE BY STOCK BUYING AGENT	1	0.01		
PURCHASE, SALE BY AUCTION - RESIDENTIAL	1	0.01	6	0.05

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
OFFICE EQUIPMENT MAINTENANCE	2	0.02		
ANIMAL HOUSING, KENNELING, GROOMING AND TRAINING	2	0.02	286	2.60
HOUSEHOLD SERVICES INCLUDING REPAIRS				
LAUNDRY SERVICES	4	0.04		
DRY CLEANING SERVICES	105	0.96		
CARPET CLEANING	32	0.29		
HOUSE CLEANING	1	0.01		
STORAGE OF GOODS (NOT AUTOMOBILES)	6	0.05		
FREEZER PLANS	7	0.06		
PEST CONTROL SERVICES	14	0.13		
SWIMMING POOL MAINTENANCE	1	0.01		
HOUSEHOLD EQUIPMENT SERVICE AND MAINTENANCE	145	1.32		
OFFICE EQUIPMENT SERVICE AND MAINTENANCE	5	0.05		
GARAGE, GARDEN REFUSE REMOVAL	3	0.03		
SECURITY SERVICES	14	0.13		
OTHER HOUSEHOLD SERVICES	16	0.15		
TELEVISION REPAIRS, VIDEO REPAIRS	96	0.87		
ELECTRICAL REPAIRS	10	0.09		
PLUMBING REPAIRS	6	0.05		
DRESSMAKING, WOMEN TAILORING	11	0.10		

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %		
COACHING INCLUDING PRIVATE TUITION	4	0.04	62	0.56		
OTHER COURSES	25	0.23				
DANCING LESSONS	4	0.04				
ENTERTAINMENT, RECREATION & NOVELTY SERVICES						
CINEMAS	1	0.01	371	3.38		
LIVE ENTERTAINMENT	255	2.32				
TICKET RETAILING	31	0.28				
SPORTING EVENTS	3	0.03				
RESTAURANTS	26	0.24				
CAFES AND TAKE AWAY FOOD OUTLETS	5	0.05				
RECEPTION HOUSES	21	0.19				
VIDEO LIBRARIES	4	0.04				
DISCOUNT VOUCHER AND GIFT VOUCHER SCHEMES	12	0.11				
TOURIST COMPLEXES	3	0.03				
NOVELTY SERVICES	4	0.04				
NOVELTY TOURS, INCLUDING BALLOON FLIGHTS	6	0.05				
EMPLOYMENT						
EMPLOYMENT AGENCIES AND COURSES	1	0.01			1	0.01

PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP TOTAL	GROUP %
REPAIRS TO WOMEN'S CLOTHING	1	0.01		
MEN'S TAILORING	2	0.02		
FOOTWEAR REPAIRS	6	0.05		
GARDENING - MAINTENANCE	2	0.02	487	4.43
HOUSEHOLD HIRE SERVICES				
HIRE OF POWER TOOLS	1	0.01		
HIRE OF HOUSEHOLD APPLIANCES	2	0.02		
HIRE OF GARDEN EQUIPMENT	2	0.02		
HIRE OF CLOTHES AND COSTUMES	6	0.05		
HIRE OF MOTOR VEHICLE ACCESSORIES	1	0.01		
HIRE OF FURNITURE	1	0.01		
HIRE OF HOUSEHOLD GOODS	5	0.05		
TELEVISION HIRE	4	0.04	22	0.20
EDUCATION				
COMPUTER COURSES	6	0.05		
HAIR DRESSING COURSES	1	0.01		
BEAUTY AND MODELLING COURSES	9	0.08		
TRAVEL AGENCY COURSES	2	0.02		
RECEPTIONIST TYPING AND SECRETARIAL COURSES	7	0.06		
PRIVATE SCHOOLS	4	0.04		

COMPLAINTS ON PRODUCTS



PRODUCT	NUMBER OF COMPLAINTS	% OF TOTAL	GROUP	GROUP
UNSPECIFIED PRODUCT OR SERVICE	57	0.52	57	0.52
	10986	100.00	10986	100.00

APPENDIX 6
RESIDENTIAL TENANCIES - COMPLETED
INVESTIGATIONS

Type of Investigation	Number	Percentage
Inspection - Abandoned Goods	1088	48.5
Inspection - Repairs to premises	718	32.0
Inspection - Excessive Rent	240	10.7
Referrals from Residential Tenancies Tribunals:		
- Notices of Hearing	116	5.2
- Inspections	79	3.5
Other (termination, bonds etc)	1	0.1
TOTAL	<u>2242</u>	<u>100.00%</u>

APPENDIX 7

FREEDOM OF INFORMATION

FREEDOM OF INFORMATION ARRANGEMENTS

REQUESTS

During the 1988/89 financial year, the Ministry received 49 requests made under the Freedom of Information Act. These requests had the following results:

. Access granted in full	20	
. Access granted in part only		9
. Access denied	6	
. Access apart from the Act		-
. Request transferred in full to another agency		1
. Request transferred in part to another agency	-	
. Request withdrawn		8

At the time of reporting 5 requests for the year under review are still in progress and decisions on these requests have yet to be made.

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

- . The information requested pertains to the judicial functions of a court (s.6) - 1 request;
- . The document does not exist (s.27(1)(e)) - 2 requests;
- . Disclosure of the document would divulge evaluative material prepared during the governmental deliberative processes of officers and Ministers and would be contrary to the public interest (s.30(1)) - 2 requests;
- . Disclosure would prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance (s.31(1) (a)) - 4 requests;

. Disclosure would enable a person to ascertain the identity of a confidential source of information in relation to the enforcement or administration of the law (s.31(1)(c)) - 5 requests;

. Disclosure would disclose methods or procedures for preventing, detecting and investigating matters arising out of breaches or evasions of the law the disclosure of which would or would be reasonably likely to prejudice the effectiveness of those methods or procedures (s.31(1)(d)) - 4 requests;

. The document is subject to legal professional privilege, (s.32(1)) - 1 request;

. Disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (s.33(1)) - 5 requests;

. Disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking (s.34(1)(a)) - 4 requests;

. Disclosure would divulge material communicated in confidence by a person or government, which would be reasonably likely to impair the ability of an agency to obtain such information in the future (s.35(1)(b)) - 8 requests.

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

0 to 15 days	6
16 to 30 days	11
31 to 45 days	11

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

During the period under review, 4 applicants sought an internal review of a decision in accordance with s.51 of the Act.

In 3 cases the original decision was upheld. In 1 case, the reviewing officer overturned the original decision and granted partial access.

There was one new appeal lodged with the Administrative Appeals Tribunal. This was withdrawn prior to commencement of the preliminary hearing. A decision was handed down on the four appeals carried over since 1986/87. In the matter of Blums and Mignon v the Ministry of Consumer Affairs, the AAT ruled on applications for access to 21 documents and fee waivers as follows:

- . decision in relation to Mr. Blums application for a fee waiver be set aside and monies paid returned
- . decision varied in relation to one document with access granted
- . decision varied in relation to one document with full access granted
- . decision affirmed in relation to nineteen documents

The Ministry levied charges of \$551.60 and collected charges of \$473.40.

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

. Request by Member of Parliament	15
. Request deemed to be in public interest	3
. Request deemed to be routine	3
. Request withdrawn	8
. Request denied	3

The estimated cost to the Ministry of processing requests and internal reviews received in the period under review was \$2461.00

FOI INTERNAL PROCEDURES

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

PREScribed AUTHORITY	PRINCIPAL OFFICER	AUTHORISED OFFICER
Ministry of Consumer Affairs	Director	Freedom of Information Officer
Motor Car Traders Licensing Authority	Chairman	Registrar
Credit Licensing Authority	Chairman	Registrar

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

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

FOI STAFF TRAINING & DEVELOPMENT

Ministry Staff have not attended any training courses conducted by the Attorney-General's Department.

FOI PART II STATEMENT

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

- Organisation and Functions

- . Categories of Documents
- . FOI arrangements
- . Publicity Services
- . Procedures and Guidelines used in Decision-making
- . Report Literature

The Part II statement is currently undergoing a process of review and updating in accordance with the requirements of s.7(1)(b) of the Act.

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

APPENDIX 8

MINISTRY OF CONSUMER AFFAIRS

SUB-PROGRAM INFORMATION

CONSUMER AFFAIRS 1989-90 PROGRAM STRUCTURE

Program No.	Program	Sub-program	Component
242	Corporate Services	Executive and Ministerial Management	Corporate Management Ministerial Support
		Corporate Services	<ul style="list-style-type: none"> . Personnel . Information Systems . Finance . Management Services . Training & Development
243	Community and Consumer Services	Legislation and Regulation	<ul style="list-style-type: none"> . Legal Services . Licensing . Standards . Trade Measurement . Industry Regulation . Investigation
		Development	<ul style="list-style-type: none"> . Public Information . Research . Liaison and Development
		Client Services	<ul style="list-style-type: none"> . Conciliation . Adjudication . Regional Services . Customer Services
		Liquor Licensing	<ul style="list-style-type: none"> . Commissioners & Executive . Policy and Research . Solicitor

. Licensing
Administration

. Financial and
Management Services

. Field Information Group

Prices Surveillance
(Office of Prices)

CONSUMER AFFAIRS PROGRAM OUTLAYS (\$ 000)

Estimate for 1989-90, Actual for 1988-89 bold figures

PROGRAM NO:	242	243	TOTAL
PROGRAM NAME:	Corporate Services	Community and Consumer Services	
Recurrent Appropriations	2409 2459	11902 11249	14311 13708
Works and Services Appropriations	387 483	473 321	860 805
Special Appropriations	- -	- -	- -
TOTAL APPROPRIATIONS	2796 2942	12375 11571	15171 14513

Less:			
Payroll Tax (included in Appropriation 1150)	90 92	225 209	344 301
Other Appropriations classified as Revenue, Financing and Intra-Unit Transactions
Receipts classified as Outlays	..	501 369	501 369
Plus:			
Trust Fund Transactions classified as Outlays	800 623	8000 5595	8800 6218
TOTAL OUTLAYS	3507 3473	19619 16588	23126 20061
% Change 1989-90 on 1988-89	1.0	18.3	15.3

Note: Totals may not add due to rounding

PROGRAM 242
CORPORATE SERVICES

SUB-PROGRAM OUTLAYS

	1988/89 Actual (\$'000)	1989/90 Estimate (\$'000)
Executive and Ministerial Management	544	426
Corporate Services	2,929	3,081
TOTAL PROGRAM OUTLAYS	<u>3,473</u>	<u>3,507</u>

CONSOLIDATED FUND RECEIPTS

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

	1988/89 Actual (\$'000)	1989/90 Estimate (\$'000)
Miscellaneous Receipts	48	50
Fees and Charges	-	-
TOTAL	<u>48</u>	<u>50</u>

EXECUTIVE AND MINISTERIAL MANAGEMENT

OBJECTIVE:

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

DESCRIPTION:

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

CORPORATE SERVICES

OBJECTIVE:

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

DESCRIPTION:

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

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

Achievements in 1988/89 included the continued expansion of the Ministry's micro computer based systems and the introduction of the Vistel communications network.

A communications strategy plan was developed and is being implemented and the Ministry's information strategy is under review. An internal audit function was established to meet Government requirements.

In 1989/90 key activities will include:

- Implementation of the FMS computerised financial and accounting system.
- Implementation of computerised personnel and payroll systems.
- Introduction of the Government's "Corporate Card" initiative.
- Devolution and delegation of a range of Corporate

Services functions to operational areas.

Development of an EDP strategic plan.

**PROGRAM 243
COMMUNITY AND CONSUMER SERVICES**

SUB PROGRAM OUTLAYS

	1988/89 Actual (\$'000)	1989/90 Estimate (\$'000)
Legislation and Regulation	3,243	4,410
Development	4,230	4,768
Client Services	4,496	5,794
Liquor Licensing	3,951	3,996
Prices Surveillance	668	651
TOTAL PROGRAM OUTLAYS	<u>16,588</u>	<u>19,619</u>

CONSOLIDATED FUND RECEIPTS

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

	1988/89 Actual (\$'000)	1989/90 Estimated (\$'000)
Recoup on account of administrative expenses	2	-
Taxation - Credit Providers Licence	556	589
- Finance Brokers Licence	256	270
- Travel Agents Licence	562	595
Farm Milk Tank Verification Fees	104	110
Weighbridge Verification	178	189
Verification of Equipment (Test Room)	18	20
Fabric and Leather Measuring Instruments	11	12
Wholesale Liquid Measuring Instruments	12	13
Liquor Licence Fees	111,000	120,000
Weights & Measures Others	45	47
	<u>112,744</u>	<u>121,845</u>

SUB-PROGRAM NAME
LEGISLATION AND REGULATION

OBJECTIVE:

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

DESCRIPTION:

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

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

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

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

In 1988/89 the Government introduced the following legislation:

- The Licensing Authorities (Amendment) Act 1989, to update the licensing powers and procedures of the Credit Licensing Authority, the Motor Car Traders Licensing Authority and the Travel Agents Licensing Authority.
- The Credit (Administration) (Amendment) Act 1989 to establish a separate Credit tribunal to determine disputes between credit providers and consumers.

- Amendments to the Small Claims Tribunal Act 1974 to increase the jurisdiction from \$3000 to \$5000.
- The Credit (Amendment) Act 1989 to amend the Credit Act 1984 and to provide that lending by credit unions be regulated by the Credit legislation after 1 July 1991.
- Amendments to the House Contracts Guarantee Act 1987 to correct technical difficulties.

In addition responsibility for administration of the Liquor Control Act 1987 and Shop Trading Act 1987 was transferred to the Minister of Consumer Affairs in the latter part of 1988/89.

Key legislative activities planned for 1989/90 include:

- The review of the Credit Act 1984 under the auspices of the Standing Committee of Consumer Affairs Ministers will continue.
- The development of uniform legislation to reform the law on trade measurement will continue and the administration of trade measurement law in Victoria will be reviewed.
- Review of the following legislation -
 - . The Ministry of Consumer Affairs Act 1973
 - . The Consumer Affairs Act 1972
 - . The Fair Trading Act 1985
 - . The House Contracts Guarantee Act 1987
 - . The Market Court Act 1979
 - . Shop Trading Act 1987

In addition the Legal Services and the investigations areas will be upgraded to enable them to improve compliance with the Credit Act. The Ministry's enforcement policy will also be reviewed.

DEVELOPMENT

OBJECTIVE:

Develop an informed and efficient market place through public information, funding programs and community development; and provide policy analysis, advice and program review services to client services and legislation/regulation functions.

DESCRIPTION:

The development of consumer awareness of rights and obligations in the market place and the encouragement of responsible attitudes by traders are major pre-requisites for the establishment of a fair market. This sub program provides the education and information services needed to enable this development. It also recognises the special needs of disadvantaged consumers and of particular priority target groups who require special assistance. It uses consumer, trader and community organisations to continue the education process. These organizations are funded to contribute to the policies and operations of the Ministry, so that the Ministry remains responsive to the needs of traders and consumers.

This sub-program researches market place 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.

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

Key activities planned for 1989/90 in Development will be:

- Increased use of commercial, public and ethnic media to advise Victorians of their rights and obligations. Public information campaigns will be directed towards specific target areas and groups and co-operation sought from industry and professional bodies in preparation and delivery of the campaigns.

- Reviews of the Consumer Affairs Grant Scheme and the Community Credit Program will be undertaken.
- Implementation of accepted recommendations of the Residential Tenancies Review.
- The establishment of a research and review capacity will ensure ongoing evaluation of the market place and program response to client needs.
- Increased accountability and reporting requirements for funded programs will be introduced and funding moved to a financial year basis.

CLIENT SERVICES

OBJECTIVE:

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

DESCRIPTION:

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

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

Applications received in relation to residential tenancies, small claims, credit, fair rents, and caravan parks have increased from 27,811 in 1987/88 to 31,397 in 1988/89 - an increase of 13%.

In 1988/89 the Ministry opened two new Regional Offices, at Ringwood and Dandenong to increase and improve access. Each regional office serves a number of metropolitan and country areas.

Other major improvements included:

- Installation of a new phone system. Average waiting time decreased from an average of 2.9 minutes in 1987/88 to 1.7 minutes in 1988/89. Total enquiries handled increased by 3.7% from 137,793 to 142,907 in the same period.

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

- Strengthen the existing Regional Office outlets for Ministry services including provision of Tribunal services in Regional Offices.
- Improve counter services for members of the public using Tribunal and Information Services.

LIQUOR LICENSING

OBJECTIVE:

- Promote economic and social growth in Victoria by encouraging the proper development of the liquor, hospitality and tourism industries.
- Facilitate the development of a diversity of licensed facilities reflecting consumer demand while providing adequate controls over the sale and consumption of liquor.
- Contribute to the effective co-ordination of the efforts of Government and non-Government agencies in preventing and controlling alcohol abuse and misuse.

DESCRIPTION

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

In May 1988 a new Liquor Licensing Act was introduced which changed the focus of Victorian Liquor legislation from the orderly development of the industry to one which will focus on meeting the needs of the community. Resulting from this a new organisation structure was implemented and the Commission's licence fee assessment and collection activities were formally reviewed during the 1988/89 financial year.

Applications in 1988/89 exceeded expectations and resulted in revenue totalling \$111 million or \$8 million over original estimates.

1989/90 will see the introduction of a computerised system to support licence application processing. In addition, a new investigation unit which will undertake field audits of records of licensed premises and assist in the detection of licence fee evasion is expected to be established.

The Co-ordinating Council on Control of Liquor Abuse, advises the Minister on matters referred to the Council by the Minister and in 1989/90 will advise on the National Alcohol Policy; a form of identification to be used in licensed premises by those entitled by law to be on such premises; underage drinking problems; and coin operated breath testing machines.

The (Liquor) Industry Development Committee has been established to provide a forum for the discussion of industry related matters and comprises representatives of liquor industry employer and employee groups, and the Government. It will advise the Minister in 1989/90 on activities and initiatives to facilitate the development of a diversity of licensed facilities reflecting consumer demand; and industry activities that should be fostered to enable the hospitality, liquor and tourist industry to promote the economic and social growth of Victoria.

PRICES SURVEILLANCE

OBJECTIVE:

- Deter excessive prices
- Promote competition in industries where this will result in lower prices
- Increase consumer awareness of price issues by undertaking education programs.

DESCRIPTION

The Office of Prices reports to the Minister for Prices. It co-ordinates Government programs on price restraint and services the Prices Commissioner, who has various statutory responsibilities for the pricing of agricultural products and petrol. It is also responsible for the implementation of the Prices Peg Program, which sets targets for maximum increases for a basket of grocery items and a basket of Government charges.

A range of public awareness programs are conducted and provides support to local Price Action Groups. The Office of Prices also operates a Best Buys Information Service, which provides information on current bargains in fresh fruit and vegetables, meat and fish prices.

The Office of Prices was transferred from the Department of Property and Services to the Ministry of Consumer Affairs on 1 July 1989. Details of 1988/89 achievements can be found in the Department of Property and Services Annual Report.

Key activities planned for 1989/90 include:

- Continuation of the offices traditional role of monitoring Petrol prices.
- Involvement in the setting of prices in agricultural products.
- Monitoring price movements in grocery items and other nominated areas.

- It is also closely involved on an Inter-department basis in developing areas of the Family Budget Pledge as well as new policies on house pricing and assistance for low income families.
- The Egg Price Review Panel will be established and a new project on cigarette consumption will be launched.
- The newly established scanning code for supermarkets will be monitored.

APPENDIX 9

ASSETS MANAGEMENT SYSTEM

REPORT FOR YEAR ENDING 30 JUNE 1989

Report of Operations
Non-Current Physical Assets

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

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

Motor Vehicles

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

Plant and Machinery and Operating Equipment

Operating assets under the control of the Ministry include scientific equipment for testing, weighing and measuring instruments used in trading transactions, and power tools and welding equipment used for making modification to Trade Measurement Branch vehicles and equipment, as well as on LPG testing appliance used by the Trade Measurement Branch.

Community Assets include a number of antique measuring devices housed at the Weights and Measures Branch which are of historic significance.

Furniture and Fittings

Operating Assets

General Office furniture and fittings

Conference Room furniture and fittings

Special furniture for Hearing rooms

Office Equipment

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

Computer and Communications Equipment

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

Leased Assets

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

APPENDIX 10 PERSONS EMPLOYED AND RECRUITMENT TABLE

Persons employed as reported to the Department of Management and Budget in the June 1989 Return.

	Males	Females	Total
Full time	155	155	310
Part time	22	25	47
TOTAL	177	180	357

Average number of personnel for last financial year

	Males	Females	Total
	146	120	266

Average number of personnel for this financial year

	Males	Females	Total
	157	151	308

APPENDIX 11
LIST OF PUBLIC OFFICE HOLDERS WHO
DECLARED THEIR PECUNIARY INTERESTS TO
THE MINISTER

Esther Alter
Roderic Armitage
Russell Bancroft
Heather Barker
Rosemary Barker
Raymond Bartlett
Marilyn Beebe
Elizabeth Bond
Judy Bretherton
Desmond Brooks
John Buckley
Glenn Carleton
Peter Carrigan
Jim Clements
John Collins
Damien Cremean
Janet Davis
Tracey Ellery
Patricia Faulkner
Tony Fitzgerald
William Ford
John Fulton
Neville Gay
Helen Glass
Jeanne Gorman
Graeme Greenberger
Gary Gromb
Mary Ann Hayes
Mary Hansen
Duncan Harris
Graeme Harris
John Harrower
Cameron Hogan
William Holloway

Tim Holt
Erik Hopkinson
David Jones
Jacqueline Kefford
Angela Kominos
Catherine Laffey
John Lesser
Andrew Levens
Michael Levine
Sue McBride
Justin Malbon
Harry Matheas
Geoff McArthur
Rod McLennan
Peter McMullin
Elaine McNamara
Peter Molony
Michael Murray
Rosemary Musolino
Dennis Nelthorpe
Anne O'Shea
Frank Plata
Bruce Revill
Tony Ryan
Mary Slade
Daniel Slattery
Janice Slattery
Robert Taylor
Richard Viney
Jack Wajcman
Marilyn Warren

APPENDIX 12A PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
4-AUG-88	CLARKE R J (RJ DP & KA CLARKE)	HBL	918B		AN UNREGISTERED BUILDER WHO ENTERED INTO A CONTRACT TO CONSTRUCT A DWELLING HOUSE WITHOUT PROVIDING INDEMNITY AGAINST FAULTY WORKMANSHIP.	1	200.00	200.00
5-AUG-88	MAINTENANCE OVERLOAD P/L (DORSET USED CARS)	MCTA	40		A MOTOR CAR TRADER WHICH OMITTED DETAILS FROM DOCUMENTS REQUIRED TO BE ATTACHED TO MOTOR CARS DISPLAYED FOR SALE.	13	1,300.00	300.00
2-SEP-88	BOUNSELL G R S S	FTA MCTA '73	12(c) 29(1)(b)		A PERSON WHO TAMPERED AND MADE FALSE REPRESENTATIONS TO THE ODOMETER READING OF A USED MOTOR CAR.	2	2,350.00	700.00
2-SEP-88	JONES B	FTA	12(c)		A PERSON WHO TAMPERED WITH AND MADE FALSE REPRESENTATIONS TO THE ODOMETER READINGS OF USED MOTOR CARS WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	1		

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
8-SEP-88	GLOUFTSIS G (ASCOT MOTORS)	FTA)MCTA '73 MCTA '73	12(a) 29(1)(b)		A PERSON WHO TAMPERED WITH AND MADE FALSE REPRESENTATIONS TO THE ODOMETER READINGS OF USED MOTOR CARS AND WHO FAILED TO DETAIL INFORMATION REQUIRED ON DOCUMENTATION.	6	4,380.00	700.00
8-SEP-88 '73	GLOUFTSIS R (ASCOT MOTORS)	MCTA FTA	40(1) 12(a)		A PERSON WHO FAILED TO PROVIDE DETAILS REQUIRED TO BE ATTACHED TO A USED MOTOR CAR DISPLAYED FOR SALE.	1	80.00	175.00
8-SEP-88 1,000.00	MITCHELL H S (MODE MODEL AGENCY)	FTA FTA	12(b) 12(i)		A PERSON WHO MADE FALSE REPRESENTATIONS AS TO THE AVAILABILITY OF MODELLING COURSES WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	10		
30-SEP-88	MANDRA- GONA J	MCTA FTA CAA	38 12(d) 36		A MOTOR CAR TRADER WHO TAMPERED WITH THE ODOMETER OF A USED CAR AND WHO PROVIDED FALSE TRADE DESCRIPTION AND REPRESENTATION WITH RESPECT TO THE ODOMETER READING.	1	300.00	250.00

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
27-OCT-88	BRIGGS LJ	MCTA	7		A PERSON DEALING IN USED MOTOR CAR WHILST NOT LICENSED TO DO SO WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	1		
7-NOV-88	CARMONT PTY LTD (MOTOR ACTION PRESTIGE & PERFORMANCE)	FTA FTA MCTA'73 MCTA'73	12(a) 12(f) 26(2)(b) 29(1)(b)		A MOTOR CAR TRADER WHICH TAMPERED WITH THE ODOMETER READING OF A USED MOTOR CAR, MADE WITH RESPECT TO THAT READING FALSE REPRESENTATIONS AND FALSELY DECLARED THE PRICE OF THE MOTOR CAR.	5	40,700.00	400.00
9-NOV-88	RYBAX PTY LTD (ENTERPRISE MOYORS WAREHOUSE)	MCTA '7 MCTA '86 35	326 35		A MOTOR CAR TRADER WHICH OMITTED DETAILS FROM ITS RECORDS OF USED MOTOR CAR ACQUISITIONS WAS PLACED ON A GOOD BEHAVIOUR BOND.	13		400.00
18-NOV-88	E J DOHERTY P/L RTA		148(c)		A REAL ESTATE AGENT WHICH AIDED AND ABETTED A LANDLORD IN GAINING POSSESSION OF RENTED PREMISED UNLAWFULLY WAS PLACED ON A SIX MONTH GOOD BEHAVIOUR BOND.	1		250.00

DATE OF HEARING	DEFENDANT	ACT	SECT	REG.	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
18-NOV-88	PATHY V U	RTA	122(3)		A LANDLORD WHO REGAINED POSSESSION OF RENTED PREMISES UNLAWFULLY WAS PLACED ON A SIX MONTH GOOD BEHAVIOUR BOND.	1		250.00
18-NOV-88	PAZIOS P	RTA	40A		LANDLORD WHO FAILED TO COMPLY WITH AN ORDER OF THE RESIDENTIAL TENANCIES TRIBUNAL.	1	150.00	450.00
18-NOV-88	PRIAMO J	RTA	148(c)		A PERSON WHO AIDED AND ABETTED A LANDLORD IN GAINING POSSESSION OF RENTED PREMISES UNLAWFULLY WAS PLACED ON A SIX MONTH GOOD BEHAVIOUR BOND.	1		250.00
23-NOV-88	P B & E L WRIGHT PTY LTD (CAMBERWELL CAR CENTRE)	FTA	12(a)		A MOTOR CAR TRADER WHICH MADE FALSE REPRESENTATIONS AS TO THE QUALITY OR HISTORY OF A USED MOTOR CAR.	2	2,020.00	450.00
23-NOV-88	van MASTRIGT J (BRICK DESIGNS)	FTA BCDA	12(e) 3(3)		A PERSON WHO REPRESENTED HIMSELF AS HAVING AFFILIATION WITH THE HOUSING INDUSTRY ASSOCIATION AND WHO FAILED TO LODGE A DEPOSIT INTO A SPECIAL PURPOSE ACCOUNT.	2	750.00	200.00

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
23-NOV-88	WRIGHT P B	FTA	12(c)		A PERSON WHO MADE FALSE REPRESENTATIONS AS TO THE QUALITY OR HISTORY OF A USED MOTOR CAR.	2	1,020.00	
24-NOV-88	BRITT M J	RTA RTA RTA RTA	61(1)(a) 87(1)(a) 87(1)(b) 146(b)		A LANDLORD WHO FAILED TO PROVIDE DOCUMENTATION TO A TENANT IN RELATION TO A TENANCY AGREEMENT AND WHO ATTEMPTED TO COMPEL A TENANT TO VACATE RENTED PREMISES.	4	200.00	150.00
29-NOV-88	KRITIKIDES T (MS IRENE'S MANHATTAN MOTORS)	MCTA	7		A PERSON DEALING IN USED MOTOR CARS WHILST NOT LICENSED TO SO.	1	9,500.00	500.00
30-NOV-88	ANDERSON P J CAA		36		A PERSON WHO MADE FALSE REPRESENTATION WITH RESPECT TO THE ODOMETER READING OF A USED MOTOR CAR.	1	40.00	100.00
5-DEC-88	GUTTRIDGE L (CONCOURS CARS)	FTA MCTA MCTA MCTA	12 38	34 26	A MOTOR CAR TRADER WHO SUBSTITUTED A DEVICE FOR READING THE DISTANCE TRAVELLED BY A MOTOR CAR, MADE FALSE REPRESENTATIONS AS TO THE DISTANCE TRAVELLED AND OMITTED DETAILS FROM ADVERTISING.	6	3,750.00	500.00

COURT AND DATE OF HEARING	DEFENDANT	SECTION ACT	OFFENCE	FINE \$	COSTS \$	AUTHORITY
PRESTON 22/3/89 NORTHCOTE	JASMIN CLOSE P/L NORTHCOTE PLAZA	67(2) 82H(2)	INCORRECT SCALESELLING LIGHT WEIGHT PACKAGE	100.00 100.00	228.50	NORTHERN SUBURBS WEIGHTS & MEASURES UNION
OAKLEIGH 22/3/89	TUNDE SEGUN ODELEYEC/- RUBINFIELDS CONTINENTAL CAKES 12 LEONARD AVENUE NOBLE PARK	82H(1)	SHORT WEIGHT PRE-PACKED GOODS	300.00	348.00	SOUTHERN WEIGHTS & MEASURES UNION
PRESTON 18/10/88	SNOW DELI (AUST) P/L	77(I)A	FALSE DECLARATION	300.00	900.00	NORTHERN SUBURBS WEIGHTS & MEASURES UNION
SANDRINGHAM 27/10/88	GILLON POLISHERS PTY LTD 39 ROBERNA ST MOORABBIN	82F 77(1)B	NO STATEMENT OF MASS 4 CHARGES UNDER WEIGHTGOODS	1500.00	427.00	SOUTHERN WEIGHTS & MEASURES UNION

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
17-FEB-89	SURREY MOTOR SALES & SERVICE (DONCASTER NISSAN)	FTA MCTA FTA	12(d) 35(2) 12(i)		A MOTOR CAR TRADER WHICH FALSELY REPRESENTED THE DISTANCE TRAVELLED BY A MOTOR CAR AND OMITTED DETAILS FROM RECORDS WAS PLACED ON A GOOD BEHAVIOUR BOND AND ORDERED TO PAY \$10,000 TO THE COURT FUND.	4	800.00	550.00
20-FEB-89	MILESTONE CHEMICALS PTY LTD	FTA	12(d)		A COMPANY WHICH FALSELY REPRESENTED PACKAGING IN SPRAY CANS IN RELATION TO THE PROPELLANT USED.	1	5,000.00	300.00
20-FEB-89	SEKRIK LABORATORIES PTY LTD	FTA	12(d)		A COMPANY WHICH FALSELY REPRESENTED PACKAGING IN SPRAY CANS IN RELATION TO THE PROPELLANT USED.	1	5,000.00	300.00
27-FEB-89	KOLEVSKI G (BLUE STAR MOTORS)	MCTA MCTA MCTA FTA	38 35 52 12		A MOTOR CAR TRADER WHO MADE FALSE REPRESENTATIONS CONCERNING THE DISTANCE TRAVELLED BY A MOTOR CAR AND WHO OMITTED DETAILS FROM RECORDS RELATING TO USED MOTOR CAR ACQUISITIONS AND SALES.	4	3,750.00	600.00

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
10-MAR-89	BLUNDELL F N	CAA	15(1)(b)		A PERSON WHO FAILED TO PROVIDE A PURCHASER WITH A STATEMENT OF RIGHT TO A TEN DAY COOLING-OFF PERIOD WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	7		450.00
10-MAR-89	CAPITAL VINYL CO PTY LTD	CAA	15(1)(b)		A COMPANY WHICH FAILED TO PROVIDE A PURCHASER WITH A STATEMENT OF RIGHT TO A TEN DAY COOLING-OFF PERIOD WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	7		350.00
10-MAR-89	FULLER G (SUMMIT STEEL HOUSE FRAMES)	HBL	918B		A PERSON WHO ENTERED INTO A CONTRACT TO CONSTRUCT A DWELLING WITHOUT PROVIDING INDEMNITY AGAINST FAULTY WORKMANSHIP.	1	400.00	400.00
15-MAR-89	JAMES DOUGLAS CAR SALES FAWKNER PTY LTD (COMMODORE COUNTRY)	MCTA	23(2)(b)		A COMPANY WHICH FAILED TO INCLUDE THE CASH PRICE IN ADVERTISEMENTS FOR THE SALE OF USED MOTOR CARS WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	29		300.00

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
23-MAR-89	NOEL MARK PTY LTD (NOEL GOULD HOLDEN)	MCTA MCTA	35(2) 52(2)		A MOTOR CAR TRADER WHICH OMITTED DETAILS FROM ITS RECORD OF USED CAR ACQUISITIONS AND FROM FORMS ATTACHED TO USED MOTOR CARS DISPLAY FOR SALE WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	16		350.00
12-APR-89	HURST R	RTA RTA	67(1)(a) 146(b)		A LANDLORD WHO UNLAWFULLY OBTAINED RENTED PREMISES AND WHO FAILED TO PLACE A SECURITY DEPOSIT INTO A RESIDENTIAL TENANCY TRUST ACCOUNT WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	3		100.00
19-APR-89	LANE ANDERSON MOTORS PTY LTD (ANDERSONS TOYOTA)	MCTA MCTA	35(2)(a)	24	A MOTOR CAR TRADER WHICH FAILED TO INCLUDE DEALER CHARGES IN ADVERTISEMENTS FOR NEW MOTOR CARS AND WHICH OMITTED DETAILS FROM ITS RECORDS OF USED MOTOR CAR ACQUISITIONS.	41	2,050.00	300.00

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
20-APR-89	FINLAY E J	RTA RTA	146(a) 146(b)		A LANDLORD WHO OBTAINED RENTED PREMISES UNLAWFULLY BY COMPELLING A TENANT TO VACATE THE PREMISES WAS PLACED ON A TWLEVE MONTH GOOD BEHAVIOUR BOND.	2		300.00
20-APR-89 300.00	FINLAY K A	RTA RTA RTA	146(a) 146(b) 148(a)		A LANDLORD WHO OBTAINED RENTED PREMISES UNLAWFULLY BY COMPELLING A TENANT TO VACATE THE PREMISES WAS PLACED ON A TWLEVE MONTH GOOD BEHAVIOUR BOND.	2		
27-APR-89	GERARD COLLINS	RTA REAL ESTATE PTY LTD	122		A REAL ESTATE AGENT WHICH UNLAWFULLY RELET RENTED PREMISES WITHIN SIX MONTHS OF THE DATE OF A NOTICE TO VACATE ISSUED ON THE GROUNDS THAT THE PREMISES WERE TO BE SOLD WITH VACANT POSSESSION.	1	100.00	
27-APR-89	RAWDON HILL PTY LTD	RTA	122		A LANDLORD WHICH UNLAWFULLY RELET RENTED PREMISES WITHIN SIX MONTHS OF THE DATE OF A NOTICE TO VACATE ISSUED ON THE GROUNDS THAT THE PREMISES WERE TO BE SOLD WITH VACANT POSSESSION.	1	200.00	350.00

APPLICANT/RESPONDENT	OBJECTOR	TYPE OF LICENCE	RESULT
INTERCONTINENTAL TRAVEL P/L	DCA	TA	LICENCE REFUSED
INTERCONTINENTAL TRAVEL P/L	DCA	TA	APPEAL - APPEAL WITHDRAWN
KINGSTON COURT P/L TRADING AS PASCOE VALE TRAVEL SERVICES	DCA	TA	LICENCE GRANTED
LAWLER R TRADING AS CLASSIC AUTOMOBILES	DCA	MC	PART HEARD
MATEIASVICI, DEIAN & SARCINA, GEORGE	CCP	MC	LICENCE REFUSED
McNAUGHTON R	DCA	MC	LICENCE REFUSED
MORELEND FINANCE CORP VIC P/L	DCA	CP	COMPLAINT DISMISSED
PRICE R J TRADING AS DELMONTE MOTORS	DCA	MC	REPRIMANDED AND FINED
IFTIME, RADU	CCP	MC	LICENCE REFUSED
RALENA P/L	DCA	MC	APPEAL PENDING

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
23-JUN-89	OLADO PTY LTD	RTA RTA	40 81(1)		A LANDLORD WHICH UNLAW FULLY TOOK A HOLDING DEPOSIT ON RESIDENTIAL PREMISES AND FAILED TO COMPLY WITH AN ORDER OF THE RESIDENTIAL TENANCIES TRIBUNAL.	2	700.00	

**APPENDIX 12 B
PROSECUTIONS BY LOCAL AUTHORITIES UNDER THE WEIGHTS &
MEASURES ACT**

COURT AND DATE OF HEARING	DEFENDANT	SECTION OFFENCE ACT	FINE \$	COSTS \$	AUTHORITY
PRESTON 9/2/89	VINCE & OLGA SCHETTINO HALL 64, GLENROY MARKET	82H(1) PACKAGING LIGHT WEIGHT	BOND 400.00 200.00 TO MAGIS- TRATES FUND UNION	413.50 413.50	NORTHERN SUBURBS WEIGHTS & MEASURES
GFEELONG 23/2/89	SAINT LEONARDS BAKERY MIHA & MARY TALEVSKI	79 SHORT WEIGHT BREAD (2 ADDITIONAL CHARGES WITHDRAWN)	50.00	240.00 BELLARINE	SHIRE OF
PRESTON 22/3/89	SANTO NAPOLI NORTHCOTE PLAZA NORTHCOTE	62(2) 82H(2) INCORRECT SCALE SELLING LIGHT WEIGHT PACKAGES	100.00 100.00	228.50	NORTHERN SUBURBS WEIGHTS & MEASURES UNION
PRESTON 22/3/89	BRUNA NAPOLI NORTHCOTE PLAZA NORTHCOTE	82H(2) SELLING LIGHT WEIGHT	100.00	200.00	NORTHERN SUBURBS WEIGHTS & MEASURES UNION

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
22-DEC-88	METRO FURNISHING CO PTY LTD	CRED A A CRED CRED CRED	37(1) 32(1) 34(1) 43		A COMPANY WHICH ENTERED INTO AN AGREEMENT TO PROVIDE CREDIT WITHOUT HAVING OBTAINED A LICENCE TO DO SO AND WHICH FAILED TO PROVIDE A CONSUMER WITH DOCUMENTS RELEVANT TO THE AGREEMENT.	4	1,025.00	600.00
11-JAN-89	SANDS CJ (WESTDALE CAR SALES & SERVICE)	CAA MCTA FTA	36 29 12(a)		A MOTOR CAR TRADER WHO APPLIED A FALSE TRADE DESCRIPTION TO A MOTOR CAR THROUGH A FALSE ODOMETER READING WAS PLACED ON A GOOD BEHAVIOUR BOND.	1		400.00
6-FEB-89	WARCHALO-WSKA O	RTA	146		A LANDLORD WHO ATTEMPTED TO COMPEL A TENANT TO VACATE RENTED PREMISES WAS PLACED ON A TWELVE MONTH GOOD BEHAVIOUR BOND.	1		900.00
13-FEB-89	JAVNI P	RTA RTA RTA RTA	67(1)(a) 86(2)(a) 87(1)(a) 146(a)		A LANDLORD WHO FAILED TO PAY A SECURITY DEPOSIT INTO A TRUST ACCOUNT; FAILED TO PROVIDE A TENANT WITH COPIES OF A CONDITION REPORT AND A STATEMENT OF RIGHTS AND DUTIES.	4	200.00	150.00

COURT AND DATE OF HEARING	DEFENDANT	SECTION ACT	OFFENCE	FINE \$	COSTS \$	AUTHORITY
FRANKSTON 27/10/88	AUSTRALIAN SEAFOOD PROCESSORS FACTORY 2 3A APSLEY PLACE SEAFORD	REG 324(1)	FAILING TO PAY FEES	\$50.00	-	SOUTHERN WEIGHTS & MEASURES UNION
PRESTON 14/12/88	DENTACK P/L 270 QUEENS ST MELBOURNE	79(4) 79A	LIGHT WEIGHT MARKING 3 CHARGES	600.00	284.00	NORTHERN SUBURBS WEIGHTS & MEASURES UNION
PRESTON 14/12/88	LARIDIO P/L 270 QUEENS ST MELBOURNE	79(4) 79(8) 79A	LIGHT WEIGHT NO DENOMIN- ATION NO NAME & ADDRESS	200.00 100.00 100.00	284.00	NORTHERN SUBURBS WEIGHTS & MEASURES UNION
PRESTON 14/12/88	TARISBY TRADING AS JOJO'S BAKERY 270 QUEENS ST MELBOURNE	79(4) 79(8) 79A	LIGHT WEIGHT NO STATEMENT OF MASS	200.00 100.00 100.00	284.00	NORTHERN SUBURBS WEIGHTS & MEASURES UNION

COURT AND DATE OF HEARING	DEFENDANT	SECTION OFFENCE ACT	FINE \$	COSTS \$	AUTHORITY
GEE LONG 17/1/89	ELEVENTH SHACKLE P/L	82H(1) 82H(2) PACKAGES 1400.00 LESS THAN STATED		1109.40	GEE LONG DISTRICT WEIGHTS & MEASURES UNION
GEE LONG 27/4/89	ERKUL HASSAN & HULYA BAYKIS	79(4) SALE OF SHORT WEIGHT BREAD	350.00 350.00	47.50 47.50	GEE LONG DISTRICT WEIGHTS & MEASURES UNION
GEE LONG 8/6/89	COLLENDINA HOTEL	67 SALE OF MEAT	150.00	499.00	SHIRE OF BELLARINE
GEE LONG 8/6/89	M KOLMANIC (VIC) PTY LTD	82H LIGHTWEIGHT POTATOES WEIGHT	200.00	389.80	SHIRE OF BELLARINE

APPENDIX 12.C LICENSING OBJECTIONS AND APPLICATIONS

KEY

MC - MOTOR CAR TRADER
 CP - CREDIT PROVIDER
 FB - FINANCE BROKER
 TA - TRAVEL AGENT
 DCA - DIRECTOR OF CONSUMER AFFAIRS
 CCP - CHIEF COMMISSIONER OF POLICE

APPLICANT/RESPONDENT	OBJECTOR	TYPE OF LICENCE	RESULT
ARPACI T TRADING AS ARPACI AUTO SALVAGE	DCA	MC	APPLICATION REFUSED
ARPACI A TRADING AS ARPACI MOTORS	DCA	MC	APPLICATION WITHDRAWN
BDS PANELS P/L TRADING AS MORNINGTON AUTO SALVAGE	CCP	MC	PENDING
BROWN S L TRADING AS THE TRAVEL ORGANISERS	DCA	TA	LICENCE GRANTED
DATSPARES TOYAPARTS P/L (OSHI SCHWARZ)	CCP	MC	OBJECTION NOT MADE OUT

APPLICANT / RESPONDENT	OBJECTOR	TYPE OF LICENCE	RESULT
ENDWELL P/L TRADING AS PENINSULA CAR WORLD	DCA	MC	LICENSED SUBJECT TO CONDITIONS
ENDWELL P/L TRADING AS PENINSULA CAR WORLD	CCP	MC	LICENSED SUBJECT TO CONDITIONS
GARDENVALE GARAGE P/L (RUSSELL JAMES GOLD)	CCP	MC	LICENSED SUBJECT TO CONDITIONS
GLEN W V TRADING AS NEW BOURNE MOTORS	DCA	MC	LICENSEE REPRIMANDED
HAVANA GLEN P/L TRADING AS BAYSWATER VILLAGE MOTOR CO (MICHAEL JONATHAN WILLIAMS)	CCP	MC	OBJECTION NOT MADE OUT
HAZAN M TRADING AS AUST HOME OWNERSHIP & INVESTMENT FINANCE CO	DCA	FB	LICENCE REFUSED
HEMMING GROUP OF COMPANIES P/L TRADING AS CENTRAL AUTOS	DCA	MC	LICENCE GRANTED
HOGAN K F & R D TRADING AS HOGAN FORD	DCA	MC	LICENSEE REPRIMANDED

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO OF OFFENCES	FINES	COSTS
10-MAY-89	GREG HUNTER NOMINEES PTY LTD (BURWOOD MOTORCYCLES)	MCTA MCTA	35(2)(a) 52(2)(b)		A MOTOR CAR TRADER WHICH FAILED TO MAKE COMPLETE RECORDS OF ITS USED MOTOR CAR ACQUISITIONS AND WHICH OMITTED DETAILS FROM FORMS ATTACHED TO USED MOTOR CARS DISPLAYED FOR SALE.	9	900.00	300.00
26-MAY-89 (PANELCO)	YOVANOVICH J BCDA AUSTRALIA)		3	OPEN	A BUILDER WHO FAILED TO OPEN A SPECIAL PURPOSE (TRUST) ACCOUNT FOR DEPOSIT (TRUST) WAS GIVEN A THREE MONTH JAIL TERM, SUSPENDED FOR TWELVE MONTHS, AND ORDERED TO MAKE A \$3,100 RESTITUTION.	1	300.00	1,650.00
9-JUN-89	ASTELOT TOOLING & EQUIPMENT CO PTY LTD (SHEPPARTONS WORLD OF CARS)	FTA MCTA MCTA	12(a) 52 12(f)	21	A COMPANY WHICH FALSELY REPRESENTED A USED MOTOR CAR AS HAVING A PARTICULAR HISTORY.	5	5,000.00	375.00
23-JUN-89	CAPPELLERI F V	RTA	81(1)		A PERSON WHO UNLAWFULLY TOOK A HOLDING DEPOSIT ON RESIDENTIAL PREMISES WAS ORDERED TO MAKE RESTITUTION OF \$100.	1	200.00	600.00

APPLICANT/RESPONDENT	OBJECTOR	TYPE OF LICENCE	RESULT
RENA-WARE DISTRIBUTORS P/L	DCA	CP	PENDING
RIZZO, F	DCA	FB	APPLICATION WITHDRAWN
ROSARIUS JULY NOMINEES P/L (JOHN BRIAN WITHERS)	CCP	MC	OBJECTION NOT MADE OUT
STURGESS D TRADING AS DAVID STURGESS MOTORS	DCA	MC	LICENCE CANCELLED
TAYLOR NOMINEES P/L (DENNIS JOHN BAINBRIDGE)	CCP	MC	OBJECTION NOT MADE OUT
VITIELLO L TRADING AS L V J MOTORS	DCA	MC	REPRIMANDED AND FINED

APPENDIX 13
MEMBERS OF THE VICTORIAN CONSUMER
AFFAIRS COMMITTEE (as at 30 May 1989)

CHAIRPERSON	Mr William Ford c/- Brotherhood of St Laurence 67 Brunswick Street Fitzroy 3065	419 7055 (work) 417 2691 (FAX)
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ORGANISATIONAL REPRESENTATIVES

Australian Finance Conference	Mr Rod Armitage 9th Floor 505 St Kilda Road Melbourne 3004	267 8150 (work) 267 3114 (FAX)
Direct Selling Association of Australia	Mr John Fulton 370 St Kilda Road Melbourne 3004	698 4282 (work)
Tenants Union of Victoria	Ms Mary Hansen 80 Johnston Street Fitzroy 3065	419 7774 (work) 419 5331 (work)
Australian Consumers Association	Mr Dennis Nelthorpe Consumer Credit Legal Service Co-op Ltd 4th Floor 636 Bourke Street Melbourne 3000	670 5088 (work)
Victorian Trades Hall I Counci	Mr Russell Bancroft Trades Hall 54 Victoria Street Carlton South 3053	662 3511 (work) 663 2127 (FAX)
Financial Counsellors Association of Victoria	Ms Tracey Ellery Financial Counsellors' Association of Vic. 4th Floor, Ross House 247 Flinders Lane Melbourne 3000	650 5422 (work) 650 5684 (FAX)

Shop Trading Act
1987

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

Small Claims
Tribunals
Act 1973

Requires a Referee of the Tribunals to attempt the negotiation and settlement of a claim, and, if unsuccessful, to adjudicate. It covers claims made by consumers as defined by the Act. The Tribunals may hear claims in relation to the supply of goods, the provision of services and contracts of insurance (excluding life assurance).

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

Travel Agents Act
1986

The purpose of this Act is to provide for the licensing of travel agents in Victoria. It is part of a consumer protection scheme which involves enactment of substantially similar licensing legislation in each participating State or Territory. The scheme also involves the creation of one compensation fund to cover consumers against failure of travel agents in Victoria, New South Wales, South Australia and Western Australia, Tasmania, Queensland and the A.C.T.

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

Area E
(Central Highlands
and Wimmera)

Ms Catherine Laffey
215 Dawson Street
Ballarat 3350

(053) 32 1434
(work)

Area F
(Loddon-Campaspe
and Mallee)

Ms Elaine McNamara
"Rashma"
Monsants Road
Maiden Gully 3551

(054) 42 3875
(work)

Area G
(Goulbourn and
Upper Murray)

Mr David Jones
Dunstone Road
Kyabram 3620
or P O Box 486
Kyabram 3620

(058) 52 2661
(work)

Area H
(East and Central
Gippsland)

Mr Daniel Slattery
78 Ogilvy Street
Leongatha 3953

(056) 62 2222
(work)

APPENDIX 14

LEGISLATION ASSIGNED TO THE MCA

LEGISLATION ASSIGNED TO THE MINISTRY OF CONSUMER AFFAIRS

The Minister for Consumer Affairs is responsible for the following Acts:

Caravan Parks
and Movable
Dwellings Act
1988

Parts 1-5 (inclusive) are administered by the Ministry. Part 6 is administered by the Local Government Department. The Act sets out the tenancy rights and responsibilities of long term residents of caravan parks, caravan park owners and owners of caravans used by long term residents.

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

Chattel
Securities Act 1987

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

The rules of priority of competing interest in goods are also established. Part 3 of the Act, which provides for a registration system of security interests in motor vehicles, is administered by the Road Traffic Authority.

Consumer
Affairs
Act 1972

Specifies the powers and functions of the Director and officers of the Ministry of Consumer Affairs in relation to consumer complaints. The Act requires the marking of prescribed merchandise,

for example, foot wear. Under the Safe Design and Construction of Goods provision of the Act, the Minister can prohibit the sale and distribution of consumer goods that do not comply with prescribed minimum standards, or require the goods to have appropriate warning labels.

It allows the Minister to prohibit the sale and distribution of dangerous consumer goods, either on an interim basis (28 days) or permanently. The Minister can ban the sale and distribution of dangerous goods, either by giving recognition to a decision by a competent safety authority of another State or the Commonwealth to ban those goods, or upon the recommendation of the Director of Consumer Affairs.

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

Credit Act 1984

Regulates consumer credit and applies to non-corporate borrowers where the amount financed is no more than \$20,000 or the credit contract relates to a commercial vehicle or farm machinery.

Provides for regulation of the credit industry through a licensing system for credit providers.

Seeks to ensure that the rules applicable to all forms of credit are essentially the same. The Act requires the disclosure of the actual dollar cost of credit and the annual percentage rate of interest and provides protection for consumers in the enforcement of credit

contracts by credit providers. The Act also establishes a mechanism by which debtors suffering genuine hardship can obtain relief from the immediate enforcement of a credit contract by the credit provider.

**Credit
(Administration)
Act 1984**

Provides the administrative framework for implementing the Credit Act. It also provides the establishment of the Credit Licensing Authority to conduct licensing of credit providers. The Credit Licensing Authority has the power to suspend or cancel a licence where a credit provider is acting in an unfair or illegal manner.

The Act also provides for the Small Claims Tribunals to hear disputes between consumers and credit providers.

**Credit
Reporting
Act 1978**

This Act provides protection for consumers against incorrect information used in assessing credit worthiness. It encompasses agreement reached between the Attorney General and approved Credit Reporting Agents to bestow certain rights on credit users who want to verify the information kept on their file by the credit agent. The Director of Consumer Affairs also assumes responsibility under the agreement for the investigation of any file allegedly containing wrong information.

**Disposal of
Uncollected
Goods Act 1961**

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

Finance Brokers
Act 1969

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

House
Contracts
Guarantee
Act 1987

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

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

Liquor Control
Act 1987

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

Market Court
Act 1978

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

- . the Director can bring an action against trader before the Court. The Court can, by order, restrain a trader from engaging in unfair conduct
- . the Director can enter into a Deed of Assur-

Ministry of Consumer
Affairs Act 1973

ance with a trader.

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

Motor Car Traders Act
1986

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

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

Residential Tenancies
Act 1980

Sets out the rights and responsibilities of both the tenant and landlord in relation to residential tenancies.

The Act establishes the Residential Tenancies Tribunal to resolve disputes between tenants and landlords. Decisions by the Tribunal are final and binding on the parties.

The Ministry of Consumer Affairs is responsible for the administration of the Act, including the Tribunal and enforcement functions. The Ministry of Housing and Construction is responsible for the policy aspects of the Act.

Victorian Commercial Teachers Association Mr Robert Taylor 4199622(work)
P O Box 361
Abbotsford 3067

Victorian Chambers of Commerce and Industry Mr John Harrower 6631703(work)
449 Swanston Street
Melbourne 3000

Victorian Association of Citizens Advice Bureaux Mr Robin Young 4199866(work)
10th Floor
176 Wellington Parade
East Melbourne 3002

AREA REPRESENTATIVES

Area A
(West, North-West and Inner Urban) Mr Leo Musgrave 3922886(work)
444 Buckley Street
Essendon 3040

Area B
(Outer East, North-East and Inner East) Mr Geoff McArthur 6087811 (work)
Clerk "W" 6088682 (FAX)
205 William Street
Melbourne 3000

Area C
(Southern and Westernport) Mr Cameron Hogan 7838705(work)
29 Norfolk Crescent 7765170(work)
Frankston North 3200

Area D
(Barwon and Glenelg) Ms Janet Davis (055) 765202
Shire Clerk (work)
Shire of Mount Rouse
Martin Street
Penshurst 3289

Weights and
Measures Act
1958, excluding
section 53B

who has been found to be eligible to be a member of the Fund will be able to obtain a licence under the Act.

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

APPENDIX 15 STATISTICS-LOCAL ADMINISTRATION OF WEIGHTS & MEASURES

TELEPHONE ENQUIRIES	1987/88	1988/89	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
INDUSTRY & CONSUMERS														
ADVICE ON LEG- ISLATION	820	1279	49	52	87	123	120	80	94	140	105	102	175	152
APPROVED BRAND NUMBERS	63	24	8	5	1	3	2	-	-	-	-	1	4	-
DECEPTIVE PRACTICES IN PACKAGING	72	103	9	6	5	12	7	3	8	11	10	16	7	9
APPROVED MARK FOR BREAD	47	15	3	2	1	2	2	-	-	2	2	1	-	-
FROM LOCAL AUTHORITIES	196	261	9	3	11	15	39	12	39	31	19	25	22	36
OTHER	579	390	26	33	32	18	30	4	33	41	32	53	50	38

INTERVIEW, 1987/88 1988/89 JULY AUG SEPT OCT NOV DEC JAN FEB MAR APR MAY JUNE

INSPECTIONS AND COMPLAINTS

COMPLAINTS REFERRED BY W&M BRANCH FOR ACTION TO:

LOCAL AUTHORITIES	36	33	5	2	5	3	4	-	-	-	-	6	1	4	3
INTERSTATE AUTHORITIES	18	15	1	-	2	-	5	2	2	-	-	-	-	1	2

COMPLAINTS REFERRED TO W&M BRANCH FOR ACTION BY:

LOCAL AUTHORITIES	19	14	1	-	-	2	2	-	-	3	1	1	1	1	3
INTERSTATE AUTHORITIES	41	23	6	2	3	1	2	1	2	2	-	-	-	2	2
CONSUMERS MINISTERIAL PERMITS & EXEMPTIONS	33	48	-	4	3	2	12	2	3	-	4	10	5	3	-
	4	1	-	-	-	-	1	-	-	-	-	-	-	-	-

Employment
Agents Act 1983

This Act which has been overtaken by the Fair Trading Act has not been proclaimed to date.

It is understood, however, that the Department of Labour is considering seeking the proclamation of parts of the Act to overcome specific problems in the theatrical industry.

Fair Trading Act
1985

This legislation is modelled upon the "prohibitions" or "protections" found in Division 1 of Part V of the Commonwealth Trade Practices Act, with the accompanying remedy and enforcement provisions.

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

The Act provides that the County Court may, on application by the Minister, the Director or any other person, grant an injunction restraining a person from engaging in false or misleading conduct. It also empowers the Minister or Director to apply to the County Court for an order requiring a person to undertake corrective advertising. The Act came into operation, except for section 46, on 1 April 1986. Section 46 came into operation on 13 April 1989.



Ministry of  Consumer Affairs

Jean Gordon Government Printer Melbourne